

Legislative Journal

TUESDAY, APRIL 4, 1978

Session of 1978

162nd of the General Assembly

Vol. 1, No. 18

SENATE

TUESDAY, April 4, 1978.

The Senate met at 1:00 p.m., Eastern Standard Time.

The PRESIDENT pro tempore (Martin L. Murray) in the Chair.

PRAYER

The Chaplain, The Reverend ALBERT SWIFT, Pastor of the Tabernacle Baptist Church, Philadelphia, offered the following prayer:

Let us pray:

O Thou Who art searching the day by the light of the sun, fairer than all the day, Who causes the sun to shine upon the sons and daughters of men in all of Thy Creation, but points us towards the son of righteousness, we come as we live under the beams of Him Who gave His life for us and thank You for the privilege of calling upon Your Holy Name.

We confess openly that we are the prisoners of hope because Thou hast so ordained that we should be. As we pray today, we ask a special favor and that favor is that justice might be satisfied so that we may cramp the crooked ways of injustice.

We ask that selfishness be turned aside and that those things that are good for all will be committed and done unto all of us.

We pray today that Thou would remember in a special way he who dreamed that the sons and daughters of all mankind should walk together in brotherly love. Even though the dreamer is gone, the dream lives on. Those things that we seek from the aspirations of our hearts, we pray that this august Body will be about the business of giving them to us.

We pray for each and every one who is present here today. Thou dost know every need and as seemeth best to Thee, O Lord, we ask no other thing. All care beside may be at rest, for Thine is on the wing. If Thou Eternal Lord today should yield the choice to us, then most of all our hearts would pray as seemeth best to Thee. We pray that Thou will guide the business here with Thy Divine Hand and Wisdom. In the Name of the Matchless, Marvelous Savior Who died for us. Amen.

JOURNAL APPROVED

The PRESIDENT pro tempore. A quorum of the Senate being present, the Clerk will read the Journal of the preceding Session.

The Clerk proceeded to read the Journal of the preceding Session, when, on motion of Senator MESSINGER, further read-

ing was dispensed with, and the Journal was approved.

SENATOR MESSINGER TO VOTE FOR SENATOR SMITH

Senator MESSINGER. Mr. President, I request a legislative leave of absence for today's Session for Senator Smith.

The PRESIDENT pro tempore. The Chair hears no objection and the leave of absence will be granted.

HOUSE MESSAGE

HOUSE CONCURS IN SENATE CONCURRENT RESOLUTION

The Clerk of the House of Representatives being introduced, informed the Senate that the House has concurred in resolution from the Senate, entitled:

Weekly Adjournment.

GENERAL COMMUNICATION

LISTS OF LOBBYISTS AND ORGANIZATIONS

The PRESIDENT pro tempore laid before the Senate the following communication, which was read by the Clerk as follows:

April 4, 1978.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In compliance with Act No. 712 of the 1961 Session and Act No. 212 of the 1976 Session of the General Assembly titled the "Lobbying Registration and Regulation Act," we herewith jointly present a list containing the names and addresses of the persons who have registered during the month of March 1978 for the 162nd Session of the General Assembly. This list also contains the names and addresses of the organizations represented by these registrants.

Respectfully submitted:

MARK GRUELL, JR.
Secretary of the Senate

VINCENT F. SCARCELLI
Chief Clerk
House of Representatives

The PRESIDENT pro tempore. These lists will be printed in the Appendix of the Senate Journal.

BILLS INTRODUCED AND REFERRED

Senators O'PAKE, ORLANDO, SWEENEY, MANBECK,

HOLL, REIBMAN, STAPLETON and SCHAEFER presented to the Chair SB 1372, entitled:

An Act amending Title 71 (State Government) of the Pennsylvania Consolidated Statutes, providing for disqualification and forfeiture of benefits to guilty member of fund.

Which was committed to the Committee on State Government.

Senators HAGER, DWYER, JUBELIRER, HOLL, ANDREWS, GEKAS, FLEMING and KUSSE presented to the Chair SB 1373, entitled:

An Act amending the act of May 28, 1937 (P. L. 1053, No. 286), entitled "Public Utility Law," providing for the Office of Public Counsel and further providing for the assessment of regulatory expenses upon public utilities.

Which was committed to the Committee on Consumer Affairs.

Senators ROMANELLI, ROSS, SCANLON, STOUT, STAPLETON, NOLAN, SMITH, MESSINGER, STAUFFER, MANBECK, SCHAEFER, MELLOW, MURRAY, HOLL and LYNCH presented to the Chair SB 1374, entitled:

An Act creating a Bridge Trust Fund for the inspection, rehabilitation or replacement of bridges; establishing a commission to administer the fund; imposing additional powers and duties on the Department of Transportation and officials of political subdivisions and making repeals.

Which was committed to the Committee on Transportation.

Senator NOLAN presented to the Chair SB 1375, entitled:

An Act amending the act of May 28, 1937 (P. L. 1053, No. 286), entitled "Public Utility Law," requiring telephone companies to issue bimonthly updates or supplements to annual telephone directories furnished to customers.

Which was committed to the Committee on Consumer Affairs.

Senators MANBECK, O'PAKE and REIBMAN presented to the Chair SB 1376, entitled:

An Act declaring and adopting the song "At the End of the Rainbow is Pennsylvania," lyrics and music by Grace Winings, as the State song of Pennsylvania.

Which was committed to the Committee on State Government.

Senators STAPLETON, ANDREWS, ORLANDO and CORMAN presented to the Chair SB 1377, entitled:

An Act amending the act of March 4, 1971 (P. L. 6, No. 2), entitled "Tax Reform Code of 1971," further providing for exemptions from capital stock franchise tax.

Which was committed to the Committee on Finance.

Senators ORLANDO and O'PAKE presented to the Chair SB 1378, entitled:

An Act providing for the forfeiture of the pensions of certain public employees and authorizing the State or political subdivision to garnish the pension benefits of certain public employees

upon conviction of certain criminal activity related to their office or position of employment.

Which was committed to the Committee on Finance.

SENATE RESOLUTION

URGING UNITED STATES POSTAL SERVICE TO ISSUE A COMMEMORATIVE STAMP HONORING GENERAL KAZIMIERZ PULASKI

Senators KURY, NOSZKA, SCHAEFER, O'PAKE, GURZENDA and MELLOW offered the following resolution (Serial No. 94), which was read and referred to the Committee on Rules and Executive Nominations:

In the Senate, April 4, 1978.

WHEREAS, General Kazimierz Pulaski was a gallant hero of America's war for independence who continually risked his life in the Battle of Savannah, Georgia; and

WHEREAS, The year 1979 marks the 200th anniversary of that famous Polish cavalry officer's sacrifice on the plains of Georgia; and

WHEREAS, General Pulaski, as well as many other ethnic heroes, contributed to the establishment of a republic that assured a home for free and hard-working people; and

WHEREAS, Contemporary Americans have an obligation to honor General Pulaski in every possible manner; and

WHEREAS, The issuance of a commemorative stamp, honoring General Pulaski at the 200th anniversary of the Battle of Savannah in 1779, would indeed be a singularly fitting tribute for Pulaski; therefore be it

RESOLVED, That the Senate of Pennsylvania memorialize the President of the United States, Congress and the United States Postal Service to issue a stamp commemorating the heroic efforts of General Pulaski during the Battle of Savannah in 1779; and be it further

RESOLVED, That copies of this resolution be transmitted to the President of the United States, and to the presiding officer of each House of Congress of the United States and to each Senator and Representative from Pennsylvania in the Congress of the United States and to the Postmaster General of the United States.

CALENDAR

SB 74 CALLED UP OUT OF ORDER AS A SPECIAL ORDER OF BUSINESS

SB 74 (Pr. No. 1694) — Senator MESSINGER. Mr. President, in deference to the visitors we have today and in order to make sure that they will be able to return home at a reasonable hour, not knowing how long our caucus will take, I call up out of order for special consideration, Senate Bill No. 74, from page 2 of the Third Consideration Calendar.

BILL REREPORTED FROM COMMITTEE AS AMENDED ON THIRD CONSIDERATION AND FINAL PASSAGE

SB 74 (Pr. No. 1694) — Considered the third time and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,
Shall the bill pass finally?

Senator O'PAKE. Mr. President, I am happy to rise today in support of Senate Bill No. 74 which will create a Statewide De-

partment on Aging. It has been my privilege over the past three years to have brought together and worked with a broad range of citizens' groups to achieve this very necessary and worthwhile goal. I am pleased to be a cosponsor of this legislation which I believe encompasses all the major concerns and provisions that should be a part of creating a Department on Aging for the Commonwealth.

This legislation will put together, for the first time, under one executive agency all the necessary programs and services presently available to our senior citizens. There are presently two million Pennsylvanians over the age of sixty, many of whom are eligible for these services. In less than twenty-five years, nearly fifteen per cent of our population will be over the age of sixty-five. We can no longer afford the fragmented delivery system which this substantial portion of our citizens has encountered in the past.

May I point out to all the Members of the Senate, be they senior citizens or not, the way we treat our elderly is the way we will some day be treated. Each of us is parents, grandparents and, hopefully, God willing, we will all some day be senior citizens. Therefore, this is not just a problem of the elderly.

It is of utmost importance that we decide once and for all whether to create a separate Department on Aging. Every day that we waver and delay, thousands of senior citizens throughout Pennsylvania are losing vital and necessary services. The conflict is creating stress within the aging service system, a system that is still relatively new and extremely sensitive to such conflict. More importantly, the longer we debate the structure of the delivery system, the longer attention is drawn away from the real issues which must be faced by this Commonwealth if we are genuinely concerned for our elderly.

We have created in Pennsylvania a department for the farmers, the Department of Agriculture; we have created a department to deal with our highways; to deal with our system of education; to deal with industry and business; to deal with banking, because we saw the necessity to cultivate these resources. There was also a need to isolate expertise in these particular areas and not have them spread out with the waste of the taxpayers' money. It is now time that we prepare for the future and stop simply reacting to crises.

Pennsylvania has come a long way, Mr. President, in establishing a system of services for our aging population. Pennsylvania, as a matter of fact, is one of the leaders in the Nation in this field. The system which we have created is growing rapidly and has entered a new horizon through the Governor's Executive Order to create a Council on Aging. This progress should be sustained with the establishment of a strong, permanent cabinet-level agency. We can no longer assume that a system of fragmented and varied services will continue to respond to the many and varied problems that are experienced by growing numbers of senior citizens.

Some may ask: Why not leave the Department on Aging within the Department of Public Welfare, or even change the name of that department? Obviously, there are conflicts between pursuing a welfare or assistance policy and the stigma which is attached to the aging services presently located within the Department of Public Welfare. We should no longer con-

tinue to operate a welfare policy. We should begin a new era of operating an "aging" policy. We must stop addressing aging problems in the welfare context and thus stop considering them solely as a poverty problem. The judgment which the Legislature must make here today is whether or not to regard the problems and the resources of our elderly as important enough to require a reordering of government responsiveness in order to achieve significant impact.

Senate Bill No. 74 will give our senior citizens greater control, input and say-so in determining what their needs are and how they should be met. This will be achieved through their membership on the Pennsylvania Council on Aging. The Council will be responsible for oversight and review of the departmental activities and the activities of seventeen other State agencies which impact on senior citizens. In addition, the area agency advisory boards will consist of fifteen members, a majority of whom shall be older persons and they will serve to evaluate local community needs, make recommendations and act as local ombudsmen.

Senate Bill No. 74, creating the Department on Aging, is not a cure-all and I would never hold it out as one. However, a decision favoring organizational change should be expected to set the stage for an aggressive and broad based attack. The creation of a separate department is a commitment to do something about the elderly's most pressing problems.

We cannot expect the present structure which includes the Office of Aging—which is one of the three suboffices under the Deputy Secretary of Social Programs who is, in turn, one of nine departmental deputy secretaries, not including the Department of Public Welfare's two executive deputy secretaries—to carry out the services that are needed. The present structure's services to the elderly are frustrating and confusing to Pennsylvania's senior citizens. While many programs exist, the services are fragmented between numerous governmental agencies almost to the point of being ineffective. Many of our elderly are uncertain as to programs and services now available to them and the respective agency to which application should be made for a specific service.

Present services are administered by the Department of Public Welfare through its area agencies on aging; the Rural Transportation Program through the Department of Agriculture; the Property Tax and Rent Rebate Program through the Department of Revenue; the consumer protection services through the Department of Justice; senior citizens mass transit programs through the Department of Transportation; and the oversight of the boarding homes and nursing homes through the Department of Health and the Department of Labor and Industry.

While similar services are necessary for younger people as well as senior citizens, the elderly often lack the ability to get access to such services. When services are spread out over seven different departments, rather than coordinated under one, it may take months to get all of the resources processed to meet the needs of one family or one individual even though the resources may be available somewhere. Such delay is unconscionable and in the long run, needlessly expensive.

The powers and duties of the department will include overall responsibility for evaluating the needs and providing services

to Pennsylvania's aging through the area agencies. It will also have the power to administer the Senior Citizens' Property Tax and Rent Rebate Act, the Urban Mass Transportation Assistance Program, the Domiciliary Care Program for Adults and to review and evaluate the provision of boarding home and nursing home care for adults. The advisory committees will review, comment and consult on all programs, funding and regulations of the department. A majority of the membership of the advisory councils will be senior citizens.

"Planning and service areas" shall be designated pursuant to the Older Americans Act and shall have the direct responsibility for providing services to the aging. In each planning and service agency there shall be an "area agency" established by the local authority. These area agencies will have the power to contract with any public or nonpublic agency to provide services. Annual plans and evaluation reports will also be mandated.

Finally, Mr. President, the allocation of State and Federal funds to an area agency will be based on a proportion of older persons in the Commonwealth. Federal funding for aging programs and services presently received by the Department of Public Welfare will be transferred to the Department on Aging for the next three fiscal years in proportion to current State allotments.

A sunset provision has been built into the legislation in order to insure that the bureaucracy will not continue needlessly if it becomes unresponsive to the needs of our senior citizens. The department will go out of existence on January 1, 1985, unless it is reenacted by the Legislature for another six years.

Senate Bill No. 74 will continue much that is good in our present delivery of services while moving to coordinate and eliminate overlaps and gaps in our present system. It will emphasize, without question, that working with and providing services for our elderly is indeed a priority in the Commonwealth of Pennsylvania.

It has become obvious that there is a need for coordination in the planning, implementation and delivery of services to Pennsylvania's elderly, one State agency with the sole responsibility to devote its time exclusively to those problems. Senate Bill No. 74 seeks to achieve the effective delivery of these services as well as the nonduplication of official functions between the State agencies and between Federal, State and county agencies.

I wholeheartedly support this legislation, Mr. President, and urge its immediate adoption by the Senate here today.

SENIOR CITIZENS PRESENTED TO SENATE

Senator NOLAN. Mr. President, before I address myself to the bill, let me introduce to the Senate a gallery full of senior citizens which are about one-eighth of the total number who were in the rotunda just one hour ago.

I ask the Senate to give its usual warm welcome to the senior citizens of Pennsylvania. They represent many, many districts throughout the Commonwealth.

The PRESIDENT pro tempore. On behalf of all the Senators we extend a very warm welcome to the senior citizens and ask the Senate to give them a round of applause.

(Applause.)

Senator NOLAN. Mr. President, I am not going to go into any explanation of the bill. I believe the gentleman from Berks, Senator O'Pake, has done his usual fine job in describing to us the contents of the bill and what will happen when the bill is enacted.

However, I would like to review with the Members where the Department on Aging bill came from and how long it has been around. Five years ago we had a Senator from Allegheny County by the name of Robert Fleming who was the one who first proposed the establishment of a Department on Aging. When Senator Fleming left the Senate there was no action taken on any legislation which would establish the Department on Aging.

Since that time, myself and the gentleman from Berks, Senator O'Pake, and many of our fellow Senators have, time after time, endorsed and introduced bills for the aging.

As I said to the senior citizens in the rotunda this afternoon, our hour is at hand. We have before us a bill that encompasses every facet that will be beneficial to the senior citizens of this State. The gentleman from Berks, Senator O'Pake, spent some two years in public hearings and various meetings throughout the State and has done more on this bill than anyone, to my knowledge, in the Senate of Pennsylvania.

I believe it is a very good bill. It is one that we should not hesitate to pass into law. However, there will be those who will talk about the cost of this bill. The new added cost of this bill, when it becomes effective, will be \$749,250, which is less than fifty cents per senior citizen in the Commonwealth of Pennsylvania.

As the gentleman from Berks, Senator O'Pake, pointed out—and we cannot emphasize this enough—our senior citizens of Pennsylvania do not wish, nor have they ever wished, to partake of any programs operated by the Department of Public Welfare. The time has arrived to have their own department.

