

Legislative Journal

WEDNESDAY, APRIL 1, 1981

SESSION OF 1981

165TH OF THE GENERAL ASSEMBLY

No. 21

HOUSE OF REPRESENTATIVES

The House convened at 11 a.m., e.s.t.

THE SPEAKER (MATTHEW J. RYAN) IN THE CHAIR

PRAYER

REV. JAMES H. GOLD, chaplain of the House of Representatives and pastor of the United Church of Christ and the Lutheran Church, Ickesburg, Pennsylvania, offered the following prayer:

Let us pray:

God our Father, as we pray today, we give Thee thanks for the blessings and opportunities of each day. We are particularly thankful that Thou hast placed Thy healing hand on our President, Ronald Reagan, and on the other persons who suffered injury in the recent incident of which we are still so mindful. We pray that all of them will continue to grow in strength and in health.

And now we pray for Thy blessing and guidance on the deliberations of this day. May that which is accomplished be according to Your will and, therefore, pleasing to Thee. Amen.

PLEDGE OF ALLEGIANCE

(The Pledge of Allegiance was enunciated by members.)

JOURNALS APPROVED

The SPEAKER. The Journals of Monday, March 23, 1981, and Tuesday, March 24, 1981, are now in print. Are there any corrections to the Journals? If not, and without objection, the Journals stand approved. The Chair hears none.

JOURNAL APPROVAL POSTPONED

The SPEAKER. Without objection, approval of the Journal for March 31, 1981, will be postponed until printed. The Chair hears none.

HOUSE BILLS INTRODUCED AND REFERRED

No. 1061 By Representatives CLYMER, GREENWOOD, LEVI, BRANDT, MERRY,

SAURMAN, BURNS, CORDISCO, J. L. WRIGHT, SIEMINSKI, CIMINI, JACKSON, DAIKELER, BLAUM, COCHRAN, HALUSKA, NOYE, NAHILL, STEVENS, MORRIS, ARTY, GAMBLE, BROWN, TELEK, LETTERMAN, CESSAR, CIVERA, MRKONIC, RASCO, JOHNSON, SNYDER, BURD, McINTYRE, PRATT, WOGAN, VROON and PERZEL

An Act providing for an exemption from civil or criminal liability for volunteer fire companies and members engaged in fire prevention and safety activities.

Referred to Committee on JUDICIARY, March 31, 1981.

No. 1062 By Representatives DAWIDA, MICHLOVIC, SEVENTY, GAMBLE, DUFFY, OLASZ, MURPHY, ITKIN, MISCEVICH, HORGOS, MRKONIC, PETRONE, McVERRY and TADDONIO

An Act providing for expanded life insurance coverage for certain law enforcement and correctional officers.

Referred to Committee on LOCAL GOVERNMENT, March 31, 1981.

No. 1063 By Representative GRABOWSKI

An Act amending the "State Lottery Law," approved August 26, 1971 (P. L. 351, No. 91), further providing for the allocation of money in the fund.

Referred to Committee on STATE GOVERNMENT, March 31, 1981.

No. 1064 By Representative GRABOWSKI

An Act amending the "Pennsylvania Urban Mass Transportation Law," approved January 22, 1968 (P. L. 42, No. 8), providing eligibility for certain disabled and handicapped persons.

Referred to Committee on TRANSPORTATION, March 31, 1981.

No. 1065 By Representatives CESSAR, POTT, RASCO, FRAZIER, MARMION and FLECK

An act amending the act of November 1, 1971 (P. L. 495, No. 113), entitled "An act providing for the compensation of county officers in counties of the second through eighth classes, for the disposition of fees, for filing of bonds in certain cases and for duties of certain officers," further providing for the salary of jury commissioners in second class counties.

Referred to Committee on LOCAL GOVERNMENT, March 31, 1981.

No. 1066 By Representatives MACKOWSKI, PITTS, WILT, DAIKELER, ARMSTRONG, MADIGAN, MERRY and BOYES

An Act providing for group self-insurance funds for private employers for workers' compensation liabilities; providing for the establishment of employee protections through the use of aggregate excess insurance and a guaranty fund and allowing insurance carriers to provide aggregate excess insurance for groups.

Referred to Committee on LABOR RELATIONS, March 31, 1981.

No. 1067 By Representatives PITTS, MACKOWSKI, DAIKELER, ARMSTRONG, MADIGAN, MERRY and BOYES

An Act amending "The Pennsylvania Workmen's Compensation Act," approved June 2, 1915 (P. L. 736, No. 338), further providing for the requirements for filing certain petitions for termination or modification.

Referred to Committee on LABOR RELATIONS, March 31, 1981.

No. 1068 By Representatives PITTS, SIRIANNI, SPENCER, MADIGAN, ALDEN and MERRY

An Act amending "The Pennsylvania Occupational Disease Act," approved June 21, 1939 (P. L. 566, No. 284), further providing for the authority of the referee.

Referred to Committee on LABOR RELATIONS, March 31, 1981.

No. 1069 By Representatives PITTS, SIRIANNI, MADIGAN, SPENCER, ALDEN and MERRY

An Act amending "The Pennsylvania Workmen's Compensation Act," approved June 2, 1915 (P. L. 736, No. 338), transferring certain powers and duties from the board to the referees and making editorial changes.

Referred to Committee on LABOR RELATIONS, March 31, 1981.

No. 1070 By Representatives PITTS, WILT, HALUSKA, COCHRAN, PHILLIPS, MORRIS, BOWSER, PETRARCA, KOWALYSHYN, PISTELLA, TELEK, HORGOS, CUNNINGHAM and JOHNSON

An Act banning urea formaldehyde foam insulation materials.

Referred to Committee on BUSINESS AND COMMERCE, March 31, 1981.

No. 1071 By Representatives PITTS, WILT, HALUSKA, COCHRAN, PHILLIPS, MORRIS, BOWSER, PETRARCA, KOWALYSHYN, PISTELLA, TELEK and HORGOS

An Act providing assistance to persons suffering damage from urea formaldehyde foam insulation toxic fumes.

Referred to Committee on BUSINESS AND COMMERCE, March 31, 1981.

No. 1072 By Representatives PITTS, WILT, HALUSKA, COCHRAN, PHILLIPS, MORRIS, BOWSER, PETRARCA, KOWALYSHYN, PISTELLA, TELEK, HORGOS and MERRY

An Act relating to urea formaldehyde foam insulation in building materials.

Referred to Committee on BUSINESS AND COMMERCE, March 31, 1981.

No. 1073 By Representatives BROWN, COHEN, BLAUM, PETRARCA, MORRIS, PISTELLA, McINTYRE, PRATT and PERZEL

An Act providing for the observance of May 29 of each year as John F. Kennedy Day.

Referred to Committee on STATE GOVERNMENT, March 31, 1981.

No. 1074 By Representatives BROWN, PISTELLA, McINTYRE, PRATT and PERZEL

An Act requiring the General Assembly to limit its legislative activities to the budget when annual appropriations are not enacted three months before the beginning of a fiscal year.

Referred to Committee on STATE GOVERNMENT, March 31, 1981.

No. 1075 By Representatives BROWN, COCHRAN, BLAUM, PISTELLA, McINTYRE, PRATT, JOHNSON and PERZEL

An Act amending "The Controlled Substance, Drug, Device and Cosmetic Act," approved April 14, 1972 (P. L. 233, No. 64), excluding dimethyl sulfoxide (DMSO) from certain provisions of the act.

Referred to Committee on JUDICIARY, March 31, 1981.

No. 1076 By Representative KOLTER

An Act amending "The Third Class City Code," approved June 23, 1931 (P. L. 932, No. 317), further providing for hours of service for firemen.

Referred to Committee on URBAN AFFAIRS, March 31, 1981.

No. 1077 By Representative PERZEL

An Act amending the "Public Welfare Code," approved June 13, 1967 (P. L. 31, No. 21), providing for medical assistance eligibility for a person who places his residence in trust.

Referred to Committee on HEALTH AND WELFARE, March 31, 1981.

No. 1078 By Representatives GANNON, KOWALYSHYN and ARTY

An Act amending the "Health Care Services Malpractice Act," approved October 15, 1975 (P. L. 390, No. 111), providing for fees paid by health care providers.

Referred to Committee on HEALTH AND WELFARE, March 31, 1981.

No. 1079 By Representatives GANNON, ARTY, ALDEN, CIVERA, DURHAM, MICOZZIE, MARMION, PERZEL, FRAZIER, WOGAN and RASCO

An Act regulating self-service storage and providing for owners' liens and the enforcement thereof.

Referred to Committee on BUSINESS AND COMMERCE, March 31, 1981.

No. 1080 By Representative McVERRY

An Act amending the act of June 24, 1976 (P. L. 424, No. 101), entitled "An act providing for the payment of death benefits to the surviving spouse or children of firemen or law enforcement officers killed in the performance of their duties," further providing for the application of the act to certain deaths.

Referred to Committee on LOCAL GOVERNMENT, March 31, 1981.

No. 1081 By Representatives RICHARDSON, WHITE, KUKOVICH, HALUSKA, COHEN, EMERSON, WIGGINS, RAPPAPORT, J. D. WILLIAMS, SWAIM, WAMBACH, RIEGER, McINTYRE, STEWART, EVANS and WOZNIAK

An Act requiring the Commonwealth of Pennsylvania to provide 100,000 summer jobs to certain persons in 1981 and 100,000 jobs and job training programs to certain persons annually for three years thereafter and making an appropriation.

Referred to Committee on STATE GOVERNMENT, March 31, 1981.

No. 1082 By Representatives RICHARDSON, WHITE, KUKOVICH, COHEN, DEAL, PISTELLA, DAWIDA, MICHLOVIC, EMERSON and WAMBACH

An Act relating to the openness of standardized tests used for occupational licensing; and imposing powers and duties on the Department of Education.

Referred to Committee on EDUCATION, March 31, 1981.

No. 1083 By Representatives RICHARDSON, WHITE, KUKOVICH, COHEN, PISTELLA, WIGGINS, DAWIDA, MICHLOVIC, EMERSON, WOZNIAK and WAMBACH

An Act relating to the openness of standardized tests used for admittance to higher education institutions; imposing powers and duties on the State Board of Education and its Council on Higher Education; and providing penalties.

Referred to Committee on EDUCATION, March 31, 1981.

No. 1084 By Representatives RICHARDSON, BARBER, WIGGINS, EVANS, EMERSON, GRAY, RAPPAPORT, J. D. WILLIAMS, RIEGER and McINTYRE

An Act imposing a tax on employers in counties served by metropolitan transportation authorities.

Referred to Committee on LOCAL GOVERNMENT, March 31, 1981.

No. 1085 By Representatives MERRY, SIRIANNI, DAIKELER, ARMSTRONG, MADIGAN, GLADECK, SPENCER, JOHNSON, A. C. FOSTER, JR., HONAMAN and PITTS

An Act amending "The Minimum Wage Act of 1968," approved January 17, 1968 (P. L. 11, No. 5), adding provisions relating to minimum wages for minors.

Referred to Committee on LABOR RELATIONS, March 31, 1981.

SENATE BILLS FOR CONCURRENCE

The clerk of the Senate presented the following bills for concurrence:

SB 41, PN 518

Referred to Committee on Judiciary, April 1, 1981.

SB 87, PN 534

Referred to Committee on Urban Affairs, April 1, 1981.

SB 138, PN 138

Referred to Committee on Liquor Control, April 1, 1981.

SB 153, PN 610

Referred to Committee on Transportation, April 1, 1981.

SB 169, PN 169

Referred to Committee on Judiciary, April 1, 1981.

SB 380, PN 611

Referred to Committee on Health and Welfare, April 1, 1981.

LEAVES OF ABSENCE GRANTED

The SPEAKER. The Chair recognizes the majority whip. Mr. CESSAR. Mr. Speaker, I have no requests for leaves of absence.

The SPEAKER. The Chair recognizes the gentleman from Lawrence, Mr. Fee.

Mr. FEE. Mr. Speaker, I request leaves of absence for Representatives GRUITZA and COHEN for today's session.

The SPEAKER. Without objection, leaves of absence are granted. The Chair hears none.

**BILLS REPORTED FROM COMMITTEE,
CONSIDERED FIRST TIME, AND TABLED**

HB 176, PN 1205 (Amended) (Unanimous)

By Rep. LEHR

An Act amending the "Liquor Code," approved April 12, 1951 (P. L. 90, No. 21), providing for the stocking and sale of miniature bottles of liquor at Pennsylvania liquor stores.

LIQUOR CONTROL.

HB 357, PN 366

By Rep. LEHR

An Act amending the "Liquor Code," approved April 12, 1951 (P. L. 90, No. 21), further providing for retail outlets for limited wineries.

LIQUOR CONTROL.

MASTER ROLL CALL RECORDED

The SPEAKER. The Chair is about to take the master roll call. Only those members present and in their seats are permitted to vote.

The following roll call was recorded:

PRESENT—196

Alden	Fee	Livengood	Ritter
Anderson	Fischer	Lloyd	Rocks
Armstrong	Fleck	Lucyk	Rybak
Arty	Foster, W. W.	McCall	Salvatore
Barber	Foster, Jr., A.	McClatchy	Saurman
Belardi	Frazier	McIntyre	Serafini
Belfanti	Freind	McMonagie	Seventy
Beloff	Fryer	McVerry	Showers
Berson	Gallagher	Mackowski	Shupnik
Bittle	Gallen	Madigan	Sieminski
Blaum	Gamble	Maiale	Sirianni
Borski	Gannon	Manderino	Smith, B.
Bowser	Geist	Manmiller	Smith, E. H.
Boyes	George	Marmion	Smith, L. E.
Brandt	Gladeck	Merry	Snyder
Brown	Grabowski	Michlovic	Spencer
Burd	Gray	Micozzie	Spitz
Burns	Greenfield	Miller	Stairs
Caltagirone	Greenwood	Miscevich	Steighner
Cappabianca	Grieco	Moehlmann	Stevens
Cawley	Gruppo	Morris	Stewart
Cessar	Hagarty	Mowery	Stuban
Cimini	Haluska	Mrkonic	Swaim
Civera	Harper	Mullen	Sweet
Clark	Hasay	Murphy	Swift
Clymer	Hayes	Nahill	Taddonio
Cochran	Heiser	Noye	Taylor, E. Z.
Colafella	Hoeffel	O'Donnell	Taylor, F. E.
Cole	Honaman	Olasz	Telek
Cordisco	Horgos	Oliver	Trello
Cornell	Hutchinson, A.	Pendleton	Van Horne
Coslett	Hutchinson, W.	Perzel	Vroon
Cowell	Irvis	Peterson	Wachob
Cunningham	Itkin	Petrarca	Wambach
DeMedio	Jackson	Petrone	Wargo
DeVerter	Johnson	Phillips	Wass
DeWeese	Kanuck	Piccola	Wenger
Daikeler	Kennedy	Pievsky	Weston
Davies	Klingaman	Pistella	White
Dawida	Kolter	Pitts	Wiggins
Deal	Kowalyshyn	Pott	Williams, J. D.
Dietz	Kukovich	Pratt	Wilson
Dininni	Lashingner	Pucciarelli	Wogan
Dombrowski	Laughlin	Punt	Wozniak
Donatucci	Lehr	Rappaport	Wright, D. R.
Dorr	Lescovitz	Rasco	Wright, J. L.
Duffy	Letterman	Reber	

Durham	Levi	Richardson	Ryan,
Earley	Levin	Rieger	Speaker
Evans	Lewis		

ADDITIONS—2

Emerson Zwinkl

NOT VOTING—1

Williams, H.

EXCUSED—4

Cohen Gruitza Tighe Wilt

MEMBER'S PRESENCE RECORDED

The SPEAKER. The Chair recognizes the gentleman from Philadelphia, Mr. Emerson.

Mr. EMERSON. Mr. Speaker, I ask that my name be placed on the master roll call.

CALENDAR

BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of **SB 405, PN 411**, entitled:

An Act making an appropriation to the Department of State for payment to county boards of election for expenses incurred in the special Senate election of March 31, 1981.

On the question,

Will the House agree to the bill on third consideration?

Mr. SWEET offered the following amendments No. A636:

Amend Title, page 1, lines 1 through 3, by striking out all of said lines and inserting

Amending the act of April 9, 1929 (P.L.177, No.175), entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments, boards, commissions, and officers thereof, including the boards of trustees of State Normal Schools, or Teachers Colleges; abolishing, creating, reorganizing or authorizing the reorganization of certain administrative departments, boards, and commissions; defining the powers and duties of the Governor and other executive and administrative officers, and of the several administrative departments, boards, commissions, and officers; fixing the salaries of the Governor, Lieutenant Governor, and certain other executive and administrative officers; providing for the appointment of certain administrative officers, and of all deputies and other assistants and employes in certain departments, boards, and commissions; and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments, boards and commissions shall be determined," providing for reimbursement by the Department of State to county boards of election for the costs incurred for special elections and making an appropriation.

Amend Bill, page 1, by inserting between lines 5 and 6

Section 1. The act of April 9, 1929 (P.L.177, No.175), known as "The Administrative Code of 1929," is amended by adding a section to read:

Section 803.1. Special Election Costs.—(a) The Department of State shall reimburse county boards of election for those additional costs incurred by the county for any special election held to fill a vacancy in the General Assembly. Only those costs

which are attributable solely to the special election shall be reimbursed; however, reimbursement shall not be denied because the special election is held coincident with a general, municipal or primary election if the county can show that additional costs were incurred attributable solely to the special election.

(b) The department shall promulgate necessary regulations for the determination of reimbursable costs.

Amend Sec. 1, page 1, line 6, by striking out "1" and inserting 2

Amend Sec. 1, page 1, line 8, by inserting after "election" pursuant to section 803.1

Amend Bill, page 1, lines 9 through 15, by striking out all of said lines and inserting incurred by the boards in special elections occurring on and after March 31, 1981.

On the question,

Will the House agree to the amendments?

The SPEAKER. The Chair recognizes the gentleman from Washington, Mr. Sweet.

Mr. SWEET. Mr. Speaker, this amendment deals with the question of special elections, a topic, I am told by my colleagues, that is not a particularly joyous one for the Democratic Party today.

Time and time again special elections are scheduled by either the Lieutenant Governor or the Speaker of the House to fill vacancies in the Pennsylvania General Assembly. Oftentimes, for either very, very good reasons or sometimes politically more cynical reasons, those elections are scheduled on days other than the regularly scheduled primary or general. The counties often get very upset about that because your county taxpayers get stuck paying an extra bill. Usually they end up in this General Assembly wanting reimbursed for those extra costs. The problem with that is we get stuck debating and arguing and thrashing this around after each and every special election.

The impact of this amendment would be to not only appropriate money for yesterday's special election in Crawford, Erie, and Mercer Counties, but also to provide a permanent mechanism whereby the counties would be reimbursed whenever there is a special election on a date other than the regularly scheduled primary or general for purposes of replacing vacancies created in the General Assembly. I would ask for an affirmative vote, Mr. Speaker.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—185

Alden	Evans	Livengood	Ritter
Anderson	Fee	Lloyd	Rocks
Armstrong	Fischer	Lucyk	Rybak
Arty	Fleck	McCall	Salvatore
Barber	Foster, W. W.	McClatchy	Serafini
Belardi	Foster, Jr., A.	McIntyre	Seventy
Belfanti	Frazier	McMonagle	Showers
Beloff	Freind	McVerry	Shupnik
Berson	Fryer	Mackowski	Sieminski
Bittle	Gallagher	Madigan	Sirianni
Blaum	Gallen	Manderino	Smith, B.
Borski	Gamble	Manmiller	Smith, E. H.
Boyes	Gannon	Marmion	Smith, L. E.
Brandt	Geist	Merry	Snyder
Brown	George	Michlovic	Spencer
Burd	Gladeck	Micozzie	Stairs

Burns	Grabowski	Miller	Steighner
Caltagirone	Greenfield	Miscevich	Stewart
Cappabianca	Greenwood	Moehmann	Struban
Cawley	Grieco	Morris	Swaim
Cessar	Gruppo	Mowery	Sweet
Cimini	Haluska	Mrkonic	Swift
Civera	Harper	Mullen	Taddonio
Clark	Hasay	Murphy	Taylor, E. Z.
Clymer	Heiser	Nahill	Taylor, F. E.
Cochran	Hoeffel	Noye	Telek
Colafella	Honaman	O'Donnell	Trello
Cole	Horgos	Olasz	Van Horne
Cordisico	Hutchinson, A.	Oliver	Vroon
Cornell	Hutchinson, W.	Pendleton	Wachob
Coslett	Irvis	Perzel	Wambach
Cowell	Itkin	Peterson	Wargo
Cunningham	Jackson	Petrarca	Wass
DeMedio	Johnson	Petrone	Wenger
DeVerter	Kanuck	Phillips	Weston
DeWeese	Kennedy	Piccola	White
Daikeler	Kolter	Pievsky	Wiggins
Davies	Kowalshyn	Pistella	Williams, J. D.
Deal	Kukovich	Pitts	Wilson
Dininni	Lashinger	Pott	Wogan
Dombrowski	Laughlin	Pucciarelli	Wozniak
Donatucci	Lehr	Punt	Wright, D. R.
Dorr	Lescovitz	Rappaport	Wright, J. L.
Duffy	Letterman	Rasco	
Durham	Levi	Reber	Ryan,
Earley	Levin	Richardson	Speaker
Emerson	Lewis	Rieger	

NAYS—9

Bowser	Hagarty	Klingaman	Spitz
Dawida	Hayes	Saurman	Stevens
Dietz			

NOT VOTING—5

Gray	Pratt	Williams, H.	Zwinkl
Maiale			

EXCUSED—4

Cohen	Gruitza	Tigue	Wilt
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The question was determined in the affirmative, and the amendments were agreed to.

On the question,

Will the House agree to the bill on third consideration as amended?

Bill as amended was agreed to.

The SPEAKER. This bill has been considered on three different days and agreed to and is now on final passage.

The question is, shall the bill pass finally?

Agreeable to the provisions of the Constitution, the yeas and nays will now be taken.

YEAS—190

Alden	Evans	Levin	Rieger
Anderson	Fee	Lewis	Ritter
Armstrong	Fischer	Livengood	Rocks
Arty	Fleck	Lloyd	Rybak
Barber	Foster, W. W.	Lucyk	Salvatore
Belardi	Foster, Jr., A.	McCall	Saurman
Belfanti	Frazier	McClatchy	Serafini
Beloff	Freind	McIntyre	Seventy
Berson	Fryer	McMonagle	Showers
Bittle	Gallagher	McVerry	Shupnik
Blaum	Gallen	Mackowski	Sieminski
Borski	Gamble	Madigan	Sirianni
Bowser	Gannon	Manderino	Smith, B.
Boyes	Geist	Manmiller	Smith, E. H.
Brandt	George	Marmion	Smith, L. E.

Brown	Gladeck	Merry	Snyder
Burd	Grabowski	Michlovic	Spencer
Burns	Greenfield	Micozzie	Spitz
Caltagirone	Greenwood	Miller	Stairs
Cappabianca	Grieco	Miscevich	Steighner
Cawley	Gruppo	Moehlmann	Stevens
Cessar	Hagarty	Morris	Stewart
Cimini	Haluska	Mowery	Stuban
Civera	Harper	Mrkonic	Swaim
Clark	Hasay	Mullen	Sweet
Clymer	Hayes	Murphy	Swift
Cochran	Heiser	Nahill	Taddonio
Cole	Hoeffel	Noye	Taylor, E. Z.
Cordisco	Honaman	O'Donnell	Taylor, F. E.
Cornell	Horgos	Olasz	Telek
Coslett	Hutchinson, A.	Pendleton	Trello
Cowell	Hutchinson, W.	Perzel	Van Horne
Cunningham	Irvis	Peterson	Vroon
DeMedio	Itkin	Petrarca	Wambach
DeVerter	Jackson	Petrone	Wargo
DeWeese	Johnson	Phillips	Wass
Daikeler	Kanuck	Piccola	Wenger
Davies	Kennedy	Pievsky	Weston
Deal	Klingaman	Pistella	White
Dietz	Kolter	Pitts	Wiggins
Dininni	Kowalyszyn	Pott	Williams, J. D.
Dombrowski	Kukovich	Pratt	Wilson
Donatucci	Lashingier	Pucciarelli	Wozniak
Dorr	Laughlin	Punt	Wright, D. R.
Duffy	Lehr	Rappaport	Wright, J. L.
Durham	Lescovitz	Rasco	
Earley	Letterman	Reber	Ryan,
Emerson	Levi	Richardson	Speaker

NAYS—1

Dawida

NOT VOTING—8

Colafella	Maiale	Wachob	Wogan
Gray	Oliver	Williams, H.	Zwilk

EXCUSED—4

Cohen	Gruitza	Tigue	Wilt
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The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the clerk return the same to the Senate with the information that the House has passed the same with amendment in which the concurrence of the Senate is requested.

MEMBER'S PRESENCE RECORDED

The SPEAKER. The Chair recognizes the gentleman from Lehigh, Mr. Zwilk.

Mr. ZWIKL. Mr. Speaker, I would like to have my name added to the master roll call.

REMARKS ON VOTES

The SPEAKER. The Chair recognizes the gentleman from Lehigh, Mr. Zwilk.

Mr. ZWIKL. Mr. Speaker, I would like to be recorded in the affirmative on the Sweet amendment to SB 405, and in the affirmative on final passage of the same bill. Thank you.

The SPEAKER. The gentleman's remarks will be spread upon the record.

The Chair recognizes the lady from Montgomery, Mrs. Hagarty. For what purpose does the lady rise?

Mrs. HAGARTY. Mr. Speaker, my switch operated incorrectly on the Sweet amendment, A636, to SB 405. I would like to be recorded in the affirmative on that amendment. Thank you.

The SPEAKER. The remarks of the lady will be spread upon the record.

DECISION OF CHAIR REVERSED

The SPEAKER. Without objection, the Chair reverses its decision as to HB 757 having been passed over. The Chair hears none.

BILLS ON THIRD CONSIDERATION CONTINUED

The House proceeded to third consideration of **HB 757, PN 806**, entitled:

An Act designating a section of Route 18 (Legislative Route 115) in Washington County as the "John L. Brunner Memorial By-pass."

On the question,
Will the House agree to the bill on third consideration?
Bill was agreed to.

The SPEAKER. This bill has been considered on three different days and agreed to and is now on final passage.

The question is, shall the bill pass finally?

Agreeable to the provisions of the Constitution, the yeas and nays will now be taken.

YEAS—193

Alden	Evans	Lewis	Rieger
Anderson	Fee	Livengood	Ritter
Armstrong	Fischer	Lloyd	Rocks
Arty	Fleck	Lucyk	Rybak
Barber	Foster, W. W.	McCall	Salvatore
Belardi	Foster, Jr., A.	McClatchy	Saurman
Belfanti	Frazier	McIntyre	Serafini
Beloff	Freind	McMonagle	Seventy
Berson	Fryer	McVerry	Showers
Bittle	Gallagher	Mackowski	Shupnik
Blaum	Gallen	Madigan	Sieminski
Borski	Gamble	Maiale	Sirianni
Bowser	Gannon	Manderino	Smith, B.
Boyes	Geist	Manmiller	Smith, E. H.
Brandt	George	Marmion	Smith, L. E.
Brown	Gladeck	Merry	Snyder
Burd	Grabowski	Michlovic	Spencer
Burns	Greenfield	Micozzie	Spitz
Caltagirone	Greenwood	Miller	Stairs
Cappabianca	Grieco	Miscevich	Steighner
Cawley	Gruppo	Moehlmann	Stevens
Cessar	Hagarty	Morris	Stewart
Cimini	Haluska	Mowery	Stuban
Civera	Harper	Mrkonic	Swaim
Clark	Hasay	Mullen	Swift
Clymer	Hayes	Murphy	Taddonio
Cochran	Heiser	Nahill	Taylor, E. Z.
Cole	Hoeffel	Noye	Taylor, F. E.
Cordisco	Honaman	O'Donnell	Telek
Cornell	Horgos	Olasz	Trello
Coslett	Hutchinson, A.	Oliver	Van Horne
Cowell	Hutchinson, W.	Pendleton	Vroon
Cunningham	Irvis	Perzel	Wambach
DeMedio	Itkin	Peterson	Wargo
DeVerter	Jackson	Petrarca	Wass

DeWeese	Johnson	Petrone	Wenger
Daikeler	Kanuck	Phillips	Weston
Davies	Kennedy	Piccola	Wiggins
Dawida	Klingaman	Pievsky	Williams, J. D.
Deal	Kolter	Pistella	Wilson
Dietz	Kowalshyn	Pitts	Wogan
Dininni	Kukovich	Pott	Wozniak
Dombrowski	Lashinger	Pratt	Wright, D. R.
Donatucci	Laughlin	Pucciarelli	Wright, J. L.
Dorr	Lehr	Punt	Zwinkl
Duffy	Lescovitz	Rappaport	
Durham	Letterman	Rasco	Ryan,
Earley	Levi	Reber	Speaker
Emerson	Levin	Richardson	

NAYS—0

NOT VOTING—6

Colafella	Sweet	White	Williams, H.
Gray	Wachob		

EXCUSED—4

Cohen	Gruitza	Tigue	Wilt
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The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the clerk present the same to the Senate for concurrence.

