

Legislative Journal

TUESDAY, JUNE 2, 1981

SESSION OF 1981

165TH OF THE GENERAL ASSEMBLY

No. 34

SENATE

TUESDAY, June 2, 1981.

The Senate met at 11:00 a.m., Eastern Daylight Saving Time.

THE PRESIDENT (Lieutenant Governor William W. Scranton III) in the Chair.

PRAYER

The Chaplain, the Reverend Doctor DINO PEDRONE, Pastor of the Open Door Church, Chambersburg, offered the following prayer:

Our Heavenly Father, we come today thanking You for Jesus Christ our Lord and Savior.

Father, we are reminded in the Scriptures that righteousness exalteth the Nation, that sin is a reproach to many people and also the Scriptures tell us that every soul is to be subject to the higher powers for they are ordained of God.

Thus, Father, we pray for each Senator today for the direct realization in their lives of their responsibility to Almighty God.

Father, I pray that we the people of our State might recognize our responsibility then to our Senators and their decisions.

Father, I pray that each one today might have divine insight and wisdom from God.

Thank You, Lord, for the fact that our Lord, Jesus Christ, has come and given His life, was buried and he rose again and through the Gospel we might know that we have eternal life. Father, might we live always with that realization.

Bless the Lieutenant Governor as he leads the proceedings today and, Father, we thank You for all that will be done here.

May we ask today for divine intervention and Godly wisdom on all that is accomplished. In Jesus Name, I pray these things. Amen.

JOURNAL APPROVED

The PRESIDENT. 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 JUBELIRER, further reading was dispensed with, and the Journal was approved.

SENATOR JUBELIRER TO VOTE FOR SENATOR GREENLEAF, SENATOR RHOADES, SENATOR SHAFFER, SENATOR LOEPER, SENATOR STAUFFER, SENATOR HOLL AND SENATOR HAGER

Senator JUBELIRER. Mr. President, the Committee on Aging and Youth hearing is still ongoing and I, therefore, request legislative leaves of absence for Senator Greenleaf, Senator Rhoades, Senator Shaffer, and Senator Loeper, as well as Senator Holl, and Senator Stauffer, who is also on the Committee on Aging and Youth, and Senator Holl, who is involved in the Senate task force to investigate retirement homes and communities and Senator Hager, who should be here within the next half hour, a temporary legislative leave of absence for those people.

The PRESIDENT. Senator Jubelirer requests legislative leaves for Senators Greenleaf, Rhoades, Shaffer, Loeper, Stauffer, Holl, and Hager.

Senator KELLEY. Mr. President, reserving the right to object, I would only like to call attention to the Majority Leader they are a significant number of names. I suppose almost one-tenth of the Membership of this Body. It would appear to me it would have been totally unnecessary had the convening of this Session been at the usual time of 1:00 p.m. I withdraw any reservations that I have, Mr. President.

The PRESIDENT. The Chair hears no objection and the leaves are granted.

SENATOR SCANLON TO VOTE FOR SENATOR SINGEL AND SENATOR LLOYD

Senator SCANLON. Mr. President, anticipating the approval of the gentleman from Westmoreland, Senator Kelley, I am requesting a legislative leave for Senator Singel and Senator Lloyd, who are participating in the aforesaid meetings.

The PRESIDENT. The Chair hears no objection and the leaves are granted.

HOUSE MESSAGES

HOUSE INSISTS UPON ITS NONCONCURRENCE IN AMENDMENTS TO HB 686, AND APPOINTS COMMITTEE OF CONFERENCE

The Clerk of the House of Representatives being introduced, informed the Senate that the House insists upon its

nonconcurrence in Senate amendments to **HB 686**, and has appointed Messrs. McCLATCHY, MANMILLER and PIEVSKY, as a Committee of Conference to confer with a similar committee of the Senate (already appointed) to consider the differences existing between the two houses in relation to said bill.

HOUSE BILL FOR CONCURRENCE

He also presented for concurrence **HB 149**, which was referred to the Committee on Finance.

REPORT FROM COMMITTEE

Senator HELFRICK, from the Committee on Agriculture and Rural Affairs, reported, as committed, **HB 143**.

BILLS INTRODUCED AND REFERRED

Senators JUBELIRER, TILGHMAN and O'CONNELL presented to the Chair **SB 846**, entitled:

An Act amending the act of June 3, 1937 (P. L. 1333, No. 320), entitled "Pennsylvania Election Code," providing for the appropriation of funds to meet the expense of publishing constitutional amendments in accordance with Article XI of the Constitution of Pennsylvania.

Which was committed to the Committee on STATE GOVERNMENT, June 2, 1981.

Senators HESS and SNYDER presented to the Chair **SB 847**, entitled:

An Act amending the act of March 10, 1949 (P. L. 30, No. 14), entitled "Public School Code of 1949," further providing for annual reports by State-owned colleges and the State-owned university.

Which was committed to the Committee on EDUCATION, June 2, 1981.

Senator STREET presented to the Chair **SB 848**, entitled:

An Act abolishing the office of sheriff in counties of the first class.

Which was committed to the Committee on LOCAL GOVERNMENT, June 2, 1981.

Senators HAGER, MOORE, REIBMAN, STAUFFER, JUBELIRER, SHAFFER, HESS, PECORA, KUSSE, HELFRICK, MANBECK, WILT, FISHER, CORMAN, O'CONNELL, GEKAS, LOEPER, HOLL, STAPLETON, LEWIS, ROSS, LINCOLN, MELLOW, SMITH, LYNCH, ZEMPRELLI, SINGEL and KELLEY presented to the Chair **SB 849**, entitled:

An Act authorizing the incurring of indebtedness, with approval of the electors, of \$300,000,000 for the repair, reconstruction, rehabilitation and improvement of community water supply systems, flood control facilities, dams and port facilities and providing the allotment of proceeds from borrowing hereunder.

Which was committed to the Committee on ENVIRONMENTAL RESOURCES AND ENERGY, June 2, 1981.

Senators HOWARD, JUBELIRER, REIBMAN, O'PAKE, PECORA, SHAFFER and GEKAS presented to the Chair **SB 850**, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for the penalty for interfering with custody of children.

Which was committed to the Committee on JUDICIARY, June 2, 1981.

Senators CORMAN, STAUFFER, SHAFFER, LEWIS and STOUT presented to the Chair **SB 851**, entitled:

An Act establishing the fees to be charged and collected by the clerk of courts in second, second class A, third, fourth, fifth, sixth, seventh and eighth class counties and home rule counties.

Which was committed to the Committee on JUDICIARY, June 2, 1981.

Senators CORMAN, STAUFFER, SHAFFER, LEWIS and STOUT presented to the Chair **SB 852**, entitled:

An Act to ascertain and appoint the fees to be received by the prothonotary of the court of common pleas of the Commonwealth in counties of the third to eighth class; to provide the time of paying the same and to repeal certain acts.

Which was committed to the Committee on JUDICIARY, June 2, 1981.

Senator TILGHMAN presented to the Chair **SB 853**, entitled:

A Supplement to the act of April 1, 1863 (P. L. 213, No. 227), entitled "An act to accept the grant of Public Lands, by the United States, to the several states, for the endowment of Agricultural Colleges," making appropriations for carrying the same into effect, providing for a basis for payments of such appropriations and providing a method of accounting for the funds appropriated.

Which was committed to the Committee on APPROPRIATIONS, June 2, 1981.

Senator TILGHMAN presented to the Chair **SB 854**, entitled:

A Supplement to the act of July 28, 1966 (3rd Sp. Sess., P. L. 87, No. 3), entitled "University of Pittsburgh - Commonwealth Act," making appropriations for carrying the same into effect, providing for a basis for payments of such appropriations, and providing a method of accounting for the funds appropriated.

Which was committed to the Committee on APPROPRIATIONS, June 2, 1981.

Senator TILGHMAN presented to the Chair **SB 855**, entitled:

A Supplement to the act of November 30, 1965 (P. L. 843, No. 355), entitled "Temple University - Commonwealth Act," making appropriations for carrying the same into effect, providing for a basis for payments of such appropriation and providing a method of accounting for the funds appropriated.

Which was committed to the Committee on APPROPRIATIONS, June 2, 1981.

Senator TILGHMAN presented to the Chair **SB 856**, entitled:

A Supplement to the act of July 7, 1972 (P. L. 743, No. 176), entitled "Lincoln University - Commonwealth Act," making appropriations for carrying the same into effect, providing for a basis for payments of such appropriation, and providing a method of accounting for the funds appropriated.

Which was committed to the Committee on APPROPRIATIONS, June 2, 1981.

Senator TILGHMAN presented to the Chair **SB 857**, entitled:

An Act making appropriations to the Hahnemann Medical College and Hospital of Philadelphia, Pennsylvania.

Which was committed to the Committee on APPROPRIATIONS, June 2, 1981.

Senator TILGHMAN presented to the Chair **SB 858**, entitled:

An Act making appropriations to the Thomas Jefferson University of Philadelphia, Pennsylvania.

Which was committed to the Committee on APPROPRIATIONS, June 2, 1981.

Senator TILGHMAN presented to the Chair **SB 859**, entitled:

An Act making appropriations to The Medical College of Pennsylvania, East Falls, Philadelphia, Pennsylvania.

Which was committed to the Committee on APPROPRIATIONS, June 2, 1981.

Senator TILGHMAN presented to the Chair **SB 860**, entitled:

An Act making appropriations to the Trustees of the University of Pennsylvania.

Which was committed to the Committee on APPROPRIATIONS, June 2, 1981.

Senator TILGHMAN presented to the Chair **SB 861**, entitled:

An Act making an appropriation to the Philadelphia College of Osteopathic Medicine, Philadelphia, Pennsylvania.

Which was committed to the Committee on APPROPRIATIONS, June 2, 1981.

Senator TILGHMAN presented to the Chair **SB 862**, entitled:

An Act making an appropriation to the Trustees of Drexel University of the Commonwealth of Pennsylvania at Philadelphia, Pennsylvania.

Which was committed to the Committee on APPROPRIATIONS, June 2, 1981.

Senator TILGHMAN presented to the Chair **SB 863**, entitled:

An Act making an appropriation to the Delaware Valley College of Science and Agriculture at Doylestown, Pennsylvania.

Which was committed to the Committee on APPROPRIATIONS, June 2, 1981.

Senator TILGHMAN presented to the Chair **SB 864**, entitled:

An Act making an appropriation to the Philadelphia College of Art, Philadelphia, Pennsylvania.

Which was committed to the Committee on APPROPRIATIONS, June 2, 1981.

Senator TILGHMAN presented to the Chair **SB 865**, entitled:

An Act making an appropriation to the Philadelphia College of Textiles and Science.

Which was committed to the Committee on APPROPRIATIONS, June 2, 1981.

Senator TILGHMAN presented to the Chair **SB 866**, entitled:

An Act making appropriations to the Trustees of the Berean Training and Industrial School at Philadelphia, Pennsylvania.

Which was committed to the Committee on APPROPRIATIONS, June 2, 1981.

Senator TILGHMAN presented to the Chair **SB 867**, entitled:

An Act making an appropriation to the Downingtown Industrial and Agricultural School, Downingtown, Pennsylvania.

Which was committed to the Committee on APPROPRIATIONS, June 2, 1981.

Senator TILGHMAN presented to the Chair **SB 868**, entitled:

An Act making an appropriation to the Johnson School of Technology of Scranton, Pennsylvania.

Which was committed to the Committee on APPROPRIATIONS, June 2, 1981. **SB 869**, entitled:

An Act making an appropriation to the Williamson Free School of Mechanical Trades in Delaware County, Pennsylvania.

Which was committed to the Committee on APPROPRIATIONS, June 2, 1981.

Senator TILGHMAN presented to the Chair **SB 870**, entitled:

An Act making an appropriation to the Philadelphia College of Performing Arts, Philadelphia, Pennsylvania, for maintenance, general operation and student aid.