In the words of the Chaplain who opened our Session this afternoon, "Justice will be satisfied this afternoon."

Senator DUFFIELD. Mr. President, I also rise in support of this long awaited opportunity to lift our senior citizens into the proper realm and to recognize them and remove the stigma of being a subservient organization within the Department of Public Welfare.

I have a great feeling for this organization because, when I first started out in politics, the Monessen Senior Citizens' group was the first group before whom I appeared. They are here today from Monessen. I would like to recognize the senior citizens' coordinator who is with us and ask him to stand in the gallery, the Honorable Steve Wisyanski from Monessen.

(Applause.)

Mr. President, I also wish to congratulate the sponsor of this bill, the gentleman from Berks, Senator O'Pake, who has at heart—not just politically, but he has at heart—the efforts of the senior citizens; also the gentleman from Allegheny Senator Nolan, who is responsible for giving us the opportunity to vote for this bill.

Senator MELLOW. Mr. President, I realize there are several other individuals who would like to make some remarks about this piece of legislation, therefore I will only make a few very

brief remarks so the other gentlemen who would like to have that opportunity may do so.

Our record will show, over the past six to seven years, what we have tried to do on behalf of the senior citizens is very commendable. There are a number of us who have been in the Senate for that period of time and we have worked to bring about programs to make life easier for those people after retirement age. We all know what the benefits have been from the Pennsylvania Lottery. However, I believe today gives us an opportunity to extend beyond the limits of the Pennsylvania Lottery and give us an opportunity to complete a job that was started back around 1972.

Mr. President, we owe very deep, sincere congratulations to both the gentleman from Berks, Senator O'Pake, and the gentleman from Allegheny, Senator Nolan, who have worked very hard to bring this day about. However, even more so, we owe a very deep feeling of congratulations and of contentment, I would have to say, to the senior citizens in the Commonwealth of Pennsylvania because, in my County of Lackawanna, the senior citizens have met with me on a number of occasions but have never demanded, but have met and have asked, "Is there something you can do to help us out as a Member of the Pennsylvania Senate; is there some way that you can make our life easier?"

They have organized throughout the State. In some cases they were called the silent majority who only made their presence known on election day. But in the last few years they have organized to the point that they have been able to demonstrate in a peaceful fashion the needs and the wants of our senior citizens.

I believe today is a victory, not only to the Members who have worked on this piece of legislation but it is also a great victory to the senior citizens and those who are in the gallery with us who have organized, who have been able to get their point across to their elected officials, who have been able to point out that they do not, as the gentleman from Allegheny, Senator Nolan, stated, want to be on public assistance but they would like the State of Pennsylvania and the taxpayers of the Commonwealth to know that, in the past, they have contributed and now it is our opportunity to help them in their later years.

I am sure this bill will pass probably without any dissenting votes, at least I have not spoken to anyone in this Chamber who would be opposed to this legislation. But I think today is a great day. It is a great day to pay tribute to the senior citizens. It is a great day to pay tribute to those who sponsored this legislation, who have worked on it over the years to bring it about and what is happening today is: Pennsylvania government working on behalf of the people of Pennsylvania.

The PRESIDENT pro tempore. The Chair at this time would like to recognize the young Senator who was just sworn into office yesterday afternoon, the gentleman from Philadelphia, Senator McCormack.

Senator McCORMACK. Mr. President, I am well aware of the admonition that a junior Senator should listen rather than speak. However, I did not know that I would have this wonderful opportunity to cast my first vote as a Member of this

august Body for such an important bill and for such beautiful people. I am proud to stand on this floor and cast my first vote for Senate Bill No. 74. I hope this is the beginning of a great future, legislatively speaking, for the most wonderful people in this Commonwealth, our adult senior citizens.

Senator GEKAS. Mr. President, while I was a Member of the House of Representatives I soon learned how interested members of the senior citizens groups were in questions of legislation and other matters taking place in our community and within my legislative District.

When I campaigned for the Senate I promised, as one of my planks on the platform, I would create, immediately upon my election, a special task force of citizens of the senior groups in my Senatorial District and did so. I learned a quick lesson after the implementation of that task force of senior citizens that this special interest group—which is exactly what it is, a special interest group—has come before us to ask for the departmentalization of the Department on Aging.

This special interest group is unique among all the special interest groups ever to come to the doors of the individual Senators in that they bring to our attention and offer their opinions, offer the solutions and point out problems in areas other than their own special interest as well as their own. For example, Mr. President, in my own task force from the individual members of that group, I have received information and helpful suggestions in the field of education, in taxation, in questions involving the children of the senior citizens and their grandchildren, on law enforcement; not just questions of retirement in which, of course, they are deeply interested. They come to us to help us in the myriad of other problems that face us on a daily basis. They know after we cast the votes here today on their bill, we have to face countless other issues and they are interested in those issues and they have expressed them to us individually and collectively. That is why I am proud, among other reasons, to support this piece of legislation. They have now brought to the Senate of Pennsylvania the opportunity for us to create officially what has been with us throughout the history of our society, the actual creation of the new estate, the estate of the senior citizen.

Senator DOUGHERTY. Mr. President, as probably the one Republican Senator on this side of the aisle who has worked longest on this bill, I rise to publicly restate my commitment to the Department on Aging. I should note for those in attendance this is one piece of legislation that, in its course through the Senate of Pennsylvania, can truly be said to have had strong bipartisan support.

Today has been a long time in coming, Mr. President. Sometimes the wheels of progress take a long, long time. Indeed, the concept of a separate Department on Aging has taken a long, long time. Indeed, five years is too long. But today we are considering a bill which has had hearings all across the State. We are considering a topic which we have been told the Department of Public Welfare can deal with better. We are dealing with a topic which we have been told is too costly. We are dealing with a subject matter which we are told will duplicate services. Mr. President, none of those arguments hold water.

We must care more about people today than bureaucracy. We

must have an advocate at the cabinet level who will speak for people, namely, our senior citizens. We must streamline our State programs to benefit our senior citizens.

Mr. President, to put it very briefly, we need, and indeed we must have, a separate Department on Aging. That is why I am asking everyone to support this bill.

Senator BELL. Mr. President, I briefly checked the history of the various bills to create a Department on Aging. The first bill was introduced September 18, 1973. That is too long ago.

I certainly hope that, when we pass this bill today, the House gets on the ball and pushes this bill through so we can have it become an Act of Assembly and have a Department on Aging before a lot of our senior citizens pass on.

The second bill was introduced November 25, 1975, and I want to pay tribute to the gentleman from Berks, Senator O'Pake, because he has done yeoman service in pushing this bill, the same as the gentleman from Philadelphia, Senator Dougherty. I notice the gentleman from Allegheny, Senator Nolan, was always one of the prime sponsors of these three bills.

Now, a message to the senior citizens: By creating a Department on Aging, you can have a person sit on the top level in government. No one sits between that man and the Governor. No person sits between the department cabinet member and the Committee on Appropriations and the people who put the money behind these laws. So, at last—and I hope the House does act promptly—people of my age and a little bit older can have somebody go to that front office and fight for them.

I just read—again scanning the bill—it has some twenty-nine functions. However, I believe the most important function is that there will be a cabinet member, under Item 6, to serve as an advocate for the aging at all levels of government to provide consultation and assistance and so on. What it means is, here in the Capitol, you will have somebody fighting for you and that is the most important thing in this bill.

Now, go out through Pennsylvania and organize yourselves. In my own county, the county of Senator Sweeney, we have some eighty different senior citizens groups who, formally, have associated themselves into a Delaware County Council to represent the senior citizens and to fight for them. They are in constant contact with the Delaware County Legislators.

I say this: Go out and do this throughout Pennsylvania and do not let anybody stop you because it is you, the older citizens of the State, who built the State.

The PRESIDENT pro tempore. The Chair at this time would like to recognize the young Senator who was also sworn in yesterday afternoon, the gentleman from Philadelphia, Senator Fumo.

Senator FUMO. Mr. President, I would like to offer my support to this bill as well. I have often said that senior citizens have the right to live in dignity and I say that as a young person whose parents are senior citizens.

I believe we must recognize the fact that it is the senior citizens of this country who made this Nation great and have allowed us to inherit that greatness and to try to do more with it.

I think the only way to fully recognize them and to give them

the power they need to get what they need in their older days is to give them a Cabinet-level official who can negotiate directly with the Governor and the Legislature.

I, therefore, find it to be a great pleasure to cast my first vote in this Body in favor of this bill.

Senator KUSSE. Mr. President, two weeks ago I attained the age of sixty. I realize I do not look that old, but I am. I can assure all my colleagues it is a wonderful age and I hope they will all get to be that old also. I further want to assure them that if they will vote for this bill, they will, indeed, be doing me a favor too.

Senator SNYDER. Mr. President, I receive quite a bit of correspondence from my fellow older citizens. Many of the letters are, indeed, quite sad. They are finding that they cannot live as they would like to live and as they are entitled to live on the income they receive from Social Security, from their savings and from their pensions.

I believe this day, happy as it is, would not be complete if someone did not mention that the basic cause of this unhappiness—indeed, an unhappiness which I can remember some of my former teachers who are now retired and thought they could live on their teachers' pensions and now find they cannot—is inflation. It is inflation which has robbed the older citizens, those who are no longer able to work a full day and recoup from the working force the value of the money they earned and are entitled to.

The cause of that inflation is not only just at the State level, it is also at the Federal level. It is due to many years and, indeed, many administrations trying to do too much and not raising the taxes to pay for it, because that is what has reduced the value of our dollar. I neither ask, nor expect, nor want any applause in this type of speech, but I think it must be remembered that the basic trouble that our older citizens are having is due to inflation and that is due, in large part, to our expanding governments—at the Federal level, particularly. I believe until we find an answer to that, hopeful as we are about this department, we will not have a true answer to their basic trouble.

Senator HAGER. Mr. President, I realize almost everyone would like to speak on this bill. Therefore, I will shorten my remarks merely to say this: In the comments of the gentleman from Philadelphia, Senator Dougherty, he was talking about the claim that the formation of this agency would actually cost money. If I really thought that there were not, through this rifle-shot approach rather than the shotgun approach which has been taken in the past, a real opportunity to continue the reorganization of government so that we may begin to deal with specific problems so that the services actually get to the senior citizens in this case, rather than being sopped up in the bureaucracy, I would not be voting for it. It is because of my hope, and I think it is because of the hope of everyone else here, that we are going to begin to deal specifically with problems and less with bureaucracy that I enthusiastically add my support to this bill and I intend to vote for it.

Senator MANBECK. Mr. President, you have now scraped the bottom of the barrel. However, I would like to say to our guests today that I am happy to see so many of them here. I would like to congratulate the gentleman from Berks, Senator

O'Pake, and the gentleman from Allegheny, Senator Nolan, and all others who have worked so hard in preparing this legislation. It has been a long time coming since it was introduced way back three or four years ago.

I would like to say to the gentlemen who have spoken today and have indicated their support of this program that we now have the bill before the Senate to be voted on and passed to the House and signed into law by the Governor. I hope that is going to happen because I am one of the senior citizens and I hope to share in those benefits which will be made available to them.

I know from experience in talking with people who have retired a number of years ago on a limited fixed income that we, as politicians, do not hesitate to add to the cost of living daily. I would like to say to you that it is real difficult for the senior citizens to survive living on a limited fixed income.

I would further like to state that the senior citizens should not depend on a program that is supported by gambling. The lottery has done a great deal of good for the senior citizens, but I do not believe that we should build our hopes on any gambling receipts. I again want to say I am happy to see all of you here today.

The PRESIDENT pro tempore. Before the roll is taken, I would like to say to the senior citizens, you have heard how much we love you.

And the question recurring,
Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution and were as follows, viz:

YEAS—49

Andrews,	Hager,	Manbeck,	Romanelli,
Arlene,	Hankins,	McCormack,	Ross,
Bell,	Hess,	McKinney,	Scanlon,
Coppersmith,	Holl,	Mellow,	Schaefer,
Corman,	Hopper,	Messinger,	Smith,
Dougherty,	Howard,	Moore,	Snyder,
Duffield,	Jubelirer,	Murray,	Stapleton,
Dwyer,	Kelley,	Nolan,	Stauffer,
Early,	Kury,	Noszka,	Stout,
Fleming,	Kusse,	O'Pake,	Sweeney,
Fumo,	Lewis,	Orlando,	Tilghman,
Gekas,	Lynch,	Reibman,	Zemprelli,
Gurzenda,			

NAYS—0

A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

RECESS

Senator MESSINGER. Mr. President, I request a recess of the Senate until 3:15 p.m., for the purpose of holding a Democratic caucus and a Republican caucus.

The PRESIDENT pro tempore. Are there any objections? The Chair hears no objection, and declares a recess of the Senate until 3:15 p.m., Eastern Standard Time.

AFTER RECESS

The PRESIDENT pro tempore. The time of recess having elapsed, the Senate will be in order.

CALENDER

BILLS WHICH HOUSE HAS NONCONCURRED IN SENATE AMENDMENTS

SENATE INSISTS UPON ITS AMENDMENTS NONCONCURRED IN BY THE HOUSE TO HB 72

HB 72 (Pr. No. 2604) — Senator MESSINGER. Mr. President, I move that the Senate do insist upon its amendments to House Bill No. 72, and that a Committee of Conference on the part of the Senate be appointed.

The motion was agreed to.

Ordered, That the Clerk inform the House of Representatives accordingly.

BILL OVER IN ORDER

HB 470 — Without objection, the bill was passed over in its order at the request of Senator MESSINGER.

BILLS ON CONCURRENCE IN HOUSE AMENDMENTS

SENATE NONCONCURS IN HOUSE AMENDMENTS

SB 94 (Pr. No. 1706) — Senator MESSINGER. Mr. President, I move that the Senate do nonconcur in the amendments made by the House to Senate Bill No. 94, and that a Committee of Conference on the part of the Senate be appointed.

The motion was agreed to.

Ordered, That the Clerk inform the House of Representatives accordingly.

BILLS OVER IN ORDER

SB 320 and 1279 — Without objection the bills were passed over in their order at the request of Senator MESSINGER.

THIRD CONSIDERATION CALENDAR

BILLS REREPORTED FROM COMMITTEE AS AMENDED OVER IN ORDER

SB 995 and 1040 — Without objection, the bills were passed over in their order at the request of Senator MESSINGER.

BILLS ON THIRD CONSIDERATION AND FINAL PASSAGE

SB 272 (Pr. No. 1681) — Considered the third time and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,
Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution and were as follows, viz:

YEAS—44

Andrews,	Gekas,	Manbeck,	Reibman,
Arlene,	Gurzenda,	McCormack,	Romanelli,
Bell,	Hager,	McKinney,	Ross,

Coppersmith,	Hankins,	Mellow,	Scanlon,
Corman,	Holl,	Messinger,	Schaefer,
Dougherty,	Jubelirer,	Moore,	Smith,
Duffield,	Kelley,	Murray,	Stapleton,
Dwyer,	Kury,	Nolan,	Stauffer,
Early,	Kusse,	Noszka,	Stout,
Fleming,	Lewis,	O'Pake,	Sweeney,
Fumo,	Lynch,	Orlando,	Zemprelli,

NAYS—5

Hess,	Howard,	Snyder,	Tilghman,
Hopper,			

A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

SB 521 (Pr. No. 539) — Considered the third time and agreed to,

On the question,
Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution and were as follows, viz:

YEAS—49

Andrews,	Hager,	McCormack,	Ross,
Arlene,	Hankins,	McKinney,	Scanlon,
Bell,	Hess,	Mellow,	Schaefer,
Coppersmith,	Holl,	Messinger,	Smith,
Corman,	Hopper,	Moore,	Snyder,
Dougherty,	Howard,	Murray,	Stapleton,
Duffield,	Jubelirer,	Nolan,	Stauffer,
Dwyer,	Kelley,	Noszka,	Stout,
Early,	Kury,	O'Pake,	Sweeney,
Fleming,	Kusse,	Orlando,	Tilghman,
Fumo,	Lewis,	Reibman,	Zemprelli,
Gekas,	Lynch,	Romanelli,	
Gurzenda,	Manbeck,		

NAYS—0

A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

SB 744 (Pr. No. 1730) — Considered the third time and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,
Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution and were as follows, viz:

YEAS—48

Andrews,	Hager,	Manbeck,	Romanelli,
Arlene,	Hankins,	McCormack,	Ross,
Bell,	Hess,	McKinney,	Scanlon,
Coppersmith,	Holl,	Mellow,	Schaefer,
Corman,	Hopper,	Messinger,	Smith,
Dougherty,	Howard,	Moore,	Snyder,

Duffield,	Jubelirer,	Murray,	Stapleton,
Dwyer,	Kelley,	Nolan,	Stauffer,
Fleming,	Kury,	Noszka,	Stout,
Fumo,	Kusse,	O'Pake,	Sweeney,
Gekas,	Lewis,	Orlando,	Tilghman,
Gurzenda,	Lynch,	Reibman,	Zemprelli,

NAYS—1

Early,

A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

SB 1145 (Pr. No. 1731) — Considered the third time and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,
Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution and were as follows, viz:

YEAS—46

Andrews,	Hager,	McCormack,	Romanelli,
Arlene,	Hankins,	McKinney,	Ross,
Bell,	Hess,	Mellow,	Scanlon,
Coppersmith,	Holl,	Messinger,	Schaefer,
Corman,	Hopper,	Moore,	Smith,
Dougherty,	Howard,	Murray,	Snyder,
Duffield,	Jubelirer,	Nolan,	Stapleton,
Early,	Kelley,	Noszka,	Stauffer,
Fleming,	Kury,	O'Pake,	Stout,
Fumo,	Lewis,	Orlando,	Sweeney,
Gekas,	Lynch,	Reibman,	Zemprelli,
Gurzenda,	Manbeck,		

NAYS—3

Dwyer,	Kusse,	Tilghman,
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A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

SB 1268 (Pr. No. 1704) — Considered the third time,

On the question,
Will the Senate agree to the bill on third consideration?