REMARKS ON VOTES

The SPEAKER. The Chair recognizes the gentleman from Philadelphia, Mr. Wogan.

Mr. WOGAN. Mr. Speaker, I was not in my seat on that final vote on SB 405. I wish to be recorded in the affirmative.

The SPEAKER. The gentleman's remarks will be spread upon the record.

The Chair recognizes the gentleman from Elk, Mr. Wachob.

Mr. WACHOB. On final passage of SB 405, I was out of my seat and would like to be recorded in the affirmative. On HB 757 I would also like to be recorded in the affirmative.

The SPEAKER. The remarks of the gentleman will be spread upon the record.

BILLS ON THIRD CONSIDERATION CONTINUED

The House proceeded to third consideration of **HB 712, PN 912**, entitled:

An Act providing additional funds to several agencies of the Executive Department.

On the question,

Will the House agree to the bill on third consideration?

Mr. STEWART offered the following amendment No. A580:

Amend Sec. 1, page 2, line 6, by striking out "\$260,000" and inserting \$239,000

On the question,

Will the House agree to the amendment?

The SPEAKER. The Chair recognizes the gentleman from Cambria, Mr. Stewart.

Mr. STEWART. This amendment, A580, reduces the appropriation to the Attorney General by \$21,000, \$11,000 of which was requested for a car for the Attorney General. The other \$10,000 is the prorated share of the salaries and benefits for the request for a public relations officer in the Attorney General's office. I suggest its adoption.

The SPEAKER. The Chair recognizes the gentleman from Montgomery, Mr. McClatchy.

Mr. McCLATCHY. Mr. Speaker, I oppose the amendment. We discussed with the Attorney General, when it came before the Appropriations Committee during the Appropriations Committee hearings on the budget, the item in there called "limousine." It is merely an Oldsmobile car. They looked into different modes of financing - leasing, renting - and the purchase of a car was the least expensive program they could come up with.

On the other issue of a public relations officer, it is not PR in a sense that he is putting out press releases for the betterment of his image or of his department's image; it is in fact a section of his department dealing with constituent work - handling and servicing complaints, letters, and the ordinary course of business that those people in the Commonwealth would like to have the Attorney General deal with. Again, Mr. Speaker, I would oppose the amendment.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—74

Barber	Gallagher	Maiale	Seventy
Belfanti	Gamble	Manderino	Showers
Beloff	George	Michlovic	Shupnik
Berson	Grabowski	Morris	Steighner
Blaum	Haluska	Murphy	Stewart
Borski	Harper	Olasz	Stuban
Cawley	Hoeffel	Oliver	Swaim
Clark	Irvs	Pendleton	Taylor, F. E.
Colafella	Kolter	Petrarca	Van Horne
Cordisco	Kowalshyn	Petrone	Wachob
DeMedio	Kukovich	Pievsky	Wargo
DeWeese	Laughlin	Pistella	White
Dawida	Lescovitz	Pratt	Wiggins
Deal	Letterman	Pucciarelli	Williams, J. D.
Donatucci	Levin	Richardson	Wogan
Emerson	Lloyd	Rieger	Wozniak
Evans	Lucyk	Ritter	Wright, D. R.
Fee	McIntyre	Rybak	Zwinkl
Fryer	McMonagle		

NAYS—123

Alden	Durham	Lehr	Reber
Anderson	Earley	Levi	Rocks
Armstrong	Fischer	Lewis	Salvatore
Arty	Fleck	Livengood	Saurman
Belardi	Foster, W. W.	McCall	Serafini
Bittle	Foster, Jr., A.	McClatchy	Sieminski
Bowser	Frazier	McVerry	Sirianni
Boyes	Freind	Mackowski	Smith, B.
Brandt	Gallen	Madigan	Smith, E. H.
Brown	Gannon	Manmiller	Smith, L. E.
Burd	Geist	Marmion	Snyder
Burns	Gladeck	Merry	Spencer
Caltagirone	Greenfield	Micozzie	Spitz
Cappabianca	Greenwood	Miller	Stairs
Cessar	Grieco	Miscevich	Stevens

Cimini	Gruppo	Moehlmann	Sweet
Civera	Hagarty	Mowery	Swift
Clymer	Hasay	Mrkonic	Taddonio
Cochran	Hayas	Mullen	Taylor, E. Z.
Cole	Heiser	Nahill	Telek
Cornell	Honaman	Noye	Treilo
Coslett	Horgos	O'Donnell	Vroon
Cowell	Hutchinson, A.	Perzel	Wambach
Cunningham	Hutchinson, W.	Peterson	Wass
DeVerter	Itkin	Phillips	Wenger
Daikeler	Jackson	Piccola	Weston
Davies	Johnson	Pitts	Wilson
Dietz	Kanuck	Pott	Wright, J. L.
Dininni	Kennedy	Punt	
Dombrowski	Klingaman	Rappaport	Ryan,
Dorr	Lashingar	Rasco	Speaker
Duffy			

NOT VOTING—2

Gray Williams, H.

EXCUSED—4

Cohen Gruitza Tigie Wilt

The question was determined in the negative, and the amendment was not agreed to.

On the question recurring,

Will the House agree to the bill on third consideration?

Mr. DeWEESE offered the following amendment No. A562:

Amend Sec. 1, page 2, lines 2 and 3, by striking out both of said lines

On the question,

Will the House agree to the amendment?

The SPEAKER. The Chair recognizes the gentleman from Greene, Mr. DeWeese.

Mr. DeWEESE. Mr. Speaker, the amendment that I am offering today eliminates funding for the General Counsel for the rest of this fiscal year. He is asking in the deficiency appropriation for \$200,000, and with this money the General Counsel is going to establish job positions and assignments that will be carried on into the next fiscal year; thereby, when he comes back to the General Assembly and asks us to pass a budget in 1981-82, we will, if we pass this HB 712 the way it stands, be creating new jobs and adding more attorneys to the state bureaucracy.

What this amendment simply tries to do is eliminate a plethora of legal people being involved before the General Assembly has time to look at it. The Appropriations Committee acceded to this request without so much as 15 minutes of debate.

We have not, in my opinion, paid close scrutiny to the aggrandizement of the General Counsel's office, and now is the time to do so. If this amendment is adopted, we will have some more time. I am not saying, I am not saying that we do not need this money eventually, but to add more attorneys in a deficiency appropriation is shortsighted, and I would hope this amendment would be seriously considered. Thank you, sir.

The SPEAKER. The Chair recognizes the gentleman from Montgomery, Mr. McClatchy.

Mr. McCLATCHY. Mr. Speaker, the General Counsel's office was created last term by this legislature. The General Counsel acceded to that office January 20. He is operating now on no funds with the hope of getting funds. The \$200,000 request will be a portion—and I would appreciate those members listening very carefully if they are so interested in the problem of the General Counsel. The \$200,000 measure will be spent as follows: They have requested to hire nine attorneys in the following grades: Two attorneys V, two attorneys IV, two attorneys III, two attorneys II, and one attorney I, and the total salary coverage for those attorneys would be \$61,391.

Funding is also required to hire 10 support people in the following areas: Three clerk stenos, two administrative officers, two clerk typists, two clerks, and one personnel officer. The total salary support for this section is \$34,630.

An item has also been included to continue existing personnel for \$17,922. Thus the total salaries for personnel is \$113,943. Benefits would add another \$39,310, for a total of \$153,253 in personnel costs.

As we are also aware, the General Counsel's office is starting from scratch, and, therefore, all supplies, typewriters, et cetera, which they are currently using, have been borrowed from a number of sources. They have therefore requested \$46,747 in operational expenses. Equipment rentals, such as copier, mag cards, typewriters, are estimated at \$11,158; printing and postage and subscriptions, \$300; telephone installation and monthly charges for telephones and the Pennsylvania Telephone Network proration, \$3,000; office supplies, \$5,000; file cabinets, \$1,737; Dictaphone recorders and transcribers, \$10,540; and finally, initial law library purchases for \$10,000.

This is his budget, Mr. Speaker. It is, I think, a responsible one for an office starting up. I think that many of the personnel that he is hiring certainly will be transferred during the coming years from other departments. That will take time, and, unfortunately, he cannot grab them right now and has to start with new. Those positions, if he has hired people and he does not need those attorneys, I am sure will be abolished. I see no growth in the bureaucracy. There might be some duplication, but we expected that during the first year of the General Counsel and the new elected Attorney General.

Mr. Speaker, I would request a "no" vote on this amendment.

The SPEAKER. The Chair recognizes the gentleman from Somerset, Mr. Lloyd.

Mr. LLOYD. Mr. Speaker, would the gentleman, Mr. McClatchy, consent to interrogation?

The SPEAKER. The gentleman indicates he will. The gentleman, Mr. Lloyd, may proceed.

Mr. LLOYD. Mr. Speaker, would you indicate for the information of the members of the General Assembly the annual salaries which will be paid to each of those classes of attorneys which the General Counsel proposes to hire among that group of nine which you mentioned?

Mr. McCLATCHY. I do not have the breakdown by category. All I have here in front of me is the total salary schedule, which would be \$61,391.

Mr. LLOYD. Mr. Speaker, would I be correct that that \$61,000 total is just that portion between now and the end of the fiscal year?

Mr. McCLATCHY. That is correct.

Mr. LLOYD. Would I also be correct, Mr. Speaker, that the entry-level salary for attorneys in this Commonwealth is somewhere between \$17,000 and \$19,000 on an annual basis?

Mr. McCLATCHY. That is probably about right.

Mr. LLOYD. And would I also be correct, Mr. Speaker, that the top class salary which is being proposed is in the neighborhood of \$50,000 a year?

Mr. McCLATCHY. I am not aware of that.

Mr. LLOYD. Mr. Speaker, would I also be correct that about one-half of those nine attorneys, if they are hired full-time by this Commonwealth, will be receiving annual salaries in excess of \$25,000 a year?

Mr. McCLATCHY. That is probably right.

Mr. LLOYD. Mr. Speaker, may I be recognized to speak on the amendment?

The SPEAKER. The gentleman is in order. He may proceed.

Mr. LLOYD. Mr. Speaker, I rise in support of the DeWeese amendment. At a time when we are confronted with the necessity to cut unnecessary government spending and to try to help our business community by cutting needless red tape, it is especially appropriate that we give very, very careful scrutiny to any proposal which would result in an increased number of state employes. This is especially true in the creation of the new office of General Counsel.

As evidence of the duplication, and I might say triplication, to which Mr. McClatchy referred, I would like to relate a particular case confronting my constituents and certainly confronting the constituents of everyone here who represents a coal-mining area. Prior to the enactment of the Commonwealth Attorneys law last year, it was standard procedure, once the scientific and engineering personnel at the Department of Environmental Resources had decided that a mining permit for a surface mine should be granted, to have the proposed bond or the pledge of collateral, which might be a certificate of deposit, submitted to the DER attorneys for review to make sure that it was in the proper legal phraseology. As I understand it, this process took about 1 additional week. As a result of the passage of the Commonwealth Attorneys Act, we now have three different levels of review of that same legal phraseology. Now the DER attorney, who at one time was empowered to sign on behalf of the Attorney General, reviews it and says it is okay. Then he sends it over to the General Counsel's office, which also reviews the very same thing and says it is okay, and then finally it goes to the Attorney General for yet a third review. So we have had a triplication of effort compared to what the state of the law was prior to the enactment of the Commonwealth Attorneys Act.

Now, with the independent Attorney General, probably a duplication is inevitable, but a triplication, Mr. Speaker, is not, and it seems to me to be very inappropriate to be voting additional money for additional attorneys for the office of

General Counsel when they are at the present time adding weeks to the review process on coal-mine bonds and, I am certain, on other bonds and other contracts in other situations which our constituents confront.

Now, Mr. Speaker, I also rise as one who has served this Commonwealth as an attorney in the Education Department, as a member of the Justice Department, and also as an attorney for the Public Utility Commission, and I respect the work that the people assigned to those different agencies will do, but this House ought not be blind to the fact that the General Counsel already has a substantial staff, I understand, in the order of magnitude of 400 attorneys, because if you look at the Commonwealth Attorneys Act, you will see that he has jurisdiction to hire, fire, and supervise all of the attorneys assigned to all of the state agencies, and I think that this House and this legislature must give very careful consideration to whether we need 37 more attorneys as an in-house second Justice Department.

This is the camel's nose under the tent. As Mr. DeWeese points out, if we pass this deficiency appropriation, we are going to allow the hiring of some of these attorneys who we might subsequently decide are not needed, but we are going to be confronted with a no-win proposition in which we realistically are not going to cut them off the state payroll when the final budget for the next fiscal year is considered.

Mr. Speaker, this supplemental appropriations bill is not an appropriate vehicle for an amendment of this kind. It is entirely appropriate for the General Counsel to be considered in the context of the total state budget so that he can compete for dollars with the Education Department and the Welfare Department and with DER. Mr. Speaker, we have been told this year that there is no money for public schools; there is no money for special education; there is no money for lifeguards, but apparently, Mr. Speaker, there is lots of money for attorneys.

I rise in support of the amendment and urge an affirmative vote.

The SPEAKER. The Chair recognizes the gentleman from Montgomery, Mr. McClatchy.

Mr. McCLATCHY. I respectfully disagree with Mr. Lloyd. I think Mr. Lloyd's opinions come as a new member, and the body of his opinion really is an experience as a bureaucrat. We have a funny way of dealing with bureaucrats around here, and I can assure you, as a fiscal conservative, that if the departments do not transfer these attorneys and do them post-haste and as quickly as they can do this year, they will find their budgets cut very, very quickly.

As far as the needs for special education and as far as the needs of lifeguards, that is in this coming year's budget. It has nothing to do with last year's budget. Those are future issues that I am sure that we will debate and decide very carefully and fund adequately. Again I would ask for a "no" vote on the amendment.

The SPEAKER. The Chair recognizes the gentleman from Greene, Mr. DeWeese.

Mr. DeWEESE. I think that when everyone casts their vote on this measure, they should realize that what they are doing

is starting out 22 out of 37 jobs, and when we come back here in a month or two or three and finalize the budget, Mr. Waldman and the General Counsel's staff and General Counsel's office will already be off to a running start. It is going to be a hard time telling these \$50,000-a-year attorneys, executive deputies making twice as much as Pete Wambach and Harry Brown combined, that they are not going to have a job anymore. I think it is essential that we realize we are making a policy decision here. Four hundred attorneys across this Commonwealth, and Mr. Waldman and the General Counsel right now, by statute, has control. Can he not bring them in? Can he not incorporate them? Can he not integrate them into his operation? No, no. He has to hire more attorneys, and when we hire them today, they are going to be hired forever with this additional supplemental appropriation. I think it is a very serious and very clear-cut policy decision, and I hope that we can remember the words of Richard Thornburgh: We can do more with less. Mr. Waldman can; we can. Thank you.

On the question recurring,
Will the House agree to the amendment?

The following roll call was recorded:

YEAS—103

Barber	Fee	Lucyk	Rybak
Belardi	Fryer	McCall	Serafini
Belfanti	Gallagher	McIntyre	Seventy
Beloff	Gamble	McMonagle	Showers
Berson	George	Maijale	Shupnik
Blaum	Gladeck	Manderino	Steighner
Borski	Grabowski	Michlovic	Stevens
Brown	Greenfield	Miscevich	Stewart
Caltagirone	Haluska	Morris	Stuban
Cappabianca	Harper	Mrkonic	Swaim
Cawley	Hoeffel	Mullen	Sweet
Clark	Horgos	Murphy	Swift
Cochran	Hutchinson, A.	O'Donnell	Taylor, F. E.
Colafella	Iris	Olasz	Trello
Cole	Itkin	Oliver	Van Horne
Cordisco	Kanuck	Pendleton	Vroon
Cowell	Kennedy	Petrarca	Wachob
DeMedio	Kolter	Petrone	Wambach
DeWeese	Kowalyszyn	Pievsky	Wargo
Dawida	Kukovich	Pistella	White
Deal	Laughlin	Pratt	Wiggins
Dombrowski	Lescovitz	Pucciarelli	Williams, J. D.
Donatucci	Letterman	Rappaport	Wozniak
Duffy	Levin	Richardson	Wright, D. R.
Emerson	Livengood	Rieger	Zwinkl
Evans	Lloyd	Ritter	

NAYS—93

Alden	Earley	Levi	Salvatore
Anderson	Fischer	McClatchy	Saurman
Armstrong	Fleck	McVerry	Sieminski
Arty	Foster, W. W.	Mackowski	Sirianni
Bittle	Foster, Jr., A.	Madigan	Smith, B.
Bowser	Frazier	Manmiller	Smith, E. H.
Boyes	Freind	Marmion	Smith, L. E.
Brandt	Gallen	Merry	Snyder
Burd	Gannon	Micozzie	Spencer
Burns	Geist	Miller	Spitz
Cessar	Greenwood	Moehlmann	Stairs
Cimini	Grieco	Mowery	Taddonio
Civera	Gruppo	Nahill	Taylor, E. Z.
Clymer	Hagarty	Noye	Telek
Cornell	Hasay	Perzel	Wass
Coslett	Hayes	Peterson	Wenger
Cunningham	Heiser	Phillips	Weston

DeVerter	Honaman	Piccola	Wilson
Daikeler	Hutchinson, W.	Pitts	Wogan
Davies	Jackson	Pott	Wright, J. L.
Dietz	Johnson	Punt	
Dininni	Klingaman	Rasco	Ryan,
Dorr	Lashinger	Reber	Speaker
Durham	Lehr	Rocks	

NOT VOTING—3

Gray	Lewis	Williams, H.
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EXCUSED—4

Cohen	Gruitza	Tigue	Wilt
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The question was determined in the affirmative, and the amendment was agreed to.

REMARKS ON VOTE

The SPEAKER. The Chair recognizes the gentleman from Allegheny, Mr. Petrone.

Mr. PETRONE. Regarding amendment A580 to HB 712, I want to be recorded as voting in the negative, please.

The SPEAKER. The gentleman's remarks will be spread upon the record.

CONSIDERATION OF HB 712 CONTINUED

On the question,

Will the House agree to the bill on third consideration as amended?

Mr. FREIND offered the following amendment No. A555:

Amend Sec. 1, page 2, line 7, by striking out all of said line

On the question,

Will the House agree to the amendment?

The SPEAKER. The Chair recognizes the gentleman from Delaware, Mr. Freind.

Mr. FREIND. On the wave of the anti-attorney sentiment evidenced by the vote on the DeWeese amendment, I am sure you will like this amendment also.

This amendment deletes one line in the bill and removes a \$100,000 appropriation which is to go to the Attorney General's office for payment to three private attorneys. These three private attorneys represented Planned Parenthood Association and several other groups in attacking the 1974 Pennsylvania Abortion Control Act, which passed this legislature overwhelmingly. A number of their attacks were successful. They then went back in on the strength of a 1976 Federal law, an amendment to the Civil Rights Act, which requires the losing party to pay attorney fees, and they have requested payment in the amount of \$100,000, which a Federal district judge has agreed with and has ordered this Commonwealth to pay.

I think there are a couple of issues here, Mr. Speaker. First, we have the situation with Planned Parenthood, which this legislature funds on a matching-fund agreement with the Federal Government, a 90-10 match. We fund them; they turn around and sue us, and then turn around and require us to pay their attorney fees. Somehow that bothers me.

Secondly, we have a philosophical problem with respect to the power of the state government. I do not argue that the 1976 Civil Rights Act, the Federal act, is legal. Unfortunately, it passed the Congress and it requires the payment of attorney fees. But I do say this: Regardless of what any Federal district court may say, regardless of what any Federal court at all may say, and regardless of what the United States Congress may say, this House is still comprised of 203 sovereign individuals who have the right to make policy and make laws and reject orders which it considers abhorrent. Time and again, by the vote on the floor of this House of Representatives and in the Senate, the Pennsylvania legislature has stated that it opposes abortion, especially blank-check abortion. We are now being ordered by a Federal court, however, despite our philosophical objections, to pay the attorneys who came in and attacked our act.

What I think is also interesting is the amount that the court has ordered these attorneys to be paid. There are three attorneys involved. The one attorney is to receive \$35,864, which comes to a little more than \$137 an hour, and that is not bad. The second attorney is awarded \$49,680. That comes to \$148 an hour, and that is even better; in fact, I wish to God I was making that in private practice. The third one is \$63 a hour. I think that this hourly rate is absolutely outrageous, even if they had F. Lee Bailey in there representing them. I think it is doubly outrageous when we are asked to pay the fee of an organization which we fund in the first place, and to make this immortal, we are being asked to fund something which we have voted time and again as being opposed to.

We have the power and it is my opinion we have the responsibility to adopt this amendment and say in fact to the Federal court and to the Congress, no. I think all of us share the frustration about being told what to do by nonelected public officials, particularly Federal district judges. This amendment offers us the opportunity, respectfully, with firmness, and clearly, to tell the Federal district court, without passing "go" or collecting \$200, to go straight to heck.

Therefore, Mr. Speaker, I urge the members of this legislature to adopt this amendment. Thank you.

The SPEAKER. The Chair recognizes the gentleman from Philadelphia, Mr. Mullen, on the question of the adoption of the amendment.

Mr. MULLEN. Mr. Speaker, I agree with Mr. Freind 100 percent, but I think there is more involved here than what he says. I think it is a matter of principle. I think that we ought to overwhelmingly support this amendment and make it emphatically clear to the Federal courts that they are not going to tell us how we are going to spend the moneys of the Commonwealth of Pennsylvania. We should never in the future honor any Federal court order telling us to spend money to go against what we want to do. So I support the amendment 100 percent.

The SPEAKER. The Chair recognizes the gentleman from Philadelphia, Mr. Evans.

Mr. EVANS. Mr. Speaker, I would rise up in disagreement to the amendment that Mr. Freind is proposing. The reason that I rise up in disagreement to it is because I think for too

long, here in this House and in the Federal Government, we have passed mandates and have not fulfilled the funding of those mandates, 1829 and I think that in this particular instance, again we are trying to demonstrate, although there was a law, a mandate, passed by the Federal court, that we are not going to fulfill it. I think that we have to begin to ask ourselves a serious question: Are we really committed to the ideas of this type of legislation? And I think by undercutting and by not providing the funds, it is again demonstrating that we are not fulfilling it in the spirit of the law. So I would advocate to my colleagues to vote in opposition to this amendment.

The SPEAKER. The Chair recognizes the gentleman from Montgomery, Mr. McClatchy.

Mr. McCLATCHY. Just for your information, I do not oppose the amendment, Mr. Speaker.

On the question recurring, ~

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—157

Alden	Duffy	Levi	Salvatore
Anderson	Durham	Levin	Saurman
Armstrong	Emerson	Lewis	Serafini
Arty	Fee	Livengood	Seventy
Belardi	Fischer	Lloyd	Showers
Belfanti	Fleck	Lucyk	Shupnik
Beloff	Foster, W. W.	McCall	Sieminski
Bittle	Foster, Jr., A.	McClatchy	Sirianni
Blaum	Frazier	McIntyre	Smith, B.
Borski	Freind	McMonagle	Smith, L. E.
Bowser	Gallagher	Mackowski	Snyder
Boyes	Gallen	Madigan	Spitz
Brandt	Gamble	Maiale	Stairs
Burd	Gannon	Manderino	Steighner
Burns	Geist	Manmiller	Stevens
Caltagirone	George	Marmion	Stewart
Cappabianca	Gladeck	Merry	Stuban
Cawley	Grabowski	Micozzie	Swaim
Cessar	Greenwood	Miller	Swift
Cimini	Grieco	Miscevich	Taddonio
Civera	Gruppo	Morris	Taylor, E. Z.
Clark	Haluska	Mowery	Taylor, F. E.
Clymer	Hasay	Mrkonic	Telek
Cochran	Hayes	Mullen	Trello
Colafella	Heiser	Noye	Van Horne
Cole	Horgos	O'Donnell	Vroon
Cordisco	Hutchinson, A.	Olasz	Wambach
Cornell	Hutchinson, W.	Perzel	Wargo
Coslett	Jackson	Peterson	Wass
Cowell	Johnson	Petrarca	Wenger
Cunningham	Kanuck	Petrone	Weston
DeMedio	Kennedy	Phillips	Wilson
DeVerter	Klingaman	Pitts	Wogan
Daikeler	Kotter	Pott	Wozniak
Dawida	Kowalyshyn	Pratt	Wright, D. R.
Dietz	Lashinger	Pucciarelli	Wright, J. L.
Dininni	Laughlin	Punt	
Dombrowski	Lehr	Rieger	Ryan,
Donatucci	Lescovitz	Rocks	Speaker
Dorr	Letterman	Rybak	

NAYS—40

Barber	Hagarty	Murphy	Richardson
Berson	Harper	Nahill	Ritter
Brown	Hocffel	Oliver	Smith, E. H.
DeWeese	Honaman	Pendleton	Spencer
Davies	Irvis	Piccola	Sweet
Deal	Itkin	Pievsky	Wachob
Earley	Kukovich	Pistella	White

Evans	McVerry	Rappaport	Wiggins
Fryer	Michlovic	Rasco	Williams, J. D.
Greenfield	Moehlmann	Reber	Zwilk

NOT VOTING—2

Gray Williams, H.

EXCUSED—4

Cohen Gruitza Tigie Wilt

The question was determined in the affirmative, and the amendment was agreed to.

On the question recurring,

Will the House agree to the bill on third consideration as amended?

Mr. A. K. HUTCHINSON offered the following amendment No. A547:

Amend Sec. 1, page 2, by inserting between lines 17 and 18 For payment to the Volunteer Companies Loan Fund for the purposes for which such fund is appropriated... 1,000,000

On the question,

Will the House agree to the amendment?

The SPEAKER. The Chair recognizes the gentleman from Westmoreland, Mr. Hutchinson.

Mr. A. K. HUTCHINSON. Mr. Speaker, last week we passed a bond issue for the firemen's loan, but the firemen's loan is broke, maybe \$100,000 to \$150,000.

We have set a precedent before, putting \$500,000 twice into the fund to help keep it up. Last year and the year before we have not. I would like to see money go into the firemen's loan at a tune of \$1 million. Thank you very much.

The SPEAKER. The Chair recognizes the gentleman from Montgomery, Mr. McClatchy.

Mr. McCLATCHY. Mr. Speaker, I have several problems with this amendment.

First of all, there is money left in the fund, in my estimation, to carry us over until the \$10 million additional moneys are made available. That bill is going through the legislature, and I feel it will go on the ballot in the primary.