Which was committed to the Committee on APPROPRIATIONS, June 2, 1981.

Senator TILGHMAN presented to the Chair **SB 871**, entitled:

An Act making an appropriation to the Pennsylvania College of Optometry, Philadelphia, Pennsylvania.

Which was committed to the Committee on APPROPRIATIONS, June 2, 1981.

Senator TILGHMAN presented to the Chair **SB 872**, entitled:

An Act making an appropriation to the Pennsylvania College of Podiatric Medicine, Philadelphia, Pennsylvania.

Which was committed to the Committee on APPROPRIATIONS, June 2, 1981.

Senator TILGHMAN presented to the Chair **SB 873**, entitled:

An Act making an appropriation to the Fox Chase Institute for Cancer Research, Philadelphia, for the operation and maintenance of the cancer research program.

Which was committed to the Committee on APPROPRIATIONS, June 2, 1981.

Senator TILGHMAN presented to the Chair **SB 874**, entitled:

An Act making an appropriation to the Wistar Institute-Research, Philadelphia, for the operation and maintenance of the institute.

Which was committed to the Committee on APPROPRIATIONS, June 2, 1981.

Senator TILGHMAN presented to the Chair **SB 875**, entitled:

An Act making an appropriation to the Lancaster Cleft Palate.

Which was committed to the Committee on APPROPRIATIONS, June 2, 1981.

Senator TILGHMAN presented to the Chair **SB 876**, entitled:

An Act making an appropriation to the Pittsburgh Cleft Palate.

Which was committed to the Committee on APPROPRIATIONS, June 2, 1981.

Senator TILGHMAN presented to the Chair **SB 877**, entitled:

An Act making an appropriation to the Burn Foundation of Greater Delaware Valley.

Which was committed to the Committee on APPROPRIATIONS, June 2, 1981.

Senator TILGHMAN presented to the Chair **SB 878**, entitled:

An Act making an appropriation to the Allentown Museum of Art at Allentown, Pennsylvania.

Which was committed to the Committee on APPROPRIATIONS, June 2, 1981.

Senator TILGHMAN presented to the Chair **SB 879**, entitled:

An Act making an appropriation to the Trustees of the University of Pennsylvania for the general maintenance and operation of the University of Pennsylvania Museum.

Which was committed to the Committee on APPROPRIATIONS, June 2, 1981.

Senator TILGHMAN presented to the Chair **SB 880**, entitled:

An Act making an appropriation to the Carnegie Museum at Pittsburgh, Pennsylvania, for maintenance and the purchase of apparatus, supplies and equipment.

Which was committed to the Committee on APPROPRIATIONS, June 2, 1981.

Senator TILGHMAN presented to the Chair **SB 881**, entitled:

An Act making an appropriation to the Franklin Institute of the Commonwealth of Pennsylvania at Philadelphia, Pennsylvania.

Which was committed to the Committee on APPROPRIATIONS, June 2, 1981.

Senator TILGHMAN presented to the Chair **SB 882**, entitled:

An Act making an appropriation to the Pennsylvania Academy of the Fine Arts, Philadelphia, Pennsylvania.

Which was committed to the Committee on APPROPRIATIONS, June 2, 1981.

Senator TILGHMAN presented to the Chair **SB 883**, entitled:

An Act making an appropriation to the Academy of Natural Sciences of Philadelphia at Philadelphia, Pennsylvania.

Which was committed to the Committee on APPROPRIATIONS, June 2, 1981.

Senator TILGHMAN presented to the Chair **SB 884**, entitled:

An Act making an appropriation to the Trustees of the Buhl Planetarium and Institute of Popular Science, Pittsburgh, Pennsylvania.

Which was committed to the Committee on APPROPRIATIONS, June 2, 1981.

Senator TILGHMAN presented to the Chair **SB 885**, entitled:

An Act making an appropriation to the Museum of the Philadelphia Civic Center, Philadelphia, Pennsylvania, for maintenance and the purchase of apparatus, supplies and equipment.

Which was committed to the Committee on APPROPRIATIONS, June 2, 1981.

Senator TILGHMAN presented to the Chair **SB 886**, entitled:

An Act making an appropriation to the Division of Education of the Philadelphia Museum of Art, Philadelphia, Pennsylvania.

Which was committed to the Committee on APPROPRIATIONS, June 2, 1981.

Senator TILGHMAN presented to the Chair **SB 887**, entitled:

An Act making an appropriation to Children's Heart Hospital, Philadelphia, Pennsylvania.

Which was committed to the Committee on APPROPRIATIONS, June 2, 1981.

Senator TILGHMAN presented to the Chair **SB 888**, entitled:

An Act making an appropriation to the Home for Crippled Children, Pittsburgh, Pennsylvania.

Which was committed to the Committee on APPROPRIATIONS, June 2, 1981.

Senator TILGHMAN presented to the Chair **SB 889**, entitled:

An Act making an appropriation to the Trustees of the University of Pittsburgh for the general maintenance and operation of the Western Psychiatric Institute and Clinic.

Which was committed to the Committee on APPROPRIATIONS, June 2, 1981.

EXECUTIVE NOMINATIONS

EXECUTIVE SESSION

Motion was made by Senator MOORE,

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.

NOMINATIONS TAKEN FROM THE TABLE

Senator MOORE. Mr. President, I call from the table for consideration certain nominations previously reported from committee and laid on the table.

The Clerk read the nominations as follows:

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

February 17, 1981.

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 Gene Lispi (New Car Dealer), 7 Crescent Drive, Riverview Terrace, Plains, Wilkes-Barre 18705, Luzerne County, Fourteenth Senatorial District, for appointment as a member of the State Board of Motor Vehicle Manufacturers, Dealers and Salesmen, to serve until March 7, 1983, and until his successor is appointed and qualified, vice Roy A. Schneck, Pine Grove, whose term expired.

DICK THORNBURGH.

**MEMBER OF THE STATE EMPLOYES'
RETIREMENT BOARD**

February 17, 1981.

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 William J. Moran, 137 South Cedar Street, Hazleton 18201, Luzerne County, Fourteenth Senatorial District, for reappointment as a member of The State Employes' Retirement Board, to serve for a term of four years.

DICK THORNBURGH.

DISTRICT JUSTICE

April 1, 1981.

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 Robert B. Failor, 716 Third Street, New Cumberland 17070, Cumberland County, Thirty-first Senatorial District, for appointment as District Justice in and for the County of Cumberland, Class 1, District 01, to serve until the first Monday of January 1984, vice Joseph Zedler, New Cumberland, removed.

DICK THORNBURGH.

On the question,

Will the Senate advise and consent to the nominations?

Senator JUBELIRER. Mr. President, I just want to point out for the gentleman from Allegheny, Senator Scanlon, and the Chair, that the gentleman from Montgomery, Senator Greenleaf, and the gentleman from Butler, Senator Shaffer, are here and I am requesting a cancellation of their legislative leaves.

And the question recurring,

Will the Senate advise and consent to the nominations?

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

YEAS—46

Andrezeski	Holl	Mellow	Scanlon
Bell	Howard	Messinger	Shaffer
Bodack	Jubelirer	Moore	Singel
Corman	Kelley	Murray	Smith
Early	Kusse	O'Connell	Snyder

Fisher	Lewis	O'Pake	Stapleton
Gekas	Lincoln	Pecora	Stauffer
Greenleaf	Lloyd	Price	Street
Hager	Loeper	Reibman	Tilghman
Hankins	Lynch	Rhoades	Wilt
Helfrick	McKinney	Ross	Zemprelli
Hess	Manbeck		

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

The motion was agreed to.

**ANNOUNCEMENT BY THE
MAJORITY LEADER**

Senator JUBELIRER. Mr. President, for the benefit of the Members of the Senate so they have some idea as to the schedule today, it is our intention at this time to request that House Bill No. 712 be called up and that the amendatory process that was begun last evening be continued and that we will continue until 12:30 p.m., at which time we will request a recess of the Senate so the Members can have their lunch and return by 1:15 p.m. The official portrait of the Senate will be taken at 1:30 p.m. today. We would hope that all Members could be in their seats at that time.

Mr. President, immediately concluding the taking of the portrait of the Members of the Senate, we will again continue with the amendatory process. After that is over we will then see what the time and the mood of the Senate is and be in a position to inform the Chair and the Members of the Senate what will take place at that time.

**GUESTS OF SENATOR MICHAEL A. O'PAKE
PRESENTED TO SENATE**

Senator O'PAKE. Mr. President, today we have some visitors from the fifth grade of the Andrew Maier Elementary School in Blandon, which is in Berks County in my Senatorial District. There are thirty fifth graders with their leader, Virginia Koller. I would ask the Chair to extend its usual warm welcome to these students who are in the gallery.

The PRESIDENT. Would our guests please rise so the Senate may give you its traditional warm welcome?

(Applause.)

**GUESTS OF SENATOR JAMES R. LLOYD
PRESENTED TO SENATE**

Senator LLOYD. Mr. President, I am happy to see a group of students from Philadelphia here today from the Redeemer Lutheran Day School in Northeast Philadelphia. We are very proud to have them in our Capitol today. They took a tour of our Capitol facilities a little earlier as well as the museum. If possible, I would like us to warmly greet the students from the Redeemer Lutheran Day School in Northeast Philadelphia.

The PRESIDENT. Would our guests from Philadelphia kindly rise so the Senate may give you its traditional warm welcome?

(Applause.)

CALENDAR

HB 712 CALLED UP OUT OF ORDER

HB 712 (Pr. No. 1680) — Without objection, the bill was called up out of order, from page 2 of the Third Consideration Calendar, by Senator JUBELIRER.

PREFERRED APPROPRIATION BILL OVER IN ORDER TEMPORARILY

HB 712 (Pr. No. 1680) — Considered the third time,

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

Senator LEWIS. Mr. President, since we adjourned last evening and our return this morning, House Bill No. 712 has been reprinted and assigned a new printer's number. Obviously, that means all the amendments that had been prepared for yesterday's use in anticipation of being offered to the bill in its previous form are now out of configuration and will need substantial redrafting in order to put them into alignment with the new pages and the new lines from the reprinted bill as we find it on our desks today.

Mr. President, because of that problem I would ask if we could have a short recess so we might have a discussion to make sure we have no difficulties in getting those amendments properly aligned.

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

Senator JUBELIRER. Mr. President, I request that House Bill No. 712, Printer's No. 1680, go over in its order temporarily.

The PRESIDENT. Without objection, House Bill No. 712 will go over in its order temporarily.

BILL WHICH HOUSE HAS NONCONCURRED IN SENATE AMENDMENTS

SENATE INSISTS UPON ITS AMENDMENTS NONCONCURRED IN BY THE HOUSE TO HB 523, AND APPOINTS COMMITTEE OF CONFERENCE

HB 523 (Pr. No. 1577) — Senator JUBELIRER. Mr. President, I move that the Senate do insist upon its amendments to House Bill No. 523, and that a Committee of Conference on the part of the Senate be appointed.

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

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

YEAS—46

Andrezeski	Holl	Mellow	Scanlon
Bell	Howard	Messinger	Shaffer
Bodack	Jubelirer	Moore	Singel
Corman	Kelley	Murray	Smith

Early	Kusse	O'Connell	Snyder
Fisher	Lewis	O'Pake	Stapleton
Gekas	Lincoln	Pecora	Stauffer
Greenleaf	Lloyd	Price	Street
Hager	Loeper	Reibman	Tilghman
Hankins	Lynch	Rhoades	Wilt
Helfrick	McKinney	Ross	Zemprelli
Hess	Manbeck		

NAYS—0

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

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

FINAL PASSAGE CALENDAR

BILLS OVER IN ORDER

HB 227 and SB 409 — Without objection, the bills were passed over in their order at the request of Senator JUBELIRER.