Senator GEKAS. Mr. President, I desire to interrogate the gentleman from Northumberland, Senator Kury.

The PRESIDENT pro tempore. Will the gentleman from Northumberland, Senator Kury, permit himself to be interrogated?

Senator KURY. I will, Mr. President.

Senator GEKAS. Mr. President, is it true that in the original bill, which was presented for the increase of funding under Printer's No. 1641, the amount of the increase was about \$900,000?

Senator KURY. Mr. President, the question was: Was the

original amount \$904,000 by way of increase? The answer is no, the bill does not increase the amount actually given to the Consumer Advocate.

The original intent of the bill was to clarify—so there is no question about the language—that his budget for this year is \$906,000. Some of the utility companies had taken the Consumer Advocate assessment to court and were arguing about that figure. The purpose of the bill, as originally drafted, was to clarify that figure as approved by the Legislature. There was no increase involved.

Senator GEKAS. However, Mr. President, the amount of money involved was \$900,000, approximately?

Senator KURY. Yes, Mr. President, that is approximately correct.

Senator GEKAS. Mr. President, the amount of money under the new printer's number, however, is estimated to be about \$3 million, is that correct?

Senator KURY. No, Mr. President.

Senator GEKAS. It could be, Mr. President, if interpolated through the formula, is that correct?

Senator KURY. No, Mr. President, the gentleman has not quite explained it.

What the bill does is clarify that for this year the budget is approximately \$900,000. That is the figure which was arrived at through the appropriations process. What the bill says is that, for future years, the Consumer Advocate's budget shall not exceed a percentage of the gross receipts of Pennsylvania utilities. However, the budget is still what we set it to be. So, it does increase the ceiling for future years but does not actually increase the amount he gets. That will have to be done each year by this Legislature as we do now.

Senator GEKAS. Mr. President, the question is: If we had stuck to our guns and worked on the prior printer's number, we would have solved the immediate budgetary problem, is that not correct? Forgetting the future years; I am talking about the forthcoming year.

Senator KURY. Mr. President, I would agree with the Senator to this extent: If the bill were being passed without the amendment it would eliminate the need for the Consumer Advocate to fight out in court what his assessment is for the current year. That is true.

Senator GEKAS. Mr. President, I believe we should go no farther than to try to correct the present situation, the one facing us for this fiscal year.

MOTION TO REVERT TO PRIOR PRINTER'S NUMBER

Senator GEKAS. For that reason, Mr. President, I move now to revert to the prior Printer's No. 1641 in Senate Bill No. 1268.

I ask for a roll call vote.

On the question,

Will the Senate agree to the motion?

Senator KURY. Mr. President, I would oppose the Senator's motion to revert to the prior printer's number. As the bill was drafted without this amendment, the Consumer Advocate's

budget is tied to a percentage of the Public Utility Commission budget. Therefore, we cannot deal with one without dealing with the other.

The purpose of the amendment, which was suggested by the gentleman from Allegheny, Senator Nolan, was to free us from having this related to the Public Utility Commission budget.

I do not believe this commits us to anything and it assures us that we can do what we think is right by the Consumer Advocate. Therefore, I would urge my colleagues to vote "no" on the motion.

Senator MESSINGER. Mr. President, I would also urge all my colleagues to vote against the reversion motion and to stick with the bill as it is now written.

Senator NOLAN. Mr. President, the amount of money that is currently budgeted, so that we very clearly understand what we are addressing ourselves to in the bill in its present form, is \$904,000. We have already approved and appropriated for the year 1978-1979, \$1,122,000. That has already been approved. Therefore, this bill has no effect on the year 1978-1979.

What we find happening, as the gentleman from Northumberland, Senator Kury, pointed out, at my request, we all know that the Public Utility Commission must make a request of the Governor's Office and the Chairmen of the Committees on Appropriations of both the House and the Senate. We all know that each of those people, the Governor and the two chairmen submit what they think the Public Utility Commission should receive as a budget for the fiscal year that is to begin July 1st, for instance. Of the three which are submitted, the Public Utility Commission receives the smallest amount of money suggested.

It was the feeling of some this year that the Public Utility Commission, after wasting \$890,000 on new furniture, should be held to a zero increase in the budget. If we were to carry that out, the Consumer Advocate would not have been receiving any increase whatsoever because his budget is based on what the Public Utility Commission budget receives. Therefore it was necessary, even though we did not feel we should do it, to increase the Public Utility Commission budget well over \$3 million in order to increase the Consumer Advocate from \$904,000 to \$1,112,000.

What I requested of the gentleman from Northumberland, Senator Kury, and this bill in its present form addresses itself to that, is that no longer will the Consumer Advocate funding be based on the funding of the Public Utility Commission. We would separate them, so that, if next year we decide to put zero in the budget for the Public Utility Commission and hold them at the \$16 million they got this year, we can address the Consumer Advocate separately, like we did this year. We will not be basing the appropriation to the Consumer Advocate on the amount of moneys the budget of the Public Utility Commission comes to. This simply means that next year we will consider the Consumer Advocate's funding separate from the Public Utility Commission and this is the way it should be.

Mr. President, we established a Consumer Advocate and I am sure we were all sincere when we did that. It is now our responsibility to the general public to fund the Consumer Advocate in the amount of money necessary to protect their interest be-

cause he happens to be the only one who is fighting for the general public in the courts and before the Public Utility Commission today.

Mr. President, I oppose any reversion to a prior printer's number and ask my colleagues to vote against any reversion.

Senator TILGHMAN. Mr. President, we spent a lot of time here in the Senate talking about the Public Utility Commission in the last two or three months. Along with many of my colleagues, we have introduced legislation that would, once again, put the Public Utility Commission budget before the General Assembly for approval.

The gentleman from Allegheny, Senator Nolan, explained the method presently used. If my memory is correct, we went to the present system after an appropriations hearing in which the great George Bloom sweet-talked us into this system. We are now into a horrible system for funding this organization. I do hope that we can all vote on the Public Utility Commission appropriations bill as we do on other bills.

I would like, if I may, to speak a little bit more relative to this budget document because I support reversion to the prior printer's number. I have some figures here going back for the last ten years as to the expenditures of the Public Utility Commission. I will speak specifically of the four years in which the present chairman, Chairman Carter, is responsible for the budget.

In 1974-75 there was a joint chairmanship, so to speak, as Mr. Bloom was in and then Mr. Carter came in. After that we find in 1975-76 the PUC budget, under the present system, increased by six per cent. The next year it increased by thirty per cent. The next year it increased by twenty-one per cent and this year, it has been increased—rather, I should say next year—by thirty-five per cent. In four years under Chairman Carter the budget of this Commission has increased 93.6 per cent. It does not speak very well for holding the purse strings tight in that organization because all of those increases are passed on to the consuming public. I am sure if the Department on Aging were now in existence, they would look at this pretty closely.

The bill before us at the present time fixes the funding of the Consumer Advocate in that department as .05 of one per cent of the total gross intrastate operating revenues of all utilities. That is the maximum figure it can get. I understand he can get less. The total gross intrastate operating revenues of the utilities in Pennsylvania today is about \$7 billion and it will probably rise. As their costs rise, they will receive more income; they will get rate increases and it will continue to rise.

Therefore if you take .05 of one per cent times \$7 billion you come up to \$3.5 million as the possible maximum figure which that office can receive.

I have been besieged with telephone calls from the League of Women Voters and various other organizations to vote for this piece of legislation, either in this form or the prior printer's number. I told them I will not do it because I do not like the way the whole thing is handled.

I have said to them, "I gather what you really want is to have a Consumer Advocate in the Public Utility Commission and to have him adequately funded."

They said, "Yes, that is all we want." Well, this does more than that.

I think the funding of the Consumer Advocate should not be tied into any figure. He should get the approval of the General Assembly for whatever money he wishes and can come before us and justify. I do not think it makes any sense to tie in his income or operating costs to seven per cent of the Public Utility Commission's budget and I do not think it makes any sense to tie it to .05 of one per cent of the operating costs of the utilities in Pennsylvania.

I have told the League of Women Voters and others who have called me that I will be delighted to vote for legislation that will tie my salary into thirty per cent of that which a Congressman receives in Washington, thirty per cent of the \$50,000. I know they are going to get theirs, and mine will automatically go up as time goes by. We will not have anymore problems about my salary. But that is ridiculous. My salary should not be tied into the Congressmen, the House of Representatives or the Senators in Washington.

Nothing we can do in this General Assembly to tie a person's budget into some other figure can work. It just does not work in the long run. We should vote the legislation down, no matter what printer's number it is, and make the Consumer Advocate come to us for approval and have him justify what he asks for.

Senator BELL. Mr. President, I am going to present a third point of view.

First of all, I thoroughly concur with the gentleman from Montgomery, Senator Tilghman, that we should reverse the George Bloom statute and have the budget of the PUC and the Consumer Advocate controlled by the full Senate and the full House of Representatives.

Secondly, I concur with the gentleman from Northumberland, Senator Kury, that this money is needed. It does not increase the moneys that have gone there.

Here is the crux of it: It does not go to the lowest amount as set by the Governor and the two chairmen. The bill that we have is not written that way. It requires the lowest estimate of the Committees on Appropriations and the Governor because it says, "Such estimate shall be submitted to the Governor and to the Appropriation Committees of the House and Senate through their respective chairmen for their respective approvals . . ." That does not say it is sent to the chairmen; it says it is sent to the committees.

In the present case, the Consumer Advocate is doing an outstanding job. We are faced with inflation. If anybody will look at the docket of the PUC to see how every electric company is coming in every year, sometimes more than once a year for rate increases, this gentleman who is presently occupying the position does have a very heavy workload. As such, he has to have money to pay salaries.

Now, I will give you the other approach. I thoroughly concur with the bill that was proposed—at least in part, I have not read the bill yet—by the Minority Leader yesterday that we should not have the PUC with a consumer staff and also the Consumer Advocate duplicating the same staff. However, that can be handled subsequently.

Therefore, Mr. President, I am going to vote against the reversion.

Senator COPPERSMITH. Mr. President, a touch of nostalgia came over me when I heard people talking about the George

Bloom statute. I still remember very vividly when this was presented to this Chamber. It was in the early part of 1972 and when I read the bill, I could not believe it. At that time I thought the procedure for funding the Public Utility Commission was completely unconstitutional; that money was being appropriated without the approval of both the House and the Senate. I posed the question to Members who were supporting this bill as to how they could explain that this procedure was constitutional. Some of the Members who were most diligent in raising constitutional questions—and I do not refer to the gentleman from Delaware, Senator Bell—remained silent when I posed this question. At that time my respect for George Bloom reached a new high and I felt that here was truly a politician of whom we could all be proud.

I know this really does not relate to the bill, but I thought it was an interesting reminiscence, Mr. President.

Senator DUFFIELD. Mr. President, I advise my friend, the gentleman from Cambria, Senator Coppersmith, that George Bloom is still alive and kicking here in Harrisburg and is just as able as he ever was.

Mr. President, I desire to interrogate the gentleman from Dauphin, Senator Gekas.

The PRESIDENT pro tempore. Will the gentleman from Dauphin, Senator Gekas, permit himself to be interrogated?

Senator GEKAS. I will, Mr. President.

Senator DUFFIELD. Mr. President, I understand it is the gentleman's motion to revert to the prior printer's number, is that correct?

Senator GEKAS. Yes, Mr. President.

Senator DUFFIELD. Basically, Mr. President, what would that do? I do not know what that would do and I want to vote intelligently on the motion.

Senator GEKAS. Mr. President, what I wanted to try to do with the motion to revert to the prior printer's number is do exactly that, put it back to the original intent of the gentleman from Northumberland, Senator Kury, in this issue and that is to make right the current appropriation to the Consumer Advocate in the PUC. That is to clarify any outstanding questions or doubts that may have been created and which may have become a part of a court case so that we, the Senate, can correct it and make the current appropriation valid.

This will mean that the Office of Consumer Advocate will be adequately funded; that we will have met our obligation for the current year. I feel that is the better way to go rather than to indulge in talking about future limits and future capabilities and future upward limits of appropriations for that office.

I think it is unseemly of us to do anything but to talk about this year's budget.

Senator DUFFIELD. Mr. President, I have another question of the gentleman. By reverting to the prior printer's number, do we do away with the assessment based on the operating income received by the utilities?

Senator GEKAS. No, Mr. President.

Senator DUFFIELD. Then, Mr. President, is it correct that we stick to the formula we have this year?

Senator GEKAS. Mr. President, my interpretation of this does not affect that at all.

Senator DUFFIELD. Basically, Mr. President, this is what I am trying to get at: What would reverting to the prior printer's number do? I ask it not in argument but out of ignorance.

Senator GEKAS. Mr. President, it would restrict the issue before us to the current year. It would validate the present appropriation to the Consumer Advocate without going into anything about the future years or speculating on what the appropriations might be or any upward limitations or have anything to do with any appropriation except this year. We are trying to validate or to remove a cloud from a situation on this appropriation which has been posed by the PUC itself.

Senator DUFFIELD. Mr. President, as I understand it there was a court case involving the interpretation of this act. Is that correct?

Senator GEKAS. Yes, Mr. President.

Senator DUFFIELD. Mr. President, I believe this bill was originally designed to remove the cloud from the interpretation.

Senator GEKAS. Yes, Mr. President.

Senator DUFFIELD. Mr. President, is it true that the amendment which was put in the bill in committee changed the method of computing the assessment to the utilities?

Senator GEKAS. Yes, Mr. President.

Senator DUFFIELD. Mr. President, I do not believe .05 of one per cent on the operating income of the utilities was in the original bill. Is that correct?

Senator GEKAS. That is correct, Mr. President.

Senator DUFFIELD. Mr. President, would the reversion to the prior printer's number do away with .05 of one per cent on operating income?

Senator GEKAS. Yes, Mr. President.

Senator DUFFIELD. I thank the gentleman, Mr. President.

Senator GEKAS. Mr. President, I might add one other thing. Under the prior printer's number we would have a ceiling of approximately \$2.5 million or, perhaps, \$3 million as we figure it, less than the proposal in its present form. I believe that is about correct.

Senator DUFFIELD. Mr. President, I desire to interrogate the gentleman from Northumberland, Senator Kury.

The PRESIDENT pro tempore. Will the gentleman from Northumberland, Senator Kury, permit himself to be interrogated?

Senator KURY. I will, Mr. President.

Senator DUFFIELD. Mr. President, the gentleman has heard the queries I have submitted to the gentleman from Dauphin, Senator Gekas, and his answers. Are these answers essentially correct in the gentleman's point of view?

Senator KURY. Mr. President, the gentleman from Dauphin, Senator Gekas, was correct as far as he went. I believe there is one other point which should be made.

The effect of the Gekas motion is to strike from the bill the amendment which the gentleman from Allegheny, Senator Nolan, and I placed in the bill which deals with the ceiling for the Consumer Advocate's budget. If the Gekas motion succeeds, and the Kury-Nolan amendment is struck from the bill, that means that the Consumer Advocate's budget will always be tied to the PUC budget. Therefore, that restricts our legis-

lative hands in determining at what level we want to set the Consumer Advocate's budget because we cannot go beyond a certain percentage of the PUC budget.