Second of all, the \$10 million is bond money. This is money that will be paid off over a long period of time, costing the state a lot less money than a direct appropriation of \$1 million right out of the General Fund that we all know is very fiscally restrained. We do subsidize that bond issue; we pay the interest off. So that is our contribution as the legislature to that cost of that bond issue. I know the fire companies, the ambulance and so forth, pay that money back, but we do subsidize that program by paying the interest.

I think, Mr. Speaker, that we will not hurt the program. I think the \$1 million is unnecessary, and the money, again, I cannot reiterate hard enough, is hard to come by this year. I would therefore oppose this amendment.

The SPEAKER. The Chair recognizes the gentleman from Northampton, Mr. Kowalyszyn.

Mr. KOWALYSHYN. It is very timely that I just received a copy of a letter from the director of the Bureau of Loan Government Services of the Department of Community Affairs. The letter is dated March 30, 1981, and it is directed

to Mr. Gerald K. Millheim, president of the Bath Chemical Engine and Hose Company No. 1 in Bath, Pennsylvania.

Dear Mr. Millheim:

The Volunteer Companies Loan Fund administered by the Department of Community Affairs currently has a shortage of funds due to the increased demand for low interest loans by volunteer companies. We must, therefore, inform you that there will be a delay in the processing of your loan application.

As loan repayments are received and the Fund is restored, your application will be reactivated....

I believe this speaks for itself. The bond is unavailable at this time, and I believe that the Hutchinson amendment should receive a favorable vote. Thank you.

The SPEAKER. The Chair recognizes the gentleman from Westmoreland, Mr. Hutchinson.

Mr. A. K. HUTCHINSON. Mr. Speaker, Mr. McClatchy is wrong. That will not go on the bond issue until November. It takes 60 days' notice. The Senate has not passed it and the 60 days have gone; goodbye. It takes 2 or 3 months to float a bond issue. If he cannot find \$1 million, I will help him find it with our staff. The thing is this: They have sent letters out and I think every member here has received a letter saying that your hose company is on the bond. And as far as costing the people money, that \$1 million would be 10 percent if we go to the bond issue. I think we need the money now, and I will help Mr. McClatchy find \$1 million someplace. Thank you very much.

The SPEAKER. The Chair recognizes the gentleman from Mifflin, Mr. DeVerter.

Mr. DeVERTER. Mr. Speaker, would the gentleman, Mr. Hutchinson, consent to interrogation?

Mr. A. K. HUTCHINSON. Fire away; I am ready.

The SPEAKER. The gentleman indicates that he will. The gentleman, Mr. DeVerter, may proceed.

Mr. DeVERTER. Mr. Speaker, I realize the value of the loan program as all members do, I am sure. My query to the gentleman, Mr. Hutchinson, would be: Would you have any objections, Mr. Speaker, to further amending your amendment to say that once the bond issue was out and we had those moneys available, this \$1 million would be returned to the General Fund from those proceeds?

Mr. A. K. HUTCHINSON. If you want to put it in, I absolutely will oppose you because I think that \$1 million is cheaper than any money that they borrow.

Mr. DeVERTER. I did not understand you.

Mr. A. K. HUTCHINSON. You can put the amendment in, but I will oppose the amendment because I think that that \$1 million is a lot cheaper than you are going to borrow it for. Later on, I will have another argument on \$10 million, but I do not want to bring that up today.

Mr. DeVERTER. I thank the gentleman.

The SPEAKER. The Chair recognizes the gentleman from Montgomery, Mr. McClatchy.

Mr. McCLATCHY. Mr. Speaker, I really do not have any serious opposition to this amendment. As far as I am concerned, the members can vote in agreement.

On the question recurring,
Will the House agree to the amendment?

The following roll call was recorded:

YEAS—196

Alden	Fee	Lloyd	Rocks
Anderson	Fischer	Lucy	Rybak
Armstrong	Fleck	McCall	Salvatore
Arty	Foster, W. W.	McClatchy	Saurman
Barber	Foster, Jr., A.	McIntyre	Serafini
Belardi	Frazier	McMonagle	Seventy
Belfanti	Freind	McVerry	Showers
Beloff	Fryer	Mackowski	Shupnik
Berson	Gallagher	Madigan	Sieminski
Bittle	Gallen	Maiale	Sirianni
Blaum	Gamble	Manderino	Smith, B.
Borski	Gannon	Manmiller	Smith, E. H.
Bowser	Geist	Marmion	Smith, L. E.
Boyes	George	Merry	Snyder
Brandt	Gladeck	Michlovic	Spencer
Brown	Grabowski	Micozzie	Spitz
Burd	Greenfield	Miller	Stairs
Burns	Greenwood	Miscevich	Steighner
Caltagirone	Grieco	Moehlmann	Stevens
Cappabianca	Gruppo	Morris	Stewart
Cawley	Hagarty	Mowery	Stuban
Cessar	Haluska	Mrkonc	Swaim
Cimini	Harper	Mullen	Sweet
Civera	Hasay	Murphy	Swift
Clark	Hayes	Nahill	Taddonio
Clymer	Heiser	Noye	Taylor, E. Z.
Cochran	Hoeffel	O'Donnell	Taylor, F. E.
Colafella	Honaman	Olasz	Telek
Cole	Horgos	Oliver	Trello
Cordisco	Hutchinson, A.	Pendleton	Van Horne
Cornell	Hutchinson, W.	Perzel	Vroon
Coslett	Irviss	Peterson	Wachob
Cowell	Itkin	Petrarca	Wambach
Cunningham	Jackson	Petrone	Wargo
DeMedio	Johnson	Phillips	Wass
DeVertter	Kanuck	Piccola	Wenger
DeWeese	Kennedy	Pievsky	Weston
Daikeler	Klingaman	Pistella	White
Davies	Kolter	Pitts	Wiggins
Dawida	Kowalshyn	Pott	Williams, J. D.
Deal	Kukovich	Pratt	Wilson
Dietz	Lashingner	Pucciarelli	Wogan
Dininni	Laughlin	Punt	Wozniak
Dombrowski	Lehr	Rappaport	Wright, D. R.
Donatucci	Lescovitz	Rasco	Wright, J. L.
Dorr	Letterman	Reber	Zwikel
Duffy	Levi	Richardson	
Durham	Levin	Rieger	Ryan,
Emerson	Lewis	Ritter	Speaker
Evans	Livengood		

NAYS—0

NOT VOTING—3

Earley Gray Williams, H.

EXCUSED—4

Cohen Gruitz Tigie Wilt

The question was determined in the affirmative, and the amendment was agreed to.

On the question recurring,
Will the House agree to the bill on third consideration as amended?

Mr. O'DONNELL offered the following amendment No. A649:

Amend Sec. 1, page 2, line 25, by striking out "4,800,000" and inserting 34,800,000

On the question,
Will the House agree to the amendment?

The SPEAKER. The Chair recognizes the gentleman from Philadelphia, Mr. O'Donnell.

Mr. O'DONNELL. Mr. Speaker, this is a \$30-million amendment. What it basically does is recognizes— Perhaps we really ought not wait for order when we are dealing with \$30 million. It might be easier to just deal with this and speak very, very softly.

This amendment constitutes a legislative recognition of the enormity of a problem that we have in Pennsylvania with special education.

For the benefit of those new members of the House, we have in years past created a situation where, as a matter of law, the state has taken the responsibility for the approved cost of special ed that it rendered in the public school system. Although we have assumed that responsibility, we have not really paid the bill. As a result, there is an enormous debt that has been accumulating year by year, and we have failed to deal with that problem by either appropriating the money to pay the debt or changing the basis on which we fund special education.

Sometime last year when we debated the codification of the Public School Code, the special-education issue was raised. The response of the legislature at that time to amendments to the special-ed section of the code was, more special ed; we want to give those kids everything we can possibly give them. There is an inconsistency, however, in taking that kind of approach and then turning around and failing to appropriate the necessary money in the general appropriations bill.

The difference between now and July 1 is not just the difference in money. By July 1 we will have the opportunity to set out what the special-ed entitlement is in law and how much we are willing to pay for that, whether we are willing to pay for special education in Pennsylvania.

For this current year, however, we are locked into and have no alternative about the state of the law. We cannot retroactively go to a school district and say we authorized you to spend money; we have approved the amount of your expenditures, but now we refuse to pay the bill that has accrued.

The function of this amendment is to give the legislature an opportunity to assume that responsibility and to set out in this bill, using lapsed money, the priority by which we pay our various creditors. Thank you.

The SPEAKER. The Chair recognizes the gentleman from Montgomery, Mr. McClatchy.

Mr. McCLATCHY. Mr. Speaker, would Mr. O'Donnell consent to interrogation?

The SPEAKER. The gentleman agrees. The gentleman, Mr. McClatchy, may proceed.

Mr. McCLATCHY. Mr. Speaker, how is the \$30 million broken down?

Mr. O'DONNELL. The \$30 million is not broken down, so it is not line-itemed to the various school districts. Its function is to pay the outstanding claims for the current year for special education. It is not broken down beyond that.

Mr. McCLATCHY. You must have some idea how this \$30 million is going to be spent. I am not talking about line-iteming anything. I want to know how you arrived at the \$30 million; how it is going to be spent; for which school districts; what does Philadelphia get; what does Pittsburgh get?

Mr. O'DONNELL. Okay. Generally when you acquire votes for any amendment or bill in this House, especially on an appropriation, you generate a computer printout—or at least that is what I have had the opportunity to read—demonstrating to each and every member of the House what the smallest school district in his district will receive by virtue of this appropriation. We have not had the opportunity to do that for several reasons. One is the time constraint, but probably more importantly, although we have laid siege to the Department of Education in an attempt to get accurate numbers about exactly what the impact is going to be school district by school district, we have been unable to get that information. On that basis we had asked for a delay of consideration of the bill. There are, I am sure, significant reasons to move the bill forward, but nevertheless, we are not prepared to offer to the members, unfortunately, a significant breakdown.

The way I arrived at the \$30-million figure was, my estimate of the shortfall in Philadelphia for the current year, based on information they have provided me, approaches \$20 million. Based on litigation that has been presented by several suburban counties and based on claims that have been made that I am aware of from other counties, my personal estimate, based on admittedly inadequate information, is that their claims, which would be approved by the Department of Education, of costs to special ed will run to a deficit of approximately \$10 million. So the \$20 million and the \$10 million are rough-numbered to \$30 million. This does not represent an expenditure; it represents an appropriation.

What I am saying is that we are going to take \$30 million and put it into the pot to pay people whom we definitely owe. There is no question that we have creditors who are the special-ed children. The only question before the House is whether we put that appropriation in the pot so that legally they can go ahead and receive money.

The SPEAKER. The Chair recognizes the gentleman, Mr. McClatchy.

Mr. McCLATCHY. Mr. Speaker, the long and short of it is that Philadelphia will get most of this money, but to just clarify what we are talking about, I think this House of Representatives and the Senate of Pennsylvania and the Governor of Pennsylvania have a deep commitment to special education. There is no denial of that. What we are talking about are budgets that have been not approved or budgets that have gone above departmental approval. We are not talking about budgets that had been approved by them.

These special-education units throughout the state submit their budgets to the Secretary of Education, and there is discussion of what those budgets should be, and then they are approved. After that approval, if the intermediate units in the different areas—and in Philadelphia the intermediate unit of Philadelphia is the same as the Philadelphia School Board, so

they are one and the same people, more or less. If they do not agree with the Secretary's budget or what the Secretary has promulgated that we are going to give to Philadelphia out there, they usually spend more money than that and then come back to the state and try to get that deficiency adjudicated, and that is what we are talking about. Those moneys are being adjudicated. There is no indication yet how much, if any, of what amounts we will pay.

But again, it gets into a problem of how the intermediate units in each one of our areas back home run their own special-education program. I am not here to pick on Philadelphia. They certainly have their own problems. They have made their own mistakes. They have done some things to get money, and I do not fault them for that, because they have tremendous problems. They have done some things to get money that other intermediate units have not done, and I think at this time, number one, we do not have the \$30 million in lapsed money to pay them. It will destroy those moneys that are already in the supplemental appropriation, such as the welfare grant money, and I think all in all, Mr. Speaker, it is inappropriate to put this kind of amendment in a supplemental bill.

I think that we will get into further discussion and deliberation on what we are going to do with special ed and the entire budget process this year, and maybe we will correct it then. I do not think this is the time, first of all, because of the whole process; and secondly, the money is not there. I would appreciate a "no" vote on the amendment.

The SPEAKER. The Chair recognizes the gentleman from Westmoreland, Mr. Kukovich.

Mr. KUKOVICH. I would urge a "yes" vote on this amendment. The funding of special education has been underfunded in Philadelphia since the 1975-76 fiscal year. As of the 1979-80 fiscal year, they not only even more greatly underfunded Philadelphia but they started underfunding special education for the rest of this state, and in this most recent fiscal year, the underfunding is even greater. I think the figures that Mr. O'Donnell used were even conservative. I think even more money is necessary. In terms of Philadelphia, they have been underfunded to a much greater extent. What the O'Donnell amendment does is prepare some basic equity in Philadelphia and throughout the state in special education.

I would have to question Mr. McClatchy's statement about a commitment to special education, especially in light of recent events. I have spoken recently to over a hundred parents of retarded children who question that commitment very deeply. I think this is one way to restore that commitment.

There is one other point we have to keep in mind, that under Federal law and under the PARC - Pennsylvania Association for Retarded Citizens - consent decree, which many of you are aware of in this state, we have a legal responsibility to provide quality education to the handicapped or retarded and those with learning disabilities in this state. Legally, we are open to challenge at the current rate of funding. I think if we pass this amendment, we will legally help ourselves in this state and help the retarded children of Pennsylvania, and I

would ask for an affirmative vote on the O'Donnell amendment.

The SPEAKER. The Chair recognizes the gentleman from Delaware, Mr. Freind.

Mr. FREIND. I rise to oppose this amendment. At best, this amendment is premature. I totally disagree with the gentleman, Mr. Kukovich, that we have not fulfilled our responsibility to special education. One thing in this Nation that we are a leader in is special education. The proposed budget represents a substantial increase in special-education funds, a total of approximately \$313 million. That is even more significant, Mr. Speaker, when you take into consideration that we are losing this year \$44 million for special education out of Federal revenue sharing. Despite that, we are increasing our appropriation for special education by an amount approaching 10 percent, for a total of over \$313 million.

Now, the reason why this amendment is premature is that a number of intermediate units and school districts in the past have played paper games with respect to special education. As you are aware, Mr. Speaker, special education is based on an excess cost basis. The state is required to pick up the tab for the excess cost over what it would cost the school district or intermediate unit to educate a regular student. What has happened, however, is that a number of school districts and a number of intermediate units, including the larger ones, most notably the larger ones, have been tabulating paper expenses to jack up the amount of their special-education costs.

For an example—and I love Philadelphia dearly—in Pittsburgh and in Philadelphia it just so happens that the intermediate units and the school districts are coextensive; they are in effect the same entity. But what has been happening, Mr. Speaker, is that the school district has been leasing classroom space to the intermediate unit to educate the students of that school district, and they have been charging that in excess costs. There is no real cost; it is merely a paper cost that has been dumped into the excess cost allocation, and they have been receiving a windfall at the expense of the other IU's and the other school districts. The same thing has been done with transportation, where one particular large school district has purchased a large number of buses, received the state depreciation on the buses, and then turned around and sold the buses to that intermediate unit at a cost greater than they paid for it 5 or 6 years before.

Now, those kinds of paper transactions jack up the cost of special education and in the end cost all of us money without providing the service to the ones who need it the most, the special-education children. Most of the proposed new standards that the department is coming out with, the one proposed regulation of the state board, and the proposed legislation will take care of these problems. As a matter of fact, if they are adopted—and indications are they will be—there is a very good chance that at the end of the new fiscal year, we will be looking at a surplus. It is that time we ought to be addressing the amount that is owed to special education for the years back. This amendment should not be passed now. If we do, we are not going to provide any additional

services to the special-education students. All we are going to be doing is adhering to a bureaucratic paper shuffling of phony costs. I again oppose the amendment.

The SPEAKER. The Chair recognizes the gentleman from Philadelphia, Mr. Evans.

Mr. EVANS. Mr. Speaker, I would like to say that I again oppose my colleagues in terms of this particular amendment, and the reason that I oppose my particular colleagues concerning this particular amendment is primarily because I think it goes beyond Philadelphia and Pittsburgh concerning special education. I think that you are basically talking about a humanistic issue, an issue that this General Assembly is responsible for, an issue that the Federal Government is responsible for when we start talking about special-education mandates.

I say to you that some of you may be aware of some of the proposed changes that the Secretary of Education is mentioning concerning special education. That will have a devastating effect upon special education and the schools within your particular districts. They are talking about saving \$30 million to \$60 million, but I say to you that you need to understand the effect that it will have on the children in those particular districts. When we start talking about the approved private schools, when we start talking about limiting the number of mentally gifted students in the classroom, when we start talking about messing with the IQ level, when you start talking about looking at this particular amendment, you are looking at the funding of special education.

Although it may have been mentioned that the Governor has a commitment toward special education, what is the General Assembly's commitment toward special education? We know that we have excess costs, that we have a responsibility. When are we going to begin to realize and live up to that responsibility and fund it at the level that it should be? I believe that this is an issue not Democratic or Republican, but this is a people's issue. I say to you that I hope that each and every one of you can go back to your particular district and express to the parents of those children of the special-education schools that you have voted against an idea of putting that funding up there to the proper level. It is clear to me that we should not pass mandates if we do not plan to fulfill them at the level that they should be.

This is not a heated issue. This is not an issue for us to get mad at each other, but this is an issue that we need to understand that the children participate in the special-education programs throughout Pennsylvania - Lackawanna County, Scranton, Erie, not just Philadelphia and Pittsburgh. Philadelphia and Pittsburgh are not the only schools that have special education. This is an issue that transcends all lines. So I would hope that my colleagues on both sides of the aisle, may you be Democrat or Republican, will strongly consider this amendment and support it in its entirety by voting "yes." Thank you.

The SPEAKER. The Chair recognizes the lady from Philadelphia, Mrs. Harper.

Mrs. HARPER. I rise to support the O'Donnell amendment, and I also resent anyone saying that Philadelphia will

get the majority of the funds. Philadelphia is supposed to get the majority of the funds. We are the largest county in the State of Pennsylvania; we have the most children. But not only will the funds affect Philadelphia; they will affect the entire state.

The special-education program should be fully funded. We realize that we have made mistakes in the past in mismanagement, but the State Board of Education and the General Assembly should take a greater part in monitoring these funds so that our children will not suffer because of the lack of management. I urge a "yes" vote on the amendment.

The SPEAKER. The Chair recognizes the minority whip.

Mr. MANDERINO. Mr. Speaker, I rise in support of the amendment offered by the gentleman, Mr. O'Donnell. In this Commonwealth, this General Assembly, Mr. Speaker, so far as special education is concerned, has mandated that we will pay 100 percent of the cost of educating a student in need of special education over and above what it costs to educate the normal student. This is our mandate, and in the past the General Assembly would attempt to estimate the figure that was necessary to meet that mandate, and we would appropriate \$100 million, \$120 million, \$160 million. Whatever we thought would meet that mandate statewide, we appropriated. If we missed in our estimate, there would be a deficiency appropriation bill in which we would make up the difference. Up until this year, every cost in the budget in special education was approved by the Department of Education—every cost. What Mr. Freind is saying about paper cost and shifting things is nonsense. Every cost was approved by the Department of Education, and if we appropriated money that did not meet the budgets that were submitted, deficiency appropriations made up the difference.

Mr. Speaker, if the department estimated that the money that we appropriated in the general appropriation bill was going to be insufficient to pay all the special-education costs, he paid a portion, a percentage—ordinarily a high percentage—of those costs to all the school districts and would short-change the largest school district, the city of Philadelphia, a large amount of money, because those are the numbers that are in their budget. But that budget, again, was approved by the department. All of the items were approved by the department.

There was always a promise by the Department of Education that if at the end of the year there was still money within the appropriation, they would meet the 100-percent mandate and in the alternative come to the General Assembly for a deficiency, up until this year. And what they began doing this year does not only affect Philadelphia; it affects everyone across this Commonwealth, and there will be deficiencies in special education in more districts than Philadelphia if we missed on the number that we appropriated in the current budget. And it appears that we have missed by the tune of \$30 million, which is not a great amount, percentagewise, in the figure that we appropriated to special education.

What the department is now doing is saying the General Assembly has appropriated X number of dollars for special education, and your allocation - Philadelphia or Lycoming

County School District or Westmoreland County School District - your allocation is X number of dollars based on your students and based on your past costs and grinding all these variables in. Your allocation is X number of dollars, and do not show us a budget and do not send us a budget that spends any more money than that. We no longer want to approve your costs. The General Assembly has spoken and said, this is what you are going to get. They have changed the rules of the ball game is what they have done. They are no longer approving costs.

All of the school districts are willing that their costs be approved, that their costs be audited, but want the 100-percent mandate met, and the only way the 100-percent mandate, which is the law of this Commonwealth, is going to be met is with a deficiency appropriation.

Mr. McClatchy says that it is inappropriate at this time to pass the \$30 million. Where more appropriate, Mr. Speaker, but in a deficiency appropriation bill is it appropriate to pay for what we misestimated when we passed the budget last year? Where else but in this deficiency appropriation bill?

Now, Mr. McClatchy admits—well, almost admits—that the money is due and owing. He says the fact of the matter is that Philadelphia will get almost all of this money. Philadelphia and other school districts have expended and are expending these moneys for special education to meet their mandate as prescribed by this General Assembly to educate the special child. We ought to meet our commitment by paying for the 100-percent overage as we have said we will pay, and not allow the Department of Education to point the finger at the General Assembly and say the reason we are not funding special education the way we did in the past is because the General Assembly did not provide enough money to pay the 100-percent mandate. We ought to do it; this is the vehicle to do it with. I ask for an approval of the O'Donnell amendment.

The SPEAKER. The Chair recognizes the gentleman from Dauphin, Mr. Wambach.

Mr. WAMBACH. I rise in support of the O'Donnell amendment also, Mr. Speaker. I cannot think of one issue that has been brought to my attention more vividly than the funding of special education and the proposals by Secretary Scanlon. I am taken aback at the fact that even though the Secretary had proposed his wishes a number of months ago, we are just being informed now, through memoranda and letters from the Secretary, 2 months and 2 1/2 months down the road. I understand now that he has become a little more flexible in his proposals, but I think if there is one thing that we can do today, we can tell the parents of these children that the legislature, seeing its mandate and in its wisdom, is funding, to the levels we feel should be funded in this matter of a supplemental, the areas of concern which these parents have. I think it goes further into saying if we do not do this, what will happen next year as far as special ed is concerned in different areas, in the mainstreaming aspect and the almost forgotten pupil in regards to increased class sizes, et cetera, when they are turned back to the district?

I have an instance in my district, Mr. Speaker, where, in fact, the pupil is dyslectic and he is told he is dumb; why do you not just go home. And what does the student do but call his mother and is taken home and misses school that day because the patience of that teacher within the district is not substantiated as well as a person trained and basically having their master's degree or doctor's degree in the field of special education with the IU's.

I plead with the legislature today to approve the O'Donnell amendment so we can get on and be a leader and be a model as Pennsylvania has been in the field of special education. Thank you.

The SPEAKER. The Chair recognizes the gentleman from Philadelphia, Mr. White.

Mr. WHITE. Mr. Speaker, I rise in support of the O'Donnell amendment as well. I take particular exception to comments made on this floor with respect to the special-ed formula that would lead us to believe that 100 percent of the problem, 100 percent of the fault lies at the feet of those school districts in this Commonwealth which are experiencing serious deficits in this special-education funding.

Let us add a couple other facts, too, that point out that this blame is shared by just about every single agency involved in reviewing special ed. Let us take a first look at the calculations.

The calculations upon which the money has been appropriated for special education is based on figures arrived at during 1972-73. Since 1972-73 in Philadelphia alone we have added some 1,200 additional children to the special-education programs. This state, this Department of Education, this General Assembly, this Governor has failed to even recognize the increase in the number of students who are enrolled in these special-education programs, so it is not simply a fact of paper shuffling as has been alluded to by my colleague, Mr. Freind.

Finally, Mr. Speaker, maybe not finally, but let me also add this: Several weeks ago, before the House Appropriations Committee, the Secretary of Education testified, in fact, that the only reason that Philadelphia in particular has not received the special-education money additionally requested was because the money was not there. There was no question about mismanagement. There was no question about misspending those funds. There was no question about children being deprived of an opportunity to participate in those programs through some paper shuffling effort that was made on behalf of the Philadelphia School District. No. What they basically said was, yes, we owe you the money, but we do not have the money to give to you.

If the General Assembly acts positively on this amendment, then the Secretary of Education is in a position to see to it that those school districts in need of these special-education funds in fact do indeed receive them. I urge an affirmative vote on the O'Donnell amendment. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes the gentleman from Cambria, Mr. Haluska.

Mr. HALUSKA. Mr. Speaker, I would like to call to the attention of this body that for the past 3 years the Department

of Public Instruction has capped all budgets for Intermediate Unit 8 at an 8-percent level. I think this indicates the reason that we now have deficiency budgets in the department of special education. It is a sad commentary to note that situations like this exist, in spite of the fact that in normal school districts the budgets have increased between 12 and 15 percent each year, and they in turn expected the Intermediate Unit 8 to operate at an 8-percent cap.

In regard to the paper deficiencies that our colleague has indicated, this also seems to be a fallacy, because the Intermediate Unit 8 is not an independent school district; it is an arm of the Department of Public Instruction, and if such deficiencies exist, it certainly is an indication that the Department of Public Instruction does not have a handle on the administration of the Intermediate Unit 8.

Therefore, I ask this body to vote for the O'Donnell amendment and to make up the necessary deficiencies in the intermediate unit budgets. Thank you.

The SPEAKER. The Chair recognizes the gentleman from Philadelphia, Mr. Levin.

Mr. LEVIN. Keeping it very brief, you have heard most of the arguments, but I want to make one simple point.

We are not requiring by this deficiency appropriation that \$30 million be spent. Mr. McClatchy, I believe, inadvertently created the impression that by our saying there is \$30 million available, we are requiring the department to irrationally spend money that it does not want to. That is the furthest from the truth. The department has the perfect right to audit, to disapprove any appropriation which is not within its guidelines. We are not telling them to throw money away; we are simply telling them that if they approve costs, if they find they are proper under the laws that this General Assembly has passed, then we are putting the money in the pot to pay them. Many of you are aware that during the course of the last fiscal year the Governor did not spend a great deal of money that we did appropriate, probably more than any Governor in history, and I would say to you that he is perfectly capable and his department is perfectly capable of protecting us from waste, from fraud, and seeing that money is not thrown away.

What we have to do, and stand here for today, is be certain when we pass laws, when we demand services, that we, the General Assembly, fund them and that we not be used as an excuse for someone saying that costs are approved, appropriated, but we are sorry, Mr. School District, you sue us. Now, if you will look at the history of this, you will find that the districts that are suing the Commonwealth are not Philadelphia; they are many of your districts that have not been funded. I believe that it is appropriate for us to put this money in the pot now and make sure that what we pass can be funded.

The SPEAKER. The Chair recognizes the gentleman from Beaver, Mr. Laughlin.

Mr. LAUGHLIN. Mr. Speaker, would the chairman of the Appropriations Committee stand for interrogation?

The SPEAKER. The gentleman indicates he will. The gentleman, Mr. Laughlin, may proceed.

Mr. LAUGHLIN. Mr. Speaker, am I correct in assuming that the Department of Education initially stressed to local districts that they should conduct investigations into proposals for special education and that they should then direct innovative programs for the accomplishment of the goals that they had set? Was that one of the original proposals from the Department of Education?

Mr. McCLATCHY. Mr. Speaker, we are discussing a supplemental appropriation, and we have an amendment before us on a deficiency. What in the world you are talking about that has anything to do with this deficiency, I cannot fathom.

Mr. LAUGHLIN. Mr. Speaker, if you will pay attention, I will certainly direct that to you.