THIRD CONSIDERATION CALENDAR

BILLS OVER IN ORDER

SB 361, 406, 496, 529, 532, 725 and HB 1043— Without objection, the bills were passed over in their order at the request of Senator JUBELIRER.

SECOND CONSIDERATION CALENDAR

BILLS REREPORTED FROM COMMITTEE AS AMENDED ON SECOND CONSIDERATION

SB 316 (Pr. No. 892) and SB 589 (Pr. No. 893) — Considered the second time and agreed to, Ordered, To be transcribed for a third consideration.

PREFERRED APPROPRIATION BILL LAID ON THE TABLE

SB 681 (Pr. No. 708) — The bill was considered,

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

Senator JUBELIRER. Mr. President, I move that Senate Bill No. 681, Printer's No. 708, be laid on the table.

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

Senator JUBELIRER. Mr. President, just to assign the reason, it is on ninth day, there are amendments to be taken. We have a long day ahead of us on the budget amendments and it is our intention to remove it from the table probably either tomorrow or next week, more likely next week, with the anticipation of having that bill come back before us the first day so amendments may be taken and the bill would not then be recommitted.

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

The motion was agreed to.

The PRESIDENT. Senate Bill No. 681 will be laid on the table.

HB 712 CALLED UP

HB 712 (Pr. No. 1680) — Without objection, the bill, which previously went over in its order temporarily, was called up, from page 2 of the Third Consideration Calendar, by Senator JUBELIRER.

PREFERRED APPROPRIATION BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

HB 712 (Pr. No. 1680) — Considered the third time,
On the question,
Will the Senate agree to the bill on third consideration?

MESSINGER AMENDMENT

Senator MESSINGER, by unanimous consent, offered the following amendment:

Amend Sec. 201, page 14, line 1, by striking out “3,200,000” and inserting: 3,400,000

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

SENATOR ZEMPRELLI TO VOTE FOR SENATOR MELLOW

Senator ZEMPRELLI. Mr. President, I have been advised several Members of my caucus are presently engaged in other legislative meetings. Senator Mellow, particularly, is at a legislative meeting. I request a legislative leave on his behalf. Mr. President, I would just simply advise the Chair I may be asking for temporary leaves from time to time during the proceedings because of the fact there are certain legislative committee meetings in progress.

The PRESIDENT. The Chair hears no objection and the leave is granted.

SENATOR JUBELIRER TO VOTE FOR SENATOR PECORA

Senator JUBELIRER. Mr. President, in the same light, Senator Pecora will be attending a luncheon of a legislative nature. I am requesting a legislative leave for him also.

The PRESIDENT. The Chair hears no objection and the leave is granted.

Senator MESSINGER. Mr. President, the amendment I have proposed will add \$200,000 to the item for tourist promotion assistance. As some of the Members well know, this is money that is used for tourist promotion agencies throughout the State and the agencies match these funds so, in effect, we are putting a lot more into tourist promotion. Those Members who have certainly heard this story before, but tourist promotion activities bring in extra sales tax and other revenues to the Commonwealth as well as aiding merchants and motel owners, and so on, throughout the State where tourists come and spend some time in Pennsylvania.

Mr. President, every State now is spending more money, even New Jersey is doing this, in order to attract tourists because they feel tourists are not going to go as far away from home as they did before gasoline became so expensive and Pennsylvania being so handy to New Jersey, New York, Delaware and Maryland, it certainly would be advisable to

spend a great deal of money in attracting this kind of money to Pennsylvania.

Senator TILGHMAN. Mr. President, for those following on the computer printout, it is Sequence No. 124. Last year tourist promotion got \$3,200,000. The Governor recommended \$3,200,000 for this year and that amount of money is in the bill. I have no idea where the extra \$200,000 would come from.

Mr. President, I urge a negative vote on this amendment.

Senator MESSINGER. Mr. President, just yesterday I remember an amendment being offered that saved \$1,300,000. I suggested that \$200,000 be taken out of that and leave \$1,100,000 for some other amendments.

And the question recurring,

Will the Senate agree to the amendment?

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

YEAS—22

Andrezeski	Lincoln	Murray	Singel
Bodack	Lloyd	O’Pake	Smith
Early	Lynch	Reibman	Stapleton
Hankins	McKinney	Ross	Stout
Kelley	Mellow	Scanlon	Zemprelli
Lewis	Messinger		

NAYS—25

Bell	Hess	Manbeck	Shaffer
Corman	Holl	Moore	Snyder
Fisher	Howard	O’Connell	Stauffer
Gekas	Jubelirer	Pecora	Street
Greenleaf	Kusse	Price	Tilghman
Hager	Loeper	Rhoades	Wilt
Helfrick			

Less than a majority of the Senators having voted “aye,” the question was determined in the negative.

And the question recurring,

Will the Senate agree to the bill on third consideration?

ROSS AMENDMENT I

Senator ROSS, by unanimous consent, offered the following amendment:

Amend Sec. 201, page 31, by inserting between lines 19 and 20:

For services to the blind and the epileptic to be allocated as follows:

To the Beaver County Association for the Blind.....	25,000
To the Beaver County Epileptic Society.....	2,000

On the question,

Will the Senate agree to the amendment?

Senator ROSS. Mr. President, this amendment appropriates \$25,000 to the Beaver County Association for the Blind. This is the same dollar amount request received last year. Also, the amendment calls for a \$2,000 appropriation to the Epileptic Society of Beaver County, the society whose task it is to educate the community about epilepsy and helps those who have the disease. It operates strictly on a voluntary basis. It is estimated approximately one out of every fifty people residing in my district are afflicted with epilepsy.

Senator TILGHMAN. Mr. President, these are nonpre-ferreds and they cannot be in the General Appropriations bill and for that reason I urge a negative vote on the amendment.

Senator KELLEY. Mr. President, I desire to interrogate the gentleman from Montgomery, Senator Tilghman.

The PRESIDENT. Will the gentleman from Montgomery, Senator Tilghman, permit himself to be interrogated?

Senator TILGHMAN. I will, Mr. President.

Senator KELLEY. Mr. President, I am interested in having a little expansion on the gentleman's concept of the nonpre-ferreds. Do I understand the gentleman is saying this amend-ment is not strictly a preferred appropriation?

Senator TILGHMAN. Yes, Mr. President.

Senator KELLEY. Is the gentleman, Mr. President, relying upon the constitutional requirements about the General Appropriations bill being for the Executive, Legislative and Judicial branches, the public debt and public education?

Senator TILGHMAN. Mr. President, I do not follow the gentleman all of the time. This is a nonpreferred and it cannot be in the General Appropriations bill. The nonpreferreds that had previously been in this General Appropriations bill have been deleted and have been introduced as separate bills after a ruling from the Legislative Reference Bureau.

Senator KELLEY. Mr. President, may I assume from that that the gentleman at any time this bill in its form or any other document of proposed legislation being the General Appro-riations bill for 1981-1982, if it includes any matters that are nonpreferred, the gentleman will join with me and others in excluding the same from the General Appropriations bill?

Senator TILGHMAN. Mr. President, we will look at each amendment as they come up.

Senator KELLEY. Mr. President, I conclude from the gentleman's remarks upon examining each amendment if it is concluded it is a nonpreferred, the gentleman will join with me and others who will exclude the same from the General Appropriations bill?

Senator TILGHMAN. Mr. President, that was his state-ment and the gentleman can make the statements. Do not look to me for an answer to the gentleman's statements.

Senator KELLEY. Mr. President, I thank the gentleman very much for his extreme cooperation. I believe the gentleman anticipates something down the road where those words may come back to haunt him and his colleagues.

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

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

YEAS—21

Andrezeski	Lincoln	Messinger	Singel
Bodack	Lloyd	Murray	Smith
Early	Lynch	O'Pake	Stapleton
Hankins	McKinney	Ross	Stout
Kelley	Mellow	Scanlon	Zemprelli
Lewis			

NAYS—26

Bell	Hess	Moore	Shaffer
Corman	Holl	O'Connell	Snyder
Fisher	Howard	Pecora	Stauffer
Gekas	Jubelirer	Price	Street

Greenleaf	Kusse	Reibman	Tilghman
Hager	Loeper	Rhoades	Wilt
Helfrick	Manbeck		

Less than a majority of the Senators having voted "aye," the question was determined in the negative.

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

ROSS AMENDMENT II

Senator ROSS, by unanimous consent, offered the following amendment:

Amend Sec. 201, page 19, by inserting between lines 29 and 30:

For temporary special aid to school districts due to real property reassessment in accordance with the following:

For the school year 1980 or 1980-1981, whichever is applicable and each school year thereafter, a school district experiencing an 18% loss in local revenue for the support of the public schools in any one year due to the reassessment of one or more properties within the boundaries of the public school district shall qualify for special aid for a period of two years: Provided, however, That district tax rates which were in effect at the time of the reassessment are not reduced. Countywise reassessments shall not qualify a district for this special aid. During the first year of the reduction in revenue caused by the reassessment a district shall qualify for and receive a special grant not to exceed 50% of the reduction and in the following school year the district shall qualify for and receive a special grant not to exceed 25% of the reduction in revenue caused by the reassessment. Notwithstanding the provisions of section 2502.6, act of March 10, 1949 (P.L.30, No.14), known as the "Public School Code of 1949," the entitlement provided under this paragraph shall be paid in full for each school year..... 2,000,000

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

Senator ROSS. Mr. President, this amendment would entail \$2 million in special aid to those school districts, namely Aliquippa, Beaver Falls and Midland in Beaver County, Turtle Creek in Allegheny County and Iroquois School District in Erie County which have experienced an eighteen per cent or more loss of revenue as a result of the court mandated property assessments. It should be noted that there are forty-three cases throughout the State under similar circumstances and pending. Specifically, the proposal would provide a special grant of fifty per cent of the reduction in the first year of reduced revenues and twenty-five per cent of the reduction in the second year of reduced revenues. For the third and ensuing years, the existing school subsidy formula will consider the loss.

Mr. President, in my county, Beaver County alone the aforementioned school districts could lose over \$1.5 million property tax revenues because of the reassessments.

Mr. President, I ask my colleagues to support this amend-ment. It will affect many of them in the very near future.

Senator TILGHMAN. Mr. President, I urge a negative vote on this amendment.

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

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

YEAS—22

Andrezeski	Lincoln	Murray	Singel
Bodack	Lloyd	O'Pake	Smith
Early	Lynch	Reibman	Stapleton
Hankins	McKinney	Ross	Stout
Kelley	Mellow	Scanlon	Zemprelli
Lewis	Messinger		

NAYS—24

Bell	Helfrick	Loeper	Shaffer
Corman	Hess	Manbeck	Snyder
Fisher	Holl	Moore	Stauffer
Gekas	Howard	O'Connell	Street
Greenleaf	Jubelirer	Price	Tilghman
Hager	Kusse	Rhoades	Wilt

Less than a majority of the Senators having voted "aye," the question was determined in the negative.

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

ROSS AMENDMENT III

Senator ROSS, by unanimous consent, offered the following amendment:

Amend Sec. 301, page 56, by inserting between lines 11 and 12:

For payment of approved operating and capital expenses of community colleges and technical institutes..... 5,670,322

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

Senator ROSS. Mr. President, this amendment is a deficiency appropriation totaling \$5,670,322, which would be distributed to community colleges for both operating and capital expenses, thus increasing the Pennsylvania Department of Education's funding capacity for their costs.

Mr. President, I ask my colleagues having community colleges to support this amendment.

Senator TILGHMAN. Mr. President, I urge a negative vote on this amendment.

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

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

YEAS—22

Andrezeski	Lincoln	Murray	Singel
Bodack	Lloyd	O'Pake	Smith
Early	Lynch	Reibman	Stapleton
Hankins	McKinney	Ross	Stout
Kelley	Mellow	Scanlon	Zemprelli
Lewis	Messinger		

NAYS—25

Bell	Hess	Manbeck	Shaffer
Corman	Holl	Moore	Snyder
Fisher	Howard	O'Connell	Stauffer
Gekas	Jubelirer	Pecora	Street
Greenleaf	Kusse	Price	Tilghman
Hager	Loeper	Rhoades	Wilt

Helfrick

Less than a majority of the Senators having voted "aye," the question was determined in the negative.