The whole purpose of the amendment which was offered by the gentleman from Allegheny, Senator Nolan, and I was to give us more discretion as to where we wanted to set the Consumer Advocate's level. Therefore, by tying it to .05 of one per cent of the gross revenues of the utilities, it gives us a wider discretion. That is the amendment which we offered and that is the amendment which he seeks to delete. That is what we are voting on.

Senator DUFFIELD. Mr. President, is it correct that the present Consumer Advocate is operating on a budget in the neighborhood of \$900,000?

Senator KURY. That is correct, Mr. President, approximately \$900,000.

Senator DUFFIELD. Mr. President, would this amendment permit, by way of different computations, the possibility of financing the Consumer Advocate up to some \$3.5 million?

Senator KURY. Only if, Mr. President—and I emphasize only if—the Legislature decided that is what he should get. By passing the bill he does not receive a single penny beyond his present appropriation.

Senator DUFFIELD. Mr. President, would the future be determined by the whole Senate or the committees of both the House and Senate?

Senator KURY. Mr. President, it would continue as it now exists. That is, the Committees on Appropriations of the House and the Senate and the Governor would set the budget level.

Senator DUFFIELD. That is even under the amendment, Mr. President?

Senator KURY. Either way, Mr. President; with or without the amendment that is what would happen.

Senator DUFFIELD. Mr. President, if this bill were passed as it is, is it true that the Committees on Appropriations of the House and the Senate, whatever they decided, would bind both Bodies as to the amount of money the Consumer Advocate was going to receive?

Senator KURY. Mr. President, that is true regardless of the Gekas motion or the amendment. That will continue unchanged by anything we do with this bill.

Senator DUFFIELD. Mr. President, that is the present system, is that correct?

Senator KURY. That is correct, Mr. President.

Senator DUFFIELD. I have one more question, Mr. President.

Suppose we have this latitude and the committees decide in their wisdom next year to jump that from \$900,000 to \$2.5 million, who is going to pay that money? Where is the money going to come from? Is it not going to come from the consumer by way of increased utility bills?

Senator KURY. Mr. President, that is true. The cost now, per consumer, is approximately thirty cents per year for representation by the Consumer Advocate. However, Mr. President, I would point out to my colleague from Fayette, Senator Duffield, that my Committee on Consumer Affairs studied the Public Utility Commission for approximately two years and we

concluded that one of the biggest defects in the whole system was the fact that there was nobody there in these proceedings to effectively argue on behalf of the public against the rate increases.

We found, for example, that Philadelphia Electric hired the law firm of Morgan, Lewis & Bockius and paid them \$200,000 to argue one rate increase. Other big city blue chip law firms were used. Now, all that money is passed on to the consumer because it is part of their operating expense. The consumers pay that. Therefore, I feel it is a very fair shake for the consumers to pay thirty or forty or fifty cents per year, for the first time in history, to have an articulate attorney and his staff oppose rate increases. That never happened before and we made it happen through the Consumer Advocate. That is why I feel this is a fair way to do it.

Senator DUFFIELD. Mr. President, has the consumer received anything appreciable from the \$900,000 under which the Consumer Advocate is currently operating?

Senator KURY. Mr. President, of course that is a matter for each man's own judgment. I received the report of the Consumer Advocate for the year 1977 today. I will not burden the Senate by going through it. I would be happy to show it to the gentleman.

I would simply point out, for example, in one rate increase case, The Bell Telephone case, they asked for a \$150 million increase and got only a \$38 million increase. They were vigorously opposed by the Consumer Advocate. I think he had something to do with that. I will not give him all the credit but he opposed it and they only received \$38 million. I will be glad to show the gentleman the report, Mr. President.

Senator DUFFIELD. Mr. President, one more question: The gentleman says that by giving the Consumer Advocate more money and creating better staff he is going to save money. Are not the utilities still going to pay \$200,000 to law firms? The passage of this act and putting more teeth and more money into the Consumer Advocate is still not going to prevent the utility companies from employing more and more counsel. In fact, will not the cost go up because there will be more cases contested and the utility companies, instead of paying \$200,000, may have to pay half a million dollars to a firm?

Senator KURY. Mr. President, this bill will not stop the utilities from hiring any law firm they want to represent them. However, I believe by having an effective Consumer Advocate, we make the utilities prove their case before the Public Utility Commission and we give the consumers representation which they have not had in prior years. I believe that contributes to stabilizing rate increases. I think it contributes to public confidence in the system and it sees that the utilities get exactly that to which they are entitled, nothing more and nothing less. That is the system we are trying to perfect here and I believe this bill will contribute to that result.

Senator DUFFIELD. I thank the gentleman, Mr. President.

Mr. President, \$900,000 to run a Consumer Advocate's office the first year or two is a good bit of money to me. We also have a consumer affairs group over there which is supposed to look after the consumer. I do not know how much they are getting.

However, every time I read the newspaper there is a rate in-

crease for West Penn or Duquesne Light or Bell Telephone. They do not seem to be stemming the tide. In fact, I will offer a wager at this time that, since we have had the Consumer Advocate over there and the great consumer interest in the department, the rates have increased more than any comparable period in the history of the Public Utility Commission. I believe they should give an accounting before we give them more power and more money. As I understand it, this bill would permit, if the Senate and House Committees approve, the expenditure on the Office of the Consumer Advocate up to \$3 million. The utilities are not going to pay that bill; that is going to be added on to our gas, electric and telephone bills and will hurt the consumer all the more. They say it is thirty or forty cents a year now. If you put that up to \$3 million they will build a hierarchy over there with a lot of smart young lawyers, pay them good salaries—and I know how these things mushroom—and the only consumers it is going to help are some budding young lawyers who will get jobs over there.

I am concerned because, realistically, I know that when West Penn or Duquesne Light has a power shortage they do not care. They purchase power from the east and they surcharge us for that and the Public Utility Commission permits it.

Bell Telephone wants to make a little money so they charge for information calls you might have to make when you cannot find the number in the phone book. The Public Utility Commission approves that, and that is whether we have a Consumer Advocate or not. I can envision the creation or the expansion of a huge bureaucracy in this legal department over there that is going to be reflected in every consumer's gas, electric and telephone bills, plus the surcharges for gas and fuel, so next year the consumers will all be crying about the gas bill. Here we are putting more onto them and we say they are getting protection.

I am not convinced that the present budget of \$900,000 is not sufficient. Maybe it is sufficient, maybe it is not. I do not know. I do not have the facts. I have not had anybody tell me that they cannot operate on \$900,000. I would like to see what they have done with the \$900,000. That is still a lot of money even in these days of inflation.

The tragic thing is if we pass this bill that permits the committees of the House and Senate to go as high as \$3.5 million to run this one lawyers' group to protect the consumer, that is going to be paid by the consumer. They cannot pay their gas bills now. They cannot pay their electric bills now. Every penny we add on is depressing them more and they will probably get nothing from it. As the gentleman from Northumberland, Senator Kury, said, they paid one firm \$200,000. You are going to be in litigation every day if you do this to keep these people at work over there. All the utility companies have to do is hire their lawyers and the public must pay for that. The public is being screwed whichever way it is. The public pays for their own Consumer Advocate and they have to pay for the utility lawyers because that is part of their cost of operation. The consumer is in the middle. He is paying for lawyers on both sides and he is not getting anything out of it.

Senator MESSINGER. Mr. President, for the information of the Members, this Consumer's Advocate's office has a lifetime

of three years. If we do not agree with what they do in those three years we can abolish it.

Senator NOLAN. Mr. President, I would like to address myself, first of all, to the increase that the gentleman from Montgomery, Senator Tilghman, addressed himself to as far as the Public Utility Commission is concerned.

We, as a Body, this Senate, passed Senate Bill No. 215 and Senate Bill No. 216 and we established Law Judges within the Public Utility Commission with a purpose in mind. When we set up the Law Judge within the Public Utility Commission, the cost at that time was not known to us. This is one of the reasons why we find the budget of the Public Utility Commission increasing. As I pointed out, we also find in that budget wasted money, such as the \$890,000 which was spent for furniture. It is my understanding that we have furniture which has been purchased and there is no place to put it as yet. The next thing we will be faced with is renting space for that furniture. This is how these costs have increased, through poor management in the Public Utility Commission and through legislation which we have passed in this Body.

The general feeling of the public in Pennsylvania is that the Public Utility Commission—and I agree with them wholeheartedly—is an arm of the public utilities and has been an arm of the public utilities and is of no benefit whatsoever to the general public of this State.

The gentleman from Fayette, Senator Duffield, referred to the ten cents Bell Telephone got for informational charges, but does the gentleman know that the request of the Bell Telephone Company was double that to the Public Utility Commission? The Consumer Advocate opposed the imposition of a twenty cent informational charge on the general public. The Consumer Advocate went before the courts to oppose the increase that the Bell Telephone Company wanted and he will be in court time after time. However, if we are asked to measure the effectiveness of the Consumer Advocate before the courts of Pennsylvania there is no way we can measure it. We all must agree with the fact that we have a Consumer Advocate who can appear before the courts for us, and we will be a lot safer with him appearing there for us than we are with the Public Utility Commission. So far I know of no cases before the Public Utility Commission—in my ten years in Harrisburg and I stand to be corrected if they can send me the information—where an increase was asked for or requested of the Public Utility Commission, and they turned them down flat and gave them zero.

What we have said about this bill which is on this Calendar is absolutely true. We have said it shall not exceed seven per cent and we say that simply because we really do not know what the cost of the Consumer Advocate is going to be in order to protect the general public of Pennsylvania in the next two years. It may well be less than seven per cent. We may find out that even seven per cent is not enough.

Mr. President, I wholeheartedly agree with the gentleman from Montgomery, Senator Tilghman, that it is time we bring the Public Utility Commission budget and the budget of the Consumer Advocate into this Chamber and into the House Chamber for the approval of both Bodies and, in the absence of that, we should not approve any of their budgets.

However, what we are doing in this bill, and I want it very clearly understood, is we are talking about costs to the consumer. Nobody denies that it is going to cost the consumer money but it is not going to cost the consumer the money it has cost them this year. I tell this Senate that in order to give the Consumer Advocate an increase from \$904,000, which is his present budget, to \$1,112,000 which is already approved for next year, we had to permit the Public Utility Commission an increase of over \$3 million in their budget, which we did not want to give them. Just in order to give \$200,000 to the Consumer Advocate we had to give the Public Utility Commission an increase of over \$3 million and that is the increase we should be worried about; the \$3 million comes from the people using the utilities. That money is coming out of their pockets also.

What we are attempting to do with this bill is simply to—and we will address ourselves later to the amount of money we are going to appropriate and approve for the Public Utility Commission and the Consumer Advocate—separate the approval of the Consumer Advocate's budget entirely from the budget of the Public Utility Commission. I, for one, do not feel we are doing any justice to the general public that uses the utilities in this State when we charge them \$3 million in order to give our Consumer Advocate, which we established for the protection of the general public, a \$200,000 increase. That is why I oppose the reversion to the prior printer's number and even if we would revert to the prior printer's number, I am wondering whether the gentleman from Dauphin, Senator Gekas, would vote for the prior printer's number

Senator HAGER. Mr. President, listening to the gentleman from Allegheny, Senator Nolan, both in his first address on this matter and now, brings me to the point where I must agree with him about at least one thing. It seems strange that, in order to do one thing for the Consumer Advocate we have to be doing the same thing in the Public Utility Commission. Of course that really is the problem.

I listened to the gentleman from Fayette, Senator Duffield, and I find myself in agreement with him in that we just go on and on and on. Those of us who find ourselves reluctant to vote for this kind of a bill which allows up to \$3.5 million for funding have to be, I guess, excused when we do not quite accept the argument that gee, that will not happen, and what we are really trying to do is cut one loose from the other. All of us are stuck with the history of the way the bureaucracy grows in this State and we are also stuck with the history of this Senate who, when it created the Consumer Advocate, neglected to answer the question of what would be done with the duplication of functions between the Consumer Advocate's office and the Public Utility Commission. I remember asking the question of the chief sponsor, the gentleman from Northumberland, Senator Kury, what would happen to those twenty-some lawyers who were presently in the Public Utility Commission, earning an average of \$24,000 a year, whose job it was to look out for the consumers in rate cases. I was told that that function would disappear and it would become part of the Consumer Advocate's function. But those twenty lawyers are now closer to forty in the Public Utility Commission and their salary is closer to \$30,000, plus we have the Consumer Advocate.

It seems to me the suggestion which is being made here that we revert makes even more sense when you consider what the gentleman from Allegheny, Senator Nolan, said. There is no rush to pass this legislation, because there has been an approval already of next year's budget for the Consumer Advocate, the 1978-1979 budget is already approved. So why rush to pass a bill which makes it possible to put \$3.5 million in a department which is, in many respects, duplicating what is being done in the Public Utility Commission?

People think that is not so. Let me read to you from the mandates of these two offices.

(1) Each of them has the duty, the statutory duty, to prosecute utility cases on behalf of the public.

(2) Resolve informal consumer complaints.

(3) Provide consumers with educational information.

Each is spending money to do exactly the same thing. There has even been correspondence between the two agencies and it discusses the need to coordinate their activity and to develop a case management strategy so they can continue to do the same things on duplication of money and duplication of personnel.

Yesterday I introduced in this Senate, after having offered it to the gentleman from Northumberland, Senator Kury, a bill which would take from the Public Utility Commission all of those functions and give them, once and for all, to the Consumer Advocate. We even change his name in the legislation and call it the Office of Public Counsel so the Public Utility Commission has a judicial or quasi-judicial function and none other, so it has no rate prosecution functions.

It seems strange to us that the same agency should be the prosecutor and the judge. It seems to us that that rate prosecutory function, that consumer service function, should not be in the Public Utility Commission but should be in the Consumer Advocate and he should be given new and stronger powers. When that happens, when we have that separation so that we are not continuing this strange duplication—incidentally it involves DER now and they are doing much the same thing—it seems to me at that point there would be some real sense in making sure that the office of public counsel, nee, Consumer Advocate, is well funded to do the job and we can take the money out of the Public Utility Commission.

As a matter of fact if our suggestion is followed we could save not \$3.5 million, we could save \$6 million a year. There seems to be no interest in that. So, since there is no interest in that as there was no interest when this thing was created in the first place and there has been none since then, it seems wrong to us, particularly as the gentleman from Allegheny, Senator Nolan, points out the funding is already there for next year, it seems strange to us that we should be passing legislation which allows it to go as high as \$3.5 million more.

Has anybody seen the Public Utility Commission's projection as to what their budget is going to be five years from now? It is now almost \$15 million and it is going to be over \$30 million a year, according to the Public Utility Commission; that is their own projection five years from now. They expect to continue to duplicate the efforts of the Consumer Advocate, the Energy Planning Council and all the others. It makes no sense.

That is why those of us who are going to vote for this rever-

sion and vote against the bill, yes, are asking the rest of you if you really care about not having duplication of services, if you really care about reorganizing the bureaucracy so the consumer gets something out of it instead of an increase, that you vote with us, yes, on a motion to revert.

Senator BELL. Mr. President, the gentleman from Fayette, Senator Duffield, made some statements which left the impression that if you vote for this bill, you are socking it to the consumer. I would like to advise the gentleman and the Senate that I have had staff members covering many, many Public Utility hearings. I will relate one case where the Consumer Advocate paid his entire expense for this year, the Bell Telephone case.

The Consumer Advocate found that American Telephone & Telegraph, which owns the system and licenses to Bell Telephone of Pennsylvania, had arbitrarily, in one year, doubled their licensure charge. He also found that the inflation factor was rolled into the cost not once, but twice. Those two minor things, in the few words I have said here, were so major that they stopped American Telephone & Telegraph, who actually owns Bell Telephone, from ripping off the public of Pennsylvania of many more dollars than the entire annual cost of the Consumer Advocate.

Senator KURY. Mr. President, I would like to respond to the remarks of my colleague from Lycoming, Senator Hager. His understanding of the Consumer Advocate and the Public Utility Commission is vastly different than mine. I believe he is ill informed and does not have the correct factual information as to what the function of the Consumer Advocate is.

When we rewrote this legislation dealing with the PUC, Act 215 and Act 216, we set up in the Department of Justice a Consumer Advocate for the express purpose of representing the consumer's viewpoint in opposing rate increase applications by the utilities of this Commonwealth. That is their function and they are the only personnel doing that in the Commonwealth of Pennsylvania.