Mr. McCLATCHY. Well, then you speak up and tell me what you are after.

Mr. LAUGHLIN. Mr. Speaker, the Department of Education in its original proposals for special education had asked local districts to develop innovative programs in order to supply the needs and meet the court guidelines that were originally established for educating children to their maximum capability. Do you recall that?

Mr. McCLATCHY. I still have no idea what you are talking about.

Mr. LAUGHLIN. Mr. Speaker, the House of Representatives was charged with appropriating Federal funds that were utilized for the purposes of special education. The Department of Education was directed to establish any innovative program that could be funded at the local level at 100 percent cost. That is over the cost of the local district for educating a child within the system. Now, if you are telling me as the chairman of the Appropriations Committee that you do not understand that, then I can hardly believe it.

Mr. McCLATCHY. Mr. Speaker, I do not know what programs specifically you are talking about. I can comment on a number of things that the Federal Government has told us in regard to special-education programs. I am aware of the Federal program, Federal money, where we pay for new and innovative programs that cannot be spent on moneys that are regular programs. I am aware of that program, but that cannot be spent for regular special-ed money. That is my understanding. The regular special-ed programs that the districts have initiated and have settled on during the past years and this year will be classified as regular programs. Now the innovative changes and so forth, that is something different.

Mr. LAUGHLIN. Mr. Speaker, it is in fact incorporated in the Department of Education's directives to their local intermediate units. That is a portion of the information they directed.

Mr. Speaker, the bottom line of what I am trying to get at here is, in fact, the Department of Education committed to our local intermediate units

The SPEAKER. The gentleman will yield. Has the gentleman concluded his interrogation?

Mr. LAUGHLIN. No, Mr. Speaker. I want to continue it, but in order for me to do so, it is apparent that I have to lay

some groundwork for the Appropriations chairman, Mr. Speaker, if you will allow me that latitude.

The SPEAKER. Is the gentleman suggesting to the House that he does not know the answers to the questions he is asking?

Mr. LAUGHLIN. That is exactly correct, Mr. Speaker.

The SPEAKER. The gentleman is in order.

Mr. LAUGHLIN. Mr. Speaker, what I am trying to get at is the fact that our local intermediate units have committed funding over this year in a given figure of reimbursement that was directed by the Department of Education. They said they would reimburse up to 100 percent the programs that were presently on line. Now, what we are saying, I believe, in this amendment is that we want to see that carried out as a directive of this legislature, and what I am asking from you, Mr. Speaker, is the fact that we did have this obligation in the past and we do have this obligation now. Is that correct, Mr. Speaker?

Mr. McCLATCHY. Mr. Speaker, I will have Representative Miller help me in a minute, but it is not my understanding that you are presenting the facts accurately. We have an obligation to fund special education according to, certainly, the need. Now, how we arrive at that need can be adjudicated between the departments and the different intermediate units and the school districts, as it should be. We do not give a blank check and just throw money at these places. We are asking for their budgets; we are asking for those budgets to be approved; and we are saying we disapprove some of them. Then we are willing to sit down and talk about those areas that are disapproved. That is what the deficiencies are. We are not saying that we are not going to fund any child. We are not saying that we are going to cut any program. We are not saying that we are not going to serve any special ed. Nothing has changed. Every child will be served; every need will be fulfilled. What we are saying is that we are not giving the intermediate units and the local school districts a blank check. We are asking for budgets. We are asking then to deliberate on those budgets. We will approve what we feel is the appropriate need. We will also adjudicate on those questions that are in controversy. That is where you get all this money from; that is where you get this deficiency from. It has nothing to do with depriving any child in this state of special education, not one child, and I challenge you to tell me if one child has been denied by anything we have done over the past 2 or 3 years, and I can assure you that no child will not be served by anything we do in this General Assembly and the budget this year.

Mr. LAUGHLIN. Mr. Speaker, I thank the gentleman for his response, and I agree with him that there has been no effort to reduce funding or to deprive any child of whatever education they are capable of receiving in special education. I did not indicate that. I did not go back to 1978 and 1979, Mr. Speaker. I am talking about the current situation we have before us where we need the additional money to fund this program.

Now, if Mr. Miller would like to clarify something, I would be glad to hear from him.

The SPEAKER. The Chair recognizes the gentleman from Lancaster, Mr. Miller.

Mr. MILLER. The gentleman, Mr. Laughlin, posed a technical question that goes to the heart of our argument. We are jumping an entire step, Mr. Speaker, by looking at the raw dollar amount that is needed statewide. The gentleman, Mr. Laughlin, posed the question of how Federal pass-through dollars are incorporated into our respective intermediate unit budgets, and this is important for anyone, particularly those members who are not from Pittsburgh or Philadelphia, because it seems, Mr. Speaker, that as part of the budgetary process in those intermediate units across the state, those Federal pass-through dollars are incorporated in two categories: Number one, in their base allocation—and this is very important—that every intermediate unit in the state, with the exception of Philadelphia, has reasonably lived within; and number two, in the excess-cost picture. This is not news to anyone; we have all had these documents transmitted to us from the Department of Education.

The danger that we are facing today in considering this amendment, even though we are under the pressure of needing additional special-ed dollars, is where they will go. Where are they going to go? Are they going to go to the districts who have used that Federal pass-through money creditably and in fact have offset the excess cost of their programming, or is this money going to go to either end of the state for the sole purpose of offsetting those two IU's who have not even lived within their base allocation? I think any member of this House who takes 1 minute and calls his IU director and poses that question will get the answer, and he will say no. Let us not offset the bubbles on either end of the state unless we clean up that very base-allocation question, sir, that you have raised, and indeed you have raised the key argument that Mr. McClatchy points out in opposition to this amendment.

Mr. Speaker, I will yield if that is an appropriate answer to the gentleman, but I would like to be recognized on the amendment at a later time.

The SPEAKER. The gentleman is in order.

Mr. LAUGHLIN. Mr. Speaker, I accept the gentleman's explanation.

Mr. Speaker, just a few remarks in closing.

The SPEAKER. The gentleman is in order and may proceed.

Mr. LAUGHLIN. Mr. Speaker, Mr. Miller, in his response, indicated that we are not looking at excesses on the local areas across the state, that only two areas in fact are affected. But, Mr. Speaker, the need factor that he also mentioned is prevalent in all of our districts and is there for all of us to consider. I would ask that the members of this House, in considering this amendment, vote in the affirmative. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes the gentleman from Berks, Mr. Davies.

Mr. DAVIES. Mr. Speaker, would the gentleman, Mr. Haluska, stand for interrogation?

The SPEAKER. The gentleman indicates he will. The gentleman, Mr. Davies, may proceed.

Mr. DAVIES. Mr. Speaker, in the base year of the appropriations for special education, do you know what the figures are as to what your IU appropriation is in relation to the amount of students per student in the unit and those per-student costs?

Mr. HALUSKA. The information that I had for my intermediate unit is that the cost, I think, at our intermediate unit is about \$3,600 per student—I think this is a round figure—and the costs at the local level in our respective high schools are about \$1,500.

Mr. DAVIES. The figures on the base year show that, of course, you had about 3.4 of the population while your allocation was about 3.2 of those subsidies, and if you expand that, it comes out to a figure of, I think, a little bit better than \$880, while in the same interim that allocation to the city of Philadelphia is almost 2 1/2 times that or about \$2,112 per student. So if you are going to go on that presumption with that amount of money, then again you would be granting a large proportion of those moneys with those program costs, excessive program costs. Is that not a fact?

Mr. HALUSKA. Well, sir, I think you ought to address the problem right to the Department of Public Instruction. All of these budgets are preapproved by the Department of Public Instruction. How in turn can Philadelphia expend to that extent when they have previous approval from the Department of Public Instruction in their original budget?

Mr. DAVIES. Well, if we go on that, sir, and the preapproval, in current budget requests they have something like 92.5, whereas the allocation is around 62.5, so if you are going to take those particular figures and you are going to just project them, you are going to see that as far as the matter of a grant, it becomes nothing more than an amendment which would be a fancy block grant for the consideration of those large districts such as Philadelphia in this particular case. And how much of that money, sir, is nothing but a charge-back, a rental charge-back, from the Philadelphia School District to the IU that was to some degree created for the expediency of those needs rather than the program factor in itself?

Mr. HALUSKA. Well, these factors are something that have been set up by the Department of Public Instruction. It is perfectly legitimate for a school district to charge rental for special-education classes. Now, the reason for that perhaps is this: In the rural areas you use any one particular school district, but you may have students participating from a half dozen or a dozen school districts in that one classroom. Now, it is coincidental that in the cities, perhaps, they are using the same classrooms where these students come from, so this again is a fallacy that the Department of Public Instruction does not have a handle on the operation of the intermediate units.

Mr. DAVIES. In other words, you are willing to continue with those per-student costs, that kind of 2 1/2 times what your particular costs would be and better than 2 1/2 times what my district is going to be—and I have some others; Beaver County, which would be almost double the cost that it

is—and then you are willing to say that because of that, we are going to put the money to the need.

Now, Mr. Speaker, I fail to see

The SPEAKER. Has the gentleman completed his interrogation?

Mr. DAVIES. Yes, Mr. Speaker.

The SPEAKER. The gentleman may proceed.

Mr. DAVIES. Again, as far as the cost figures and how they relate in the base year, I fail to see these needs, as far as the actual needs, for those programs in place, rather than some of those that have been charge-backs and have been realistic rentals and do come in with a framework for what I would call frugal management. I think that there is some need, and we have to look at those things as far as our budgetary needs and have to supplement those, but when the cost figures go to what they are, when they double and almost triple the cost of other frugal management, I fail to see that this kind of grant would be in any way a wise move by this body at this particular time. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes the gentleman from Lancaster, Mr. Miller.

Mr. MILLER. Would the maker of the amendment, the gentleman, Mr. O'Donnell, be kind enough to stand for interrogation?

The SPEAKER. The gentleman indicates he will. The gentleman, Mr. Miller, may proceed.

Mr. MILLER. Mr. Speaker, I, as a member of this body and having had the opportunity to work with you over the years, know that you understand the difference between the base-allocation problem and the excess-cost problem that in particular and fairly does impact on the city of Philadelphia as heavily as any area in this state, and my questions of interrogation to you are along that line.

Within the current department allocations, the current department base allocation to the city of Philadelphia, and of your share of dollars in this amendment to the school district of Philadelphia, what is the share of dollars going to the base allocation for the city of Philadelphia?

Mr. O'DONNELL. Mr. Speaker, I appreciate the gentleman's confidence. I am hoping it is not entirely misplaced. I will try to answer the question in terms of dollars. I am not sure that I am going to be capable of separating out on the base allocation versus excess costs, but perhaps if you could reframe the question for me, I could give you a dollars-and-cents answer all the way.

Mr. MILLER. Very well. Quite simply, Mr. Speaker, of your share of dollars, the \$20-million price tag we have been using in this debate, how many of those dollars are going to excess costs within your IU and how many of those dollars are going to enhance your base allocation?

Mr. O'DONNELL. All of it is excess cost.

Mr. MILLER. All of it is excess cost?

Mr. O'DONNELL. Within an approved framework.

Mr. MILLER. If the Speaker will allow me the latitude for only one final question. Mr. Speaker, it is then not the intent, your legislative intent, that any of these dollars go toward the Philadelphia base allocation?

Mr. O'DONNELL. That is correct.

Mr. MILLER. Thank you, sir.

I have one other final question on it. Of the excess-cost dollars, which is the entire amount that you are asking for us to approve today, how many of those dollars are submitted for this current fiscal year's budgeting on excess costs?

Mr. O'DONNELL. Well, all of it, but

Mr. MILLER. All of it?

Mr. O'DONNELL. All of it, but it is all between \$18 million and \$20 million. I use 20 because it is a high number and it is a round number. You will not know precisely until the end of the fiscal year, but we are talking between 18 and 20.

Mr. MILLER. Thank you. Now I can more clearly see the color of this amendment in terms of its direction.

Mr. Speaker, if I might be further recognized for a statement on the amendment.

The SPEAKER. The gentleman is in order and may proceed.

Mr. MILLER. The gentleman, Mr. O'Donnell, has candidly shared with us the fact that his dollars are going toward his excess-cost problem in Philadelphia. I concur, Mr. Speaker, that that is a real and given problem that this General Assembly does need to address, but not in this form, and the reason is, each and every one of us who is from a separate area, from a different IU other than Philadelphia and possibly Pittsburgh, will have to make a value judgment on this amendment. Do we want to just continue allowing the excess bubble costs that are significantly higher than our home-district costs to continue unabated for either end of the state, or do we want to address the root problem of looking at the base allocation to each intermediate unit that over the long run will determine the true quality and character of special-education programming and planning provided at each one of our home intermediate units?

I suggest to you that by defeating this amendment we can get to hard discussions on the base-allocation question, which to all of us is a real problem, including Philadelphia and Pittsburgh. But to continue session after session and year after year and budget after budget just addressing the pressure-point bubbles and expanding the problem of excess cost within our special-education system by not looking at the base-allocation question is to continue to take us down the road of facing this very issue year in and year out while all of our homes, other than Pittsburgh and Philadelphia intermediate units, scream foul because they are not afforded this type of planning nor this type of base budget allocation. If we do approve this amendment, we have not gone 1 inch further to solving that most critical need problem that came out of our joint study less than a year ago than we were before we came on the House floor today.

Use this vote, those of you who are statesman enough to make the hard political vote, even though you have been getting those letters on special education, use this vote as impetus to address that critical base-allocation problem that affects every child in the Commonwealth, not just the excess costs that happen to be a real factor we must deal with in the

city of Philadelphia. I would encourage a negative vote at this point in time. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes the minority whip.

Mr. MANDERINO. Mr. Speaker, very briefly, the nub of the problem that we are discussing here today revolves around the fact that the Department of Education presently refuses to go out into the school districts and find out what the costs of special education are for the current fiscal year. They have refused to do that. They have not seen a budget of any IU on special education for the current year, not one. They do not care how many dollars they are spending there at the present time. They do not care how many dollars Philadelphia is spending. They are simply taking what you received last year, taking the increase in funds given by the General Assembly, and increasing every school district by a vast percentage of increase. They are not doing their job. They certainly are not looking at anybody's budget. So when any of the speakers have talked about, we are willing to look at the budgets; we are willing to look at approved costs; we want to approve every cost in special education— Nobody would like the Department of Education to look at a budget and approve the budget more than those school districts that have this problem.

The city of Philadelphia would gladly sit down with the Department of Education and say to them, here is our budget for special education; you tell us what is not approved; you tell us what you cannot pay. The Department of Education absolutely refuses to deal on that basis, yet speakers have alluded to the fact that that is the way it is being done. It certainly is not being done that way. The way it is being done is there is an allocation made on the number of dollars that we have appropriated, based on what you received last year, and that is a heck of a way to do business. And we know what the deficiency is going to be. Again Mr. McClatchy is talking about that they are going to get all of that money. Well, I am not so sure they are going to get all of that money. There are a number of school districts that are in court right now trying to get last year's money. The only reason we are not at this time addressing last year's money that was never paid is because that matter is in litigation, and there are some who believe that we ought not to go into the matter since it is in litigation.

But certainly Philadelphia and all the other school districts are entitled to what we mandated as a legislature, and that is all this amendment asks for. It is a deficiency appropriation bill, and we ought to begin to provide the money for those services that we have told the local school districts they must provide. We ought to at least meet the mandate that we have promised them. We will provide 100 percent of the excess moneys, and we ought to do it. Mr. Speaker, I ask for an affirmative vote.

The SPEAKER. The Chair recognizes the majority leader.

Mr. HAYES. Mr. Manderino said it exactly right, except his conclusion is wrong. There are very few people who will defend the way special education has been handled. There is tremendous controversy swirling about as to how it might be handled, and for sure, there is no final decision within this General Assembly, and I daresay across Pennsylvania, as to

how special education will be handled in the future. Now, if persons are satisfied with the way that it has been done—and it has been a heck of a way to do business—and if they are satisfied with what is swirling about right now in the area of special education, if you are satisfied with what the Department of Education is saying it is going to do, or might do, or however you want to frame it, then you blithely go ahead and support this amendment. I suggest we had better take pause. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes the gentleman from Bucks, Mr. Gallagher.

Mr. GALLAGHER. Mr. Speaker, first I would like to interrogate Mr. McClatchy on this matter.

The SPEAKER. The gentleman indicates he will stand for interrogation. The gentleman, Mr. Gallagher, may proceed.

Mr. GALLAGHER. Mr. Speaker, when you were discussing Mr. O'Donnell's amendment, you alluded to the fact that most of this is prorated primarily for Philadelphia. Are you aware of the deficits in the suburban counties outside of Philadelphia?

Mr. McCLATCHY. Mr. Speaker, I think what we are talking about is the majority of the money that is being adjudicated or discussed with each of the IU's. Now, most of that money that is being discussed will go to Philadelphia and Pittsburgh, roughly \$20-some million to Philadelphia, \$3 million to Pittsburgh, and 65 other counties getting the balance. That is all of—and I hate to call them deficiencies; I hate to call them excess costs, because the terminology is very misleading. It is those sections of the IU's budgets that are under discussion that had not been approved. Now, that is all we are talking about. We are not talking about not paying for excess costs. We are not talking about paying for deficiencies. We are talking about not paying for those sections of the moneys spent by the IU's that are not approved as of yet by the department. Now, most of those moneys that have not been approved and that are called deficiencies by the local IU's will go to Philadelphia and Pittsburgh, and the 65 other counties will fare relatively small amounts. Now, the suburban counties certainly will have some of those moneys but not a large amount of them.

Mr. GALLAGHER. Mr. Speaker, in your own county of Montgomery, are you aware of the deficit?

Mr. McCLATCHY. I am not aware of the specific figure; no.

Mr. GALLAGHER. Are you aware, Mr. Speaker, that your IU, your intermediate unit, instead of using a contract agreement with the Remedial Educational and Diagnostic Services, Inc., program, went to special ed internally, run by your own intermediate unit, which caused them to hire over 300 new teachers, buy vans, take care of the nonpublic school system as well as the public school system, and that that whole operation is costing you close to \$3 million?

Mr. McCLATCHY. I have a hard time hearing you, but I have seen the Montgomery County intermediate unit budgets. I do not have those budgets in front of me right now, and I am sure the information you are giving me is probably correct.

Mr. GALLAGHER. Right.

Mr. McCLATCHY. I think that what we are saying is—and I have to reiterate it—we are telling the IU's that we are not going to give them a blank check to spend money any way they want to. Now, they present their budgets to the state, and I disagree with Mr. Manderino. The department does discuss those budgets with them. They either approve it, disapprove it, approve part of it, approve all of it, and then they argue about those sections of their budgets that the IU's think should have been approved and were not. Now, that is my understanding of the whole process.

Mr. GALLAGHER. Mr. Speaker, I think there is a misunderstanding as to how you think the department is doing and how Mr. Manderino has presented it to you. What the department has told the IU's and the school districts is give us the actual budgets, not the estimates, as the amount of money that you used last year, not what you are going to anticipate you are going to have to use this year. Your IU did not send to the Department of Education, to Secretary Scanlon, the estimated cost of breaking out of the READS contract and going IU yourself under special ed. Your district was not approved by them by Secretary Scanlon saying we are going to pay up that additional \$3 million that you need because you are going to do it yourself; you are not going to have a contract with the READS, Inc.

In Bucks County it is almost close to \$2 million; in Delaware County, for Mr. Freind, it is almost \$2 million there also. Mr. Speaker, the problem is the Secretary of Education has said, we only want your budgets from last year; that is all we are going to reimburse you for, regardless of the inflation costs, regardless of what you do internally, regardless of how many new handicapped people.

Special ed is primarily for handicapped and mentally retarded. In the present budget we only approve \$244 million for handicapped in special ed, \$175 million for mentally retarded, and only \$77 million for the gifted and the talented, so the bulk of it is in the handicapped, the physically handicapped, the mentally handicapped. They are the ones where the costs have spiraled, and the Secretary did not want to see what the cost was; all he wanted to see was your proposal at what it was last year, not what it is going to be anticipated because of the costs of energy, because of how many more handicapped children you have found, because of how many more individualized educational programs you have in your special ed programs, or because in Montgomery County they decided they could rather do it better themselves, and they got rid of a private corporation who ran your special ed program and went out there and had to hire new teachers, buy new vans, and do the whole thing all by themselves at a cost of over \$300,000 just to crank it up, and then that puts you in a deficit of close to \$3 million in your own county.

So it is great to say that this is Philadelphia's big windfall. This is a lot of baloney, Mr. Speaker. This is for everybody in the state. Philadelphia happens to have 265,000 pupils. My county does not have that kind of pupils; we have about 90,000 pupils, but when you break it down into how many handicapped and special ed and mentally retarded and gifted

children you have, that is why it comes down to close to \$2 million in Bucks County and \$3 million in Mr. McClatchy's county and \$2 million in Mr. Freind's, in Delaware County. So it is not just a windfall. It is something that we owe them. There is more that will come down the pike, Mr. Speaker, when the budget comes before us on special ed. You know darned right well it is coming. With Scanlon's scandals on his new standards, he is trying to wipe out most of the program instead of putting a cap on it, which would be the most logical way of doing things. No, he wants to go and destroy the whole standards of special ed, and I call it Scanlon's scandals, but that is another point that I say you are coming down the pike.

Mr. Speaker, let us forget this big onus that this is only going to Philadelphia and Pittsburgh. It is going to the suburban counties; it is going to McClatchy's county; it is going to Steve Freind's county; it is going to my county. All are in a deficit, and if we do not get that money here, our districts are going to have to raise the taxes again back home. So I urge you to support this amendment.

The SPEAKER. Very shortly we will have used up our luncheon hour.

The Chair recognizes the gentleman from Allegheny, Mr. Itkin.

Mr. ITKIN. I will attempt to be brief; I said "attempt."

Mr. McCLATCHY. Attempt? You never have been.

Mr. ITKIN. Well, maybe if the respondent would answer my questions with clarity, then we will be able to continue very rapidly.

Would Mr. McClatchy stand for interrogation?

The SPEAKER. The gentleman indicates he will. The gentleman, Mr. Itkin, may proceed.

Mr. ITKIN. Mr. Speaker, I am very disturbed by some of the statements that have been appearing on the floor today in reference to this issue that the two major problems are Philadelphia and Pittsburgh in this regard and that this \$30-million additional appropriation will in part go to pay for the problems created in part in Pittsburgh.

I just was in contact with my own people from Pittsburgh to find out what we would receive under this type of thing, and I am told that we would receive nothing, that we are living within our allocation, and I am very much concerned about the fact that there has been about a \$3-million claim, I think, on the floor today that Pittsburgh would receive. Could you clarify that? Could you tell me where that information came from?

Mr. McCLATCHY. The only figures I have specifically before me are on Philadelphia. It is usually on an allocation that moneys are distributed. The percentage amount is around the figure I quoted for Pittsburgh. When Philadelphia gets so much, Pittsburgh usually shares in that amount. When you get down to the specific amounts of what they claim in deficiencies, I do not have that figure, but it should be somewhere around that figure.

Mr. ITKIN. I thank you, Mr. Speaker.

I would like to point out that the figures we are talking about are not percentage figures of the cost of special education but excess cost. I think I am standing on pretty good

ground by saying to you today that the Pittsburgh School District would not receive any significant sums of money from the \$30 million. In fact, I am pretty well on good ground to say that probably the Allegheny IU, which serves the suburban Pittsburgh community, would not be a significant recipient of the \$30 million. I want to clarify that before I go on further.

Mr. McCLATCHY. Mr. Speaker, then I guess what I am saying

The SPEAKER. The Chair recognizes the gentleman from Montgomery, Mr. McClatchy. For what purpose does the gentleman rise?

Mr. McCLATCHY. I thought I was still under interrogation. I am sorry.

Mr. ITKIN. No, Mr. Speaker.

The SPEAKER. The gentleman, Mr. Itkin, may proceed.

Mr. ITKIN. So what I would like to say is that I am rising here without a special interest in this entire matter. We are dealing with an allocation of \$30 million. We all know the appropriations process and we know that if this amendment gets in and gets passed by this House, it must go before the Senate Appropriations Committee where a similar battle will be waged, and ultimately even if the proponents of this particular amendment are successful, it will go to the Governor and the Governor has the power and the authority to reduce any appropriation in an appropriations bill, and I understand from the conversations that we hear today, if such a bill with these amendments went to his desk, he probably would in all eventuality blue-line out this figure.

So the question here today becomes not one of whether Philadelphia should get \$20 million or whether Bucks County or other southeastern counties should get their excess costs. I think it is more of a symbolic fight to be waged today on the whole issue of special-education funding. As we are all aware, we all have been bombarded for the last couple of months with a series of proposals by the Department of Education, supported by the Governor's office, that will take a hatchet to the basis of funding and financial support for special education in this Commonwealth. And I would like to suggest here, because we all understand the scenario, that we vote in support of the O'Donnell amendment and we vote in support of funding special education. Let us in this House send a message to the administration that we are concerned about funding, that we will not accept the hatchet job that the administration is taking to the education of handicapped children in this Commonwealth, and by doing so, by supporting this amendment, we will send a message loud and clear to the administration and to the citizens of our Commonwealth that we are still very much concerned about the education and welfare of the handicapped children in our society. Thank you very much, Mr. Speaker.

The SPEAKER. The Chair recognizes the minority leader. For what purpose does the gentleman rise?

Mr. IRVIS. To comment.

The SPEAKER. The Chair recognizes Mr. Irvis.

Mr. IRVIS. I have hesitated for at least an hour before getting up to this microphone because so much has been said

that I was fearful I could not add anything to what has already been said, and I have been here long enough to know how things are going before they go. Even though I hesitated, I finally decided I had to put something in the record, because I feel this matter very deeply and I am going to try and say it as carefully and as gently as I know how, because the men who have talked here on the floor and the women who have talked here on the floor are all friends of mine, and I do not care to insult anybody's integrity or attitude, least of all those who are opposed to this particular amendment. But I sat here listening to the accountant-comptroller-statistician type approach to this problem, and I am a bit dismayed.

I am concerned about what I sense is going wrong in this country, that there is a bit of meanness coming out in most of us, the sort of thing which emerges when we become pressured, particularly by fiscal, monetary pressures. I am asking you before you cast your vote to think with me the way I am approaching this problem. If I were to bring on the floor of this House five children, each one wearing steel braces and moving about on crutches, how many of you would vote "no" on this appropriation?

I have heard only three of you address the real problem. The rest of you have been arguing peripherally about how much we can afford, and that is a peripheral argument, because we, 11 1/2 million Pennsylvanians, cannot afford not to educate all the children of this Commonwealth, whether they be handicapped or normal.

I heard Mr. McClatchy, whom I like and admire, say that not a single handicapped child would be hurt if we voted against this. I disagree. I do not think those children would understand your comptroller, accountant, statistician arguments. I do not think their parents would understand that. I think the only thing that those parents are going to understand on this vote today if it is publicized—and I am not saying that I believe this; I am saying I think the only thing they will understand—is that they are asking for \$30 million to be authorized by this General Assembly to pay the debts that have been incurred for the education of their children, and there are those of us here who are going to say no to that, for whatever reasons.

All of you have been with me through the "Christmas Carol." All of you have known Scrooge and Tiny Tim. I am a little worried in this country that when things get going rough, we turn and attack the weakest of our people. When unemployment rises, we turn and attack the welfare recipients. When educational costs go up, we are now getting ready to say no to those who are the weakest in our educational system.

Again—and I say it most sincerely—I am not attacking those of you who are against this for whatever reasons, but I ask you to stop thinking as cost accountants. Let that be the bureaucrats who think that way. Let us represent the people who sent us here, who will not understand the bureaucratic mind and will not understand the cost accountant but will only understand the simple question: Are you willing to help our children or are you not? I know how I am going to vote on it, for that reason. I hope you will join me. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes the gentleman from Montgomery, Mr. McClatchy.