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

ROSS AMENDMENT IV

Senator ROSS, by unanimous consent, offered the following amendment:

Amend Sec. 201, page 26, by inserting between lines 21 and 22: No State funds appropriated to the Department of Environmental Resources pursuant to the act shall be utilized by the department in the transfer or relocation of uranium mill tailings from one political subdivision to another political subdivision.

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

Senator ROSS. Mr. President, the following amendment would prohibit the Pennsylvania Department of Environmental Resources from expending any State funds for the transfer of uranium mill tailings from one political subdivision to another. In my district in Washington County, the Federal government through the EPA has determined the disposal of radioactive uranium mill tailings will be transferred from the Canonsburg Industrial Park in Washington County, from one Senatorial District to potential sites in my northern Washington County Senatorial District.

This is an eighteen acre plot of land. It has been in business extracting uranium from ore from 1911 to 1922. In 1930 to 1942, they extracted radium and uranium salts from on-site residues. From 1942 to 1957, they recovered uranium from ores and scrap metals. Verification of random concentrations in on-site buildings has been found. The United States Department of Energy, Environmental Control Agency at the Oak Ridge operations is where I received my material from for this. As I said, the Federal Environmental Protection Agency has determined that they would dispose of this radioactive uranium mill tailings. There is a public outcry and the rationale of such a transfer is illogical and it is my belief that EPA must assume the responsibility in this situation and not accept the funds from the EPA.

Senator TILGHMAN. Mr. President, I wonder if there would be any objection to using the previous roll call on this amendment?

The PRESIDENT. Does the Chair hear any objection to using the previous roll call?

Senator ROSS. Mr. President, I ask for a negative vote and I request a roll call, please.

Senator ZEMPRELLI. Mr. President, the significant difference in this amendment from any other previously offered, this one does not involve any money at all. It involves the principle involving the serious aspect of toxic wastes and those kinds of things that DER and others should be concerned with.

It is difficult for me to see how this could be objectionable in an appropriation bill. It would simply suggest that we are treating one of the major problems that exist in the State of

Pennsylvania, perhaps the United States of America. The gentleman is making an honest plea for recognition of that condition and is asking for a positive vote on the recognition of a dangerous toxic condition on harmful waste. It does not involve one dime by way of additional money.

Mr. President, I would ask for unanimous favorable consideration on behalf of this amendment.

Senator TILGHMAN. Mr. President, I request a negative vote on this amendment.

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

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

YEAS—22

Andrezski	Lewis	Murray	Singel
Bodack	Lincoln	O'Pake	Smith
Early	Lloyd	Reibman	Stapleton
Fisher	Lynch	Ross	Stout
Hankins	Mellow	Scanlon	Zemprelli
Kelley	Messinger		

NAYS—24

Bell	Hess	Manbeck	Shaffer
Corman	Holl	Moore	Snyder
Gekas	Howard	O'Connell	Stauffer
Greenleaf	Jubelirer	Pecora	Street
Hager	Kusse	Price	Tilghman
Helfrick	Loeper	Rhoades	Wilt

Less than a majority of the Senators having voted "aye," the question was determined in the negative.

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

GUESTS OF SENATOR FRANK J. O'CONNELL PRESENTED TO SENATE

Senator O'CONNELL. Mr. President, it is my distinct honor and privilege today to present to the Members of the Senate a number of young men who have served this country in time of need and particularly during the Vietnam War. These young men you see there, three of them, are young men who have been victims of this war and have been afflicted with toxic poisoning that is creating some problems. I would like to at this time offer them and introduce them.

One is Mike Milne. He is the District Coordinator for the Vietnam Veterans; Al Felker, State Service Officer of the Vietnam Veterans; Jim Roxby, Post No. 2 Commander of the Vietnam Veterans and Don Swartz who was a Vietnam veteran and he is also Coordinator of the Governor's Outreach Veterans Program in the City of Wilkes-Barre.

Mr. President, I asked these young men to come down today so the Senate might become better acquainted with some of their problems. These are, I guess, living examples of the destruction and the problems of that particular phase of the United States involvement in skirmishes, if that is the case, but in wars that have not really been called wars. These veterans have not really been dealt with in a fair and equitable manner. They are here today and I have two resolutions I intend to offer to the Senate for consideration. They are

concurrent resolutions, one directing the Senate to adopt it in memorializing the Congress to take recognition of their problems and the other one deals, of course, with something we have been involved in and concerned about and that is the MIA's, the 2,500 missing persons and veterans who have neither been returned to this country nor have been identified as having been deceased.

Mr. President, with the Senate's permission, I would like to offer these resolutions and have them remain open at the desk for anybody here who would wish to join in signing. Unfortunately I did not have them on a timely basis so they might have been circulated for the Members. I would like to have them left open at the desk and anybody who is interested in them, may sign them.

Mr. President, I would like to at this time have the Senate offer their usual warm welcome to these Vietnam veterans.

The PRESIDENT. Will the Senate please rise and give our traditional warm welcome to the veterans?

(Applause.)

Senator LEWIS. Mr. President, I am pleased, as I am sure all of us are to see these gentlemen here and to have heard the comments of the gentleman from Luzerne, Senator O'Connell. I hope these gentlemen will have the opportunity to stay through the afternoon because coincidentally at some point during the course of the amendment process, we will be presenting for consideration of the Senate an amendment that will set in motion the necessary mechanics and machinery to provide for a Vietnam veterans bonus consistent with what this Commonwealth has done for our veterans who have returned from previous wars. I hope they are here this afternoon to see us consider that particular amendment as well.

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

ZEMPRELLI AMENDMENTS I

Senator ZEMPRELLI, by unanimous consent, offered the following amendments:

- Amend Sec. 201, page 8, line 21, by striking out "\$12,464,000" and inserting: \$14,323,000
- Amend Sec. 201, page 8, line 24, by striking out "3,821,000" and inserting: 4,267,000
- Amend Sec. 201, page 8, line 25, by striking out "1,514,000" and inserting: 1,661,000

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

Senator ZEMPRELLI. Mr. President, the amendments before the Senate at this time deal with the Office of the Auditor General in increasing the amounts of the appropriation to a parity with the Treasurer's Office. It is significant to note for purposes of these amendments that the parity is asked simply because the same kinds of costs that apply to the Treasurer's Office also apply to the Auditor General's Office. It is also significant to note the Auditor General is by political persuasion a Democrat and the Treasurer is by political persuasion a Republican. I am not here to suggest the Office of the Treasurer should be diminished in the appropriation. I believe the Treasurer's request was justifiable. I believe the

approach the bill has for the Treasurer's Office is also equally justified under the circumstances and recognizes an increase in cost that is generally attributable to the increase in cost of operating government generally.

All these amendments do, Mr. President, are to seek to place the Auditor General in the same position with respect to the operation of that office. As a matter of fact, it is simply a percentage approach to the cost items that are recurring, such as salaries and the various aspects of the conduct of the Office of the Auditor General. I believe the figures I will use will indicate the gravity of the situation and the reality of the situation.

The present budget with respect to the Treasurer's Department would allow for a seven per cent increase; the present budget as it would involve the three departments, or separate items of the Auditor General's Office, would allow for a 1.6 increase percentagewise. This as I said at the outset would allow for parity between the two offices.

Mr. President, I am quick to say, and I would say without hesitation of wanting to later regret my words, that a vote against these parity amendments would suggest either we are endeavoring to thwart the work of the Auditor General in the area of auditing of accounts of this government and its various governmental agencies or it is crass politics of the greatest order. I would suggest if we believe the Treasurer's Office is entitled to the increase as other departments have been, there is no reason to single out—and that is what has happened here—and discriminate against the Auditor General simply because of his political persuasion.

Mr. President, I ask for unanimous adoption of these amendments.

Senator TILGHMAN. Mr. President, I urge a negative vote on these amendments.

Senator LINCOLN. Mr. President, I desire to interrogate the gentleman from Montgomery, Senator Tilghman.

The PRESIDENT. Would the gentleman from Montgomery, Senator Tilghman, permit himself to be interrogated?

Senator TILGHMAN. I will, Mr. President.

Senator LINCOLN. Mr. President, I am somewhat intrigued by the overwhelming number of words that the Majority Chairman of the Committee on Appropriations is using to ask for negative votes on some very good amendments. I would ask the gentleman if he could give me one or two reasons why he would ask for a negative vote on these particular amendments?

Senator TILGHMAN. Mr. President, I might tell my colleagues on the other side of the aisle most of the speeches I give are brief. I am not one of those politicians who has fallen in love with the sound of his own voice.

Senator LINCOLN. Mr. President, I do not blame the gentleman. Maybe the gentleman does not have a whole lot to say because maybe he does not have a whole lot of information. At this point I would persist in asking if the gentleman would give me at least one legitimate reason for my maybe voting "no" on these particular amendments. Just one, Mr. President, and that is not very much to ask. If the gentleman could just give me one legitimate reason.

Senator TILGHMAN. Mr. President, this adds about \$2,400,000 to the Office of Auditor General. I do not know where the money is coming from. The amendments do not address it. They just spend more money.

Senator LINCOLN. Mr. President, I would very respectfully yield to the gentleman from Bucks, Senator Lewis, if it would be in order.

The PRESIDENT. Yielding to the Senator is not in order but if you would like me to recognize Senator Lewis, I would be happy to at this time.

Senator LEWIS. Mr. President, I know that we had set the hour of 12:30 p.m. as the time that we were hoping to break for lunch, so I will be most brief with these comments and then be delighted to go into whatever detail my colleagues would like when we return after the lunch period.

Throughout the course of the day we will be offering a series of amendments which are designed to reorder the priorities for the spending of this Commonwealth. I believe every one of us here are committed to living within the means of the dollars that are available. It is a question, however, of the most appropriate ways for spending those available dollars.

Mr. President, consistent with those reordering of priorities, we have developed a series of amendments that would actually provide some \$47 million in realignments of funds to use for just this type of a spending priority. In addition, I will be glad to go into detail with my colleagues to point out to them that, in fact, the Commonwealth by all of its current projections, will experience approximately a \$35 million surplus this year in the revenues that we are collecting over and above those which have already been earmarked for deficiencies.

Our revenues are running at a rate of about \$100 million in excess of the projections that were set out in the budget document last year. \$65 million of that has already been earmarked for deficiencies and we agree with those items. So, we are saying, there is \$35 million available in monies already collected or about to be in hand to be used to be applied for next year's expenditures. In addition to that, Mr. President, I think we can show very simply and very clearly that the revenue estimates from items that are locked in in terms of returns are at least \$10 million below the numbers that were projected by the Office of the Budget and Administration, all of which brings us to a situation where, I believe, we can show anyone here who is interested in realigning his priorities, that there is at least \$92 million in funds available within this Commonwealth and within this budget with no tax increases to meet these important needs such as the gentleman is asking to be done here.

Mr. President, we will, in fact, be offering amendments to accomplish each and every one of those items at an appropriate time.

Senator ZEMPRELLI. Mr. President, I am somewhat disturbed by the remarks of the gentleman from Montgomery, Senator Tilghman, that the amendments spend additional money and that is described the reason for voting against these amendments.

The logical conclusion from that kind of rationale and the only concern we have is the expediency of spending money as compared to what our purpose and function is here. I would hope the gentleman in his brief aspect of suggesting that our only purpose deals with the monetary value rather than the function of government, or the proper operation of the Auditor General's Office, or the function of the Treasurer's Office and the recognition of the responsibility of the functioning of those offices and the need to provide adequate funds should be the projection and the thought before this Body.