It is true there are lawyers in the PUC. Of course, there are lawyers over there. However, they are not coming in and representing the consuming public on rate increase applications. They have many legal problems over there that have nothing to do with rate increases for gas and electric utilities. For example, the PUC has to deal with thousands of franchise questions on transportation matters, on truck franchises, taxi franchises and that kind of thing. They need lawyers to review those kinds of proceedings. The PUC needs legal advice on a lot of steps that have nothing to do with rate increases, but have to do with service. Therefore, Mr. President, there is no duplication. I think suggestions that there is a duplication are not well founded.

I will make one other point, Mr. President. The Consumer Advocate bill which we passed has the first sunset provision in the history of Pennsylvania. We put a provision in there, which I and others expressly asked for, that this legislation expire in three years unless we renew it. I feel that is the best guarantee we have that a Consumer Advocate is not going to become a runaway bureaucracy.

Therefore, Mr. President, I do not believe the issue here is duplication. The issue here is not the bureaucracy. The issue here

is, are we going to continue to support a Consumer Advocate and stand up for the consumers of this great Commonwealth. That is what is at stake and that is why we should vote against the reversion and vote to pass the bill today.

Senator JUBELIRER. Mr. President, one of the things just brought up by the gentleman from Northumberland, Senator Kury, was one of the points I wanted to make. However, I think we may differ in our conclusions.

This is one of the first instances of sunset that this Body has had an opportunity to review and we will have that, I believe, in April of 1979 if I am not mistaken. I believe the period was two years, from 1977 to 1979. I believe next year, in April of 1979, the office and the concept will expire unless this Legislature feels it is worthwhile.

I might suggest to the Members of the Senate that that would be the time to review the entire matter. As is the meaning of sunset legislation, if we are to change the funding process of anything or make major overhauls, that would be the time to do it.

The second point I would make, Mr. President: If the gentleman from Northumberland, Senator Kury, felt that the matter did need to be changed and the gentleman from Allegheny, Senator Nolan, did not want to tie it to the PUC, why did they not use a different percentage? Why .05 of one per cent and give them up to \$3.5 million? I think we could have taken a different percentage and at least have had the opportunity to have the higher ceiling on it.

As was quite correctly set forth by the gentleman from Lycoming, Senator Hager, the history of the PUC is whatever the Consumer Advocate comes in for is pretty much what he gets. I feel if the percentage had been .02 of one per cent or .01 of one per cent or something, it might have been the \$1.1 million that the Consumer Advocate has evidently justified to the Committee on Appropriations.

However, it seems to me that a .05 of one per cent, giving him the opportunity to use up to \$3.5 million, there is some responsibility here to see that that possibility just does not exist. If we do not try to hold on to the purse strings and not let spending go through the ceiling, as it has and as we have seen it in the past several years—I feel those who very ably set forth that position in the budget last summer, and certainly the gentleman from Allegheny, Senator Nolan, was in the forefront of that particular situation—somebody is going to have to pay the price and the matter is ultimately going to be passed on to the consumer. We can use the figures of fifty cents per consumer, but the point is that it is really the middle income guy, the guy who does not have the opportunity to get any relief. Soon we will see the bill of the gentleman from Allegheny, Senator Schaefer, that provides relief for our senior citizens which again will put more of a burden on the middle income person.

I feel if we go this route we will see that that, in effect, will ultimately be a hoax on the consumer who again will have to pay through higher utility bills.

Senator NOLAN. Mr. President, as pointed out by my friend, the gentleman from Blair, Senator Jubelirer, yes, I fought the budget last year. However, I think in fighting that budget I was fighting for what I felt was beneficial to the taxpayers of this

Commonwealth. I say without fear of contradiction, standing here today, that what I am fighting for today is of benefit to the general public who use the utilities in this State.

The figure of an increase up to \$3.5 million was presented to me by the utility companies the same as the Senators who are on this floor claiming that. I do not buy it, coming from the utility companies. I know if the legislation which is being proposed to make sure that the Legislature itself must approve these budgets, I see no reason why we cannot control future years—next year is already funded—as to the amount of money received not only by the Consumer Advocate but also the money received by the PUC.

Many of the statements made by the Minority Party on this floor I cannot disagree with. I agree with those statements. There is a duplication of services in this government, not only between the PUC and other departments, but also every department in this government is duplicating services. I have been standing on this floor making that same statement every time I fought against the budgets which have been proposed in this Chamber.

I will be more than happy to sponsor, number one, legislation to do away with the PUC and replacing it with an energy council.

Number two, wiping out the duplication of services with regard to utilities and energy and transferring them to the new department.

Number three, I will support any legislation that will place before the full Senate and the full House concerning the amounts of money the Consumer Advocate, the PUC or the Department of Energy might say they want. They will have to get our approval before they receive that money.

Do not stand on this floor quoting \$3 million, because I can go up to my office and bring down the notice brought to me by the utilities. They are the exact figures being quoted here on the floor today as the increase which the Consumer Advocate will receive. I do not accept figures from the utilities whatsoever. The only figures I accept are the figures I am willing to vote for either on this floor or in the Committee on Appropriations. I am not in favor and I was not in favor of reverting to the prior printer's number. I ask my colleagues not to revert because it was just stated on this floor that even if we were to revert, they would still vote against the bill as it would be under the prior printer's number.

Senator JUBELIRER. Mr. President, I desire to interrogate the gentleman from Allegheny, Senator Nolan.

The PRESIDENT pro tempore. Will the gentleman from Allegheny, Senator Nolan, permit himself to be interrogated?

Senator NOLAN. I will, Mr. President.

Senator JUBELIRER. Mr. President, I thank the gentleman for standing for interrogation on a matter which he has just brought to the forefront. Perhaps we can solve the whole matter if the gentleman is not willing to accept the figure of \$3 million or \$3.5 million and he is anxious to change the formula, but I do not think the gentleman has been known as a big spender. My question to the gentleman is: Would he be amenable to an amendment to the current printer's number which would put a cap on the amount of money the Consumer Advocate could re-

ceive? I believe the Committee on Appropriations indicated it would fund the Consumer Advocate up to \$1.1 million. I cannot remember the exact figures.

Senator NOLAN. Mr. President, \$1,122,000 is what the Consumer Advocate has already been authorized to spend in the 1978-1979 fiscal year.

Senator JUBELIRER. Mr. President, would the Senator be amenable to supporting an amendment that would add the words, "but under no circumstances shall the Consumer Advocate receive more than \$1,122,000," which is the figure the gentleman just mentioned?

Senator NOLAN. Mr. President, we have a cap already in this legislation insofar as it says the Consumer Advocate shall not exceed seven per cent. If the gentleman is asking me at this time to put a cap on the Consumer Advocate which is one of the most important consumer agencies we have established, my answer is "no."

Senator JUBELIRER. Mr. President, I fail to understand the gentleman's response in that he has indicated in his prior debate that he would not be willing to accept the figure of \$3 million or \$3.5 million by virtue of the fact it came from the utilities. Perhaps I mistook him for saying something else, but I thought that he did, indeed, want to limit the Consumer Advocate to that which the Committee on Appropriations felt he was justified. I think we can do that. We have done that in every other agency of State government. Everybody must come in and justify their need.

I feel the way to protect the consuming public is to put a dollar cap on it. If we go with the percentage, we have, in effect, left a potential open-ended situation where year after year, no matter what happens and because of the inflationary situation, automatically the funding of the Office of the Consumer Advocate would increase. Not necessarily because it is justified, but because that is the way the formula reads.

My question of the gentleman was simply if he would be willing to put a dollar cap on the appropriation and require the Consumer Advocate to come in and justify each time, then I believe we could, indeed, put a real cap on the Office of Consumer Advocate.

I agree with the gentleman that the Consumer Advocate very well may be an important agency, but I also believe there are other important agencies in this Commonwealth. However, they do not have the same type of funding the Consumer Advocate has and I do not feel that his office is any more important than any of the other very important offices in the Commonwealth.

I would hope, perhaps, that the gentleman might reconsider. If he would be willing to put a money cap on that office, I certainly would be willing to join with him in that and, perhaps, we could solve the entire matter in that way, if the problem is that the gentleman wants to take the formula away from the PUC only.

Senator NOLAN. Mr. President, I desire to interrogate the gentleman from Blair, Senator Jubelirer.

The PRESIDENT pro tempore. Will the gentleman from Blair, Senator Jubelirer, permit himself to be interrogated?

Senator JUBELIRER. I will, Mr. President.

Senator NOLAN. Mr. President, did the gentleman not amend the Consumer Advocate bill in committee?

Senator JUBELIRER. Mr. President, that is correct. I believe it is the amendment to which the gentleman from Dauphin, Senator Gekas, wants to revert.

Senator NOLAN. Mr. President, is it not true that the gentleman then voted against the Consumer Advocate bill?

Senator JUBELIRER. Mr. President, I did vote against the Consumer Advocate. I voted against the creation of the Consumer Advocate because of the duplication of services. I voted against the formula because it was more money than the Consumer Advocate himself requested when he came into the Committee on Appropriations. However, if we would revert to this particular printer's number, based on this year's formula, I would vote to support the bill under the prior printer's number. I would also be willing to discuss the possibility and, perhaps, support a different formula, the one which the gentleman from Northumberland, Senator Kury, has used to amend, if there were a money cap on it and not take a chance that the amount of money may not be \$3.5 million, but then again, it might. However, I am not willing to take that chance, Mr. President.

Senator NOLAN. Mr. President, I would believe what the gentleman has stated except for one word in his statement. That is the word "perhaps" he would support the bill. I would like to know where his newly found feelings are coming from when he becomes concerned about the general public and when he expresses his feelings about the Consumer Advocate which he did not vote for in the first place. I just cannot believe he is sincere especially when he says "perhaps" he could support the bill.

Senator JUBELIRER. If that is a question, Mr. President, I would be delighted to respond. I would respond in this manner: When I used the word "perhaps," I would want to see the language which is in the new formula, the one in the current printer's number. If the language were appropriate and realistically put a cap on the amount of money, then I would support it.

Mr. President, I feel that I am concerned about my constituency every bit as much as the gentleman from Allegheny, Senator Nolan, is, and I am as deeply concerned when I see the costs of utility bills going up as the gentleman is. I am also concerned just as much when we leave the opportunity wide open for the Consumer Advocate to receive the type of funding he does. It will ultimately be a pass on to the consumer and we are kidding him if we tell him any different. It is the gentleman's working class people and my working class people who will pay that bill in the end. We are kidding him if we tell him any differently.

Senator MELLOW. Mr. President, I think it is quite apparent by the number of Members who have left the Senate and the way the other Members who are here currently are really not paying too much attention to the debate, that it is about time we get on and vote the matter at hand.

Senator DUFFIELD. Mr. President, I do not see where they get the figure of \$3 million. In spite of the remarks of the gentleman from Lackawanna, Senator Mellow, this is a very important piece of legislation to the consumer and we just do not throw his money around without feeling sincerely about it. I am sure we are not up here to make points one way or the other.

The bill disturbs me on the basis that the Office of the Consumer Advocate's estimate of its total expenditures for the fiscal year shall not exceed .05 of one per cent of the total gross intrastate operating revenues of all public utilities. Those revenues are going up every year. That could go to \$5 million and to \$10 million on the gross operating revenues. We are not talking about net, we are talking about the gross operating revenues of all the utility companies.

We have spoken a lot here about the Consumer Advocate. Since the Consumer Advocate was installed by enactment of this Legislature, my gas bill has gone up 100 per cent; my electric bill has gone up 100 per cent; my telephone charges are going up far in excess of what they ever were before we started to use a Consumer Advocate. Can anyone tell me that the Consumer Advocate has saved one cent? The gentleman from Delaware, Senator Bell, came close to it when he brought up those two instances, but what the devil is the Public Utility Commission for?

The Public Utility Commission has its lawyers and they should have caught this themselves. Otherwise, they should have been fired. However, we are putting a great halo around the Consumer Advocate. How much has he done for the consumers? Why is the Public Utility Commission approving every rate increase that comes before them? Why is the Consumer Advocate losing all these cases that go upstairs? I do not believe any more money is going to help one way or the other but eventually the money we pour into this group of lawyers is going to be paid by the consumer so let us face it.

Senator HAGER. Mr. President, I hate to use somebody's words to remind him of what he has been doing, but if the gentleman from Northumberland, Senator Kury, is still around—I do not see the gentleman. He really should be here. All right, the gentleman is here.

The gentleman says that the duties of the Consumer Advocate are limited, very limited to representing people in rate cases before the Public Utility Commission, and they have nothing to do with these other functions. The gentleman's draftsmanship says as follows: ". . . it shall be his duty . . . to represent the interest of consumers as a party, or otherwise participate for the purpose of representing an interest of consumers before the Commission in any matter"—any matter—"properly before the Commission and before any court or agency, initiating proceedings if in his judgment such may be necessary, in connection with any matter involving regulation by the commission or the corresponding regulatory agency of the United States . . ." Of course, I said to the gentleman, they have been representing the public—we call them the consumer, but they call them the public—and they have been representing them in rate cases.

Then it was the gentleman's language, the language where we recently amended the Public Utility Commission Act in 1976, and listen to the similarity of language. This is for the Public Utility Commission, not for the Consumer Advocate:

It shall be the function of the Law Bureau in that they ". . . shall be responsible for and shall assist in the development of, challenge of, and representation on the record of all matters in the public's interest." The only word which has been changed is "consumer" to "public."

It goes on to where the Consumer Advocate has the right to meditate disputes and handle informal complaints. So does the Public Utility Commission, in the gentleman's language, in both acts.

So far as the Public Utility Commission is concerned they "shall investigate and have prepared replies to all informal consumer complaints and shall advise," et cetera. So shall the Consumer Advocate. In one man we have two acts creating two agencies doing the very same thing; a total duplication of cost.

That is what I am talking about. The words are the words of the gentleman from Northumberland, Senator Kury, from the statutes of this Commonwealth.

And the question recurring,
Will the Senate agree to the motion?

The yeas and nays were required by Senator GEKAS and were as follows, viz:

YEAS—17

Corman,	Hess,	Jubelirer,	Moore,
Duffield,	Holl,	Kelley,	Snyder,
Fleming,	Hopper,	Kusse,	Stauffer,
Gekas,	Howard,	Manbeck,	Tilghman,
Hager,			

NAYS—30

Andrews,	Gurzenda,	Nolan,	Scanlon,
Arlene,	Hankins,	Noszka,	Schaefer,
Bell,	Kury,	O'Pake,	Smith,
Coppersmith,	Lewis,	Orlando,	Stapleton,
Dougherty,	McCormack,	Reibman,	Stout,
Dwyer,	Mellow,	Romanelli,	Sweeney,
Early,	Messinger,	Ross,	Zemprelli,
Fumo,	Murray,		

So the question was determined in the negative, and the motion was defeated.

And the question recurring,
Will the Senate agree to the bill on third consideration?

It was agreed to.

And the amendments made thereto having been printed as required by the Constitution,

On the question,
Shall the bill pass finally?

(During the calling of the roll, the following occurred:)

Senator DUFFIELD. Mr. President, I would like to change my vote from "aye" to "no."

The PRESIDENT pro tempore. The gentleman will be so recorded.

Senator GEKAS. Mr. President, I would like to change my vote from "aye" to "no."

The PRESIDENT pro tempore. The gentleman will be so recorded.

The yeas and nays were taken agreeably to the provisions of the Constitution and were as follows, viz:

YEAS—37

Andrews,	Gurzenda,	Mellow,	Romanelli,
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Arlene,	Hankins,	Messinger,	Ross,
Bell,	Holl,	Moore,	Scanlon,
Coppersmith,	Howard,	Murray,	Schaefer,
Corman,	Kury,	Nolan,	Smith,
Dougherty,	Lewis,	Noszka,	Stapleton,
Dwyer,	Manbeck,	O'Pake,	Stout,
Early,	McCormack,	Orlando,	Sweeney,
Fleming,	McKinney,	Reibman,	Zemprelli,
Fumo,			

NAYS—11

Duffield,	Hess,	Kelley,	Stauffer,
Gekas,	Hopper,	Kusse,	Tilghman,
Hager,	Jubelirer,	Snyder,	

A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

HB 1350 (Pr. No. 2310) — Considered the third time and agreed to,

On the question,
Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution and were as follows, viz:

YEAS—49

Andrews,	Hager,	Manbeck,	Romanelli,
Arlene,	Hankins,	McCormack,	Ross,
Bell,	Hess,	McKinney,	Scanlon,
Coppersmith,	Holl,	Mellow,	Schaefer,
Corman,	Hopper,	Messinger,	Smith,
Dougherty,	Howard,	Moore,	Snyder,
Duffield,	Jubelirer,	Murray,	Stapleton,
Dwyer,	Kelley,	Nolan,	Stauffer,
Early,	Kury,	Noszka,	Stout,
Fleming,	Kusse,	O'Pake,	Sweeney,
Fumo,	Lewis,	Orlando,	Tilghman,
Gekas,	Lynch,	Reibman,	Zemprelli,
Gurzenda,			

NAYS—0

A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

**REPORT FROM COMMITTEE ON
RULES AND EXECUTIVE NOMINATIONS**

Senator ROSS, by unanimous consent, from the Committee on Rules and Executive Nominations, reported the following nominations, made by His Excellency, the Governor, which were read by the Clerk as follows:

**REGISTER OF WILLS AND CLERK OF ORPHANS' COURT
IN AND FOR THE COUNTY OF BERKS**

March 17, 1978.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Emma Forry Mullen, Esquire, 12 East Thirty-fourth Street, Reiffton, Reading 19606, Berks County, Eleventh Senatorial District, for appointment as Register of Wills and Clerk of Orphans' Court in and for the County of Berks, to serve until the first Monday of January, 1980, vice Thomas J. Eshelman, resigned.