Mr. McCLATCHY. Mr. Speaker, I admire the minority leader also, as he admires me. I do not say lightly that what we are trying to do today, in defeating this amendment, is going to hurt any special-education child. I think we all on this floor, Republicans and Democrats, Senate, House and Governor, have a deep commitment to that program, and I would say to those four or five children whom the minority leader is going or would bring on this floor that were handicapped or are handicapped, yes, we will fund you for every bit of need you have; we will get you well to the best of our and your ability. That is not the question today. I can assure you that each child will be served. No child will not be served, denied anything.

We are talking about—and you get into accountants; you get into bureaucrats; you get into how different IU's run their program—and we are discussing here that we want to be as economical and efficient, not with the services, not with the needs, not with how we treat those children, but how those crazy bureaucrats both at home and here run the programs. That is all we are talking about. That is all we are talking about. These moneys that we say are in the process of being adjudicated, challenged, talked about, discussed from Philadelphia and the rest of the counties throughout the state are merely that. If in fact they can show us that these are absolute needs and are adjudicated needs, they will be paid. They will be paid.

I think, Mr. Speaker, that this approach today is inappropriate. I do not think any of us can absolutely say each one of these dollars is needed right now. I will put it differently. Part of this deficiency appropriation is for welfare recipients, \$15 million in this bill. And I ask you right now, where are we getting the \$15 million? It is from lapsed money. It is not coming out of the air. We cannot produce it, except from those moneys the Governor saves in a different department and he calls lapsed, which we reappropriate. Welfare recipients need this money, and they will run out of money in not the near future but before the end of this fiscal year unless we appropriate this money.

The \$30 million in special ed is not needed right now because none of these needs are finally adjudicated, are finally decided on. What Philadelphia says we owe them has not been finally, absolutely decided, and when that is decided, I am sure in our wisdom we will vote those funds.

I think we do a politician's disservice to say on a motherhood issue, yes, we are going to vote you \$30 million. But that is \$30 million that is not there. It is \$30 million that is not needed right now. It is a fool's trick, and we play it all the time up here. No wonder the press and the public think we are stupid politicians. And I am not castigating members back and forth. I am sure I have done the same thing in the past, but it is time for us to stand up and be counted and be honest. Number one, the \$30 million is not needed right now; number two, we do not have it; number three, if you do spend it, you are saying, in effect, wipe out \$15 million for welfare recipients, which is a documented need. Mr. Speaker, I honestly say, let us vote down this amendment. Thank you.

On the question recurring,
Will the House agree to the amendment?

The following roll call was recorded:

YEAS—94

Barber	Fee	Manderino	Rybak
Belfanti	Gallagher	Michlovic	Salvatore
Beloff	Gamble	Miscevich	Seventy
Berson	George	Morris	Shupnik
Blaum	Grabowski	Mrkonic	Steighner
Borski	Gray	Mullen	Stewart
Brown	Greenfield	Murphy	Stuban
Caltagirone	Haluska	O'Donnell	Swaim
Cappabianca	Harper	Olasz	Sweet
Cawley	Horgos	Oliver	Taylor, F. E.
Clark	Hutchinson, A.	Pendleton	Trello
Cochran	Irvic	Perzel	Van Horne
Colafella	Itkin	Petrarca	Wachob
Cordisco	Kolter	Petrone	Wambach
Cowell	Kowalyszyn	Pievsky	Wargo
DeMedio	Kukovich	Pistella	Weston
DeWeese	Laughlin	Pratt	White
Dawida	Lescovitz	Pucciarelli	Wiggins
Deal	Letterman	Rappaport	Williams, J. D.
Dombrowski	Levin	Richardson	Wogan
Donatucci	Livengood	Rieger	Wozniak
Duffy	McCall	Ritter	Wright, D. R.
Emerson	McIntyre	Rocks	Zwilk
Evans	Maiale		

NAYS—101

Anderson	Fischer	Lashingier	Reber
Armstrong	Fleck	Lehr	Saurman
Arty	Foster, W. W.	Levi	Serafini
Belardi	Foster, Jr., A.	Lewis	Showers
Bittle	Frazier	Lloyd	Sieminski
Bowser	Freind	Lucyk	Sirianni
Boyes	Fryer	McClatchy	Smith, B.
Brandt	Gallen	McVerry	Smith, E. H.
Burd	Gannon	Mackowski	Smith, L. E.
Burns	Geist	Madigan	Snyder
Cessar	Gladeck	Manmiller	Spencer
Cimini	Greenwood	Marmion	Spitz
Civera	Grieco	Merry	Stairs
Clymer	Gruppo	Micozzie	Stevens
Cole	Hagarty	Miller	Swift
Cornell	Hasay	Moehlmann	Taddonio
Coslett	Hayes	Mowery	Taylor, E. Z.
Cunningham	Heiser	Nahill	Telek
DeVerter	Hoeffel	Noye	Vroon
Daikeler	Honaman	Peterson	Wass
Davies	Hutchinson, W.	Phillips	Wenger
Dietz	Jackson	Piccola	Wright, J. L.
Dininni	Johnson	Pitts	
Dorr	Kanuck	Pott	Ryan,
Durham	Kennedy	Punt	Speaker
Earley	Klingaman	Rasco	

NOT VOTING—4

Alden	McMonagle	Williams, H.	Wilson
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EXCUSED—4

Cohen	Gruitza	Tigue	Wilt
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The question was determined in the negative, and the amendment was not agreed to.

REQUEST FOR RECESS

The SPEAKER. The Chair recognizes at this time the majority leader.

Mr. HAYES. Thank you, Mr. Speaker.

At this time I suggest that we recess until the hour of 2:15 for the purpose of taking lunch. At 2:15 we will return to amendments on HB 712 promptly.

RECESS

The SPEAKER. Without objection, this House is now in recess until 2:15 p.m. The Chair hears none.

AFTER RECESS

The time of recess having expired, the House was called to order.

REMARKS ON VOTES

The SPEAKER. The Chair recognizes the gentleman from Chester, Mr. Smith.

Mr. E. H. SMITH. Mr. Speaker, this morning when we were having amendments on HB 712, I inadvertently voted against amendment A555. I would like to be recorded as voting for that amendment.

The SPEAKER. The gentleman's remarks will be spread upon the record.

The Chair recognizes the gentleman from Philadelphia, Mr. Wogan. For what purpose does the gentleman rise?

Mr. WOGAN. Mr. Speaker, this morning I believe I had a malfunction on my machine. On the Stewart amendment A580 to HB 712, I was erroneously recorded in the affirmative. I would like to be recorded in the negative, Mr. Speaker.

The SPEAKER. The gentleman's remarks will be spread upon the record.

CONSIDERATION OF HB 720 RESUMED

On the question recurring,

Will the House agree to the bill on third consideration as amended?

The SPEAKER. The Chair recognizes the gentleman from Dauphin, Mr. Piccola, who offers amendments which the clerk will read.

Mr. PICCOLA. Mr. Speaker, it is my intention to withdraw those amendments at this time, but if I might, I would like to make a brief statement on my reasons for doing that.

The SPEAKER. The gentleman, Mr. Piccola, asks unanimous consent to make a brief statement. The Chair hears no objections. The gentleman may proceed.

Mr. PICCOLA. Very briefly, Mr. Speaker, I am withdrawing this amendment to fund the blackfly control project because number one, I do not want to affect the funds that are now designated to go to the gypsy moth program; number two, I am informed by the Department of Environmental Resources that additional funds for this fiscal year could not be used even if they were appropriated. I am hopeful, however, that this problem will be addressed with a line item in the budget for 1981-82, and I am working in that area right now. Thank you, Mr. Speaker.

REMARKS ON VOTE

The SPEAKER. The Chair recognizes the gentleman from Beaver, Mr. Colafella.

Mr. COLAFELLA. Mr. Speaker, on HB 757 I was out of my seat, and I would like to be recorded in the affirmative. Thank you.

The SPEAKER. The gentleman's remarks will be spread upon the record.

CONSIDERATION OF HB 712 CONTINUED

On the question recurring,

Will the House agree to the bill on third consideration as amended?

Mr. BELFANTI offered the following amendments No. A565:

Amend Sec. 1, page 3, by inserting between lines 3 and 4

To provide grants to counties to assist or reimburse the counties for costs in preparing official storm water management plans. The grants shall be made in accordance with the rules and regulations adopted by the Environmental Quality Board.....

1,500,000

Any grant made pursuant to this appropriation shall be equal to 50% of the allowable costs for the preparation of official storm water management plans incurred by any county. For purposes of this appropriation, any such State grants shall be in addition to grants for similar purposes made to any county by the Federal Government subject to the limitation that the total State and Federal grants shall not exceed 50% of the allowable costs incurred by the county.

Amend Bill, page 4, by inserting between lines 17 and 18 Section 4. The appropriation to the Department of Environmental Resources for grants to counties for preparation of storm water management plans shall be a continuing appropriation and shall not lapse prior to June 30, 1984.

Amend Sec. 4, page 4, line 18 by striking out "4" and inserting 5

On the question,

Will the House agree to the amendments?

The SPEAKER. The Chair recognizes the gentleman from Northumberland, Mr. Belfanti.

Mr. BELFANTI. Mr. Speaker, this amendment will make possible the prompt payment of the state's share of storm water management plans which were mandated for the counties by this Commonwealth.

Many counties, particularly those in flood-prone areas like Northumberland, have completed their plans and are now eligible for immediate reimbursement, but they cannot be paid until we authorize this appropriation. This is an obligation of the General Assembly and the Commonwealth, and we should act now rather than ask these counties to wait for an

additional year or more. I ask for an affirmative vote on this amendment.

The SPEAKER. The Chair recognizes the gentleman from Indiana, Mr. Wass.

Mr. WASS. Mr. Speaker, may I interrogate Mr. Belafanti?

The SPEAKER. The gentleman indicates that he is willing to be interrogated. The gentleman, Mr. Wass, may proceed.

Mr. BELFANTI. That is Belfanti.

Mr. WASS. Belfanti. I am sorry. My name is Mr. Wass, and do not leave the "W" off my name either, please.

Mr. Speaker, I have a great concern about this particular amendment. How did you determine that \$1.5 million would be the proper amount?

Mr. BELFANTI. I am sorry, but the staff individuals who researched what they felt it would take to reimburse the counties that have spent the money mandated by the Commonwealth came up with a figure of \$1.5 million.

Mr. WASS. Mr. Speaker, my concern is that we are doing this in a piecemeal fashion. I would object to the amendment, inasmuch as all the counties are not included, and I believe that this should be handled in a uniform manner whereby sufficient funds are appropriated to cover the costs of all the municipalities that are involved in this mandate.

The SPEAKER. The Chair recognizes the gentleman from Centre, Mr. Letterman.

Mr. LETTERMAN. Mr. Speaker, I am sorry to inform the speaker, but all counties are included in our amendment. It says, "...any county." Expenses incurred by any county are included.

I would like to also remind you of something else. We just went through a year of a drought. People would not think that we would have any water because our water table is so low, but because of poor storm water management, we lost 10 lives in the State of Pennsylvania this year. We feel it is time that we do something to help the counties set up their storm water management plans and do it now. I do not see any sense in waiting any longer.

As far as doing it piecemeal, we are not doing it piecemeal. We have 10 years in which to spend \$15 million if we appropriate that much for this program, and all we are asking for is a start for the counties that have already started some storm water management plans.

The SPEAKER. The Chair recognizes the gentleman from Indiana, Mr. Wass.

Mr. WASS. May I interrogate Mr. Letterman?

The SPEAKER. The gentleman indicates a willingness to be interrogated. Mr. Wass may proceed.

Mr. WASS. Mr. Speaker, I am sure you are familiar with the fact that we rejected the guidelines that were submitted by the department a week or two ago. Is that right?

Mr. LETTERMAN. Yes.

Mr. WASS. And at that time it was stated that we would be receiving a new set of guidelines as it impacts on the municipalities.

Mr. LETTERMAN. Yes. May I respond further to that?

The SPEAKER. The gentleman is in order and may proceed.

Mr. LETTERMAN. The reason for our amendment is to make it easier for DER. Now they know how much money they have to start to work with, and when they set up the rules and regulations which we expect our counties to abide by, they will now have an idea of how much money is available at the present time.

Mr. WASS. Mr. Speaker, how many counties are involved in the \$1.5 million?

Mr. LETTERMAN. All of them.

Mr. WASS. Is this the total appropriation that you are providing for all the counties?

Mr. LETTERMAN. No; this is just a start.

Mr. WASS. How many counties are involved?

Mr. LETTERMAN. We have another amendment. We have another amendment that handled \$250,000—that is amendment 566—and that was for the three counties that have already started. We chose not to use that amendment and chose to put in for the \$1,500,000, which we know could be used in the next year and a half.

Mr. WASS. Thank you, Mr. Speaker.

May I make a statement, Mr. Speaker?

The SPEAKER. The gentleman is in order and may proceed.

Mr. WASS. Mr. Speaker, I have a great interest in my county also, and I object to the amendment because it certainly does not supply or provide enough funds for it to cover all the costs, so I think it is wrong to use this avenue to supply funds for just a few counties. Thank you.

The SPEAKER. The Chair recognizes the gentleman from Northumberland, Mr. Belfanti.

Mr. BELFANTI. I would like to read section 4 of the amendment: "The appropriation to the Department of Environmental Resources for grants to counties for preparation of storm water management plans shall be a continuing appropriation and shall not lapse prior to June 30, 1984." As Mr. Letterman indicated earlier, the \$1 1/2 million we are asking for is just a start, and in actuality we are asking for an ongoing appropriation through June 30, 1984, and possibly this can be reamended in the future to include the entire 10-year period.

I would like to remind Mr. Wass—with a "W"—that the Commonwealth of Pennsylvania mandated 5 years ago that the counties in the flood-prone areas develop these storm water management plans, and they were told that they would receive 50 percent of the total costs of these plans back from the Commonwealth once their plans were completed. We are now in 1981. We have counties who have completed these plans. We have many other counties who are 90 percent completed; some are 50 and 60 percent. These counties, and rightfully so, are concerned that if they continue to spend money to develop these plans, they may not get the 50-percent reimbursement. If we go back on our word after we mandate a program, I do not blame the counties for dropping the ball in midcourt, and I ask this amendment be given favorable consideration by every individual in here because the county commissioners of every county in each of these flood-prone areas are in favor of this amendment. Thank you.

The SPEAKER. The Chair recognizes the gentleman from Northumberland, Mr. Phillips.

Mr. PHILLIPS. I rise in support of this amendment, A565. I speak for all counties, but especially for the county of Northumberland.

Northumberland County believed we needed storm water management due to the many flooding problems we have in this county. Northumberland County complied with the act and completed the plan and incurred a debt, which they were led to believe would be 50 percent funded by the state. I believe that the state has a responsibility to reimburse any county—and I underline any county—who has complied. The spending of money for these plans has caused some financial burden in this county. As you know, there is a financial crunch right now in counties, and they really work hard to get moneys. They have spent this money and it has cast a burden upon them, and this has been caused by their not receiving that 50 percent which I feel they were promised. I think it is the responsibility of this legislative body to appropriate that money to them because they did comply, and this is exactly what this amendment would do. I would ask for your support.

The SPEAKER. The Chair recognizes the gentleman from Centre, Mr. Letterman, for the second time on this amendment.

Mr. LETTERMAN. Mr. Speaker, I just want to point out to everyone, Mr. Belfanti and I are not trying to override what DER might do; we are only trying to propose to put up enough money to pay the counties that have already followed through what we have started and what we have mandated. I am not saying that we should spend more of it until their rules and regulations are brought before us and sent out to each county, but I do believe it is going to make it easier for them to deal with this by September, if that is what they really intend to do, and I think they will have a better knowledge of how much interest there is. I understand that they are moving on it. I have contacted them, and they have contacted different bureaus to find out what they think. We are only asking that we put enough money up to start to pay some of the people who have followed the regulations and the mandates which we have set forth for them.

REMARKS ON VOTE

The SPEAKER. The Chair recognizes the gentleman from Philadelphia, Mr. McMonagle.

Mr. McMONAGLE. Mr. Speaker, on HB 712, amendment 649, I was not recorded. I would like to be recorded in the affirmative.

The SPEAKER. The gentleman's remarks will be spread upon the record.

CONSIDERATION OF HB 712 CONTINUED

The SPEAKER. The Chair recognizes the gentleman from Montgomery, Mr. McClatchy.

Mr. McCLATCHY. Mr. Speaker, we have a specific problem with this amendment. As we all know in the House

of Representatives, we did not approve the guidelines that were submitted to us by DER some time ago. We did that 2 weeks ago. I would suggest, and I will read the language to you: "To provide grants to counties to assist or reimburse the counties for costs in preparing official storm water management plans. The grants shall be made in accordance with the rules and regulations adopted by the Environmental Quality Board." Mr. Speaker, we do not have any rules or regulations or guidelines to properly pay these moneys to the counties. Now, I understand the counties may have gone off on their own and done things, but I submit that legally we have not approved guidelines, rules, and regulations upon which we can reimburse them.

Now, if in our wisdom—and it is a chicken-and-egg principle—if we pass guidelines and a \$15-million appropriation to pay for those guidelines, then I think that is an appropriate direction to go in. The \$1,500,000 certainly does not pay for all of what we think the approved guidelines and rules and regulations will cost—it will only pay a very partial fund—and also, I reiterate that I do not think we can send that money back to the counties based upon what we have done in this past action. I think that if we pass this money, it will be a fruitless act and will not in effect go to those counties that have done something on their own. In fact, they may have done things wrong on their own, quite frankly. That whole program, as far as I am concerned, is in a hold position until we in the legislature act according to that law we passed. I would appreciate a "no" vote on the amendment.

The SPEAKER. The Chair recognizes the gentleman from Northumberland, Mr. Belfanti, for the third time?

Mr. BELFANTI. That is correct, Mr. Speaker.

The SPEAKER. The gentleman is aware of our rules that say two times.

Without objection, the Chair recognizes the gentleman, Mr. Belfanti, for the third time.

Mr. BELFANTI. Thank you, Mr. Speaker.

Mr. Speaker, I am under the impression by DER that under current regulations they have 60 days to review the storm water management plans from each county before they consider whether or not they are to be reimbursed, and I must disagree with Mr. McClatchy's assertion that these counties went out on their own and developed these plans. They were told by this General Assembly, by the Commonwealth of Pennsylvania, 5 years ago, after Flood Agnes, to go out and develop these plans, and they were also told that they would receive, in 1981, 50 percent of their costs from the Commonwealth.

Again I want to repeat that DER does, in their current regulations, allow for a 60-day review process before any county is reimbursed, and I ask an affirmative vote on the amendment.

On the question recurring,
Will the House agree to the amendments?

The following roll call was recorded:

YEAS—96

Barber	Fee	Lloyd	Rappaport
Belfanti	Fryer	Lucyk	Richardson
Beloff	Gallagher	McCall	Rieger
Berson	Gamble	McIntyre	Ritter

Blaum	George	McMonagle	Rybak
Borski	Grabowski	Maiale	Seventy
Brown	Greenfield	Manderino	Showers
Callaghirone	Grieco	Michlovic	Shupnik
Cappabianca	Haluska	Miscevich	Steighner
Cawley	Harper	Morris	Stewart
Clark	Hoeffel	Mrkonic	Stuban
Cochran	Horgos	Mullen	Swaim
Cotafella	Hutchinson, A.	Murphy	Sweet
Cole	Irvic	O'Donnell	Taylor, F. E.
Cordisco	Itkin	Olasz	Trello
Cowell	Jackson	Oliver	Van Horne
DeMedio	Kolter	Pendleton	Wachob
DeWeese	Kowalyszyn	Petrarca	Wambach
Dawida	Kukovich	Petrone	Wargo
Dombrowski	Laughlin	Phillips	White
Donatucci	Lescovitz	Pievsky	Wiggins
Duffy	Letterman	Pistella	Wozniak
Emerson	Levin	Pratt	Wright, D. R.
Evans	Livengood	Pucciarelli	Zwilk

NAYS—98

Alden	Earley	Levi	Saurman
Anderson	Fischer	Lewis	Serafini
Armstrong	Fleck	McClatchy	Sieminski
Arty	Foster, W. W.	McVerry	Sirianni
Belardi	Foster, Jr., A.	Mackowski	Smith, B.
Bittle	Frazier	Madigan	Smith, E. H.
Bowser	Freind	Manmiller	Smith, L. E.
Boyes	Gallen	Marmion	Snyder
Brandt	Gannon	Merry	Spencer
Burd	Geist	Micozzie	Spitz
Burns	Gladeck	Miller	Stairs
Cessar	Greenwood	Moehlmann	Stevens
Cimini	Gruppo	Mowery	Taddonio
Civera	Hagarty	Nahill	Taylor, E. Z.
Clymer	Hasay	Noye	Telek
Cornell	Hayes	Perzel	Vroon
Coslett	Heiser	Peterson	Wass
Cunningham	Honaman	Piccola	Wenger
DeVerter	Hutchinson, W.	Pitts	Weston
Daikeler	Johnson	Pott	Wilson
Davies	Kanuck	Punt	Wogan
Dietz	Kennedy	Rasco	Wright, J. L.
Dininni	Klingaman	Reber	
Dorr	Lashinger	Rocks	Ryan,
Durham	Lehr	Salvatore	Speaker

NOT VOTING—5

Deal	Swift	Williams, H.	Williams, J. D.
Gray			

EXCUSED—4

Cohen	Gruitza	Tigue	Wilt
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The question was determined in the negative, and the amendments were not agreed to.

On the question recurring,

Will the House agree to the bill on third consideration as amended?

Mr. WAMBACH offered the following amendment No. A714:

Amend Sec. 1, page 3, by inserting between lines 8 and 9

To the Department of Health

For the operation of Employee

Health Services..... \$100,000

This appropriation shall be used to continue these services through the end of the current fiscal year.

On the question,
Will the House agree to the amendment?

The SPEAKER. The Chair recognizes the gentleman from Dauphin, Mr. Wambach.

Mr. WAMBACH. Thank you, Mr. Speaker.

There has been some question as to what my amendment will accomplish, and I would like to explain what I have done with the amendment.

Last year the General Assembly funded the employe health services that are provided to the employes of the Commonwealth on a line item in the Department of Health's budget for \$540,000. As of March 1 of this year, there is \$214,080 left in that account, Mr. Speaker. What the Department of Health is trying to do and trying to accomplish with the line item that the General Assembly funded last year is to close the health service down. I was told by Bill Saltzer, who is the Deputy Secretary of the Department of Health, that out of the \$214,080 that is left in the account, \$63,000 will be spent on salaries until April 21, which is the furlough notice date to the nurses and the doctor who currently operate the employe health service; \$39,000 will be for the lump-sum payments as to annual leave that has been accumulated; and \$29,750 will be for the maximum unemployment compensation benefits that will be billed to the department as a result of the furlough. That totals \$131,750, leaving a balance, Mr. Speaker, of \$82,330 still remaining in the account.

Now, what they are planning to do with that money is to dissemble the different units of the employe health service, located in various buildings on the complex here as well as, I believe, the office buildings in Pittsburgh and Philadelphia. What I am proposing with this amendment, since the Department of Health has decided not to fund the service which the General Assembly had said last year in a line item to fund, I am providing \$100,000 to cover the salaries and expenses of the employe health service to the end of this fiscal year and mandating that it will be used for this purpose.

Now, just a few weeks ago in the Appropriations hearings in the Senate, Senator Tilghman had instructed Secretary Muller that he would in fact provide the \$500,000 to fund the employe health service for the next fiscal year, and the Secretary is supposed to make an additional \$500,000 cut within his appropriation. I believe with that commitment, Mr. Speaker, we cannot stand idle here in the General Assembly and permit the Department of Health to furlough in fact these employes as of April 21 when, according to my calculation, they will in fact be gone and then with next year's budget be funded again, when the specific purpose of the line item last year was to in fact fund the service, not to dismantle the service.

I think the service, as everyone here realizes, assists thousands of state employes. It permits the state employe to go to the service to, basically, stay on the job. What we have done here in the General Assembly, we have realized the importance of nursing care to us here. We have in fact nurse service here in the Capitol, as well as the Annex and the South Office Building. We understand the problem, and I think this will mandate and direct the Secretary of Health to in fact understand the problem as we do understand it. I would

appreciate an affirmative vote on the amendment, Mr. Speaker, to keep in fact an employe health service intact.

The SPEAKER. The Chair recognizes the gentleman from Montgomery, Mr. McClatchy.

Mr. McClatchy. Mr. Speaker, I rise to oppose the amendment. One clarification of Mr. Wambach's statement, we do have nurses in state buildings in Pittsburgh and Philadelphia, but they are not—they are not, I repeat—part of the Department of Health's budget. We are only talking about those in the Capitol Complex area.

I would appreciate if Mr. Wambach would stand for interrogation.

Mr. WAMBACH. I shall.

Mr. McClatchy. Mr. Speaker, how do you intend to spend this money?

Mr. WAMBACH. Like I stated, Mr. Speaker, the money will be spent—I realize what is happening here. What is happening here is that we do in fact have a balance in the line item for last year. What I am doing is adding to that balance to have sufficient moneys, because of what the Department of Health said they were going to do in regard to furloughing those employes, and if they are using moneys we in fact put into the budget last year—or you members in fact put into the budget last year—to dismantle, what I am saying is the \$100,000 will be used from basically April 21 to the end of the fiscal year for those salaries and the supplies that are in fact needed.

Mr. McClatchy. Would you not say if we have a balance of \$214,000 left after April 21 and we add another \$100,000 to it, we now have a balance of \$314,000 that the Secretary is not going to spend?

Mr. WAMBACH. You misunderstood me, Mr. Speaker. What I said was, as of March 1 the figures from the Department of Health were in fact \$214,000. Okay? The balance, as I see it, as of April 21 will be \$82,000. Your scenario is correct in assuming that with my amendment, it will in fact be \$182,000, but what I intend to do, sir, is to say to the Department of Health—and I think we should act in one voice here to say to the Department of Health—that we in fact have funded you; we intended the moneys to be spent with the line item to fund, not to dismantle. And in reality, as you know, Mr. Speaker, if those funds are not spent in the line item, they will simply lapse and, in fact, we will not be losing a penny. I realize by my amendment it may cause some confusion, but it is the result of the administrative efforts to dismantle the health service that caused this confusion, Mr. Speaker.

Mr. McClatchy. Mr. Speaker, would you not agree that there is enough money left in last year's line item of \$540,000 to pay those salaries to the end of the year?

Mr. WAMBACH. Mr. Speaker, I am sure if you call the Department of Health, they will readily tell you that they do not in fact intend to fund the service until the end of the year, and I think you found that out and discovered that in Appropriations. If in fact their intent is not to dismantle the employe health service by the end of the year, I agree with your statement; but, no, there are not funds sufficient to carry the employe health service if in fact the Department of Health will dissemble the whole unit entirely.

Mr. McClatchy. Mr. Speaker, are there not sufficient funds to pay for those positions until the end of the year if the department decides not to furlough them?

Mr. WAMBACH. That is the big "if," Mr. Speaker.

Mr. McClatchy. But, first of all, we have got to talk about funds that we have provided to the department. If they have enough to fund them, if they do not furlough until the end of the year, we will add \$100,000 more and they will still have more money. I do not think money is the issue; I think it is the furlough. Would you agree to that?

Mr. WAMBACH. The furlough is the issue. However, the fact that the Department of Health has generally used the moneys

The SPEAKER. The gentleman, Mr. Wambach, will yield.

Mr. WAMBACH. Yes, Mr. Speaker.

The SPEAKER. Conversations on the floor of the House please break up.

The gentleman may proceed.

Mr. WAMBACH. I do not know if I answered your last question or not when I was interrupted, Mr. Speaker.

Mr. McClatchy. Well, my question is that if the department receives \$100,000 extra, \$200,000 extra, \$300,000 extra, and still decides to furlough those employes, it is a fruitless act. Would you not agree to that?