Mr. President, I am disturbed and I am upset and I do not know how in God's earth we can justify the kind of comparative treatment for the lubricant of life, that which makes the function of government prevail, the providing of the necessary funds to do a proper job.

Mr. President, I would hope the gentleman has additional reasons for not wanting to treat the Auditor General's Office with the same parity that he is treating the Treasurer's Office. In the absence of any explanation of that kind, I can only conclude, Mr. President, that the gentleman's remarks, as brief as they were, are the only assigned reason for a negative vote on these amendments.

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

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

YEAS—21

Andrezeski	Lloyd	Murray	Singel
Bodack	Lynch	O'Pake	Smith
Early	McKinney	Reibman	Stapleton
Kelley	Mellow	Ross	Stout
Lewis	Messinger	Scanlon	Zemprelli
Lincoln			

NAYS—25

Bell	Hess	Manbeck	Shaffer
Corman	Holl	Moore	Snyder
Fisher	Howard	O'Connell	Stauffer
Gekas	Jubelirer	Pecora	Street
Greenleaf	Kusse	Price	Tilghman
Hager	Loeper	Rhoades	Wilt
Helfrick			

Less than a majority of the Senators having voted "aye," the question was determined in the negative.

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

Senator O'CONNELL. Mr. President, the Rules of the Senate, of course, prohibit our guests from participating or speaking, and they did have remarks prepared. So, first of all, I would like to enter them in the record, and secondly I would like to take exception to the remarks of the gentleman from Bucks, Senator Lewis. I think it was a cheap shot. I would like the gentleman to know that my son is a two-time Vietnam veteran, not one, but volunteered to go back again, and I would like to remind the gentleman that the Commonwealth of Pennsylvania was one of the first to recognize them, and they did provide a Vietnam bonus in which these young men participated.

Mr. President, I did not appreciate the remarks.

(The following prepared statement was made a part of the record at the request of the gentleman from Luzerne, Senator O'CONNELL:)

Mr. President, the reason for the existence of the veterans of the Vietnam War would be concisely expressed as: To serve the interests of the Vietnam veteran while providing him the opportunity to share a common bond. That, however, requires expansion. It would require incentive enough for the Vietnam veteran to break his self-imposed exile. He would have to stop apologizing to society for something for which he alone was not to blame if, indeed, any blame was called for. He must see that he is still an American with the same rights, privileges and responsibilities as other Americans. However, in a sense, maybe we are really as much to blame for our exile as is our society. We have tried to remain in the background so as not to be "offensive." We have even denied that our problems may be special or unique when in fact they are. Vietnam veterans have not been able to "relate" to other veterans. Although we share with them the memories of the horrors of war, the bond was weakened by the Nation's admission that ours was the only war it lost. Our war was violently opposed even while fighting raged, even though the reasons for it have never been completely proven valid or invalid. Our war was only designated a "conflict."

Many of our problems, especially in the area of medical problems are a result of new technology and, therefore, unique. Just as a number of World War II veterans are now suffering the results of exposure to radiation—something new in their era—as a consequence of governmental error in judgment, we suffer from exposure to the new chemicals in use in Vietnam during our war. It is probably too late for those other men, but we do not wish to have to say that about ours because we did not assign priority to the problem when such was needed. We simply feel that what was maintained in 1858 by Abraham Lincoln that "A house divided against itself cannot stand" is no less true today. If this Nation is indeed as strong and courageous as it purports to be, then the time for it to stop licking its wounds is long overdue. We, as veterans of the Vietnam War just see ourselves as continuing on in a survival situation that did not end with our disengagement from the war. We are now suffering from more horror than we did during the war.

During our country's involvement in Vietnam, a variety of chemicals were used for one purpose or another. Some were classified as "preventive medicines" while others were in the category of those things which would either detract from the advantages of the enemy or protect our own forces. In other words, we had called upon our science, but evidently did so without paying it the respect of performing exhaustive tests of the tools with which it provided us. These chemicals were not tested in depth before they were used. Years later, all too many of our Vietnam veterans and, as we understand it, many of the people of Vietnam are exhibiting a variety of symptoms and illnesses that seem to have in common only exposure to the defoliant. In 1970, complaints and requests by the Vietnamese government resulted in the halt of the use of

Agent Orange in Vietnam. This was not done by our own government. On March 2, 1979, the Environmental Protection Agency issued an emergency ban on two of the principal ingredients in Agent Orange. A compound designated as 2-4-5-T and 2-4-D. This is referring to the Dioxin which is considered to be one of the agents causing the illnesses of veterans. I am asking the gentleman from Luzerne, Senator O'Connell, and Members of this distinguished Body today to provide legislative assistance for veterans who are suffering from contact with chemical defoliants used in Vietnam. May I ask those of you assembled here today a question? Did you know that three ounces of Dioxin introduced into the water supply of New York City would kill the entire population? Dioxin poisoning is the second most deadly killer known to man. The first is Bubonic Plague.

Between 1962 and 1964 the United States used chemicals in Vietnam known as Agents Blue, White, Purple, and Orange. Starting in 1964, Agent Orange was exclusively used until 1970. The United States stopped using it in 1970 in Vietnam because of the birth defects of its people, livestock and the inability of the soil to produce. The United States government defoliated at least one-sixth or more of the land area of forest and jungles throughout Vietnam. Manufacturers of Agent Orange maintained that this chemical was harmless to humans. However, recent illnesses among Vietnam veterans who were exposed to Agent Orange suggest evidence to the contrary. Thousands of Vietnam veterans are sick, incapacitated or dying from the herbicides used in that country. The most common symptoms of Agent Orange exposure are skin eruptions of the face, neck and back, severe skin rash and boils, sensitivity to sunlight, loss of sensation in extremities, extreme irritability and nervousness, insomnia, loss of sexual desire, headaches, depression, memory disturbances, sight, hearing, smell and taste disturbances, asthma type allergies, shortness of breath, stomach, kidney, and liver problems, cardiovascular disorders, loss of resistance or repeated infections, swelling, pain and stiffness in the hands, fingers, toes, ankles, knees, neck, elbows, and all main joints of the body, depression syndromes. High birth defect rates have been reported involving cleft palates, club feet, missing or deformed fingers or toes, enlarged heads and various internal abnormalities. There is also a high rate of spontaneous abortions, difficulty in conceiving and repeated miscarriages according to a recent study of these effects from Agent Orange. Dr. Gilbert Bogen reported in the Journal of the American Medical Association the following statistics: Ten per cent of veterans were found to have cancer, seven per cent had attempted suicide, eighty per cent suffer extreme fatigue, seventy-two per cent suffer acute depression, seventy-one per cent report joint pain and inflammation, eighty-five per cent suffer from severe rash which is resistant to treatment.

There is a growing feeling among many toxicologists that Dioxin is chemically causing the psychological problems normally called "Post Vietnam Stress Syndrome." Whatever the cause, 56,000 veterans have committed suicide since returning to the United States, 70,000 are in prison, 200,000 on parole, and Vietnam veterans have significantly higher divorce and unemployment rates than the general population.

We are asking you, as Members of the Senate of the State of Pennsylvania, to adopt supportive legislation in the hope that the tremendous effects of Dioxin poisoning may be known to our veterans so that they can finally deal with this lasting trauma of war.

RECESS

Senator JUBELIRER. Mr. President, at this time I request that the Senate recess until 1:20 this afternoon at which time I would ask the Members to be in their seats so that the photographer may promptly take the portrait of the Senate at 1:30 p.m. and then we can immediately return to the amendatory process on House Bill No. 712.

The PRESIDENT. For the purpose of a meal and with the anticipation of returning to the floor at 1:20 p.m. for the purpose of a Senate photograph, the Chair declares the Senate in recess.

AFTER RECESS

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

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

BILL SIGNED

The President (Lieutenant Governor William W. Scranton III) in the presence of the Senate signed the following bill:

HB 702.

REPORTS FROM COMMITTEE

Senator O'CONNELL, from the Committee on State Government, reported, as committed, **SB 383, HB 395, 456 and 497**; as amended, **SB 569**.

COMMITTEE OF CONFERENCE APPOINTED ON HB 523

The PRESIDENT. The Chair announces, on behalf of the President pro tempore, the appointment of Senators JUBELIRER, PRICE and ROSS, as a Committee of Conference on the part of the Senate to confer with a similar committee of the House (already appointed) to consider the differences existing between the two houses in relation to House Bill No. 523.

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

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

LEWIS AMENDMENTS I

Senator LEWIS, by unanimous consent, offered the following amendments:

Amend Sec. 201, page 53, line 4, by striking out "AND EXPENSES"

Amend Sec. 201, page 53, line 5, by inserting after "JUDGES": and accountable expenses not to exceed the sum of \$12,000 per judge per fiscal year to be paid monthly upon presentation of receipts for the actual expenses incurred for travel, meals and lodging while away from home on official judicial business

Amend Sec. 201, page 54, line 1, by striking out "AND EXPENSES"

Amend Sec. 201, page 54, line 2, by inserting after "JUDGES" where it appears the first time: and accountable expenses not to exceed the sum of \$12,000 per judge per fiscal year to be paid monthly upon presentation of receipts for the actual expenses incurred for travel, meals and lodging while away from home on official judicial business

Amend Sec. 201, page 54, line 14, by striking out "AND EXPENSES"

Amend Sec. 201, page 54, line 14, by inserting after "JUDGES": and accountable expenses not to exceed the sum of \$12,000 per judge per fiscal year to be paid monthly upon presentation of receipts for the actual expenses incurred for travel, meals and lodging while away from home on official judicial business

Amend Sec. 201, page 54, line 14, by inserting after "AND" where it appears the second time: the salaries and expenses

Amend Sec. 201, page 54, line 18, by striking out "AND EXPENSES"

On the question,

Will the Senate agree to the amendments?

Senator LEWIS. Mr. President, unlike many of the amendments that will be offered during the course of today, this item calls for no new expenditures by this Commonwealth. In fact, these amendments may well have the effect of saving taxpayers' dollars. Much more importantly it speaks to a problem that was discovered in the course of the hearings of the Committee on Appropriations that I think cannot be allowed to continue by any Member concerned with accountability in the expenditure of taxpayers' funds.

Mr. President, what we have discovered is that our appellate court judges are given expense account monies on a flat rate every month, notwithstanding actual expenses which they may or may not incur and there is no vouchering system, there is no accountability, there is no obligation to actually incur expenses in order to receive this flat, unaccountable reimbursement. I think that situation is totally indefensible.

We have transcribed some of the testimony that was given at the meetings of the Committee on Appropriations and I would like to share with you a brief exchange in some questioning conducted by me with the representative for the Judiciary during the course of the meetings of the Committee on Appropriations.

I asked the question, "To what extent do you monitor the actual expense experiences of the Justices and the Judges?"

And the answer, "The monitoring of that problem?"

Question, "Yes."

Answer, "We do not monitor it at all, sir. We do not monitor that in our office, Senator. That's done in the Supreme Court. These are the things they do on their own. They come to us sometimes for figures."

The question then from me, "How then is the expense money determined for allocation among the various Justices or Judges?"

Answer, "I think it's just on a flat amount and has been that way as long as I can remember it. The Legislature used to fix it when they, before the judicial code changed that. And the Legislature would increase it as expenses become increased. And I think the Supreme Court does it exactly the same way."

Question, "And so each Judge or Justice receives a flat amount that is equal to each of the others?"

Answer, "They all get the same amount."

Question, "And that is not then necessarily related to the actual expenses that each of them might incur?"

Answer, "I would have to say that not on any basis where we have statistics. I know that some of them spend more than others. It depends on the Judge. Philadelphia has more business than Pittsburgh, so a Pittsburgh Judge will spend more than a Philadelphia Judge."

Question, "The distribution then of these expense monies is not on a vouchered accountability basis?"

Answer, "Except that we file a W-2 with the Internal Revenue Service and each Judge is accountable to the Internal Revenue Service."