MILTON J. SHAPP.

MEMBERS OF THE STATE ATHLETIC COMMISSION

March 28, 1978.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following for reappointment as members of the State Athletic Commission:

Joseph L. Cimino, 1234 Love Street, Pittsburgh 15218, Allegheny County, Forty-third Senatorial District, to serve for the term of two years, and until his successor shall have been appointed and qualified.

Manny Gelb, 925 Monroe Avenue, Scranton 18510, Lackawanna County, Twenty-second Senatorial District, to serve for the term of two years, and until his successor shall have been appointed and qualified.

Howard McCall, 1415 Corlies Street, Philadelphia 19121, Philadelphia County, Second Senatorial District, to serve for the term of two years, and until his successor shall have been appointed and qualified.

MILTON J. SHAPP.

MEMBER OF THE BOARD OF TRUSTEES OF
COALDALE STATE GENERAL HOSPITAL

March 14, 1978.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Mrs. Irene Agnes Pribila, 422 West White Street, Summit Hill 18250, Carbon County, Twenty-ninth Senatorial District, for appointment as a member of the Board of Trustees of Coaldale State General Hospital, to serve until the third Tuesday of January 1981, and until her successor is appointed and qualified, vice Charles J. McFadden, Summit Hill, deceased.

MILTON J. SHAPP.

COMMISSIONER OF DEEDS

March 16, 1978.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Joseph J. Ryan, 2601 Salem Drive, Cinnaminson, Burlington County, New Jersey, for appointment as Commissioner of Deeds for the Commonwealth of Pennsylvania, with residence in the State of New Jersey, for the term of five years, to compute from the date of confirmation.

MILTON J. SHAPP.

MEMBERS OF THE BEAVER COUNTY BOARD
OF ASSISTANCE

March 31, 1978.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following for reap-

pointment as members of the Beaver County Board of Assistance:

Mrs. Jewell Dell DeCicco (Democrat), 933 Indiana Avenue, Monaco 15061, Beaver County, Forty-seventh Senatorial District, to serve until December 31, 1980, and until her successor is duly appointed and qualified.

Mrs. Ida Rie Laposki (Democrat), 3623 Jean Street, Beaver Falls (West Mayfield) 15015, Beaver County, Forty-seventh Senatorial District, to serve until December 31, 1980, and until her successor is duly appointed and qualified.

Mrs. Nellie Puskarich (Democrat), 440 Center-Grange Road, Monaca 15601, Beaver County, Forty-seventh Senatorial District, to serve until December 31, 1980, and until her successor is duly appointed and qualified.

Mrs. Antionette L. Rose (Democrat), 905 Fifth Street, Beaver 15009, Beaver County, Forty-seventh Senatorial District, to serve until December 31, 1980, and until her successor is duly appointed and qualified.

MILTON J. SHAPP.

MEMBERS OF THE CLINTON COUNTY BOARD
OF ASSISTANCE

March 31, 1978.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following for reappointment as members of the Clinton County Board of Assistance:

Wilbur L. Kephart (Democrat), 121 South Summit Street, Lock Haven 17745, Clinton County, Twenty-third Senatorial District, to serve until December 31, 1980, and until his successor is duly appointed and qualified.

Mrs. Emma Yarrison (Democrat), R. D. #1, Loganton 17747, Clinton County, Twenty-third Senatorial District, to serve until December 31, 1980, and until her successor is duly appointed and qualified.

MILTON J. SHAPP.

MEMBERS OF THE LEHIGH COUNTY BOARD
OF ASSISTANCE

March 31, 1978.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following for reappointment as members of the Lehigh County Board of Assistance:

Louis E. D'Arconte (Democrat), 3219 Capital Street, Allentown 18103, Lehigh County, Sixteenth Senatorial District, to serve until December 31, 1980, and until his successor is duly appointed and qualified.

Donald H. Hensler (Democrat), 417 Iroquois Street, Emmaus 18049, Lehigh County, Sixteenth Senatorial District, to serve until December 31, 1980, and until his successor is duly appointed and qualified.

MILTON J. SHAPP.

MEMBER OF THE LUZERNE COUNTY BOARD
OF ASSISTANCE

March 31, 1978.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Joseph Szot (Democrat), 145 West Union Street, Nanticoke 18634, Luzerne County, Fourteenth Senatorial District, for reappointment as a member of the Luzerne County Board of Assistance, to serve

until December 31, 1980, and until his successor is duly appointed and qualified.

MILTON J. SHAPP.

MEMBERS OF THE LYCOMING COUNTY BOARD
OF ASSISTANCE

March 31, 1978.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following for reappointment as members of the Lycoming County Board of Assistance:

Mrs. Evelyn Hand (Democrat), 1518 Penn Street, Williamsport 17701, Lycoming County, Twenty-third Senatorial District, to serve until December 31, 1980, and until her successor is duly appointed and qualified.

Ms. Donna Lee Moser (Democrat), 145 Kenyon Avenue, R. D. #3, Cogan Station 17728, Lycoming County, Twenty-third Senatorial District, to serve until December 31, 1980, and until her successor is duly appointed and qualified.

Louis A. Stanzione (Republican), 68 Overhill Road, Williamsport 17701, Lycoming County, Twenty-third Senatorial District, to serve until December 31, 1980, and until his successor is duly appointed and qualified.

MILTON J. SHAPP.

MEMBER OF THE PHILADELPHIA COUNTY BOARD
OF ASSISTANCE

March 31, 1978.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Ms. Loraine Fields (Republican), 3104 "A" Abbottsford Avenue, Philadelphia 19129, Philadelphia County, Seventh Senatorial District, for appointment as a member of the Philadelphia County Board of Assistance to serve until December 31, 1979, and until her successor is duly appointed and qualified, vice Robert Hamilton, Philadelphia, whose term expired.

MILTON J. SHAPP.

MEMBERS OF THE SCHUYLKILL COUNTY BOARD
OF ASSISTANCE

March 31, 1978.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following for reappointment as members of the Schuylkill County Board of Assistance:

Peter Mahalage (Democrat), 36 West South Street, Mahanoy City 17948, Schuylkill County, Twenty-ninth Senatorial District, to serve until December 31, 1980, and until his successor is duly appointed and qualified.

Robert J. Johnson (Democrat), 14 Foster Avenue, Coaldale 18218, Schuylkill County, Twenty-ninth Senatorial District, to serve until December 31, 1980, and until his successor is duly appointed and qualified.

MILTON J. SHAPP.

MEMBERS OF THE SULLIVAN COUNTY BOARD
OF ASSISTANCE

March 31, 1978.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following for reappointment as members of the Sullivan County Board of Assistance:

Roy A. Calaman (Democrat), Box 82, Mildred 18632, Sullivan County, Twenty-third Senatorial District, to serve until December 31, 1980, and until his successor is duly appointed and qualified.

Anthony Mareck (Democrat), Box 15, Lopez 18628, Sullivan County, Twenty-third Senatorial District, to serve until December 31, 1980, and until his successor is duly appointed and qualified.

MILTON J. SHAPP.

DISTRICT JUSTICE OF THE PEACE

March 14, 1978.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Harry Pokora, 2539 Mission Street, Pittsburgh 15203, Allegheny County, Forty-third Senatorial District, for appointment as District Justice of the Peace in and for the County of Allegheny, Class 2, District 37, to serve until the first Monday of January, 1980, vice Joseph A. Biernacki, Pittsburgh, resigned.

MILTON J. SHAPP.

DISTRICT JUSTICE OF THE PEACE

March 14, 1978.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Mike Kreskosky, 1157 Third Street, Nanty-Glo 15943, Cambria County, Thirty-fifth Senatorial District, for appointment as District Justice of the Peace in and for the County of Cambria, Class 3, District 01, to serve until the first Monday of January, 1980, vice Leo J. Finnegan, Conemaugh, deceased.

MILTON J. SHAPP.

DISTRICT JUSTICE OF THE PEACE

March 14, 1978.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Michael J. Koury, 234 Fourth Street, West Easton 18042, Northampton County, Eighteenth Senatorial District, for appointment as District Justice of the Peace in and for the county of Northampton, Class 1, District 03, to serve until the first Monday of January, 1980, vice Fred J. Pacchioli, Easton, Terminated.

MILTON J. SHAPP.

DISTRICT JUSTICE OF THE PEACE

March 6, 1978.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Joseph Oliverio, 1861 West Chestnut Street, Canton Township, Washington 15301, Washington County, Forty-sixth Senatorial District, for appointment as District Justice of the Peace in and for the county of Washington, Class 3, District 09, to serve until the first Monday of January, 1980, vice Albert Ferralli, Washington, retired.

MILTON J. SHAPP.

EXECUTIVE NOMINATIONS

EXECUTIVE SESSION

Motion was made by Senator ROSS, That the Senate do now resolve itself into Executive Session for the purpose of considering certain nominations made by the Governor. Which was agreed to.

CONSIDERATION OF EXECUTIVE NOMINATIONS

Senator ROSS asked and obtained unanimous consent for immediate consideration of the nominations made by His Excellency, the Governor, and reported from committee at today's Session.

NOMINATION TAKEN FROM THE TABLE

Senator ROSS. Mr. President, I call from the table for consideration the nomination reported from committee today and previously read by the Clerk for Emma F. Mullen, as Register of Wills and Clerk of Orphans' Court in and for the County of Berks, which requires a two-thirds majority vote.

On the question, Will the Senate advise and consent to the nomination?

The yeas and nays were taken agreeably to the provisions of the Constitution and were as follows viz:

YEAS—49

Table listing names of Senators in support of the nomination: Andrews, Arlene, Bell, Coppersmith, Corman, Dougherty, Duffield, Dwyer, Early, Fleming, Fumo, Gekas, Gurzenda, Hager, Hankins, Hess, Holl, Hopper, Howard, Jubelirer, Kelley, Kury, Kusse, Lewis, Lynch, Manbeck, McCormack, McKinney, Mellow, Messinger, Moore, Murray, Nolan, Noszka, O'Pake, Orlando, Reibman, Romanelli, Ross, Scanlon, Schaefer, Smith, Snyder, Stapleton, Stauffer, Stout, Sweeney, Tilghman, Zemprelli.

NAYS—0

A constitutional two-thirds majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Governor be informed accordingly.

NOMINATIONS LAID ON THE TABLE

Senator ROSS. Mr. President, I request that the names of Joseph L. Cimino, as a member of the State Athletic Commission, and Ms. Loraine Fields, as a member of the Philadelphia County Board of Assistance, be laid on the table.

The PRESIDENT pro tempore. These nominations will be laid on the table.

NOMINATIONS TAKEN FROM THE TABLE

Senator ROSS. Mr. President, I call from the table for consideration the remainder of the nominations reported from com-

mittee today and previously read by the Clerk, which require a majority vote.

On the question, Will the Senate advise and consent to the nominations?

The yeas and nays were taken agreeably to the provisions of the Constitution and were as follows, viz:

YEAS—49

Table listing names of Senators in support of the nominations: Andrews, Arlene, Bell, Coppersmith, Corman, Dougherty, Duffield, Dwyer, Early, Fleming, Fumo, Gekas, Gurzenda, Hager, Hankins, Hess, Holl, Hopper, Howard, Jubelirer, Kelley, Kury, Kusse, Lewis, Lynch, Manbeck, McCormack, McKinney, Mellow, Messinger, Moore, Murray, Nolan, Noszka, O'Pake, Orlando, Reibman, Romanelli, Ross, Scanlon, Schaefer, Smith, Snyder, Stapleton, Stauffer, Stout, Sweeney, Tilghman, Zemprelli.

NAYS—0

A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Governor be informed accordingly.

EXECUTIVE SESSION RISES

Senator ROSS, Mr. President, I move that the Executive Session do now rise.

The motion was agreed to.

CONSIDERATION OF CALENDAR RESUMED

SECOND CONSIDERATION CALENDAR

BILL ON SECOND CONSIDERATION

HB 76 (Pr. No. 2736) — Considered the second time and agreed to,

Ordered, To be transcribed for a third consideration.

BILL ON SECOND CONSIDERATION AMENDED

SB 315 (Pr. No. 317) — The bill was considered.

On the question, Will the Senate agree to the bill on second consideration? Senator MESSINGER offered the following amendments:

Amend Title, page 1, line 2, by striking out "all" and inserting: certain

Amend Sec. 3, page 2, line 13, by inserting after "Commonwealth": , the Pennsylvania Fish Commission, the Pennsylvania Game Commission

On the question, Will the Senate agree to the amendments?

They were agreed to.

Without objection, the bill, as amended, was passed over in its order at the request of Senator MESSINGER.

BILL REREFERRED

SB 473 (Pr. No. 1701) — Upon motion of Senator MES-

SINGER, and agreed to, the bill was rereferred to the Committee on Appropriations.

BILLS OVER IN ORDER

SB 720, 721, 722, 723, 724, HB 799, 816, SB 853, 854 and 916 — Without objection, the bills were passed over in their order at the request of Senator MESSINGER.

BILL ON SECOND CONSIDERATION

SB 984 (Pr. No. 1695) — Considered the second time and agreed to,

Ordered, To be transcribed for a third consideration.

BILL OVER IN ORDER

HB 993 (Pr. No. 2694) — The bill was considered.

On the question,

Will the Senate agree to the bill on second consideration?

AMENDMENTS OFFERED

Senator MESSINGER offered the following amendments:

Amend Title, page 1, line 11, by striking out "preliminary"

Amend Sec. 1, page 1, line 15, by striking out "Section 7," and inserting: Sections 7 and 8

Amend Sec. 1, page 1, line 17, by striking out "is" and inserting: are

Amend Bill, page 2, by inserting between lines 10 and 11:

Section 8. Professional Education Qualifications.— Except as hereinbefore provided for present practitioners, no person shall hereafter be licensed to practice chiropractic in this Commonwealth unless he or she shall deliver to the secretary of the board a written application, together with satisfactory proof that the applicant is more than twenty-one (21) years of age, is of good moral character, has obtained the preliminary education as required by section seven of this act, and has graduated from an approved legally incorporated and reputable school or college of chiropractic as defined in section four of this act and having status with the Commission of Accreditation of the Council on Chiropractic Education, or its successor, having a course of chiropractic instruction of not less than four graded courses of not less than four thousand (4000) hours of fifty (50) minutes of classroom and laboratory instruction in the subjects as set forth in section four, and shall pass a final examination before the board as provided in this act.

On the question,

Will the Senate agree to the amendments?

Senator MESSINGER. Mr. President, this is a chiropractic bill and it adds professional education qualifications. The thing that is changed is in Section 8, "and having status with the Commission of Accreditation of the Council on Chiropractic Education, or its successor."

Senator MELLOW. Mr. President, I am not aware of the amendments we are working on and I would like to be recorded in the negative.

Senator DUFFIELD. Mr. President, we have not seen the amendments. I know nothing about them, whether they will add \$50 million to something or whether it will put in a period.

Senator MESSINGER. Mr. President, the amendments were distributed in the Democratic caucus and discussed in the caucus. The amendments simply add, "in order to upgrade the professional educational qualifications of chiropractors" the sentence, "and having status with the Commission of Accreditation of the Council on Chiropractic Education, . . ."

Senator EARLY. Mr. President, it is no secret that a chiropractic bill can be very controversial. It is true the gentleman from Lehigh, Senator Messinger, did present the amendments in the caucus. Unfortunately, we have not had a chance to go back and talk to the chiropractors of our Districts. I have absolutely no way of knowing if the chiropractors in my District are in favor of these amendments or are not in favor of them.

MOTION FOR BILL OVER IN ORDER

Senator EARLY. Mr. President, I would appreciate the opportunity to do just that, so I would like to make a motion to have this bill go over in order at this time.