Mr. WAMBACH. No, Mr. Speaker, in this regard: You are only looking at the money figure in my amendment. What we are doing, of course, also, is, "This appropriation shall be used to continue these services through the end of the current fiscal year." Now what we are doing by last year's line item, I think we sent the Department of Health a message to fund the employe health services. What they told us in the interim is that we are not going to fund the employe health services, and what we as a legislative body are going to tell them again is, yes, you are going to fund the employe health services. That is why we line-itemed it; that is why we want it to continue to happen, to serve the employes of this Commonwealth.

Mr. McClatchy. Mr. Speaker, I would suggest that we are dealing with two issues, despite your language. If you put your language in to continue these services throughout the end of the fiscal year, that is nothing more than we did with the original \$540,000. If instead you propose legislation, you know, mandating that these positions be filled and not be furloughed, I would say you are on more solid ground, but you cannot force a department that is insistent on furloughing these positions to spend money they are not going to spend.

I think that we have a commitment. Senator Tilghman has not made the commitment that I think we are going to intend to make, but I fully expect to fund those positions for next year, and those employes will return, but what the department does between now and the end of our fiscal year, I cannot do anything about. Even if I give them \$200,000, \$300,000, or \$400,000, those furloughs are in effect and will happen. Now, we could all write letters to the department; we could write letters to the Governor; we could raise all kinds of heck and ask them not to do it; or we can introduce legislation, as I suggest, and pointedly tell them not to do it, but providing moneys that they do not need will not accomplish your

purpose. I think you have a fruitless act here. It is just null and void. I think your message will get across with letters, with a resolution if you want to do that on the floor of the House, but putting in a deficiency appropriation for moneys that are not needed is certainly, again, I think, a fruitless act.

The SPEAKER. On the amendment, the Chair recognizes Mr. Wambach.

Mr. WAMBACH. What I think we are both trying to say, Mr. Speaker—but I am trying to say it with an amendment—is in fact that we are very displeased at the Department of Health for taking the position which it has done, and what we are trying to do is to say to all the employes of the Commonwealth that, yes, we feel that the service is vitally needed and that we are in fact putting language in to reinforce, if you will, the intent of the full funding that was placed in the appropriation bill last year. I feel this way, basically, that the department has in fact stabbed each and every one of us in the back by administratively saying to those employes of the health service—which, by the way, none of them are my constituents; my constituents are in fact those served by the health service, and that is my concern—stabbing us in the back by saying we do not care what you say as a legislative body; we are going to do what we want ourselves. This just reinforces our original intent of last year, and that is the message I am sending by this amendment.

Quite frankly, if there is more money in the line item than is needed, which I know there will be by this amendment, and which I know will be by the amount of money we put in last year because of a cutback of one doctor and three positions in the health service itself, then it will all lapse back. That is not my concern. My concern is to keep the service intact.

I remember, Mr. Speaker, back in the early sixties when Ed McNally, from Johnstown, sat over on the side of the House and would collapse periodically, when that old nurse would come up here and revive him. We understand the importance of the legislation here to the General Assembly. We just wanted to continue, if you will, to expand with the already mandated line-item funding by the Department of Health. I am tired of getting responses from people who in fact are writing me on this matter, blaming the legislature for this action, not blaming the Department of Health where the blame is due. We did our job last year. We funded them as far as we felt it was necessary, and in fact it was sufficient and necessary, but the Department of Health administratively is taking and whittling that away, so in fact we do not have a health service. Where will these people go for the little more than 2 months that they will in fact be furloughed, when in fact the commitment of Senator Tilghman is to fund them at full funding as they did in previous years?

Mr. McCLATCHY. Mr. Speaker, would you consent to interrogation, please?

Mr. WAMBACH. Yes; I will.

The SPEAKER. The Chair recognizes the gentleman, Mr. McClatchy.

Mr. McCLATCHY. Mr. Speaker, would you not agree that what you are trying to do in the final analysis is send the Department of Health a message that you want those services continued to the end of the year and into next year?

Mr. WAMBACH. I think, by my amendment, that is perfectly correct. I am sending the Department of Health a message that we want them funded like we in fact did last year, which they did not in fact do, and by sending them the message, we are reinforcing what we did last year—or what you folks did last year, since this is my first year—in funding the vitally important health service.

When I talked to Deputy Secretary Saltzer on this matter, I told him, with the commitment of Senator Tilghman, Mr. Saltzer, how in fact can you furlough these people when, number one, you have sufficient moneys until the end of this fiscal year—in fact, you are going to be lapsing money in this regard—and number two, when Senator Tilghman committed himself for in fact funding it at full level next year? And he quite frankly admitted to me that he does not understand it. But what we are saying to them is, I want to try to make you understand, Mr. Health Department, Mr. Saltzer, Dr. Muller, et cetera, that we feel it is an important service. We all felt that way last year by funding it, and in fact we are doing it now by saying we do not want to see it gone, even for the 2 1/2-month period we are talking about.

The SPEAKER. The Chair recognizes the gentleman, Mr. McClatchy.

Mr. McCLATCHY. Mr. Speaker, I reiterate again that this is a fruitless act. It certainly is one that will send the department a message. We have members on our side, as well as on your side, Mr. Speaker, who are concerned with this service. I would be perfectly willing to support a resolution. I would be perfectly willing to indicate to the Secretary of Health that we are going to restore these moneys in the coming budget. That should be even more sufficient than this amendment. I think it is a fruitless act, so, therefore, I oppose it, but if you insist on offering it, then I would suggest to my members who have this particular problem to go ahead and vote with you. I do not think it is going to—in fact, I know it is not going to—do one further thing, and I would further suggest, again, a resolution and working with me through the Appropriations Committee to give that department the message of what we are going to do. Thank you, Mr. Speaker.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—97

Barber	Fee	McCall	Richardson
Belfanti	Fryer	McIntyre	Rieger
Beloff	Gallagher	McMonagle	Ritter
Berson	Gamble	Maiale	Rybak
Blaum	George	Manderingo	Seventy
Borski	Grabowski	Manmiller	Showers
Brown	Greenfield	Michlovic	Shupnik
Caltagirone	Haluska	Miscevich	Steighner
Cappabianca	Harper	Morris	Stewart
Cawley	Hoeffel	Mrkonic	Stuban
Clark	Horgos	Mullen	Swaim
Cochran	Hutchinson, A.	Murphy	Sweet
Colafella	Irvic	O'Donnell	Taylor, F. E.
Cole	Itkin	Olasz	Trello
Cordisco	Kolter	Oliver	Van Horne
Cowell	Kowalshyn	Pendleton	Wachob
DeMedio	Kukovich	Petrarca	Wambach
DeWeese	Laughlin	Petrone	Wargo
Dawida	Lescovitz	Piccola	White

Deal	Letterman	Pievsky	Wiggins
Dombrowski	Levin	Pistella	Williams, J. D.
Donatucci	Livengood	Pratt	Wozniak
Duffy	Lloyd	Pucciarelli	Wright, D. R.
Emerson	Lucyk	Rappaport	Zwilk
Evans			

NAYS—96

Alden	Fleck	Levi	Sieminski
Anderson	Foster, W. W.	McClatchy	Sirianni
Armstrong	Foster, Jr., A.	McVerry	Smith, B.
Belardi	Frazier	Madigan	Smith, E. H.
Bittle	Freind	Marmion	Smith, L. E.
Bowser	Gallen	Merry	Snyder
Boyes	Gannon	Micozzie	Spencer
Brandt	Geist	Miller	Spitz
Burd	Gladeck	Moehlmann	Stairs
Burns	Greenwood	Mowery	Stevens
Cessar	Grieco	Nahill	Swift
Cimini	Gruppo	Noye	Taddonio
Civera	Hagarty	Perzel	Taylor, E. Z.
Clymer	Hasay	Peterson	Telck
Cornell	Hayes	Phillips	Vroon
Coslett	Heiser	Pitts	Wass
Cunningham	Honaman	Pott	Wenger
DeVerter	Hutchinson, W.	Punt	Weston
Daikeler	Jackson	Rasco	Wilson
Davies	Johnson	Reber	Wogan
Dietz	Kanuck	Rocks	Wright, J. L.
Dorr	Kennedy	Salvatore	
Durham	Klingaman	Saurman	Ryan,
Earley	Lashingner	Serafini	Speaker
Fischer	Lehr		

NOT VOTING—6

Arty	Gray	Mackowski	Williams, H.
Dininni	Lewis		

EXCUSED—4

Cohen	Gruitza	Tigue	Wilt
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The question was determined in the affirmative, and the amendment was agreed to.

REMARKS ON VOTE

The SPEAKER. The Chair recognizes the lady from Delaware, Mrs. Arty.

Mrs. ARTY. Mr. Speaker, may I be recorded as a "yes" vote on the Wambach amendment? My switch was inoperable.

The SPEAKER. Did the lady advise the Chair how she would have voted?

Mrs. ARTY. Yes, sir, a "yes" vote, please, in the affirmative.

The SPEAKER. The remarks of the lady will be spread upon the record.

AMENDMENT A562 RECONSIDERED

The SPEAKER. The Chair recognizes the majority leader.

Mr. HAYES. Mr. Speaker, I move that the vote by which the DeWeese amendment A562 to HB 712 passed on the 1st day of April be reconsidered.

The SPEAKER. The Chair recognizes the gentleman from Montgomery, Mr. McClatchy.

Mr. McCLATCHY. I second the motion.

On the question,
Will the House agree to the motion?

The following roll call was recorded:

YEAS—194

Alden	Emerson	Livengood	Ritter
Anderson	Evans	Lloyd	Rocks
Armstrong	Fee	Lucyk	Rybak
Arty	Fischer	McCall	Salvatore
Barber	Fleck	McClatchy	Saurman
Belardi	Foster, W. W.	McIntyre	Serafini
Belfanti	Foster, Jr., A.	McMonagle	Seventy
Beloff	Frazier	McVerry	Showers
Berson	Freind	Mackowski	Shupnik
Bittle	Fryer	Madigan	Sieminski
Blaum	Gallagher	Maiale	Sirianni
Borski	Gallen	Manderino	Smith, B.
Bowser	Gamble	Manmiller	Smith, E. H.
Boyes	Gannon	Marmion	Smith, L. E.
Brandt	Geist	Merry	Snyder
Brown	George	Michlovic	Spencer
Burd	Gladeck	Micozzie	Spitz
Burns	Grabowski	Miller	Stairs
Caltagirone	Greenfield	Miscevich	Steighner
Cappabianca	Greenwood	Moehlmann	Stevens
Cawley	Grieco	Morris	Stewart
Cessar	Gruppo	Mowery	Stuban
Cimini	Hagarty	Mrkonic	Swaim
Civera	Haluska	Mullen	Sweet
Clark	Harper	Murphy	Swift
Clymer	Hasay	Nahill	Taddonio
Cochran	Hayes	Noye	Taylor, E. Z.
Colafella	Heiser	O'Donnell	Taylor, F. E.
Cole	Hoeffel	Olasz	Telck
Cordisco	Honaman	Oliver	Trello
Cornell	Horgos	Pendleton	Van Horne
Coslett	Hutchinson, A.	Perzel	Vroon
Cowell	Hutchinson, W.	Peterson	Wachob
Cunningham	Irvis	Petrarca	Wambach
DeMedio	Itkin	Petrone	Wargo
DeVerter	Jackson	Phillips	Wenger
DeWeese	Johnson	Piccola	Weston
Daikeler	Kanuck	Pievsky	White
Davies	Klingaman	Pistella	Wiggins
Dawida	Kolter	Pitts	Williams, J. D.
Deal	Kowalshyn	Pott	Wilson
Dietz	Kukovich	Pratt	Wogan
Dininni	Lashingner	Pucciarelli	Wozniak
Dombrowski	Laughlin	Punt	Wright, D. R.
Donatucci	Lehr	Rappaport	Wright, J. L.
Dorr	Lescovitz	Rasco	Zwilk
Duffy	Letterman	Reber	
Durham	Levi	Richardson	Ryan,
Earley	Levin	Rieger	Speaker

NAYS—0

NOT VOTING—5

Gray	Lewis	Wass	Williams, H.
Kennedy			

EXCUSED—4

Cohen	Gruitza	Tigue	Wilt
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The question was determined in the affirmative, and the motion was agreed to.

On the question recurring,
Will the House agree to the amendment?

Mr. DeWEESE reoffered the following amendment No. A562:

Amend Sec. 1, page 2, lines 2 and 3, by striking out both of said lines

On the question recurring,
Will the House agree to the amendment?

The SPEAKER. The Chair recognizes the gentleman from Greene, Mr. DeWeese. Mr. DeWeese indicates that he has no remarks on the amendment.

Mr. DeWEESE. Mr. Speaker, I would yield to the distinguished gentleman from Westmoreland, Mr. Manderino.

The SPEAKER. The Chair recognizes the minority whip.

Mr. MANDERINO. Mr. Speaker, when the Commonwealth of Pennsylvania adopted the Commonwealth Attorneys Act last year, the majority party was successful in prevailing in the view that the office of Counsel General was a necessary agency. There was concern that the new constitutional office of the elected Attorney General should not be given the authority over the day-to-day legal advice to be given to the Governor. Accordingly, we were told it would be necessary to create a small office of Counsel General, which would give advice to the Governor and which would be supervisory over the nearly 400 agency counsels across state government.

Many of us on this side of the aisle warned at that time that the concept of the office of Counsel General was flawed. We foresaw duplication, excess costs, and actual harm coming to the legal processes of the Commonwealth because of the potential confusion between the office of Counsel General and the new office of elected Attorney General. We warned at that time that creation of the office of Counsel General was potentially an attempt to thwart the will of the people who voted for the constitutional amendment creating the separate office of Attorney General. It now appears that the warnings many of us gave, the qualms that many of us felt, were well founded, for we have before us fiscal legislation, both in HB 712 and in the Governor's budget document of 1981-82, that would create a totally new bureaucracy out of the office of General Counsel, and that will only duplicate the responsibilities of the elected Attorney General.

If the administration gets its way, they envision a staff of 37 persons, predominantly attorneys, some of them making salaries in the \$40,000 and \$50,000 category, whose responsibility it will be to review the actions taken by the various agency counsels across the Commonwealth. But the agency counsels work for the Governor. Why must the rules, the regulations, the contracts, and the other legal proceedings of the agency counsels be reviewed by a central office of the Governor's counsel? Does the Governor not trust the agency counsels who are the employees and the agents, as we well know, of the Cabinet secretaries by whom they were appointed? Funding the office of Counsel General as called for in this bill will create a palace guard of lawyers and a cumbersome layer of control over the regulatory and contractual process. There is no useful purpose that can be served by such a huge operation unless the real purpose of the office is to create political plums to be passed out by the Governor's office.

Aside from the unwarranted cost, consider the bureaucratic bottleneck this office with these so many attorneys will also

create. Regulations, contracts, and other documents will still be drafted by agency counsel, who at this point are still the resident experts on agency matters. How will the people of Pennsylvania benefit if these pieces of paper, these instruments are then sent to the Counsel General where they will be second-guessed by newly hired experts? Do we need this extra layer of protection?

No matter what the General Counsel's review turns up, all the documents again still must be sent to the elected Attorney General for his approval. In fact, should the elected Attorney General fail to conduct a review, he would be failing to carry out the mandates we have placed upon him in the law. No one, certainly not this General Assembly, placed upon the office of Counsel General the responsibility of conducting reviews of every legal piece of paper generated by the executive branch of government.

We are in a time of extreme difficulty. The Governor of this state has declared that additional funding is not available for public education. He has told every school district in this state that we must tighten the belt. The Governor's Secretary of Education has put forth a plan to lower the quality of special education for handicapped children. Yet this same Governor offers us a deficiency bill and a budget proposal that contains a provision to create a bloated and totally useless bureaucracy.

Earlier today we rejected this unnecessary bureaucracy with our votes on the DeWeese amendment. We should pass the amendment again with even more votes than the 102 votes that got on the first roll-call vote. Mr. Speaker, I ask for an affirmative vote on the amendment. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes the gentleman from Greene, Mr. DeWeese.

Mr. DeWEESE. Mr. Speaker, who made the reconsideration motion, please?

The SPEAKER. The majority leader and the majority Appropriations Committee chairman.

Mr. DeWEESE. I would like to interrogate the majority leader, please.

The SPEAKER. The gentleman indicates a willingness to be interrogated. The gentleman, Mr. DeWeese, may proceed.

Mr. DeWEESE. Mr. Speaker, what were the motivations behind the reconsideration move, sir?

Mr. HAYES. Simply put, to

The SPEAKER. Will the gentleman yield?

This question has not arisen this year. The Chair is advising the gentleman that it is improper to question motivation on acts such as that, in the Chair's opinion.

Mr. DeWEESE. Fine.

What were the reasons? My word choice was probably incorrect. What were the reasons that we are going to reconsider this matter?

Mr. HAYES. Well, any motion made to reconsider a vote is for the purpose of having that issue brought before the House again to see whether or not the House is resolute in its original position, and that is the only reason for doing it, Mr. Speaker.

Mr. DeWEESE. Mr. Speaker, you believe that we do have money in our General Fund and our reservoir of money here

to fund this kind of effort, but at the same time you do not believe we have the money to fund special education that was forwarded in the O'Donnell amendment today?

Mr. HAYES. Well, I think that you have two separate issues there, separate in a lot of ways. Of course, amount of money is one, but also the necessity to begin on one hand a new office of Attorney General and also a new responsibility known as chief counsel to the Governor. We have had to do that regardless of how we may feel about this particular appropriation, Mr. Speaker, but we do have the obligation to address those problems because there is a new Attorney General and there is a new office of chief counsel, each with their designated roles, duties and responsibilities, and many of those translate into fiscal matters.

Mr. DeWEESE. Mr. Speaker, in your point of view, would it not be prudent for us to advise the Governor and the Governor's office to utilize the in-house skills of lawyers at PennDOT, lawyers at Welfare, lawyers at DER - all of these ladies and gentlemen who have been in Commonwealth service over the span of time who have developed a degree of expertise regarding their departments - instead of this newly created office being filled by people from the outside in order that they do not duplicate and—this is a word that I want to use—triplicate, triplicate.

The gentleman from Somerset County, Mr. Lloyd, brought out a very poignant point earlier today. Certain paperwork involving strip-mine operations will be viewed by three sets of attorneys.

Mr. Speaker, I no longer have any questions, I would like to make a brief assertion on behalf of my amendment.

The SPEAKER. The gentleman is in order.

For what purpose does the gentleman, Mr. Hayes, rise?

Mr. HAYES. I would ask Mr. DeWeese to yield for a moment.

Mr. DeWEESE. Certainly.

The SPEAKER. The gentleman may proceed.

Mr. HAYES. I would just ask the gentleman to look at the roll call taken on the Freind amendment and he could ask some of those questions that he has raised to himself, Mr. Speaker.

The SPEAKER. The Chair recognizes the gentleman, Mr. DeWeese.

Mr. DeWEESE. I yield to Mr. Piccola.

The SPEAKER. The Chair recognizes the gentleman from Dauphin, Mr. Piccola.

Mr. PICCOLA. Thank you, Mr. Speaker.

Mr. Speaker, I think your antilawyer attitude has gotten the best of you on this amendment. It does not say that the \$200,000 is going to go to pay attorneys, necessarily. One of the biggest functions now of the office of General Counsel is to run the Bureau of Correction, and although this money will not go directly to that bureau, it is one of the biggest tasks now performed by the office of General Counsel. So I think there are a lot of individuals in that office who are nonattorneys who are going to be the beneficiaries of these dollars. It is a needed area in which the funds should be allocated, and I would oppose the amendment.

The SPEAKER. The Chair recognizes the gentleman from Somerset, Mr. Lloyd.

Mr. LLOYD. Mr. Speaker, will the gentleman, Mr. Piccola, submit to interrogation?

The SPEAKER. The gentleman, Mr. Piccola, consents to interrogation. The gentleman, Mr. Lloyd, may proceed.

Mr. LLOYD. Mr. Speaker, am I correct that none of this proposed deficiency appropriation of \$200,000 is going to go to pay the salary or the fringe benefits of anyone who works for the Bureau of Correction?

Mr. PICCOLA. I did not say that it will not go to the Bureau of Correction. I am saying that the office of General Counsel has jurisdiction over the Bureau of Correction under present law.

Mr. LLOYD. Mr. Speaker, is the answer that there is nothing in this appropriations bill which is going to provide funds directly to anyone who is assigned to and working under the Bureau of Correction?

Mr. PICCOLA. It is possible that some of the individuals who might receive some of these moneys would have some connection or work with, in some fashion, the Bureau of Correction. That is possible. Certainly the line-item appropriation does not indicate that. If, for example, several of those \$200,000 went to pay the salary of the General Counsel, obviously it had something to do with the Bureau of Correction since the General Counsel supervises the Bureau of Correction.

Mr. LLOYD. Thank you, Mr. Speaker.

I would like to be recognized to speak on the reconsideration of the amendment.

The SPEAKER. On the amendment, the Chair recognizes the gentleman, Mr. Lloyd.

Mr. LLOYD. Mr. Speaker, there is an effort here to confuse the issue by suggesting that somehow a vote for the DeWeese amendment is a vote against the Bureau of Correction. There has absolutely been no information provided to us on this side of the aisle and Mr. Piccola is unable to provide any information which would suggest that anybody who is currently working within the Bureau of Correction is not going to have his salary or his fringe benefits provided if this amendment passes. Now, it is true that the Counsel General is responsible for overseeing the Bureau of Correction. But why, Mr. Speaker, I ask the members to wonder, is it necessary to have a superoverseer in the General Counsel's office since the General Counsel himself has the statutory obligation to supervise, to hire, to place the people who work for the Bureau of Correction?

Mr. Speaker, if we think back just briefly to the beginning of Mr. Biester's term of office, there was a slowdown in the Department of Justice. There was an argument made that the civil division did not need to be kept busy. Then along came the elected Attorney General, and many of those people now work for him and are busy in court litigating. Now the very people who told us there was no need for an active civil division are coming back to us and saying, we need to create 37 new positions. Maybe, maybe they are right. But if we are not going to consider \$150,000 for storm water management

because that is premature, and we are not going to consider \$30 million for special ed because that is premature, and both of those things are under mandates or at least under strong direction from this General Assembly as to what should be done, then clearly it is premature to vote on new money, new money for lawyers who cannot do anything other than slow down the process of government and make our constituents problems. I ask for support of the DeWeese amendment.

The SPEAKER. The Chair recognizes the gentleman, Mr. DeWeese, for the second time.

Mr. DeWEESE. And final time, 60 seconds.

At the turn of the century, Mr. Speaker, Thomas Alva Edison wrote a letter to a famous Italian opera composer, Giacomo Puccini. Giacomo Puccini had just finished La Boheme, one of the premier operas of this time and this century, and in the letter Thomas Alva Edison said to him that men will die, governments will rise and fall, but the music of La Boheme will last forever.

Mr. Speaker, if we accept this proposal unamended, a blatant, bloated bureaucracy will endure forever. I think it is time that we realize that the folks back home, the folks in Pike County and Monroe County and Philadelphia County, the people who sent us up here, do not want us to hire a bunch of additional lawyers for the Thornburgh administration. We have an elected Attorney General in this Commonwealth, and I think we should support the elected Attorney General, not support the General Counsel, and accept this amendment. Thank you.

The SPEAKER. According to the Speaker's stopwatch, he did that in 1 minute and 2 seconds.

The Chair recognizes the gentleman from Montgomery, Mr. McClatchy.

Mr. McCLATCHY. Mr. Speaker, the music of La Boheme may last forever, but we all know the dulcet tones coming forth from Mr. DeWeese will fade away. Thank God.

On the question recurring,
Will the House agree to the amendment?

The following roll call was recorded:

YEAS—107

Armstrong	Evans	Lucyk	Serafini
Barber	Fee	McCall	Seventy
Belardi	Fryer	McIntyre	Showers
Belfanti	Gallagher	McMonagle	Shupnik
Beloff	Gamble	Maiale	Snyder
Berson	George	Manderino	Steighner
Blaum	Gladeck	Michlovic	Stevens
Borski	Grabowski	Miscevich	Stewart
Brown	Greenfield	Morris	Stuban
Caltagirone	Haluska	Mrkonic	Swaim
Cappabianca	Harper	Mullen	Sweet
Cawley	Hoeffel	Murphy	Swift
Cimini	Horgos	O'Donnell	Taylor, E. Z.
Clark	Hutchinson, A.	Olasz	Taylor, F. E.
Cochran	Iris	Oliver	Telek
Colafella	Itkin	Pendleton	Trello
Cole	Kanuck	Petrarca	Van Horne
Cordisco	Kennedy	Petrone	Wachob
Cowell	Kolter	Pievsky	Wambach
DeMedio	Kowalshyn	Pistella	Wargo
DeWeese	Kukovich	Pratt	White
Dawida	Laughlin	Pucciarelli	Wiggins
Deal	Lescovitz	Rappaport	Williams, J. D.
Dombrowski	Letterman	Richardson	Wozniak

Donatucci	Levin	Rieger	Wright, D. R.
Duffy	Livengood	Ritter	Zwilk
Emerson	Lloyd	Rybak	

NAYS—86

Alden	Fischer	Levi	Reber
Anderson	Fleck	McClatchy	Rocks
Arty	Foster, W. W.	McVerry	Salvatore
Bittle	Foster, Jr., A.	Mackowski	Saurman
Bowser	Frazier	Madigan	Sieminski
Boyes	Freind	Manmiller	Sirianni
Brandt	Gallen	Marmion	Smith, B.
Burd	Gannon	Merry	Smith, E. H.
Burns	Geist	Micozzie	Smith, L. E.
Cessar	Greenwood	Miller	Spencer
Civera	Grieco	Moehlmann	Spitz
Clymer	Gruppo	Mowery	Stairs
Cornell	Hagarty	Nahill	Taddonio
Coslett	Hasay	Noye	Vroon
Cunningham	Hayes	Perzel	Wass
DeVerter	Heiser	Peterson	Wenger
Daikeler	Honaman	Phillips	Weston
Davies	Jackson	Piccola	Wogon
Dietz	Johnson	Pitts	Wright, J. L.
Dorr	Klingaman	Pott	
Durham	Lashingier	Punt	Ryan,
Earley	Lehr	Rasco	Speaker

NOT VOTING—6

Dininni	Hutchinson, W.	Williams, H.	Wilson
Gray	Lewis		

EXCUSED—4

Cohen	Gruitza	Tigue	Wilt
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The question was determined in the affirmative, and the amendment was agreed to.

On the question recurring,

Will the House agree to the bill on third consideration as amended?

Bill as amended was agreed to.

The SPEAKER. This bill has been considered on three different days and agreed to and is now on final passage.

The question is, shall the bill pass finally?

Agreeable to the provisions of the Constitution, the yeas and nays will now be taken.