Question, "The Legislature used to follow the same process, and it has now been a number of years since that non-vouchered, non-accountable process was abandoned. And as recently as a year and a half, or two years ago a similar process was abandoned with regard to all of the legislative Commissions and Boards. Is there any reason why that process should not be abandoned for the Judiciary?"

Answer, "The only thing that I can say is from my knowledge traditionally this is the way it's been done and it's still being done the same way."

Mr. President, it is about time that that tradition comes to an end because it is a tradition of spending taxpayers' money with no accountability whatsoever. We have fought battles in this Legislature and succeeded in opening up the books so the people of this Commonwealth know exactly what is happening with their money. I think it is about time our judges and Supreme Court be brought into the same twentieth century.

Mr. President, what these amendments propose is to require, very simply, an identical system to that used by each and every Member of this Senate and that is expenses to the maximum that the dollars are presently allocated will, in fact, be paid upon presentation of appropriate vouchers and receipts for those reimbursements. I would hope these amendments will only be the beginning. We certainly need to be concerned because the process has gone on too long. While I recognize these amendments will only speak to the distribution of these funds for the next fiscal year, I think it is long overdue. I would hope sometime when this General Assembly has the opportunity to do it across the next few months, we will memorialize this obligation into permanent law through the movement of a bill through this General Assembly. For the time being I do not believe there is any Member of this

Senate who would or could stand up and defend the system of unaccountability in the handling of these expenses. I believe the way to show we mean business in being accountable is to adopt these amendments and begin to implement a proper procedure immediately.

Mr. President, I would ask for the adoption of these amendments.

Senator TILGHMAN. Mr. President, this is obviously a piece of legislation that should be written. It should not be in the General Appropriations bill. If the gentleman will draft such legislation, I will cosign it with him. Mr. President, I ask for a negative vote on these amendments.

Senator KELLEY. Mr. President, I desire to interrogate the gentleman from Bucks, Senator Lewis.

The PRESIDENT. Will the gentleman from Bucks, Senator Lewis, permit himself to be interrogated?

Senator LEWIS. I will, Mr. President.

Senator KELLEY. Mr. President, the gentleman failed to identify in his presentation in reading from the transcript of the hearings of the Committee on Appropriations. He identified himself as being the questioner. Those answers were given by whom?

Senator LEWIS. Those answers, Mr. President, were given by Susan Hathaway, who appeared together with a number of other representatives and offered themselves to the Committee on Appropriations as being the spokespersons for the Judiciary.

Senator KELLEY. Mr. President, do I understand, not only from the transcript that was read here today by the gentleman from Bucks, Senator Lewis, but also from the hearings themselves, what is the present practice that these amendments try or attempt or desire to correct is a practice by the Judiciary that expenses are used without accountability and received and the testimony was such in the hearings that the monies would be includable and, as is the practice, probably were includable in the W-2 forms of the recipients?

Senator LEWIS. Mr. President, the practice which we discovered is that each of the judges or justices receive a flat amount of \$1,000 a month. A year or two ago they began issuing W-2 forms so this money was then accounted for Internal Revenue purposes as income to these judges or justices.

Senator KELLEY. Mr. President, directing the gentleman's attention to Article V, Section 16 of the Constitution of the Commonwealth it would appear then this practice could very well be in violation thereof in that this could be additional compensation with that law.

Senator LEWIS. Mr. President, certainly as far as the reporting practices and procedures for the Internal Revenue Service is concerned, this additional \$12,000 is reported to them as being income over and above the salaries which they are paid.

Senator KELLEY. Mr. President, does the gentleman know or does the gentleman have cause or reason to explore the possibilities as to whether or not this additional unaccountable, supposedly expense remunerations to the judges and justices was calculated also to be credible to their retirement of the Commonwealth?

Senator LEWIS. Mr. President, I recall asking that question and I will try to determine whether or not we have transcribed that portion of the testimony. My recollection of the answer given to me was it is not included for purposes of calculating a pension. I quite frankly did not understand how it could be reportable in one instance and then not used for calculation as income in the second.

Senator KELLEY. Mr. President, I would only like to call attention to my colleagues the statement by the Majority Chairman of the Committee on Appropriations as to why these amendments should not be supported seems very insufficient.

Mr. President, there are already included in this bill calculations about limitations of expenditure and, indeed, yesterday, I believe, there was a cap put on and supported by and authored by the Chairman of the Committee on Appropriations. I could not think of a more necessary evil practice to be corrected immediately by us, not in substantive legislation but now because it is dealing with monies. We have innumerable in past practices and in this bill itself, have limitations about those burdens and conformancies with law in our own formulas.

I would urge, Mr. President, that those of us, and I believe it is all of us, should consider very sacred the very meaning and spirit of the Constitution. This practice is indefensible. It should be corrected immediately and I would urge all my colleagues to vote in the affirmative.

Senator LEWIS. Mr. President, certainly there is some substantive language within these amendments but I might make two observations about that.

The first is, it deals specifically and exclusively with the methods by which we distribute and expend the monies of this Commonwealth.

Secondly, I might point out, just yesterday afternoon at the offering of the Majority Party, we adopted and there is presently a part of House Bill No. 712 as it is presented, substantive language that dealt with the distribution or the obligation not to distribute Commonwealth funds for certain purposes with regard to vehicle inspection. I do not know how on the one hand we can say we are opposed to something because it is substantive merely after we have adopted amendments that are virtually identical in terms of its force and its impact and that is to provide and define the methods and the circumstances under which Commonwealth funds should be expended.

SENATOR TILGHMAN TO VOTE FOR SENATOR O'CONNELL

Senator TILGHMAN. Mr. President, if I might, I would like to ask for a leave of absence for Senator O'Connell, who is meeting with the Vietnam veterans.

The PRESIDENT. The Chair hears no objection and the leave is granted.

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

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

YEAS—22

Andrezeski	Lincoln	Murray	Singel
Bodack	Lloyd	O'Pake	Smith
Early	Lynch	Reibman	Stapleton
Hankins	McKinney	Ross	Stout
Kelley	Mellow	Scanlon	Zemprelli
Lewis	Messinger		

NAYS—25

Bell	Hess	Manbeck	Shaffer
Corman	Holl	Moore	Snyder
Fisher	Howard	O'Connell	Stauffer
Gekas	Jubelirer	Pecora	Street
Greenleaf	Kusse	Price	Tilghman
Hager	Loeper	Rhoades	Wilt
Helfrick			

Less than a majority of the Senators having voted "aye," the question was determined in the negative.

And the question recurring,

Will the Senate agree to the bill on third consideration?

ANDREZESKI AMENDMENT I

Senator ANDREZESKI, by unanimous consent, offered the following amendment:

Amend Sec. 201, page 31, line 8, by striking out "141,400,000" and inserting: 145,400,000

On the question,

Will the Senate agree to the amendment?

Senator ANDREZESKI. Mr. President, the Governor's request of \$145,400,000 for Mental Retardation Community Services is an increase of \$17 million over last year. House Bill No. 712 reduces that appropriation by \$4 million. The purpose of my amendment is to bring the figure back to \$145,400,000, an addition of \$4 million. Mr. President, I would suggest the Governor's recommended figure be restored. This cut would totally eliminate many planned expansions of community life arrangement programs. I could go into percentages and figures involved and perhaps increases over last year, programs that are used, programs that are not used, but I think what we have to take into account in this whole matter is that over the last twenty or thirty years we have taken mental retardation literally out of the closet here in Pennsylvania. Across the State it is not a partisan issue, it is not a Democratic issue, not a Republican issue. It is a human issue, it is a family issue, it affects many people and many aspects of the society.

Furthermore, Mr. President, I think we have an obligation in our local communities to show we are responsible, to show that we have a caring postur  here in the State. The people House Bill No. 712 affects cannot get up and champion their cause, but I feel we have an obligation to represent them. We have an obligation to support them.

Mr. President, I would ask for support of this amendment for this increase.

Senator LEWIS. Mr. President, let me fully endorse all of the comments made by my colleague and add some additional observations about the need for this money as recognized by the Governor in this Administration in the budget that was

presented to this General Assembly a few months ago. I should again emphasize and point out what we are talking about here is restoring \$4 million that has been cut in order to attempt to meet some other obligations as the Majority has seen it and to restore \$4 million so that we simply arrive at the expenditure level which the Governor and his Administration said was necessary to do the work for this Commonwealth. That is in recognition of some very simple facts and some very harsh realities that will occur if this cut is allowed to stand.

For the last two years, Mr. President, this Commonwealth has been fortunate enough to receive waivers from the Federal Government with regard to meeting the standards that are necessary to qualify for Federal medical assistance payments for many of our institutions. The very simple fact of the matter is that without this \$4 million, we are not going to be able to take the 700 people out of our State institutions as we must do by July 1st of next year in order to meet the Federal requirements.

What are the consequences of that, Mr. President? They are really very simple. All it means is we do not qualify for Federal reimbursements. I know if we lost all of our Federal reimbursements, the reduction in monies flowing in for these programs would approximate \$75 million. None of us believes we are going to suffer that much of a significant loss, Mr. President, but what is rather certain is that the cut in this \$4 million, if allowed to stand, will in all likelihood result in a direct reduction of approximately \$20 million in Federal monies coming to this Commonwealth for mental retardation programs. I do not think that is a very sensible way to handle your expenditures when in fact meeting the obligations as requested by the Governor means we will receive in the neighborhood of an additional \$20 million for paying for the needs of this Commonwealth. I think that is a wise expenditure of money. I believe it is incumbent upon all of us to restore this appropriation to the level requested by the Governor so we can meet these Federal requirements.

Mr. President, I would urge an affirmative vote.

Senator TILGHMAN. Mr. President, to set the record straight, there is no cut in the General Appropriations bill for this line item this year. Indeed, the Community and Mental Retardation Services receive an increase in the General Appropriations bill before us of \$22 million over last year. That is a large sum of money. The increase amounts to 18.6 per cent.

Mr. President, I urge a negative vote on this amendment.

And the question recurring,

Will the Senate agree to the amendment?

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

YEAS—22

Andrezeski	Lincoln	Murray	Singel
Bodack	Lloyd	O'Pake	Smith
Early	Lynch	Reibman	Stapleton
Hankins	McKinney	Ross	Stout
Kelley	Mellow	Scanlon	Zemprelli
Lewis	Messinger		

NAYS—25

Bell	Hess	Manbeck	Shaffer
Corman	Holl	Moore	Snyder
Fisher	Howard	O'Connell	Stauffer
Gekas	Jubelirer	Pecora	Street
Greenleaf	Kusse	Price	Tilghman
Hager	Loeper	Rhoades	Wilt
Helfrick			

Less than a majority of the Senators having voted "aye," the question was determined in the negative.

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

GUESTS OF SENATOR T. MILTON STREET
PRESENTED TO SENATE

Senator STREET. Mr. President, I have always believed people should be involved in government, people who go out and vote for us. What we have done in the Third Senatorial District is organize the Third Senatorial Advisory Council. With us today, we have the Executive Committee of that Council who is Dr. Pritchett, Mr. Walters and Miss Lawson, who are here visiting with us today to get more familiar with the process. At this time I would ask them to stand and ask the Senate to give them their usual warm welcome.

The PRESIDENT. Will our guests please rise so the Senate may give you its traditional warm welcome?
(Applause.)

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

ANDREZESKI AMENDMENT II

Senator ANDREZESKI, by unanimous consent, offered the following amendment:

Amend Sec. 201, page 31, line 1 by striking out "82,663,000" and inserting: 86,663,000

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

Senator ANDREZESKI. Mr. President, the Governor has requested an increase of \$10.6 million, however, House Bill No. 712 cuts that increase by \$4 million providing for \$82,663,000. This amendment will restore that \$4 million. It is suggested the Governor's recommendation be restored. This cut will eliminate funds for expansion for the Community Residential Rehabilitation Program as well as some funds to offset the loss of the Federal Community Mental Health Center grant that have also been budgeted for in the budget.