On the question,

Will the Senate agree to the motion?

Senator MESSINGER. Mr. President, actually if you read the bill it does not affect chiropractors who are presently licensed.

Senator FUMO. Mr. President, I desire to interrogate the gentleman from Lehigh, Senator Messinger.

The PRESIDENT pro tempore. Will the gentleman from Lehigh, Senator Messinger, permit himself to be interrogated?

Senator MESSINGER. I will, Mr. President.

Senator FUMO. May I speak on the amendments now? Is it proper?

POINT OF ORDER

Senator HAGER. Mr. President, I rise to a point of order.

The PRESIDENT pro tempore. The gentleman from Lycoming, Senator Hager, will state it.

Senator HAGER. Mr. President, there is a motion on the floor, is there not? This motion, I believe, must be dealt with before we discuss the bill. I would like to be heard on the bill also, but there is a motion that the bill go over in order.

And the question recurring,

Will the Senate agree to the motion?

It was agreed to.

The PRESIDENT pro tempore. House Bill No. 993 will go over in its order.

PARLIAMENTARY INQUIRY

Senator MESSINGER. Mr. President, I rise to a question of parliamentary inquiry.

The PRESIDENT pro tempore. The gentleman from Lehigh, Senator Messinger, will state it.

Senator MESSINGER. Mr. President, I have a question. What happened to my amendments?

The PRESIDENT pro tempore. Your amendments are on the table, Senator.

POINT OF ORDER

Senator HAGER. Mr. President, I rise to a point of order.

The PRESIDENT pro tempore. The gentleman from Lycoming, Senator Hager, will state it.

Senator HAGER. Mr. President, is there any way to physically redeliver those amendments to the gentleman from Lehigh, Senator Messinger, so that when this bill comes up when we come back on Monday, he may just offer the amendments at that point rather than having to remember to take them off the table?

The PRESIDENT pro tempore. There would be no objection to that, Senator. They could be offered on Monday.

Senator MESSINGER. May I have my amendments returned to me, Mr. President?

The PRESIDENT pro tempore. Yes, Senator Messinger, the amendments are being returned to you.

BILL ON SECOND CONSIDERATION

HB 1131 (Pr. No. 2666) — Considered the second time and agreed to,

Ordered, To be transcribed for a third consideration.

BILL OVER IN ORDER

HB 1190 — Without objection, the bill was passed over in its order at the request of Senator MESSINGER.

BILL ON SECOND CONSIDERATION

SB 1290 (Pr. No. 1596) — Considered the second time and agreed to,

Ordered, To be transcribed for a third consideration.

BILL OVER IN ORDER

SB 1310 — Without objection, the bill was passed over in its order at the request of Senator MESSINGER.

BILL ON SECOND CONSIDERATION

SB 1311 (Pr. No. 1637) — Considered the second time and agreed to,

Ordered, To be transcribed for a third consideration.

BILL ON SECOND CONSIDERATION AMENDED

HB 1391 (Pr. No. 2904) — The bill was considered.

On the question,

Will the Senate agree to the bill on second consideration?

Senator KURY offered the following amendments:

Amend Sec. 2, page 3, line 17, by striking out "merchandise" and inserting: goods

Amend Sec. 2, page 3, line 21, by striking out "merchandise is" and inserting: goods are

On the question,

Will the Senate agree to the amendments?

They were agreed to.

Without objection, the bill, as amended, was passed over in its order at the request of Senator KURY.

BILLS OVER IN ORDER

HB 1566 and 1761 — Without objection, the bills were passed over in their order at the request of Senator MESSINGER.

BILL ON SECOND CONSIDERATION AMENDED AND LAID ON THE TABLE

HB 1939 (Pr. No. 2467) — The bill was considered.

On the question,

Will the Senate agree to the bill on second consideration?

MELLOW AMENDMENT

Senator MELLOW offered the following amendment:

Amend Sec. 1 (Sec. 951.1), page 1, lines 19 through 21, by striking out "Any person who is a registered and enrolled member" in line 19, all of lines 20 and 21, and inserting: Any person who is a registered and enrolled member of a party thirty days before the primary shall be ineligible to appear on a ballot as an independent candidate in a general election held in that same year.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the bill on second consideration, as amended?

LEWIS AMENDMENTS OFFERED

Senator LEWIS. Mr. President, I offer amendments to House Bill No. 1939.

The PRESIDENT pro tempore. The Senate will be at ease. (The Senate was at ease.)

LEWIS AMENDMENTS WITHDRAWN

Senator LEWIS. Mr. President, without objection, I would like to withdraw my amendments.

MOTION TO LAY BILL ON THE TABLE

Senator LEWIS. Mr. President, at this time I move that House Bill No. 1939 be laid on the table.

On the question,

Will the Senate agree to the motion?

It was agreed to.

The PRESIDENT pro tempore. House Bill No. 1939 will be laid on the table.

BILL OVER IN ORDER

HB 1973 — Without objection, the bill was passed over in its order at the request of Senator MESSINGER.

UNFINISHED BUSINESS

REPORTS FROM COMMITTEES

Senator REIBMAN, from the Committee on Education, reported, as committed, **SB 374** and **880**.

Senator MCKINNEY, from the Committee on State Government, rereported, as amended, **SB 86** and **87**; reported, as committed, **SB 283**, **1140** and **HB 338**.

CONGRATULATORY RESOLUTIONS

The PRESIDENT pro tempore laid before the Senate the following resolutions, which were read, considered and adopted:

Congratulations of the Senate were extended to Mr. and Mrs. William T. Green by Senator Dougherty.

Congratulations of the Senate were extended to Mr. and Mrs. John Schrum, Mr. and Mrs. Reuben O. Bradfield, Mr. and Mrs. Edwin B. Carman, Mr. and Mrs. Lloyd Mickley, Mr. and Mrs. Luther Lansinger, Mr. and Mrs. Fielden K. Mitchell, Mr. and Mrs. J. Edwin Frey, Mr. and Mrs. Albert Spiese, Mr. and Mrs. Christian Habecker, Mr. and Mrs. Mark Fuhrman, Mr. and Mrs. George Dutton, York Catholic Basketball Team and to York Catholic High School by Senator Hess.

Congratulations of the Senate were extended to Mr. and Mrs. William Bilby, Mr. and Mrs. Hector Preaux, Mr. and Mrs. David A. Sharpnack, Mr. and Mrs. Fred F. Loughman, Mr. and Mrs. William K. Chester, Mr. and Mrs. Clarence Carl and to Mr. and Mrs. Clyde Wright by Senator Stout.

Congratulations of the Senate were extended to Milo Stadnik, Stanley Krawczyk, Pauline Matuga and to Dr. Frederick E. Marino by Senator Ross.

Congratulations of the Senate were extended to the Schenley High School Boys' Varsity Basketball Team by Senator Romanello.

Congratulations of the Senate were extended to Brian Lockwood by Senator Corman.

Congratulations of the Senate were extended to Mr. and Mrs. Clayton Shankweiler and to the National Society of Professional Engineers by Senator Messinger.

Congratulations of the Senate were extended to John W. Ebling, Stuart P. Ingraham, George J. Petruska, Rodney L. Hoover, the Tennis Doubles Team of Edward J. and Andrew A. Folmer, the Badminton Doubles Team of Howard Eissler and Howard Miller, Annville-Cleona High School Cross-Country Team, Lebanon Valley V.F.W. Teener Baseball Team and to the I.S.C. Mt. Gretna Lakers by Senator Manbeck.

Congratulations of the Senate were extended to William C. Luksic by Senator Murray.

Congratulations of the Senate were extended to Charles J. Farber by Senator Gurzenda.

Congratulations of the Senate were extended to Harold Servetnick, David Navazio, the Philadelphia Quartette Club and to the Pennsylvania State YMCA Model Legislature by Senator Lewis.

Congratulations of the Senate were extended to Jenny Sheshtok by Senator Reibman.

Congratulations of the Senate were extended to Vincent Rus-

sionello and to Mr. and Mrs. Emilio Giordano by Senator Mellow.

Congratulations of the Senate were extended to Elizabeth Snedden Lynch by Senator Coppersmith.

Congratulations of the Senate were extended to the Honorable Robert C. Haberstroh and to the Kiwanis Club of Altoona by Senator Jubelirer.

BILLS ON FIRST CONSIDERATION

Senator MESSINGER. Mr. President, I move that the Senate do now proceed to consideration of all bills reported from committees for the first time at today's Session.

The motion was agreed to.

The bills were as follows:

SB 283, **374**, **880**, **1140** and **HB 338**.

And said bills having been considered for the first time,
Ordered, To be laid aside for second consideration.

PETITIONS AND REMONSTRANCES

Senator NOLAN. Mr. President, on behalf of the more than 1,000 senior citizens who were here today to watch the Senate in operation in the passage of Senate Bill No. 74, they have asked me to convey to the Chair and to the gentleman from Lehigh, Senator Messinger, their thanks for calling up out of order Senate Bill No. 74 and moving on it before we went to caucus. That is what I am doing, I am thanking you on behalf of all those senior citizens.

Senator MELLOW. Mr. President, I would like to make one basic observation on an amendment which I introduced to House Bill No. 1939 earlier in the Session.

Several months ago we had this same piece of legislation before us in the form of a conference report. On that particular day I spoke against the legislation and I voted against it. Subsequently, it was defeated on the floor.

Today I offered an amendment to that same piece of legislation merely because I am a bit fearful. Although it was defeated once before, when House Bill No. 1939 comes up for final passage, probably sometime next week, it may pass. My amendment, hopefully, will make a bad piece of legislation just a little bit better. However, it still is a bad piece of legislation, at least in my opinion, and I do not want there to be any question due to the fact that I did introduce an amendment and that amendment was accepted. I will not be supporting House Bill No. 1939 in the form in which it is even though my amendment has been accepted.

Senator ORLANDO. Mr. President, I would like to make a brief response today to both the gentleman from Delaware, Senator Bell, and the gentleman from Lycoming, Senator Hager, relative to the Petitions and Remonstrances of yesterday.

First, Mr. President, I would like to say to the gentleman from Delaware, Senator Bell, I do not own a white hat. Therefore, I do not know how to have a white-hat approach to bringing legislation out of committee. I have a copy of his comments

and he states that he hoped I would stand up and say that the Committee on Finance is doing something with reference to the pensions. I would like to inform the gentleman that we have been doing something about it.

More than a year ago, Senate Bill No. 646, which calls for a pension review committee, was introduced and, at the same time, I declared a moratorium, as Chairman of the Committee on Finance, on all pension bills in my committee. I would refuse to bring them out of committee.

I believe, Mr. President, if the gentleman had been listening to my comments, he would have heard me mention that on Wednesday, April 5th, I would be having a meeting at which time the different pension bills, including Senate Bill No. 578, would be discussed; that I also had new corrective legislation which my staff had been working on for some time. In fact, in Sunday's Patriot News there was a lengthy article relative to what I had contemplated doing concerning this new type of legislation which was being prepared and which is introduced and which we will also be discussing at that committee meeting tomorrow morning.

It was interesting, since the legislation appeared in the newspaper on Sunday, and I think again on Saturday in other areas, that the Legislative Reference Bureau has been bombarded by requests from different Senators requesting pension reform bills, including the gentleman from Delaware, Senator Bell, as indicated by his statements made yesterday.

I am pretty sure the gentleman is not aware of all the bills on which I am working relative to any piece of legislation. I am also sure that I am not aware of all the bills which the gentleman from Delaware, Senator Bell, contemplates introducing. Therefore, I will not be aware of some of his legislation and I am pretty sure he would not be aware of some of mine.

To the gentleman from Lycoming, Senator Hager, I would like to say that I am sorry I did walk out. I had to. I will assure the gentleman I will not walk out today.

He mentioned my objections to legislating to headlines in newspapers. If I had not, Mr. President, I certainly would have investigated the headlines recently concerning the gentleman from Lycoming, Senator Hager, using \$100,000 of leadership funds to conduct a poll, survey or whatever you might call it. Perhaps I should have.

Concerning going to work on Senate Bill No. 578 in March of 1977: We did go to work on this bill. I would like to remind the gentleman from Lycoming, Senator Hager, that the courts have upheld vested pensions. No matter what we would have done at that particular time, this would have prevented us from blocking Senator Cianfrani's pension or anyone else who presently has a vested pension. To my knowledge, according to the Supreme Court ruling, the vested pension is a legal and binding contract. I am not an attorney so I am not sure if this is true or not, but we do have corrective legislation for future types of pensions.

I would also like to inform the two gentlemen that many Senators, from both sides of the aisle, have contacted me on different occasions relative to bills which I have had in my committee. In fact, many House Members who have had their legislation passed in the House have done so, also, either verbally or

by mail. I have always considered their legislation. Never have I bottled legislation and all those who have publicly stated or by written communications to their constituents—and I have some copies of these letters—that I did bottle up this bill are liars—and I will repeat it again.

The gentleman mentioned, "thank goodness for the Minority." I believe each one of the Minority was taking credit yesterday for some of the pieces of legislation which we passed last year. I believe each one of us is a minority and if we feel strongly enough about a piece of legislation, each one of us, as a minority, generates support for that particular piece of legislation with our colleagues in order to get that legislation passed.

The seventeen Senators who sponsored Senate Bill No. 578 must not have felt too strongly about the bill until March 16th when they saw the headlines in the paper that Senator Cianfrani was going to receive a pension of approximately \$10,000 per year for the rest of his life. That was the first time I heard, by mail, from any of the sponsors or other Senators about Senate Bill No. 578. In fact, in questioning some of them, many of them were not even too aware of the contents.

I would like to set the record straight. In fact, this morning at about 10:00 o'clock, one of the Minority Leader's staff members called my office and wished to know what the problems were with Senate Bill No. 578 so that they could prepare corrective amendments. I do not think the gentleman would have to unless he has other amendments to offer, because my staff has already received these amendments. They will be considered in the committee meeting tomorrow morning and the gentleman is welcome to attend that meeting.

Senator BELL. Mr. President, that is very good news. At last the Senate is going to move on this subject of people who have misappropriated money or misspent it—not naming any names—and do something about it.

That bill was originally introduced a year ago because of a certain Cabinet member who got in trouble. The heat is not coming from the gentleman from Lycoming, Senator Hager, nor myself, Senator Bell; the heat is coming from the people of Pennsylvania.

I am very happy to hear the gentleman from Erie, Senator Orlando, is going to report Republican bills. This is a new practice. My bill did go in today and I am sure he will get it and probably find it defective also. However, I do not want any credit for sponsoring a bill. What I want to do is produce from the Senate of Pennsylvania to the people of Pennsylvania an answer, and we better get the answer because somebody is on the "hot seat." The answer is not that some court said we could not do it. The answer is, we have studied it, we found out how to do it and we are going to do something about people who go to jail accused of spending State money for purposes other than what it was intended for and recouping for the Commonwealth the money in the pension fund.

There are all kinds of ways to do that. Both the Minority and Majority have lawyers coming out of their ears around here there are so many of them. There is an answer and nobody can tell me—I am a lawyer and happen to know a little bit about law—there is not a way that, if I were to misappropriate money and had a big pile of money over here in the custody of the

State, the State could not take care of that money and put it back in the treasury.

I think the average citizen knows if he does not pay his State income tax, say he is short \$10, he sure as hell gets a bill and gets it real fast.

Here are some very serious charges, Mr. President, made against various people—not just Senator Cianfrani, there are others—that have resulted in losses to the Commonwealth, and where they do result in losses to the Commonwealth, the Commonwealth should be reimbursed for the amount of the loss. I am not talking of anybody being convicted of any crime. I cannot see where a school teacher is found guilty of drunken driving losing the school teacher's pension. I am also of the opinion that it does not take one bill, it will take a series of bills. It will be necessary to amend a number of codes.

The other bills amending all the other codes I have not received as yet, but I certainly hope the gentleman from Erie, Senator Orlando, will receive the whole package. I hope he moves it and cleans it up so when people write to me and blame me for not doing anything about it, I do not have to blame it on the Democrat leadership.

Senator HAGER. Mr. President, I am sorry that this has required a second day. Apparently the gentleman from Erie, Senator Orlando, is a little confused about reading my comments, which he says he already has, so it will not be necessary to provide them to him as I said I would.

I would like to suggest, Mr. President, that the gentleman said he objects to legislating in response to headlines. That was the reference to headlines and I was quoting him where he said in his comments yesterday, "I reject laws based on headlines."

I asked yesterday, as I ask today, why is it then that the gentleman so rushed to print a bill attempting to do what was already before his committee last March?