YEAS—187

Alden	Earley	Levin	Ritter
Anderson	Emerson	Livengood	Rocks
Armstrong	Fee	Lloyd	Rybak
Arty	Fischer	Lucyk	Salvatore
Barber	Fleck	McCall	Saurman
Belardi	Foster, W. W.	McClatchy	Serafini
Belfanti	Foster, Jr., A.	McIntyre	Seventy
Beloff	Frazier	McMonagle	Showers
Berson	Freind	McVerry	Shupnik
Bittle	Fryer	Madigan	Sieminski
Blaum	Gallagher	Maiale	Sirianni
Borski	Gallen	Manderino	Smith, B.
Bowser	Gamble	Manmiller	Smith, E. H.
Boyes	Gannon	Marmion	Smith, L. E.
Brandt	Geist	Merry	Spencer
Brown	George	Michlovic	Spitz
Burd	Grabowski	Micozzie	Stairs
Burns	Greenfield	Miller	Steighner
Caltagirone	Greenwood	Miscevich	Stevens
Cappabianca	Grieco	Moehlmann	Stewart
Cawley	Gruppo	Mowery	Stuban
Cessar	Hagarty	Mrkonic	Swaim
Cimini	Haluska	Mullen	Sweet
Civera	Harper	Murphy	Taddonio

Clark	Hasay	Nahill	Taylor, E. Z.
Clymer	Hayes	Noye	Taylor, F. E.
Cochran	Heiser	O'Donnell	Trello
Colafella	Hoeffel	Olasz	Van Horne
Cole	Honaman	Oliver	Vroon
Cordisco	Horgos	Pendleton	Wachob
Cornell	Hutchinson, A.	Perzel	Wambach
Coslett	Hutchinson, W.	Peterson	Wargo
Cowell	Irvis	Petrarca	Wass
Cunningham	Itkin	Petrone	Wenger
DeMedio	Jackson	Phillips	Weston
DeVerter	Johnson	Piccola	White
DeWeese	Kanuck	Pievsky	Wiggins
Daikeler	Kennedy	Pistella	Williams, J. D.
Davies	Klingaman	Pitts	Wilson
Dawida	Kolter	Pott	Wogan
Deal	Kowalyshyn	Pratt	Wozniak
Dietz	Kukovich	Pucciarelli	Wright, D. R.
Dininni	Lashinger	Punt	Wright, J. L.
Dombrowski	Laughlin	Rappaport	Zwilk
Donatucci	Lehr	Rasco	
Dorr	Lescovitz	Reber	Ryan,
Duffy	Levi	Rieger	Speaker
Durham			

NAYS—4

Gladeck	Letterman	Morris	Telek
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NOT VOTING—8

Evans	Lewis	Richardson	Swift
Gray	Mackowski	Snyder	Williams, H.

EXCUSED—4

Cohen	Gruitza	Tigue	Wilt
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The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the clerk present the same to the Senate for concurrence.

RESOLUTION ADOPTED

Mrs. HAGARTY called up **HR 24, PN 1177**, entitled:

General Assembly urges and directs Pennsylvania Commission on Sentencing revise and resubmit sentencing guidelines.

On the question,
Will the House adopt the resolution?

The SPEAKER. The Chair recognizes the lady from Montgomery, Mrs. Hagarty.
Will the lady yield?

MR. ANDERSON REQUESTED TO PRESIDE

The SPEAKER. Will the gentleman from York, Mr. Anderson, come to the rostrum to preside temporarily?
The lady may proceed.

**THE SPEAKER PRO TEMPORE
(JOHN HOPE ANDERSON) IN THE CHAIR**

Mrs. HAGARTY. In 1978 this legislature passed an act creating the Pennsylvania Commission on Sentencing to establish guidelines for sentencing. The commission submitted to the General Assembly its guidelines on January

24. Unless defeated by a concurrent resolution of the House and the Senate by April 24, these guidelines will become law in Pennsylvania.

The intent of the original statute was to create a simple guideline system that would help to reduce unwarranted disparity in criminal sentences. Let me say at the outset that I support the concept of guidelines. There are those who do not. However, I support guidelines and I support the work of the Sentencing Commission. Guidelines will make sentences more predictable, determinate, and will create with proper guidelines a greater certainty for incarceration for serious crimes in Pennsylvania. The guidelines contemplate appellate review by both prosecutor and defense by petition for allowance of appeal. This, too, is a good result.

Basically the way the sentencing guidelines work, there is an offense score which is set up which measures the seriousness of the crime on a scale from 1 to 12. Every crime in Pennsylvania is rated with a score. There is additionally an offender score measuring the extent and gravity of the defendant's prior record. The defendant starts with a score of zero and, depending upon the number of prior crimes he has, receives additional points. A grid is then formed between these two scores. In each grid a range of minimum sentences is specified. The guidelines provide limited variations from the sentence guidelines for specified aggravating and mitigating circumstances. Additional points may be added for the use of a firearm in the commission of a crime. A judge may only sentence outside the guidelines if he finds that the sentence would be clearly unreasonable and states in writing the reasons he has found that.

It is important to note that these guidelines call for minimum sentences. However, make no mistake about the importance of what a minimum sentence is in Pennsylvania. At the expiration of a minimum sentence, a defendant is eligible for parole, and at one-half of his minimum may be eligible for prerelease programs. Therefore, the only certain period we know that a defendant will be incarcerated is for that minimum.

I believe that these guidelines can be useful to Pennsylvania. However, I believe that, as promulgated, they are too lenient and will do nothing to deter crime in Pennsylvania. They do not make sense. In the words of many of the district attorneys I have heard from throughout this Commonwealth, they pose an ominous threat to law enforcement. These rankings, in a day and age when the quality of life in our communities is controlled by the fear of crime, will not deter crime.

My resolution specifically provides the commission an opportunity to return to this legislature with stiffer sentences. HR 24 says that the commission should return within 6 months with new sentence guidelines. I offer suggestions for areas that they should consider, and those suggestions are listed on the second page of this resolution. The main intent of these suggestions is to let the commission know the mood and the feeling of this General Assembly about serious crime in Pennsylvania.

Let me give you some examples of why I feel and why the district attorneys across Pennsylvania feel that these guidelines are too lenient, and I suggest that as you listen to these examples, you decide yourself whether these are sentences that you want this General Assembly to sanction and if you think they are appropriate for the crimes.

We start with the crime of burglary. Today we live behind locked windows and doors. We install sophisticated security systems and are fearful to leave our homes lest we return to find our houses in shambles and our valuables gone. The guidelines, however, call for a residential burglary to be assigned to a score of 5. This means that on the first offense the suggested sentence is zero to 6 months. Even a residential burglar who has three prior convictions for the same offense could only receive a minimum sentence of 11 1/2 months. What is even more upsetting is if the burglar meets someone on the premises and is armed with a deadly weapon in that person's home, they will still only receive a sentence of 8 to 11 1/2 months under the guidelines. Let us remember that burglary is a felony of the first degree and punishable by a maximum sentence of 10 to 20 years.

Robbery. If the victim is injured in a robbery, these guidelines call for a sentence of 4 to 7 months. If it is a second-offense robbery, 6 to 9 months.

Even if aggravating circumstances exist, you can only move over one grid on those guidelines. For example, if there were aggravating circumstances, such as the victim was elderly or had a mental handicap or for some other reason it was a particularly difficult situation for the victim, that burglar, instead of getting the 8 to 11 1/2 months, would get 12 to 17 months. Not a big difference in my mind.

To give you one other example that struck me as particularly horrifying, in kidnapping where a victim is injured, these guidelines only call for a sentence of 2 to 3 years.

There are other problems with the sentencing guidelines which I would like to point out to you and which my resolution deals with. The guidelines provide that unless an offense is above a 7, the judge must sentence what is called a concurrent sentence. What this means is that in many crimes, in the course of a criminal episode a defendant violates more than one criminal act; for example, the man who steals a car to commit a burglary. Normally a judge can stack these sentences. He can sentence on the theft of the car and then can add to that sentence for the burglary. The guidelines specifically provide that all sentences ranked less than 7 shall be sentenced concurrently. That means he cannot stack them, but they must be combined into one sentence. There was no provision in the original statute that suggested to the commission that they had the authority to do this, and it limits the disposition that a judge can make in cases of outrageous crime.

Another serious problem with these guidelines is that the FBI - Federal Bureau of Investigation - and the Pennsylvania rap sheets do not specify the variety of robbery or burglary in which the defendant has previously been involved, but the guidelines do. So for that judge to figure out what guideline grid is appropriate, he cannot just look at a sheet and do it.

He has got to go back and get in touch with that jurisdiction in which the crime first happened, and that jurisdiction is going to have to review the facts of that case.

My resolution also suggests that the upper limit of sentences within each section of the grid should be expanded. Presently the guidelines reflect an average of all the counties. By providing such a narrow range of sentences, there is no way they can be acceptable to both rural and urban Pennsylvania. There is no reason for failing to recognize the legitimate interest of the community in which the crime is committed, which might lead to regional differences in considering the seriousness of the crime. We can do this by expanding those grids upward. We can still provide for less disparity in sentencing and yet take into account what rural, suburban, or urban areas see as appropriate sentences.

In closing, I say to you that serious crimes of all kinds increased to an all-time high in Pennsylvania during 1980. Figures from the state Uniform Crime Report show that there were more than 300,000 crimes during 1980 in Pennsylvania, one crime for every 13 Pennsylvania residents. A vote for HR 24 is a vote for tougher sentencing in Pennsylvania. Thank you.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Philadelphia, Mr. Berson.

Mr. BERSON. Mr. Speaker, the experts in criminal law tell us that there are three elements that will deter crime. One is the certainty that you are going to get caught. The second is the certainty that after you have been caught you will be swiftly punished. And the third is that you will be punished.

The present sentencing structure in Pennsylvania, as devised by this General Assembly, is to rank crimes in the order of felonies 1, 2 and 3, and misdemeanors 1, 2 and 3, and this General Assembly then went on to specify maximum sentences that could be imposed for each one of those crimes. The problem with that scheme of sentencing is that within the outer limits selected by the General Assembly, a judge is free to sentence anywhere as long as he does not exceed the maximum sentence that we have specified for a felony 1 or a felony 2 or a felony 3.

Beginning a few years ago, a widespread dissatisfaction occurred in this Commonwealth with the sentencing practices of our judges. A way was sought to bring the General Assembly's feelings about this dissatisfaction to the view of these judges. The method that we used was to create a sentencing commission, a sentencing guideline commission consisting of judges, district attorneys, legislators, lawyers and laymen, to examine into this problem and to try and devise a scheme of guideline sentences, those sentences which we believe are the minimum, the minimum, that a judge in the normal course of events ought to impose for a given crime. That is what is embodied in these guidelines. It attempts to tell judges what the minimum sentence shall be when they impose sentence on a convicted criminal.

Obviously these guidelines are not perfect. Nobody standing up here is going to tell you that they are. They represent an experiment on our part in trying to tell the judiciary of this state what we think they ought to do when given a crime

and a criminal who has committed a certain offense, has a certain prior record, where certain aggravating circumstances are present, and certain mitigating circumstances are present. We are saying to the judges, you no longer have a free hand; we want you to look at this grid; we want you to determine what the offender's score is, what the offense score is, select that appropriate sentence; if you find that the sentence we have recommended is wholly inappropriate, you may go outside the guidelines and you can put your reasons on the record for doing that.

We have further provided an additional safeguard for both the defendant and the prosecution in that for the first time the district attorneys are going to be permitted to appeal sentences which they consider too lenient. That is a substantial safeguard for the district attorneys in this state. Presently the defendants may appeal a sentence, but district attorneys cannot.

The range of sentences which Mrs. Hagarty has criticized as being too narrow are deliberately made narrow because of our desire to confine the discretion of the judges in sentencing convicted criminals. The whole aim of guidelines is to confine the discretion, to narrow the disparities, and to have uniformity and predictability in the sentencing process.

As to concurrent sentences, yes, we have recommended that for serious crimes there be concurrent sentences, that these sentences not be served consecutively. We find that presently only 3 percent of the sentences being imposed in this state are concurrent sentences. We think that where a defendant is convicted of a serious offense or a series of serious offenses, he should serve consecutive sentences.

I would urge you to support this novel experiment in attempting to deal with judicial discretion in the area of sentencing and support these guidelines. They represent almost 2 years of work and, I think, deserve a reasonable trial with the safeguards of appellate review. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Berks, Mr. Fryer.

Mr. FRYER. Mr. Speaker, I intend to vote "no" on these guidelines, and I would like to state my reasons for doing so.

It is not that I am against limiting the flexibility of judges. On the contrary, I believe that they have far too much discretion at present, and I would welcome a realistic effort to limit that power. What is wrong with these guidelines is the same thing that is wrong with the present system - leniency; the assumption that criminals are just poor, misguided, deprived, social outcasts whose parents did not read the right child psychology books; the assumption that all these criminals need is love, understanding, compassion, and rehabilitation. And so we read that one of the women who attempted to assassinate President Ford, Sara Jane Moore, will be eligible for parole in 1991. And Lynette "Squeaky" Fromm, the other woman who took a shot at Mr. Ford, could be paroled as early as 1990. And Arthur Bremer, who crippled Governor Wallace, will be up for parole in 1988. And Sirhan Sirhan, the man who murdered Robert Kennedy, will be eligible for parole as of September 1 of 1984, just about 3 years from

now. And mass-murderer Charles Manson, the killer of Sharon Tate among others, is up for parole at this very moment. Do you think that is what people want? Hardly. And then what about an individual named Hinckley down in Washington, D.C.? If he were tried in a Pennsylvania state court under these so-called wonderful guidelines, his minimum sentence would be 5 1/2 years to 6 1/2 years. Do you think that is what the people want? Thank you, class. A little slow on the response, but nevertheless it is welcome.

Seriously, Mr. Speaker, the people are incensed; they cannot understand precisely what is going on in our courts. I say, let us send a word; let us give this commission, which I think is a very competent one, a message; let them go back, let them go back and establish guidelines that the breaking of a law is a serious matter and should be enforced.

Let us look at some of these guidelines that are being proposed. For a convicted kidnapper, 2 to 3 years; for a convicted rapist, 3 to 4 years; for a motorist convicted of drunken driving for the third offense and for killing a pedestrian, 1 month in prison.

Now, I do not have any ability in this field, and it might be said I lack ability in many, many fields, but I just cannot understand how we come up with guidelines of that type. Now, I think that the people want stiffer penalties, and what do the proponents of these guidelines have to say in their defense? They tell us that the guidelines will lead to standardization, to uniformity. Well, that is just great. I cannot tell you how excited my constituents are about standardization of sentencing. It is a real hot issue. In fact, I even received a letter on the subject about 2 years ago.

Mr. Speaker, the real opinion of our law-abiding citizens could not possibly be more clear. They want these violent, repeat criminals locked up and not for a token sentence. I do not see how anyone who agrees with that point of view can vote for these guidelines, and, to put it quite frankly, I do not really see how they can stand up and explain their vote to the enraged people of the Commonwealth of Pennsylvania.

Mr. Speaker, I think that we should reject these guidelines and send it back to the commission and let them rework it and come up with a realistic viewpoint that will establish that old saying that crime does not pay. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Allegheny, Mr. McVerry.

Mr. McVERRY. Mr. Speaker, I, along with Mr. Berson, had the dubious honor or pleasure to be placed upon this commission by the leadership of this House, and we spent nearly 2 years literally at war with other members of the commission over trying to resolve the issue of sentencing in a fashion that would be palatable to all the people, including all of you.

The Sentencing Commission was established, I believe, for two reasons, and it was established by this General Assembly. One of those reasons was to avoid mandatory sentencing legislation that was being proposed, and another reason was to eliminate disparity in the manner in which people who were convicted of crimes were treated from county to county or within their own county; that is to say, to give some unifor-

mity and predictability as to the manner in which people who had been convicted would be treated. I find that we must have hit the nail on the head or come close to it, because we promulgated guidelines that seem to make no one happy, and in the field of sentencing, no two people seem to agree. No two judges seem to agree, and that is one of the things that brought us into existence, the fact that judges treat different people differently under the same or similar circumstances, and it should not be.

I think that there is a broad misconception, frankly, that these guidelines are lenient. The commission was made up of 11 people. The guidelines that were voted on were dissented by two members of the commission. The basis of their dissent was that the guidelines were too harsh, they were too strong, and that they gave the judges too much discretion, the exact contrary or opposite to that which is being put forth here on the floor today.

In going about our task, we had to find out what was going on in Pennsylvania in sentencing to determine the direction that we were to go, and so we had researchers go into each of the 67 counties and take a 12-percent sampling of all criminal cases that had been prosecuted in each county in 1977, and from that data we were able to determine what people were being incarcerated for what crimes and for what periods of time. The fact that the General Assembly has said that burglary is a felony of the first degree, with a maximum sentence of 20 years, is very well and true, and that has been the law for years and years and years. But the fact of the matter is that the courts in Pennsylvania are not sentencing people to 10 to 20 years for burglary. It is a fact; they are not sentencing people for that crime. As a matter of fact, in certain areas the crime of burglary is almost winked at. In certain areas it is being treated as an ARD - accelerated rehabilitative disposition - for which you can have your record expunged. We do not countenance that kind of treatment, but we have to work with the facts as they do exist. The fact of the matter is that application of the guidelines will increase incarceration in Pennsylvania by somewhere between 25 and 50 percent. We have the statistics to prove that to be so.

Establishing guidelines is no easy task. I think that we spent a lot of time in determining an offender's score and what aggravating and mitigating circumstances were and what offense scoring was, and those things we have worked out on the grid. Now when you look at that grid, you have to be careful to keep in mind that the figures that are set forth on the grid are recommended minimums, not a sentence of 8 to 10 months if there is an 8 and a 10 on there. That means a minimum sentence of 8, 9, or 10 months, the maximum of which could be the legislative maximum permitted under the statute. For instance, in a burglary, if you were being sentenced for a period of 11 1/2 months to 23 months for a first offense, that is far and away beyond current practice in Pennsylvania. People on first offense for burglary do not go to jail. People on first offense on burglary under the guidelines will go to jail, and they could go to jail for a period from 11 1/2 months to 20 years. The guidelines do not purport to deal with maximum sentences, only recommended minimum

sentences, and the recommended minimum sentences are to put people for these serious crimes in jail fast and to keep them in jail.

I would like to point out to you that in the upper tier of this grid system which deals with the most serious felonies, the most violent crimes, in 1977, statewide, only 59.6 percent of the people who were convicted of these serious crimes went to jail. Fifty-six percent of them went to jail in 1977. In 1981, if you adopt these guidelines, 100 percent of them will go to jail. In the moderate range of incarceration, only 48 percent of the people went to jail. If you adopt the guidelines, 100 percent of the people who commit those crimes will go to jail. In 1977 the average length of incarceration for a first-degree felony was 13.9 months of incarceration. If these guidelines are adopted, the average length of sentences for felony 1's would be 34.3 months. In the moderate range, the average length of incarceration was 5.1 months, and if we adopt the guidelines, it will be 6.7. The guidelines are not soft on crime. It is a drastic increase of what current practices are.

I think what to me is equally important is this, and I am asking for the rejection of my colleague's resolution to send the guidelines back to the commission for a couple of reasons. Number one, we have worked for 2 years. This is our work product. This is what we came out with. This is what the commission believes is the best thing to do. More importantly though, if you adopt this resolution, you send the guidelines back for 6 months. New guidelines would come, and you would have 3 months to take them or leave them, with another 3-month effective date. So by passing this resolution, you effectively put off any meaningful change in sentencing practices for at least 1 year - 6 months for the commission to look at it, 3 months for you to again look at it, and 3 months for it to become effective. So if you pass the resolution, you are putting off sentencing reform for 1 year.

On the other hand, if you do not pass this resolution and let the guidelines go into effect, you can send the commission a message that you want revisions done in accordance with however you want them done. The commission stays in existence and can change the guidelines anytime and resubmit them to the General Assembly. So what I suggest is that you do not pass this resolution; let the guidelines go into effect; tell the Sentencing Commission what changes, if any, you as a body recommend in those guidelines; send the commission back to work, which they can do. Between now and the effective date of the guidelines, they can go back to work. But if you do not let the guidelines go into effect, it is at least 1 year before we have any meaningful change in the direction of sentencing reform.

I think it has been said. I urge you to not vote in favor of HR 24 and to let these guidelines go into effect. That is all, Mr. Speaker.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Westmoreland, Mr. Kukovich.

Mr. KUKOVICH. Thank you, Mr. Speaker.

I hope the members were listening to Mr. McVerry. His argument was very cogent, very much to the point, and my argument will be briefer because he made many of the points that I wanted to talk about. I will not reiterate them.

This system of guidelines created a personal dilemma for me, because I had thought they were actually too harsh. I had even originally considered voting against the guidelines because I thought they were too harsh. This morning I talked to Professor Pelaez, who is the vice chairperson of this Sentencing Commission. He informed me that he thought they were too harsh. He voted against them because of that.

But I am against this resolution for these guidelines, Mr. Speaker, because I think the alternative is so much worse. I think Mr. McVerry very ably pointed that out in two areas of incarceration. One, when we talk about length of time, especially serious offenses, the time will be increased. There will be more man or woman hours spent in prison. Secondly, in terms of the amount of people incarcerated, many more, and again in these more serious penalties, they will spend about twice as much time in jail.

Some statements have been made in favor of the resolution which are true but misleading, and they always bandy about what the minimum sentence is, not reminding you that the maximum sentences are not changed from the current law. There are still very severe and harsh penalties which judges can sentence criminals to.

According to Professor Pelaez and according to the figures I have read, one of the problems with the guidelines will be that we are not going to have enough room in prisons, because there will be so many more people sentenced and to longer terms. What is even worse is that many nonviolent offenders under these guidelines will be sentenced to do time who currently are not. I think one mistake in the guidelines is that they should have provided more alternative punishments to incarceration, but they did not, which is another reason why they are harsh. So I do not want you to think, if you vote "no" on this resolution and in favor of the guidelines, that you are being soft on crime. To my mind, that is simply not the case.

Mr. Speaker, although I am not completely happy with the guidelines, one thing we have to keep in mind is there is a broader concept involved, and that is the concept of certainty of punishment. I think anybody who has been involved in the criminal field knows that that is a true deterrent, much more so than severity of punishment. Mr. Speaker, I have done criminal defense work; I have been in most of the prisons in this Commonwealth, and the important concept is—and this type of presumptive sentencing may be the most important concept that we can enact in the short-term future to really do something about law and order—we have got to keep in mind what the criminal mentality is, and that is that they feel they can commit crimes and get away with it, that the odds are on their side, and when they go through the current judicial system, no matter how severe the penalties are, especially in the urban areas, the odds are that they will not do time. And if they do some time, if they do go to jail, they do not feel as if they are being punished; they feel as if they were the unlucky ones; they were the ones who were caught, but next time they will do it better.

This whole concept we are now living under breeds disrespect for the judicial system. If we have certainty in punish-

ment, if we lessen judicial discretion so there is less disparity in sentencing, we can restore some of that respect. That is the important concept, a concept of fairness, of evenhandedness, in the criminal system. Now, if before we get guidelines all 203 of us have to agree with the rankings of all 300-or-so offenses, we will never have guidelines, we will never have certainty of punishment, and again the alternative is going to be so much worse.

Now, Mr. Speaker, I think I am aware of the mood of the chamber, but I think it is important that I go on the record for what I believe in in terms of these guidelines, because I am not sure what will happen to the commission if this resolution carries. There are certain factors in this resolution that say the commission must consider those factors. I think in order to get a true sense of the legislature, some other points have to be raised.

If this resolution carries, for the record, I want to give some direction to the Sentencing Commission, at least from my personal point of view. I want the commission to know that in terms of nonviolent crimes, I would like them to consider nonincarceration penalties. In terms of reducing judicial discretion, that has got to be the prime factor. We have got to restrict judicial discretion in this field to have true certainty. I would submit to you that the guidelines do not go far enough in limiting judicial discretion, although some judges speak to the contrary. Keep in mind that those judges are concerned about their own power. Mr. Speaker, I, for one, firmly believe that true deterrence is certainty of punishment, and by arriving at certainty of punishment, we must reduce disparity.

Mr. Speaker, too often in this chamber the members vote on a perception. If the guidelines have been painted as being lenient, they want to appear at home as being tough, as being harsh on crime. I would suggest you look at the factors; look at the testimony of Mr. McVerry; look at the statements of Mr. Berson and Mr. McVerry, and if you honestly want to do something about the law-and-order issue, if you want to be able to go home and say that you are doing something about reducing crime, then I would suggest that you vote "no" on this resolution and give these guidelines a chance. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Montgomery, Mr. Reber.

Mr. REBER. Thank you, Mr. Speaker.

I, too, like Mr. Kukovich, am a practicing attorney, having done criminal defense work. I have not spent time in all the prisons across the Commonwealth as Mr. Kukovich has, but I certainly feel there is a tremendous concern—at least that concern has been expressed to me on a number of occasions by the trial judges throughout the county, as well as the district attorneys throughout the county—that these guidelines as presently promulgated are just too lenient. I say this as a defense counsel. If I was looking at these particular guidelines in the process of making a plea-bargain arrangement or entering into ultimately a guilty plea, these guidelines are just too lenient. I would love to have these accepted by a court. There is no doubt that the leniency factor has to be looked to, has to be recognized by this body, and this resolution has to be adopted.

Representative Hagarty is not coming out against the commission; she is only coming out against the manner in which these guidelines have been promulgated and put before this body for review. I caution every member that when the guideline enactment went into effect allowing you the right to review this, it had to be for a purpose, and I submit it was for just this particular purpose that we do want to look at these, if in fact they come back as being too lenient. There is no doubt about it.

I would further submit that the guidelines go beyond the authority given the Sentencing Commission by the legislature. The Sentencing Code requires the sentencing judge to consider three things: First of all, confinement that is consistent with the protection of the public, the gravity of the offense as it relates to the impact on the life of the victim and on the community; secondly, the rehabilitative needs of the defendant; and thirdly, the guidelines themselves. On the other hand, the guidelines as we have them before us presently require the sentencing judge to follow the guidelines without considering the first two. No deviation from the guidelines is possible without written opinions, and I would submit that we are not going to always have those written opinions. For that purpose the guidelines might be followed in toto to the detriment of the victim and ultimately to the detriment of the public.

Basically, in this day of high crime, I think it is absolutely ridiculous for the Sentencing Commission to tie the hands of those trial judges who wish to impose appropriate sentences upon repeat offenders. I have serious reservations with the structuring of the guidelines to repeat offenders. Certainly if uniformity of sentence is to be a desired objective, the end should be achieved by requiring those judges who are too lenient to impose stiffer sentences, not by preventing those judges who desire to impose appropriate sentences from doing so.

I can only express to this body that this may very well be one of the most important votes taken during the term of this legislature. I would certainly hope that you will all find to vote in favor of HR 24. Thank you.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Dauphin, Mr. Piccola.

Mr. PICCOLA. Thank you, Mr. Speaker. I will be brief.

The proponents of the guidelines have made the point that the result of the guidelines would be that there would be more incarcerations in the Commonwealth of Pennsylvania. Now, I do not know how they arrived at that, and I have some suspicions about the way they arrived at that, but I know one thing, that that would not be true, in the county of Dauphin, and I suspect that it would not be true in most of your counties.

Now, the fact of the matter is, then, that what we are doing with the guidelines, we are either bringing down our standards to the point where the lowest counties are the common denominator, the most lenient counties, or we are at best compromising with these guidelines between the harshest counties and those with the most lenient sentences. I say that we should not compromise; we should not stoop down to the

level of the lenient counties, but we should bring those standards up to the level of the counties that presently hand out the longest and the harshest sentences.

Mr. Kukovich says that the purpose of the guidelines is fairness and evenhandedness. I disagree with that. The purpose of having these guidelines is deterrence, and we are not going to have deterrence unless there is the fear of extended incarceration. Under these guidelines I do not believe we have that, and I would urge the House to adopt the Hagarty resolution.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Cumberland, Mr. Mowery.

Mr. MOWERY. I guess I am one of the few so far who is not an attorney speaking about a bill which, I think, has an awful lot for us to consider here today.

I would like to read to you parts of a letter that was received from the president judge of Cumberland County. I think that probably for many of us who are not attorneys, it is very difficult to understand really the significance of what these guidelines are, except either they are too stringent or not stringent enough, but here is what the president judge of Cumberland County says in part of his letter to me regarding this bill:

For approximately twenty years, the courts of Cumberland County had the benefit of a presentence investigation report made by a probation officer in every case where a sentence was imposed. This report gives us the benefit of the individual's background in every respect, his criminal record, his work record, and all other matters for consideration in the imposition of a sentence. Based on these reports, I believe that we in Cumberland County have generally imposed a sentence which made the "punishment fit the crime."

...I urgently solicit your vote to reject the guidelines.

I would also like to just read a short paragraph from the Cumberland County district attorney.

It would be a major setback if the standards in our urban centers are foisted upon those vast majority of Pennsylvania counties which are able, through a responsive court system, to cope with the problem of crime. These courts, including Cumberland County, are well able to individualize sentences based upon the needs of the community and the defendant. The guideline system and the attendant increase in appellate review of sentences is unnecessary, unwise and unfortunate.