Speaking as a former county official, the counties who are responsible for implementation of many of these programs, many of these funds now find themselves at a loss in having to pick up these costs as a county. In other words, we have transferred programs on to the county, we have transferred mandates on to the county and unfortunately we have failed this year to transfer some of the monies on to the counties.

Mr. President, I would ask for an affirmative vote on this. I would ask again we take into consideration that we are dealing with programs to help people. Many of the people we are dealing with are not members of powerful lobbying

groups, do not have legislative liaisons, do not have the lobbying power here in Harrisburg, but we have a moral commitment I feel to fund these programs at the proper levels to deliver the services we have decided upon.

Senator TILGHMAN. Mr. President, this is Sequence No. 589. Next year's General Appropriations bill adds \$6 million to this program relative to this year's General Appropriations bill for an 8.7 per cent increase and I suggest a negative vote on this amendment.

Senator LEWIS. Mr. President, unfortunately, the addition of \$6 million is not enough and I think the Budget Office recognized that in light of the very simple and real situation that under the refunding arrangements by which these Community Mental Health Programs operate, they find themselves each year being reimbursed at a rate from the Federal government that is ten per cent below that which they received in the previous year. In order to maintain their posture in the same level as it was in the preceding year, it is necessary for the Commonwealth and for the local communities to increase the amount of money that is being allocated for the operation of these units. The number that was necessary was \$10 million and the Governor recognized that and recommended this General Assembly maintain the operations at the same level they were last year by appropriating that amount of money. The reduction to \$6 million, in my opinion, is purely arbitrary. It is based on no factual sequence which I am aware of and was simply again a mechanism used to design and to create the illusion of providing money to cover other expenditures. The impact in our communities with regard to the very necessary and vital programs of mental health are going to be severely and permanently disrupted if we allow this arbitrary cut to proceed in this budget bill.

Mr. President, I would ask everyone to restore to the level of funding recommended by the Governor the amount of money that will be available for our Community Mental Health Services in our neighborhoods and I would urge an affirmative vote.

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

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

YEAS—22

Andrezeski	Lincoln	Murray	Singel
Bodack	Lloyd	O'Pake	Smith
Early	Lynch	Reibman	Stapleton
Hankins	McKinney	Ross	Stout
Kelley	Mellow	Scanlon	Zemprelli
Lewis	Messinger		

NAYS—25

Bell	Hess	Manbeck	Shaffer
Corman	Holl	Moore	Snyder
Fisher	Howard	O'Connell	Stauffer
Gekas	Jubelirer	Pecora	Street
Greenleaf	Kusse	Price	Tilghman
Hager	Loeper	Rhoades	Wilt
Helfrick			

Less than a majority of the Senators having voted "aye," the question was determined in the negative.

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

LEWIS AMENDMENT II

Senator LEWIS, by unanimous consent, offered the following amendment:

Amend Sec. 201, page 54, by inserting between lines 18 and 19:

For the payment to the counties in reimbursement of the direct costs incurred by the counties in the administration and operation of all courts and for offices of justices and judges of the Supreme, Superior and Commonwealth Courts in the county of their residence. Costs incurred by the counties in the administration and operation of all courts means costs as reported to the Department of Community Affairs in the county's annual financial report forms under the heading (a) "Judicial," but confined to the subheading: (160) courts, excluding capital outlay. If a city coterminous with a county does not report on the Department of Community Affairs' form, its figures from the same subheading, set forth in the department forms, shall be used: Provided, That such payments shall be made to the county treasurer and in cities of the first class coterminous with counties of the first class to the city treasurer: And provided further, That in the event the amount herein appropriated is not sufficient to reimburse all such costs, payments shall be made to the counties in the proportion which the costs of each county bears to the total costs of all counties during the most recently completed fiscal year: And provided further, That in making allocations and payments hereunder, the Court Administrator of Pennsylvania shall, except for county offices of justices and judges of the Supreme, Superior and Commonwealth Courts, exclude all costs which are not properly reportable under the heading hereinabove specified..... 24,000,000

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

Senator LEWIS. Mr. President, unfortunately one of the most significant and serious impacts of the budget as it now stands before us is the fact that substantial costs for the operation of necessary services are being transferred back to our local governments. These are not costs that are going to go away regardless of how much we would like to wish that. These are expenses that are real and are going to have to be paid for. To the extent then they are going to be transferred to our local municipalities, it means very simply that the limited and regressive taxing mechanisms available at the local level will be called upon to pay expenses that in the past have been forwarded from this Commonwealth through revenues generated from the broader and more progressive taxing structures that are available to us. One of the most serious deals with the failure to provide reimbursement to the counties of this Commonwealth for the court costs they are experiencing. This amendment proposes to reinstate in the budget at the same level as we reimbursed the counties last year, the sum of \$24

million, to help offset the costs for the operation of our Common Pleas Court systems.

What does it mean, Mr. President, if this amendment is defeated and if this previous reimbursement item is not included in the budget? It means very simply each and every one of our counties together will have to increase their real estate taxes by \$24 million in order to pay for the cost of the operations of the courts. This is not a partisan issue. This is an issue that affects each and every one of the sixty-five counties in this Commonwealth. Every Member of this Body, by failing to support this amendment, will be indirectly imposing a real estate tax increase upon his people back home.

I do not believe this is what the operation of State government is all about, Mr. President, and I certainly understand that we need to be tightening our belt and we need to be reordering our priorities and, yes, there may well be areas where we should be saying, we cannot afford to pay the expenses or the costs for programs that have been paid in the past.

This, as I said, Mr. President, is not a program that can be eliminated. It is one that must be funded. It is one that is critical to all of the people of this Commonwealth.

Mr. President, I would urge an affirmative vote to reinstate the \$24 million into the budget that will be reimbursed to our counties for the operations of their courts.

Senator TILGHMAN. Mr. President, I urge a negative vote on the amendment.

Senator LEWIS. Mr. President, I desire to interrogate the gentleman from Montgomery, Senator Tilghman.

The PRESIDENT. Will the gentleman from Montgomery, Senator Tilghman, permit himself to be interrogated?

Senator TILGHMAN. I will, Mr. President.

Senator LEWIS. Mr. President, would the gentleman be kind enough to share with us his reasons for requesting a negative vote?

Senator TILGHMAN. Mr. President, I never thought the program was good from the very day it started.

Senator LEWIS. Mr. President, does the gentleman mean he believes we should not be assisting with these costs or does he object to the formula that has been used?

Senator TILGHMAN. Both, Mr. President.

Senator LEWIS. Mr. President, does the gentleman believe our county governments should, in fact, bear the obligation of covering these costs on their own?

Senator TILGHMAN. They will not have to bear any additional costs if the courts become efficient.

Senator LEWIS. Mr. President, would the gentleman be kind enough to describe the kinds of efficiencies he anticipates that will eliminate \$24 million in expenses?

Senator TILGHMAN. What was the question, Mr. President? Will I describe efficiency?

Senator LEWIS. Mr. President, the gentleman suggested the \$24 million in expenses would apparently go away if the courts became more efficient and I am asking if he would describe the efficiencies he believes will bring about a savings of \$24 million in the operations of our county court systems?

Senator TILGHMAN. I am not a great student of the court system. I cannot explain that to the gentleman at the present time.

Senator LEWIS. Mr. President, I thank the gentleman and I think what this interrogation has done is to show very clearly these are necessary monies for the operations of these court systems and there is no way anyone can offer on this floor to suggest these costs are just going to vanish. That is an illusion and that unfortunately is part of an excuse that has been used by many to stand up to the obligations of meeting these costs at our local level. I believe the alternative is very clear and it is very simple, either we provide the money or it is going to have to be provided on the local level by real estate tax increases. I, for one, do not want to have to go back to my people and tell them my vote here was going to directly or indirectly result in a real estate tax increase at home.

Senator KELLEY. Mr. President, I would only like to observe, I do not necessarily understand the response made by the gentleman from Montgomery, Senator Tilghman, to the question purported by the gentleman from Bucks, Senator Lewis, about how to make it up. The response, as I understood it, was to make the court system more efficient. I have a difficult time, Mr. President, reconciling that statement with the earlier vote about making the courts accountable on their expense money. It seems to me the gentlemen on the other side of this aisle, to the person, voted to maintain a high inefficiency, in fact, condoned it.

It seems to me, Mr. President, for their consistency and if they vote against this amendment, it seems to be that they have adopted an irreconcilable position.

SENATOR ZEMPRELLI TO VOTE
FOR SENATOR BODACK

Senator ZEMPRELLI. Mr. President, Senator Bodack has had to leave the floor for a legislative meeting and I am requesting a temporary leave of absence on his behalf.

The PRESIDENT. The Chair hears no objection and the leave is granted.

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

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

YEAS—20

Bodack	Lincoln	Messinger	Scanlon
Early	Lloyd	Murray	Singel
Hankins	Lynch	O'Pake	Stapleton
Kelley	McKinney	Reibman	Stout
Lewis	Mellow	Ross	Zemprelli

NAYS—25

Bell	Hess	Manbeck	Shaffer
Corman	Holl	Moore	Snyder
Fisher	Howard	O'Connell	Stauffer
Gekas	Jubelirer	Pecora	Street
Greenleaf	Kusse	Price	Tilghman
Hager	Loeper	Rhoades	Wilt
Helfrick			

Less than a majority of the Senators having voted "aye," the question was determined in the negative.

And the question recurring,

Will the Senate agree to the bill on third consideration?

O'PAKE AMENDMENT I

Senator O'PAKE, by unanimous consent, offered the following amendment:

Amend Sec. 201, page 55, by inserting between lines 6 and 7:

For the payment to the counties in reimbursement of the costs incurred by the counties in the administration and operation of all courts. Payments shall be made to the counties in proportion to the number of common pleas judges to which the counties were entitled during the most recently completed fiscal year: Provided, That such payments to counties of the first class shall not be less than 75% of the actual reimbursement received by such counties in the most recently completed fiscal year: And provided further, That all payments hereunder shall be made to the county treasurer and in cities of the first class coterminous with counties of the first class to the city treasurer..... \$25,710,000

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

Senator O'PAKE. Mr. President, very briefly, some of those who opposed the preceding amendment probably did so on the grounds that they did not like the way the court cost reimbursement was allocated.

This is an attempt to provide a fairer distribution of what I believe is the State's obligation to help counties pay for the local court system. It is incredible to me that as crime is increasing and our courts are laboring under new restraints such as bringing criminal defendants to trial within 180 days or having them go free, in a day when court backlogs are piling up more and more, when counties have been funded and in some counties I might point out it is 100 per cent funding of their court costs that have been coming from the State. I do not believe politicians here are willing to take away what has been a ten-year program of reimbursing court costs for every county in the Commonwealth of Pennsylvania.

The average for last year was something like twenty-three per cent of the county costs for the court system were reimbursed by the State of Pennsylvania. If we take away that twenty-three per cent funding, we very definitely have to find that money at the local level. As we all know that means an increase in property taxes come July.

Mr. President, the change in my amendment from the preceding amendment is that the county court costs will be reimbursed on the basis of \$70,000 per Common Pleas Judge. To determine the impact on the Senators' county, multiply the number of Common Pleas Judges in your county by \$70,000.

Montgomery County probably stands to gain \$840,000 if they have twelve judges, as I believe they do.

Chester County stands to gain \$420,000 if they have six judges, which I understand they do.

Delaware County, something like \$780,000, and so on. We can do the mathematics ourselves.

Mr. President, my plea is, the courts cannot close. There is no way that we can for the sake of efficiency and economy in State government close the courts of the Commonwealth of

Pennsylvania. I do not believe we want to renege on our commitment because all we are doing is passing that buck back to local counties at a time when crime is increasing, when backlogs are piling up, when criminal defendants are walking the streets because they could not be tried in time. I do not think that is what the public expects from us here in Harrisburg, Mr. President, and I urge all to support this fair funding formula which has been endorsed by the State Association of County Commissioners.