He also states tonight that he declared a moratorium on all pension bills last year. It seems strange to me that, in his rush to declare a moratorium on all pension bills, he would also declare a moratorium on bills which would clean up the problems we had with pensions.

If such a confusion exists in the Senator's mind, I am sorry. It does not exist in the public's mind, the press' mind, nor in mine.

Mr. President, there is one other item, tonight not quite so directly, but last night the Senator said, "I am aware that this year is the year we elect a Governor. I am also aware that the Minority Leader has an important stake in this election, but I do not see where this election nor the Minority Leader's hunger for headlines gives him the right to distort the truth and spread lies across the State's newspapers and electronic media."

I again regret, Mr. President, that my having referred to the fact that bills were bottled up in a committee would have been taken by the gentleman—apparently that is how he has taken them—to say that he had personally bottled up bills in committee. However, the fact is that he is the chairman of that committee and a very important bill was introduced and laid before that committee last March. If that committee stays under his chair or bottled up or wherever it stays, the fact is, he is the chairman of that committee and he must bear responsibility for

it. If calling the attention of the public to that fact brings us to the place where the person who brings that to the attention of the public must be branded as a liar upon the floor of the Senate, then we are in pretty bad straits, Mr. President, particularly since there are Rules in this Senate which say that the Presiding Officer should confine debate so that that sort of thing does not happen.

If the Senator really wishes to get into a personal invective like that and suggest that I, or any other Member of the Senate is a liar, I am perfectly willing to discuss that with him. I think the language is more than strong. I think the language is way out of place on this Senate floor. Certainly, I am known as a fairly tough debater, I think, but I never have and never will resort to that kind of thing.

I hope in the future, Mr. President, if it happens, that the Chair will caution the Members of the Senate because it seems very wrong to me for that sort of thing ever to have happened here.

However, I will invite the Senator right now, if that is his opinion, to state it to me outside and I would like him to show me my words where I said that he had bottled up any legislation.

I suspect, Mr. President, that the gentleman has overreacted to the fact that the public is demanding some action. I personally am very pleased that they are because what it means is that the public is listening and is aware of what is going on here and it means that those of us who choose to speak out publicly are able to bring a little attention to bear upon the other side so we can get some legislation moving.

I invite the gentleman to comment about whether or not we had to pry out of another committee legislation to create an elected Attorney General.

I ask the gentleman to respond to whether or not it was not pressure from outside and pressure from this side of the aisle which saved the Crime Commission last year?

I ask the gentleman to reply and honestly, does he really believe the Rules of this Senate ever would have been reformed without pressure from us inside and outside? Because, he may call me what he will but the public knows and the media knows exactly where that legislation came from.

Mr. President, regardless of what the gentleman from Erie, Senator Orlando, chooses to call me in intemperance, for that is, in fact, what it must be—at least I hope that is what it is—I still regard him as a Member of this Body and I regard him with affection, although at the moment, I must confess that is strained a little bit, because nobody likes to be called on this record, two days in a row—even one day in a row—a liar.

I would invite the gentleman to reconsider the record, take a look at what it is he is basing his remarks upon, and then retract them.

Senator ORLANDO. Mr. President, my comments are in reference to the UPI article written by John Langdon—I believe that is his name—which appeared throughout the whole Commonwealth of Pennsylvania. The gentleman from Lycoming, Senator Hager, was directly quoted; his words were in quotes. I will show the gentleman where he stated that Senator Orlando bottled up Senate Bill No. 578. I can also show the gentleman

letters from some of the Republicans from his side of the aisle who have stated and answered their constituents, using my name, saying that Senator Orlando has bottled up the bill in his committee. Is that a truth or an untruth? I think it is an untruth, and I am basing my statement on that.

In reference to the statement of the gentleman from Delaware, Senator Bell, that he is glad that Republican bills are coming out of my committee, I have brought many Republican bills out of my committee during the tenure I have had as Chairman of the Committee on Finance.

Senator HAGER. Mr. President, I neither wrote the Langdon article nor the letters the gentleman refers to. I think it is very probable that I used the term "bottled up," and have said that bill was bottled up in that committee.

However, the fact remains whether the words "he bottled up" or they were bottled up in the committee is a fact, it makes little sense to me to, on the record of this Body, suggest that Henry Hager is a liar. I resent it, Mr. President, and I ask that it be retracted.

Senator HOPPER. Mr. President, as the prime sponsor of Senate Bill No. 578, I would like to lay a little background in the record.

I was sworn in as a Member of this Senate on January 4, 1977. Previous to that time, there was much publicity about the Secretary of Property and Supplies, Frank Hilton, and his pension and the fact that he had been convicted of some illegal acts. I am very much aware of the fact that the Supreme Court ruled that you cannot take a vested interest in a pension plan away from somebody who has accrued that benefit. My intention, in introducing Senate Bill No. 578, was to prospectively eliminate that possibility. I had nothing at all in mind and there is nothing in Senate Bill No. 578 that says we are taking away vested interests in pension plans if that Senate bill is enacted into law.

I am sorry that I have caused all this confusion. I still think it is a good bill. I am happy to see that the gentleman from Erie, Senator Orlando, has it on the agenda for the Committee on Finance tomorrow morning. I plan to be there. I think it is a good bill and the intent was prospective and it would do the job if enacted into law.

Senator MELLOW. Mr. President, not to really continue the debate but I believe it is healthy and very useful.

Mr. President, I would just like to point out a few basic observations. First of all, I think there is something to be said here for the Minority's position with regard to our standing committees. I know the Minority has selected chairmanships, they have chairmanships on each one of our standing committees. On the committee which I chair, the gentleman from Montgomery, Senator Holl, is the Minority chairman, and he serves a very valuable and useful purpose. I know any time the gentleman has any piece of legislation in which he may be interested or in which his party is interested, we do everything within our power to put that piece of legislation on the agenda and report it to the committee and, hopefully, then to the full Senate. Therefore, I believe something must be said for the Minority participation within the standing committees and I believe it is extremely important that the Minority chairman of any

committee exercise the rights he has as Minority chairman of that particular committee and bring to the attention of the committee members and to the attention of the chairman of that committee what bills are being housed in the committee which should be considered by the full committee—in this case the Committee on Finance—so they can be referred to the floor. I believe that is extremely important.

If we learn no other lesson from the debate which has taken place over the last two evenings, maybe the thing we will understand is that our standing committees have both a Majority and Minority chairman. These chairmen should be working in unison, they should be working in concert with one another to try to come up and establish priorities within that committee, so the priorities not only affect and reflect the views of the Majority Party but also reflect the views of the Minority Party.

With regard to some of the statements made by the gentleman from Lehigh, Senator Hager, I do not believe there is any question about the fact that the Rules changes, an elected Attorney General and the funding of the Pennsylvania Crime Commission were bipartisan. I would have to agree with the gentleman that in some of these particular cases maybe the impetus that brought them to final passage was some of the input made by the Minority Party here on this floor.

You must keep in mind, however, there were also things like budget reform that a number of us went through last year. There are things like zero based budgeting a great number of us are interested in. There is something called the "Sunset Provision" with legislation in which a great number of us are interested.

I do not believe any of us can say that it is one party versus another. In a speech I made on this floor last year, I said the thing we are missing badly in here is the fact we should be working as fifty Members for the benefit of the people we represent and not necessarily to try to gain a political advantage at every obscure turn.

The thing we should be concerning ourselves with is, what can we do to make life easier for the people of the Commonwealth of Pennsylvania? Those are the 235,000 plus people each and every one of us represents. When you talk about barriers and when you talk about people barriers, there is really no political distinction. It does not matter how an individual may be registered or even, in fact, if that particular individual is registered, to know that they have a problem.

Needless to say, of the hundreds of people who were here in the gallery this afternoon when we passed Senate Bill No. 74 establishing a Department on Aging, I am certain that everyone in that gallery was not a registered voter. I am certain that everyone was not a registered voter of either one political party or the other. I am certain if you would look into the last election probably a great number of them had not voted or had not voted in a number of years. However, that is secondary. That is not the important thing. The important thing is not how can we perceive a political advantage on this floor; the important thing is what we can do working together to try to bring about a successful conclusion to our many problems. I believe that it is the part many of us are missing.

Mr. President, if we can learn just one lesson from the hap-

penings of the past eighteen months, it is the lesson that the bipartisanship for the most part must prevail if, in fact, we are going to bring any kind of successful conclusion to our many, many problems.

I realize the hour is getting late. We have been on the floor since something right after 1:00 o'clock and here it is now the hour of twenty-five minutes to seven. I am sure everyone would like to get out of here, but I think we must keep in mind that we represent people. We do not represent people because they are of a political party, we represent all the people within our District, regardless of what their political affiliation may be. Many times we lose sight of that. I would hope that, perhaps, we can put aside the political bickering, even in this election year when we do elect a new Governor. I hope that we can keep the one thing foremost in our minds and that is, the only way we are going to work together is through bipartisan efforts.

I certainly encourage the input I receive in my committee from the gentleman from Montgomery, Senator Holl. I think it is healthy for the political system. I would encourage that same input in our Committee on Appropriations because we are going to be faced now in a very short period of time—I see where the House of Representatives has just reported it out—with an appropriations bill. I am not so sure that I can agree with everything they have done with that bill, but I think the one important thing we must do is put party labels aside. When it comes to people problems we must start working with these problems in as bipartisan a way as possible because our people out there do not care how you are registered, they are interested in results. They are interested in the people who can help them and the people who will listen to their problems.

We have problems in here. We know that. The only way we are going to get these problems straightened out, perhaps, is to eliminate the middle aisle and bring the desks a little bit closer together and start forgetting the fact that it is Democrat versus Republican and start keeping the one most important thing in mind, that we have people problems and the only way we are going to resolve them is to put our political differences aside, make our political speeches out of this room. When we are in here and dealing with issues of the people, let us forget party labels and let us start to work together.

The PRESIDING OFFICER (Quentin R. Orlando) in the Chair.

Senator SNYDER. Mr. President, approximately twenty minutes ago I introduced twenty-one bills dealing with welfare reform. I would like to say if any of the Members would care to cosponsor them, I would imagine Secretary Gruell would make them available so that they could add their names to any or all of them.

The general thrust of eight of these bills is to strengthen work requirements in the matter of welfare administration. Some of the others tighten some loopholes which have appeared in the welfare reform bill we passed two years ago. A number of these mandate matters that, perhaps, the department could put into effect on its own motion if it chose. However, for some reason, it does not. I think it is an appropriate legislative function then to put into law what we think is appropriate.

Earlier today we passed a bill to establish a Department on Aging. That will undoubtedly take a substantial amount of money. I feel that amount of money and much more can be saved by enactment of the bills I introduced today.

Senator HAGER. To you, Mr. President, and to the gentleman from Lackawanna, Senator Mellow—but especially to you—if you ever want any cooperation, there are a lot of other labels you had better forget.

COMMUNICATIONS FROM THE GOVERNOR

NOMINATIONS BY THE GOVERNOR REFERRED TO COMMITTEE

The Secretary to the Governor being introduced, presented communications in writing from His Excellency, the Governor of the Commonwealth, which were read as follows, and referred to the Committee on Rules and Executive Nominations:

MEMBER OF THE BOARD OF TRUSTEES OF FARVIEW STATE HOSPITAL

April 4, 1978.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Mrs. Marie Margaret McHugh, 70 Eighth Avenue, Carbondale 18407, Lackawanna County, Twenty-second Senatorial District, for appointment as a member of the Board of Trustees of Farview State Hospital, to serve until the third Tuesday of January 1979, and until her successor is appointed and qualified, vice Donald W. Howard, Sr., Scranton.

MILTON J. SHAPP.

MEMBER OF THE STATE BOARD OF MOTOR VEHICLE MANUFACTURERS, DEALERS AND SALESMEN

April 3, 1978.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Arthur Loch (Mobile-home Dealer), 600 Madison Avenue, Hyde Crest, Reading 19601, Berks County, Eleventh Senatorial District, for reappointment as a member of the State Board of Motor Vehicle Manufacturers, Dealers and Salesmen, to serve until January 3, 1981, and until his successor is appointed and qualified.

MILTON J. SHAPP.

ANNOUNCEMENTS BY THE SECRETARY

The following announcements were read by the Secretary of the Senate:

SENATE OF PENNSYLVANIA

COMMITTEE MEETINGS

WEDNESDAY, APRIL 5, 1978

9:00 A.M. FINANCE (to consider Senate Bills No. 77, 78, 356, 578, 1025, 1026, 1027, 1028, 1340, 1341, 1378 and House Bills No. 217 and 1507)	Senate Majority Caucus Room
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MONDAY, APRIL 10, 1978

11:00 A.M. APPROPRIATIONS Sub-Committee on the Department of Health appropriation (to discuss the Elizabethtown Hospital for Children and Youth) Senate Majority Caucus Room

TUESDAY, APRIL 11, 1978

9:30 A.M. LAW AND JUSTICE (to consider Senate Bills No. 996, 1100, 1151 and House Bills No. 418 and 1579) Senate Majority Caucus Room

10:00 A.M. INSURANCE (to consider Senate Bills No. 1156, 1199, 1255, 1256, 1257, 1270, 1273 and House Bill No. 1238) Senate Minority Caucus Room

10:00 A.M. LOCAL GOVERNMENT (to consider Senate Bills No. 122, 707, 709, 710, 1008, 1308, 1326 and House Bills No. 817 and 1649) Room 633

WEDNESDAY, APRIL 12, 1978

9:00 A.M. FINANCE (Public Hearing on Senate Bills No. 889, 890, 891 and 1271) Senate Majority Caucus Room

9:00 A.M. Special Committee on Drug Law Enforcement (to consider abuse of Amphetamines) Supreme Court Courtroom

THURSDAY, APRIL 13, 1978

10:00 A.M. Special Committee on Drug Law Enforcement (to consider Interface of treatment and enforcement) Supreme Court Courtroom

10:30 A.M. URBAN AFFAIRS AND HOUSING (Public Hearing to determine the Commonwealth's role in stimulation of urban development and rehabilitation and to review the Housing & Redevelopment Assistance Program) Room G-24 (Front) William Penn Museum Harrisburg, PA.

FRIDAY, APRIL 14, 1978

10:30 A.M. URBAN AFFAIRS AND HOUSING (Public Hearing to determine the Commonwealth's role in stimulation of urban development and rehabilitation) Philadelphia State Office Building Conference Room, Philadelphia, PA.

and to review the Housing & Redevelopment Assistance Program)

TUESDAY, APRIL 18, 1978

9:30 A.M. RULES AND EXECUTIVE to NOMINATIONS (to consider Senate Bill No. 1338) Senate Majority Caucus Room

THURSDAY, APRIL 20, 1978

9:30 A.M. PUBLIC HEALTH AND WELFARE (Public Hearing on Senate Bills No. 1229 and 1230) Senate Majority Caucus Room

10:30 A.M. URBAN AFFAIRS AND HOUSING (Public Hearing to determine the Commonwealth's role in stimulation of urban development and rehabilitation and to review the Housing & Redevelopment Assistance Program) County Commissioner's Hearing Room, Allentown, PA.

FRIDAY, APRIL 21, 1978

10:30 A.M. URBAN AFFAIRS AND HOUSING (Public Hearing to determine the Commonwealth's role in stimulation of urban development and rehabilitation and to review the Housing & Redevelopment Assistance Program) City Council Chambers, Wilkes-Barre, PA.

WEDNESDAY, APRIL 26, 1978

9:00 A.M. FINANCE (Public Hearing to consider Senate Bills No. 889, 890, 891 and 1271) Franklin Institute Research Lab., Rm. 104-105, Philadelphia, PA.

THURSDAY, APRIL 27, 1978

10:30 A.M. URBAN AFFAIRS AND HOUSING (Public Hearing to determine the Commonwealth's role in stimulation of urban development and rehabilitation and to review the Housing & Redevelopment Assistance Program) City Council Chambers, Erie, PA.

FRIDAY, APRIL 28, 1978

10:30 A.M. URBAN AFFAIRS AND HOUSING (Public Hearing to determine the Com- Gold Room, Allegheny County

monwealth's role in stimulation of urban development and rehabilitation and to review the Housing & Redevelopment Assistance Program)

Court House, Pittsburgh, PA.

890, 891 and 1271)

County Court House, Pittsburgh, PA.

WEDNESDAY, MAY 3, 1978

9:00 A.M. FINANCE (Public Hearing on Senate Bills No. 889,

Gold Room, Allegheny

ADJOURNMENT

Senator MESSINGER. Mr. President, I move that the Senate do now adjourn until Monday, April 10, 1978, at 1:00 p.m., Eastern Standard Time.

The motion was agreed to.

The Senate adjourned at 6:40 p.m., Eastern Standard Time.