Mr. Speaker, if it is true that we are only voting on guidelines, I would like to ask someone who is actually in favor of passing the guidelines to answer a question for me, if I may, Mr. Speaker, whoever that may be.

The SPEAKER pro tempore. The gentleman, Mr. Berson, indicates that he will stand for interrogation.

Mr. MOWERY. As far as the guidelines are concerned, I would like to ask a question. If these are truly just guidelines, why is it necessary to put a provision in the bill, which I understand is there, that allows for the criminal, if the sentence is more strict than the guidelines indicate, to appeal his case against the judge?

Mr. BERSON. Because the Supreme Court of Pennsylvania, in a case called *Commonwealth v. Riggins*, held that a defendant in a criminal case could appeal his sentence. What is unique in the statute is that now the district attorney can appeal a lenient sentence, just as the defendant in a criminal case, under *Commonwealth v. Riggins*, could appeal a severe sentence. That is why we put it in. It is merely declarative of what the law is in the state right now.

Mr. MOWERY. Well, Mr. Speaker, being a layman and not understanding the legal background, it would appear to me that if I was a judge and if I was going to run the risk of having my sentence appealed, I would tend to bring my sentencing down to the minimum guidelines. Is that not true?

Mr. BERSON. No. I think if you feel that the minimum sentence is clearly inappropriate, you would put your reasons on the record and you would impose what sentence you felt was appropriate under the circumstances, if you are a conscientious judge. If you feel, however, that an appellate court will reverse you, you are going to be a little more careful of whether it is too severe or too lenient, but it is going to take time for the appellate courts to tell the trial judges under just what circumstances they can impose these sentences outside the guidelines.

Mr. MOWERY. If in effect that is true and more severe sentences will continue to be given out in Pennsylvania, then will we not be taking the court's time to hear appeals that is now being used to just hear the cases? Where are we saving time?

Mr. BERSON. We probably are not saving time, but we felt, the authors of the Sentencing Commission bill, that it was important that the prosecutors be given a tool to control the judges' discretion in going outside the guidelines and imposing lenient sentences, and that they be given the right to appeal where they felt a sentence was too lenient. That is why we put it in.

Mr. MOWERY. All right. Thank you very much, Mr. Speaker.

I would just like to make a statement.

I certainly understand that the commission worked diligently and hard to put together and to solve a problem for us here in Pennsylvania and for the courts, I am sure, but one of my major concerns is that I think this is a step backward, not a step forward. The problems in Philadelphia and Pittsburgh are certainly unique, and I understand them. I do not think this bill solves the problem. I think what it is doing is putting the guidelines and reducing the sentences on criminals that are now being done in rural Pennsylvania and bringing them down and not in any way improving our court system.

You know, one of the things that I was totally believing about the guidelines all along was that it was to help save time. I was just told by the former speaker that that was not necessarily so. If it does not save time, then what are we trying to accomplish? It is my feeling that a court that can look into the background of the criminal and can take into consideration the past number of times that he has had convictions and give a sentence that has some basis besides just a rule book is the kind of sentencing that this country wants to

continue. For that reason I recommend that we vote for the resolution, and all it is doing is sending it back for the benefit of the thoughts that this legislature has given today, and maybe they can come up with a better set of guidelines to work with next time. Thank you.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Philadelphia, Mr. Rocks.

Mr. ROCKS. One quick point, Mr. Speaker, on supporting the Hagarty resolution that is before us, and maybe it has all been said by now, but for many of us who are in this chamber who happen to be cosponsors of mandatory minimum types of legislation—and there are in fact three bills at least that are in committee in this House of Representatives—I would give this caution to those of us, myself being one of them, a proponent of mandatory minimum legislation—and we probably should not debate that in here this afternoon—but if you are a supporter of that, you must back the Hagarty resolution. Otherwise, the opportunity is gone from us to in fact put into law in Pennsylvania that concept of mandatory minimum sentencing.

Mr. Speaker, this week it occurs to me that we can pass a lot of lofty resolutions in this House - when our President is shot at; when another child is killed in Atlanta - but if we listen carefully to the people we represent, they have had it with violent crime and with criminals who employ the use of a firearm or who are repeat offenders walking in and out of courtrooms in this country, and for that reason many of us strongly support the mandatory minimum sentencing approach and putting that into law in this state, and if we are going to do that, then we need very much to adopt the resolution that is in front of us today to give us this opportunity. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair recognizes the minority whip.

Mr. MANDERINO. Mr. Speaker, very briefly, because I am not sure how many people are still listening and I do not know that everything that I am going to say has not been said by one speaker or another in some manner.

I am sure that the task of the 11-member commission was not easy. I am sure that every one of us in here, if we had a chance to vote on whether we think the courts are too lenient today or whether they are not too lenient today, most of us would say that they are too lenient today. I am sure that when the courts and the district attorneys who oppose these sentencing guidelines established by the commission that we in the General Assembly provided for, when they say that those guidelines are too lenient, I would ask them, as compared to what are they too lenient? If you take the sentences that you judges all across this Commonwealth have been imposing, which the guidelines have been measured against in every one of the grids, they are not too lenient. In person-to-person offenses they are 50 percent stricter. There are hardly any of the counties in the major offenses that measure up to putting as many people in jail for the crimes that will be committed as the guidelines will put in jail. No counties put anywhere near that number in jail in 1977, the year tested.

Sure we all want quick retribution. The sponsor of the resolution says she wants sentences to be more determinate, more predictable. She wants them to have greater certainty, and then I looked at the resolution to see how we were going to do that. Well, we are going to do that by making them increase the upper limit. All that does is widen, it seems to me, the range within which a sentence can take place, and that certainly takes away from predictability of certainty, just as lowering the grid section would do the same. We are going to tell the judges—at least that is what this resolution says—we ought to look very hard at providing more latitude—on page 2, item (2)—provide the judges more latitude in sentencing where aggravating and mitigating circumstances are involved or found.

And, finally, I do not think we are going to make sentencing more predictable or have greater certainty if we clarify the list of aggravating and mitigating circumstances so that we make sure that the judges understand that they are not exclusive. If they can think of some other ones that are aggravating or mitigating, they can include them, too.

Now, there is no question that those judges who have been harsh and those judges who have imposed stiff sentences are not hampered in imposing those same sentences, should they feel constrained to, even after the adoption of some sort of guidelines, which are minimum guidelines. There is a procedure for doing that. But those who have not been imposing what we would consider correct and proper sentences will have to measure up to this standard also or be subject to appeal.

Those of you who think that rejecting these guidelines is going to give you a clearer shot, as the last speaker said, to mandatory sentences ought to think that mandatory sentences, all the bills that have been thus far produced, range anywhere from covering 3 percent of all the crimes that we could commit, or anyone could commit, to 9 percent of the crimes. That is all that has ever been covered by a mandatory sentencing bill. These particular guidelines run across all the crimes. Eighty to 90 percent of all the crimes that can be committed under the Crimes Code are covered by these sentencing guidelines. They are two different concepts.

When I say, lenient as compared to what, it is very important. Mr. McVerry pointed out that unless we allow these guidelines to go into effect, the sentencing that has been taking place across the Commonwealth in the courts is going to continue to take place, and that is what is lenient. These guidelines tighten it up in person-to-person offenses by at least 50 percent, and we are going to delay that kind of implementation and that kind of stiffening of penalty for at least a year if we reject the guidelines, and I think that is what we are about to do, but I am asking you to consider very seriously what you are really doing. If tested or measured against the standard of do we really know as much about these guidelines or how they will work as that 11-man commission that spent 2 years studying the problem and trying to arrive at a fair decision, how many of us could answer, yes, we know more about it? Honestly, how many of us?

I am willing to go with the commission's judgment. I am sure they thought about it. I am sure they had difficulty in arriving at what they arrived at, but it is the product of judges and prosecuting attorneys and distinguished legislators out of this body and people who had in their heart providing what is best for this Commonwealth in its criminal justice system in the area of sentencing guidelines, and I think it deserves a chance. And while it is being given that chance in the next year, if you want to mandate that the commission study other alternatives, some of which may be suggested in the Hagarty resolution, there is nothing wrong with that, but let us get to something and not just delay the time for another year before we really address the problem. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair recognizes the lady from Montgomery, Mrs. Hagarty.

Mrs. HAGARTY. I will be brief. I just want to respond to a couple of misconceptions that I think have been stated by the opponents of HR 24.

First of all, the research that has been held up as the example today of showing why these sentences are going to result in stiffer sentences in Pennsylvania was done in 1977. It is 3 years out of date.

Second of all, that idea that 50 percent more defendants are going to be incarcerated in Pennsylvania is largely because of two counties, Philadelphia and Allegheny County, where sentences are lighter than anywhere else in this Commonwealth. And I, for one, am not going to give up tougher sentences in suburban and rural Pennsylvania so that two counties can get tougher sentences, and that is what I think we are being asked to do today.

I just briefly want to say that regardless of what this commission did and the time they spent and Mr. Manderino's comment as to how many of us know as much about sentencing, when we put our stamp of approval on these sentences, you are going to be asked to defend this. It is an indication that you think these sentences are appropriate. They are not. We should not, as this legislative body, be allowing the Sentencing Commission to close our eyes to good sentences and say, it is all right for them to do it; they know more about it than we do. I do not believe that that commission knows more about what our citizens want in the way of a response to violent crime in Pennsylvania than we do, and I do not believe that this General Assembly is willing to give up our right to impose what we think are the right sentences, and I ask for an affirmative vote to HR 24.

THE SPEAKER (MATTHEW J. RYAN) IN THE CHAIR

CONSIDERATION OF HR 24 CONTINUED

On the question recurring,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—157

Alden	Duffy	Letterman	Rocks
Anderson	Durham	Levi	Rybak
Armstrong	Earley	Lewis	Salvatore
Arty	Fee	Livengood	Saurman

Belardi	Fischer	Lloyd	Serafini
Belfanti	Foster, W. W.	Lucyk	Showers
Beloff	Foster, Jr., A.	McCall	Sieminski
Bittle	Frazier	McClatchy	Sirianni
Blaum	Freind	McIntyre	Smith, B.
Borski	Fryer	McMonagle	Smith, E. H.
Bowser	Gallagher	Mackowski	Smith, L. E.
Boyes	Gallen	Madigan	Snyder
Brandt	Gannon	Manmiller	Spencer
Brown	Geist	Merry	Spitz
Burd	George	Micozzie	Stairs
Burns	Gladeck	Miller	Steighner
Caltagirone	Greenfield	Miscevich	Stevens
Cappabianca	Greenwood	Moehlmann	Stewart
Cawley	Grieco	Morris	Stuban
Cimini	Gruppo	Mowery	Swaim
Civera	Hagarty	Mrkonic	Swift
Clark	Haluska	Murphy	Taylor, E. Z.
Clymer	Hasay	Nahill	Taylor, F. E.
Cochran	Hayes	Noye	Telek
Colafella	Heiser	O'Donnell	Trello
Cole	Hoeffel	Olasz	Vroon
Cordisco	Honaman	Perzel	Wambach
Cornell	Horgos	Peterson	Wass
Coslett	Hutchinson, W.	Phillips	Wenger
Cunningham	Jackson	Piccola	Weston
DeMedio	Johnson	Pievsky	Wilson
DeVertter	Kanuck	Pitts	Wogan
DeWeese	Kennedy	Pott	Wozniak
Daikeler	Klingaman	Pucciarelli	Wright, D. R.
Davies	Kolter	Punt	Wright, J. L.
Dietz	Kowalyshyn	Rappaport	Zwikl
Dininni	Lashinger	Rasco	
Dombrowski	Laughlin	Reber	Ryan,
Donatucci	Lehr	Rieger	Speaker
Dorr	Lescovitz	Ritter	

NAYS—37

Barber	Grabowski	Marmion	Shupnik
Berson	Harper	Michlovic	Sweet
Cessar	Hutchinson, A.	Oliver	Taddonio
Cowell	Irvis	Pendleton	Van Horne
Dawida	Itkin	Petrarca	Wachob
Deal	Kukovich	Petrone	Wargo
Emerson	Levin	Pistella	White
Evans	McVerry	Richardson	Wiggins
Fleck	Manderino	Seventy	Williams, J. D.
Gamble			

NOT VOTING—5

Gray	Mullen	Pratt	Williams, H.
Maiale			

EXCUSED—4

Cohen	Gruitza	Tigue	Wilt
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The question was determined in the affirmative, and the resolution was adopted.

Ordered, That the clerk present the same to the Senate for concurrence.

DECISION OF CHAIR REVERSED

The SPEAKER. The Chair returns to page 4 of today's calendar.

Without objection, the Chair reverses its decision to pass over HB 1043. The Chair hears none.

BILLS ON THIRD CONSIDERATION CONTINUED

The House proceeded to third consideration of **HB 1043, PN 1159**, entitled:

An Act amending the "Pennsylvania Rural and Intercity Common Carrier Surface Transportation Assistance Act," approved February 11, 1976 (P. L. 14, No. 10), mandating certain intercity rail service and defining local financial responsibilities.

On the question,

Will the House agree to the bill on third consideration?

The SPEAKER. The Chair recognizes the gentleman from Beaver, Mr. Laughlin.

Mr. LAUGHLIN. Mr. Speaker, somehow the amendment that I have to offer may have been overlooked on your calendar. It is an agreed-to amendment.

The SPEAKER. The Chair is unaware of any amendments.

The Chair recognizes the majority leader. Does the majority leader have the amendments?

The Chair recognizes the gentleman and asks that the amendments be sent to the desk and read by the clerk.

On the question recurring,

Will the House agree to the bill on third consideration?

Mr. LAUGHLIN offered the following amendment No. A710:

Amend Sec. 1 (Sec. 5), page 3, line 6, by inserting after "(iii)" Beaver Falls, Aliquippa,

On the question,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—189

Alden	Emerson	Livengood	Salvatore
Anderson	Evans	Lloyd	Saurman
Armstrong	Fee	Lucyk	Serafini
Arty	Fischer	McCall	Seventy
Barber	Foster, W. W.	McClatchy	Showers
Belardi	Foster, Jr., A.	McMonagle	Shupnik
Belfanti	Frazier	McVerry	Sieminski
Beloff	Freind	Mackowski	Sirianni
Berson	Fryer	Madigan	Smith, B.
Bittle	Gallagher	Manderino	Smith, E. H.
Blaum	Gallen	Manmiller	Smith, L. E.
Borski	Gamble	Marmion	Snyder
Bowser	Gannon	Merry	Spencer
Boyes	Geist	Michlovic	Spitz
Brandt	George	Micozzie	Stairs
Brown	Gladeck	Miller	Steighner
Burd	Grabowski	Miscevich	Stevens
Burns	Greenfield	Moehlmann	Stewart
Caltagirone	Greenwood	Morris	Stuban
Cappabianca	Grieco	Mowery	Swaim
Cawley	Gruppo	Mrkonic	Sweet
Cessar	Hagarty	Mullen	Swift
Cimini	Haluska	Murphy	Taddonio
Civera	Harper	Nahill	Taylor, E. Z.
Clark	Hasay	Noye	Taylor, F. E.
Clymer	Hayes	Olasz	Telek
Cochran	Heiser	Oliver	Trello
Colafella	Hoeffel	Pendleton	Van Horne
Cole	Honaman	Perzel	Vroon
Cordisco	Horgos	Peterson	Wachob
Cornell	Hutchinson, W.	Petrarca	Wambach
Coslett	Irvis	Petrone	Wargo

Cowell	Itkin	Phillips	Wass
Cunningham	Jackson	Piccola	Wenger
DeMedio	Johnson	Pievsky	Weston
DeWeese	Kanuck	Pistella	White
Daikeler	Kennedy	Pitts	Wiggins
Davies	Klingaman	Pott	Williams, J. D.
Dawida	Kolter	Pucciarelli	Wilson
Deal	Kowalshyn	Punt	Wogan
Dietz	Kukovich	Rappaport	Wozniak
Dininni	Lashingner	Rasco	Wright, D. R.
Dombrowski	Laughlin	Reber	Wright, J. L.
Donatucci	Lehr	Richardson	Zwilk
Dorr	Lescovitz	Rieger	
Duffy	Letterman	Ritter	Ryan,
Durham	Levi	Rocks	Speaker
Earley	Levin	Rybak	

NAYS—1

DeVerter

NOT VOTING—9

Fleck	Lewis	Maiale	Pratt
Gray	McIntyre	O'Donnell	Williams, H.
Hutchinson, A.			

EXCUSED—4

Cohen	Gruitza	Tigue	Wilt
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The question was determined in the affirmative, and the amendment was agreed to.

On the question,

Will the House agree to the bill on third consideration as amended?

Bill as amended was agreed to.

The SPEAKER. This bill has been considered on three different days and agreed to and is now on final passage.

The question is, shall the bill pass finally?

Agreeable to the provisions of the Constitution, the yeas and nays will now be taken.

YEAS—187

Alden	Fee	Lloyd	Rocks
Anderson	Fischer	Lucyk	Rybak
Armstrong	Foster, W. W.	McCall	Salvatore
Arty	Foster, Jr., A.	McClatchy	Saurman
Barber	Frazier	McMonagle	Serafini
Belardi	Freind	McVerry	Seventy
Belfanti	Fryer	Mackowski	Showers
Beloff	Gallagher	Madigan	Shupnik
Berson	Gallen	Maiale	Sieminski
Bittle	Gamble	Manderino	Sirianni
Blaum	Gannon	Manmiller	Smith, B.
Borski	Geist	Marmion	Smith, E. H.
Bowser	George	Merry	Smith, L. E.
Brandt	Gladeck	Michlovic	Snyder
Brown	Grabowski	Micozzie	Spitz
Burd	Greenfield	Miller	Stairs
Burns	Greenwood	Miscevich	Steighner
Caltagirone	Grieco	Moehlmann	Stevens
Cappabianca	Gruppo	Morris	Stewart
Cawley	Hagarty	Mowery	Stuban
Cessar	Haluska	Mrkonic	Swaim
Cimini	Harper	Mullen	Sweet
Civera	Hasay	Murphy	Swift
Clark	Hayes	Nahill	Taylor, E. Z.
Clymer	Hoeffel	Noye	Taylor, F. E.
Cochran	Honaman	Olasz	Telek
Colafrilla	Horgos	Oliver	Trelio
Cole	Hutchinson, A.	Pendleton	Van Horne
Cordisco	Hutchinson, W.	Perzel	Vroon
Cornell	Irvis	Peterson	Wachob
Coslett	Itkin	Petrarca	Wambach

Cowell	Jackson	Petrone	Wargo
DeMedio	Johnson	Phillips	Wass
DeWeese	Kanuck	Piccola	Wenger
Daikeler	Kennedy	Pievsky	Weston
Davies	Klingaman	Pistella	White
Dawida	Kolter	Pitts	Wiggins
Deal	Kowalshyn	Pott	Williams, J. D.
Dietz	Kukovich	Pratt	Wilson
Dininni	Lashingner	Pucciarelli	Wogan
Dombrowski	Laughlin	Punt	Wozniak
Donatucci	Lehr	Rappaport	Wright, D. R.
Dorr	Lescovitz	Rasco	Wright, J. L.
Duffy	Letterman	Reber	Zwilk
Durham	Levi	Richardson	
Earley	Levin	Rieger	Ryan,
Emerson	Rybak	Ritter	Speaker
Evans			

NAYS—6

Boyes	DeVerter	Heiser	Taddonio
Cunningham	Fleck		

NOT VOTING—6

Gray	McIntyre	Spencer	Williams, H.
Lewis	O'Donnell		

EXCUSED—4

Cohen	Gruitza	Tigue	Wilt
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The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the clerk present the same to the Senate for concurrence.

RESOLUTION ADOPTED

The SPEAKER. The Chair recognizes the minority whip. Mr. MANDERINO. Mr. Speaker, I offer the following resolution.

The following resolution was read:

HOUSE OF REPRESENTATIVES
HARRISBURG, PA.
OFFICE OF THE CHIEF CLERK
RESOLUTION

WHEREAS, Mrs. Sulamith Cohen Johnson, a dedicated member of the Lower-Narberth Women's Democratic Committee, and wife of state Public Utility Commissioner Michael Johnson, passed away at the age of seventy years; now therefore be it

RESOLVED, That the House of Representatives of the Commonwealth of Pennsylvania notes with sadness the passing of Mrs. Sulamith Cohen Johnson, a dedicated public servant; and extends its heartfelt condolences to her husband, Michael Johnson; her children, Miriam Pitchon and Margot; her grandchildren and her brother, Joseph Clark; and be it further

RESOLVED, That a copy of this resolution be delivered to Mr. Michael Johnson, 123 Pennsylvania Avenue, Bryn Mawr, Pennsylvania.

We hereby certify that the foregoing is an exact copy of a Resolution introduced in the House of Representatives by the Honorable K. Leroy Irvis, and adopted by the House of Representatives the 31st day of March 1981.

Matthew J. Ryan,
Speaker
ATTEST:
John Zubeck,
Chief Clerk

On the question,
Will the House adopt the resolution?
Resolution was adopted.

ANNOUNCEMENT BY SPEAKER

The SPEAKER. Members of the House, I have been asked to make an announcement that if you have personal belongings on the top of your desk, I suggest that they be put away. The House chambers will be used over the weekend by a group from the state YMCA. It is not necessary to remove Histories and Journals and the like.

REMARKS ON VOTES

The SPEAKER. The Chair recognizes the gentleman from Chester, Mr. Morris.

Mr. MORRIS. I find that on the O'Donnell amendment to HB 712, PN 912, I am recorded in the affirmative. It was not my intention. I would like the record to show that I wanted to vote in the negative.

The SPEAKER. The remarks of the gentleman will be spread upon the record.

The Chair recognizes the gentleman from Lawrence, Mr. Pratt.

Mr. PRATT. Mr. Speaker, may I be recorded in the affirmative on HR 24, please?

The SPEAKER. The remarks of the gentleman will be spread upon the record.

BILLS REPORTED FROM COMMITTEE, CONSIDERED FIRST TIME, AND TABLED

HB 738, PN 787 By Rep. L. E. SMITH

An Act amending the "Goods and Services Installment Sales Act," approved October 28, 1966 (1st Sp. Sess., P. L. 55, No. 7), eliminating the duty of the Department of Banking to supply rate charts to retail sellers and finance agencies.

BUSINESS AND COMMERCE.

HB 930, PN 1208 (Amended)

By Rep. L. E. SMITH

An Act amending the "Housing Finance Agency Law," approved December 3, 1959 (P. L. 1688, No. 621), authorizing the Pennsylvania Housing Finance Agency to issue tax-exempt mortgage subsidy bonds for certain dwellings.

BUSINESS AND COMMERCE.

SENATE MESSAGE

SENATE CONCURRENCE
IN HOUSE RESOLUTION

The Senate informed that the Senate has concurred in **HR 7, PN 334**.

ADDITIONS AND DELETION OF SPONSORSHIPS

The SPEAKER. The Chair recognizes the majority leader. Mr. HAYES. Mr. Speaker, I submit for the record the additions and deletions of sponsorships of bills.

ADDITIONS:

HB 3, Pendleton; HB 24, Pendleton; HB 143, Greenwood; HB 400, Pendleton; HB 459, Pendleton; HB 691, Punt; HB 720, Greenwood; HB 892, D. R. Wright; HB 990, Pendleton; HB 1038, Swaim; HR 31, Johnson, Letterman.

DELETION:

HB 398, Trello.

COMMUNICATION FROM SECRETARY OF PUBLIC WELFARE

The SPEAKER. The Chair acknowledges receipt of a communication from the Secretary of Public Welfare, Helen O'Bannon, dated March 31, 1981, regarding a report on Cornwells Heights Youth Development Center.

The following communication was read:

Commonwealth of Pennsylvania
Department of Public Welfare

March 31, 1981

The Honorable Matthew J. Ryan
Speaker
The House of Representatives
Harrisburg, Pennsylvania 17120

Dear Mr. Ryan:

In accordance with Section 26(c) of Act 41 of 1977, I have ordered intake to the residential program at the Cornwells Heights Youth Development Center closed effective immediately.

This action is necessary due to the fact that commitments to the residential program have increased by 100% during the month of March. At present, there are 107 young persons in the program representing 111% of the capacity.

It is the Department's intention to keep intake closed only long enough to reduce population to capacity. During that time, the Department will provide courts with equivalent services at equivalent facilities pursuant to the provisions of Act 41. Mr. James Jackson, Director of the Philadelphia State Court Unit (215, 686-4091) should be contacted if assistance is needed.

We will keep you informed as the situation changes.

Sincerely,
Helen B. O'Bannon

COMMUNICATION FROM DEPARTMENT OF COMMERCE

The SPEAKER. The Chair acknowledges annual report No. 7 to the General Assembly dated March 1981 from the Department of Commerce, Pennsylvania Nursing Home Loan Agency.

The following communication was read:

Commonwealth of Pennsylvania
 Department of Commerce
 Harrisburg
 March 23, 1981

To the Governor, Auditor General,
 and General Assembly:

I respectfully submit the following report of the loan activity of the Nursing Home Loan Agency (NHLA) from July 22, 1974 to the present and the financial statement of the NHLA for the period commencing July 1, 1980 through and including March 15, 1981. This report is submitted as required by Section 206(b) of Act 207, the Nursing Home Loan Agency Law.

Since July 22, 1974, the NHLA has made loan commitments to 70 nursing homes throughout Pennsylvania for a total of \$47,738,861. Authorized by the May 21, 1974 referendum to sell \$100 million in bonds, the authority, which was created to assist nursing homes in meeting the Life Safety Code, has sold \$53 million in bonds. The interest rates on loans granted by the NHLA are keyed to the bond market. Loans have been made by the NHLA at 6.5 percent interest, 5.4 percent interest, and currently are being made at 6.9 percent interest.

The NHLA loans have helped to preserve 4,430 existing beds, and have leveraged private financing for the creation of 1,818 new beds. The loans were also instrumental in the preservation of approximately 3,544 jobs, and the creation of 1,454 new jobs.

Act 243 was signed into law, in December 1980, amending the Act of July 22, 1974 (P. L. 610, No. 207). The new law expands the scope of the program to allow the use of the NHLA funds for loans to convert unneeded hospital beds into needed nursing home beds. The new program is presently in the process of implementation. Its impact upon the remaining authorized Agency funds has not yet been determined.

Legislation has recently passed the House of Representatives (HB 121) to place a referendum question on the ballot, authorizing the NHLA to make loans to rehabilitate boarding homes needing required safety improvements. If the referendum question is approved by the voters of Pennsylvania, enabling legislation will be required.

Sincerely,
 Geoffrey Stengel, Jr.,
 Chairman
 Nursing Home Loan
 Agency Board

(Copy of report is on file with the Journal clerk.)

BILLS AND RESOLUTIONS PASSED OVER

The SPEAKER. Without objection, all remaining bills and resolutions on today's calendar will be passed over. The Chair hears none.

WELCOMES

The SPEAKER. The Chair is pleased to welcome to the hall of the House today, from Allegheny County, Thomas F. Smith and Loren D. Carlson, here today as the guests of Mr. Cessar.

The Chair at this time welcomes back to the hall of the House a former distinguished member, the Honorable Robb Austin, former member from the 39th legislative district, constituent of Mr. Misceovich of that same district. Will the gentleman please wave? He is already standing. He still looks the same.

The Chair at this time welcomes to the hall of the House Rosemary Rau from Philadelphia, here today as the guest of Fran Weston.

ADJOURNMENT

The SPEAKER. The Chair recognizes the gentleman from Beaver, Mr. Colafella.

Mr. COLAFELLA. Mr. Speaker, I move that this House do now adjourn until Monday, April 6, 1981, at 1 p.m., e.s.t.

On the question,

Will the House agree to the motion?

Motion was agreed to, and at 4:46 p.m., e.s.t., the House adjourned.