Senator SNYDER. Mr. President, I desire to interrogate the gentleman from Berks, Senator O'Pake.

The PRESIDENT. Will the gentleman from Berks, Senator O'Pake, permit himself to be interrogated?

Senator O'PAKE. I will, Mr. President.

Senator SNYDER. Mr. President, do I understand the gentleman from Berks, Senator O'Pake, correctly when he said he would give \$70,000 per judge to each county?

Senator O'PAKE. That is the basic formula, Mr. President, yes.

Senator SNYDER. Mr. President, if a county had, say, two and a half times as many judges per capita as another county, that county would receive two and a half times as much money per capita?

Senator O'PAKE. Mr. President, the only difference is, and maybe this is what the gentleman is driving at, Philadelphia would lose about \$3.5 million from the \$13 million that they had received this year. We do not allocate \$70,000 per judge in Philadelphia because the funding formula would result in Philadelphia getting about half, I think, of what they are getting this year. As I understand it, Mr. President, in every other county, it would compute out to \$70,000 per judge as the best way of making some uniformity out of our reimbursement for County Court costs.

Senator SNYDER. So, then, Philadelphia would receive \$10 million, Mr. President, is that correct?

Senator O'PAKE. Mr. President, I think the exact figure is \$9.750 million. Yes, Mr. President. In essence they are grandfathered in or held harmless for three-fourths of what they are now getting.

Senator SNYDER. Mr. President, does the gentleman still consider that fair?

Senator O'PAKE. Mr. President, it certainly is a lot fairer than taking it all away from every county and it is a lot fairer than the present system of giving Philadelphia \$13 million and the rest of the counties competing for the balance.

Senator SNYDER. Mr. President, is the gentleman aware of the percentage of the total State's population which Philadelphia now represents?

Senator O'PAKE. Mr. President, not exactly, but I do know it seems crime is more of a problem quantitatively and relatively in Philadelphia than it is in the rest of the counties.

Senator SNYDER. Mr. President, if I were to suggest to the gentleman that it is in the vicinity of fifteen to seventeen per cent of the State's population, would that be correct?

Senator O'PAKE. Mr. President, I would not quarrel with the gentleman's mathematics.

Senator SNYDER. Mr. President, and that the gentleman's projected plan here would give Philadelphia approximately nineteen per cent, perhaps, of the whole \$24 million?

Senator O'PAKE. Mr. President, whatever the amount comes out to, but I would also ask the gentleman if he is considering the percentage of the number of crimes committed in Philadelphia with regard to the rest of the State and the percentage of criminal cases that are backlogged in Philadelphia as compared to the rest of the State, the number of arrests made in Philadelphia compared to the rest of the State and the number of actual criminal defendants who are adjudicated or cases disposed of in Philadelphia compared to the rest of the State. I think we will find it is much higher than the fifteen or sixteen per cent if you use raw population data.

Senator SNYDER. Mr. President, but is not an element in this the amount of time spent by the judges in the courtroom and in their judicial duties and the amount of devotion to duty required of the court personnel in Philadelphia?

Senator O'PAKE. Mr. President, I do not know how we would define devotion to duty. What I am saying is, this is an improvement over the present funding formula and I would urge it upon my colleagues who may want to do something about reimbursing counties for their court costs.

Senator SNYDER. Mr. President, do I gather from what the gentleman says that he regarded the prior formula as inequitable?

Senator O'PAKE. Mr. President, more inequitable than this one.

Senator SNYDER. Mr. President, I thank the gentleman for declaring this to be an inequitable formula.

Senator O'PAKE. Mr. President, the gentleman from Lancaster, Senator Snyder, tried to put some words into my mouth. I think this is the fairest formula that we can devise consistent with the requests of county commissioners, and I would hope the gentleman would support it so that his county would get about \$350,000 they are going to have to raise by raising property taxes in Lancaster County unless we support this amendment.

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

The yeas and nays were required by Senator O'PAKE and were as follows, viz:

YEAS—22

Andrezski	Lincoln	Murray	Singel
Bodack	Lloyd	O'Pake	Smith
Early	Lynch	Reibman	Stapleton
Hankins	McKinney	Ross	Stout
Kelley	Mellow	Scanlon	Zemprelli
Lewis	Messinger		

NAYS—25

Bell	Hess	Manbeck	Shaffer
Corman	Holl	Moore	Snyder
Fisher	Howard	O'Connell	Stauffer
Gekas	Jubelirer	Pecora	Street
Greenleaf	Kusse	Price	Tilghman
Hager	Loeper	Rhoades	Wilt
Helfrick			

Less than a majority of the Senators having voted "aye," the question was determined in the negative.

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

O'PAKE AMENDMENT II

Senator O'PAKE, by unanimous consent, offered the following amendment:

Amend Sec. 201, page 7, line 20 by striking out "102,679,000" and inserting: 106,679,000

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

Senator O'PAKE. Mr. President, this amendment does what Budget Secretary Wilburn requested be done on May 29th in a memo to the gentleman from Montgomery, Senator Tilghman, and Representative McClatchy, and that is to restore \$4 million to the corrections budget, the \$4 million which Commissioner Marks in testimony before the Senate Committee on Appropriations admitted was being short-funded, was being omitted in the Governor's budget request.

In the past few weeks, many of us have talked tough for law and order. We have seen prison riots in Jackson, Michigan and elsewhere. We have watched as courts have ordered the doubling up of prisoners in our State correctional institutions. Some of us have visited those State correctional institutions which are now overcrowded, such as, as a matter of fact, Dallas up in Luzerne County, which was built to accommodate 980 prisoners and last week was accommodating 1,111 already. Five of the State correctional institutions are allegedly already overcrowded with the others near capacity if not there already by today.

The point is, Mr. President, are we going to continue to talk tough about putting more people in jail or are we going to face up to the economic reality of the results of that activity? What I am suggesting is, as the Commissioner of Corrections of Pennsylvania has suggested, we need \$4 million to adequately fund the corrections system in the Commonwealth of Pennsylvania to prevent an Attica or a Jackson, Michigan in our State. The breakdown as to where that \$4 million would go is as follows:

It would provide an eight per cent pay raise for the present complement of prison guards. They have indicated eight is not enough but at least this would provide an eight per cent. We certainly cannot afford a strike by our prison guards.

It would provide increased operating costs due to inflationary expenses, heat, they have to pay utility bills which have gone up as we all know, food, clothing for the inmates and the staff.

It would go for the replacement of worn-out equipment.

It would establish two additional community living centers so nonviolent, low-risk prisoners could work in their communities and earn money to pay restitution and make amends for their offense.

It would go to the repair of 186 cells and trailers at Camp Hill. Some inmates are now being housed in trailers.

It would go for additional overtime, already an obligation of the Commonwealth for guards.

It would go for 141 new positions rather than the 201 which were recommended as a bare minimum.

Mr. President, these are the needs which stare us in the face. Right now it costs about \$12,000 a year to house a prisoner in Pennsylvania. There are 8,800 prisoners now detained in our State correctional institutions. The public is demanding we put more people, more violent repeat criminal offenders behind bars.

What I am suggesting, Mr. President, is if we are sincere in that effort, we better provide the funding for the jail space, the cells, the staff, the food, the utilities and the wherewithal to house them.

Mr. President, I would like to close by quoting what I thought was a very perceptive editorial in the Pittsburgh Post Gazette and I will just quote the final paragraph. It says, "It is an old story. Show your law-and-order credentials, but then slip softly away when the discussion turns to the building—and financing—of prisons. Gov. Thornburgh's new proposals should force members of the Legislature to put the commonwealth's money where their mouths are." To which a distinguished Republican Member of Allegheny County said in a letter to the editor, "I recognize that reforms are needed in the Pennsylvania criminal justice system, but without a proper correctional system and larger capacity, our goals will never be achieved." That is the gentleman from Allegheny, Senator Fisher, on May 26th in the Pittsburgh Post Gazette.

Mr. President, this is the opportunity for all those who believe we have to do something to improve our corrections system in Pennsylvania to do something about it. I urge support for this amendment as Commissioner Marks has requested. I assume Budget Secretary Wilburn has requested speaking for the Governor.

Senator LEWIS. Mr. President, yesterday in the course of debate on amendments, the gentleman from Montgomery, Senator Tilghman, made reference to a revision of projected budget expenses as prepared by the Secretary of Budget and Administration. Those revisions which were not available to us at that time are now so available and we have had a chance to review them and note the covering communication from Secretary Wilburn. By the way, this was addressed to the gentleman from Montgomery, Senator Tilghman, and Representative McClatchy. He says, "Attached is a list of items in the 1981-82 General Fund budget for which adjustments are necessary. Most of these changes are the result of later information not available at the time the Governor's budget was introduced. I would appreciate your assistance in incorporating these items in the general bill."

Mr. President, one of those items which the Budget Secretary has asked to have included in the bill is the addition of \$4 million for correctional institutions, observing in his note to that request that it provides for added staff and operations due to prison population increasing more rapidly than expected. This interestingly is the conclusion that is widely supported by all observers of our current prison situation. I should note Commissioner Marks during the hearings of the

Committee on Appropriations conducted a number of months ago indicated the facilities would be underfunded by about \$4 million if, in fact, the initial recommendation was the one that was ultimately made available. Commissioner Marks indicated a disagreement with the Governor's budget at that time showing \$1.6 million for expansion of inmate services and prison capacity stating, "For the most part this money will be used merely to maintain existing program levels. The additional expenditures being required to provide the same services to a growing population."

It was obviously in recognition of that opinion held by Commissioner Marks some months ago that the Secretary of the Budget now recognizes the need to be able to have additional funds available to meet the increasing prison population and the statistics there are really quite intriguing. We find the State correctional institutions throughout the system now, Mr. President, are at about ninety-five per cent of functional capacity. Next year without any additional mitigating factors, it is anticipated by the Bureau and the information supplied by Commissioner Marks that the population will be at least at ninety-eight per cent of capacity.

Mr. President, interestingly enough since the presentation of that budget information, we have already witnessed the two factors mentioned above with every indication the actions by the Legislature during this Session will be intended to, in fact, increase the population in our prisons. I do not think anyone for a moment can deny the realities of the need for this additional money to make our corrections system operate properly and to handle the obvious and inescapable prison population increase that is going to take place. To fail or to refuse to provide this money is, in fact, simply saying we are not concerned about the system of law enforcement and about the prison system in this Commonwealth. I do not think any of us can stand here and tell our people back home we are not prepared to do what is necessary to see that our prison capacity is there to handle the people who appropriately should be sentenced to those facilities.

With those items in mind, Mr. President, I would request an affirmative vote on this measure.

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

The yeas and nays were required by Senator O'PAKE and were as follows, viz:

YEAS—22

Andrezeski	Lincoln	Murray	Singel
Bodack	Lloyd	O'Pake	Smith
Early	Lynch	Reibman	Stapleton
Hankins	McKinney	Ross	Stout
Kelley	Mellow	Scanlon	Zemprelli
Lewis	Messinger		

NAYS—25

Bell	Hess	Manbeck	Shaffer
Corman	Holl	Moore	Snyder
Fisher	Howard	O'Connell	Stauffer
Gekas	Jubelirer	Pecora	Street
Greenleaf	Kusse	Price	Tilghman
Hager	Loeper	Rhoades	Wilt
Helfrick			

Less than a majority of the Senators having voted "aye," the question was determined in the negative.

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

Senator ZEMPRELLI. Mr. President, I have a dual request. I have an amendment to offer that I would like to have considered before I leave the floor.

Mr. President, I would also ask for legislative leave as I have a group of Legislators in my office that I had a previous appointment with and I would like to attend to that.

May I offer the amendment first, Mr. President?

The PRESIDING OFFICER (Richard A. Snyder) in the Chair.

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

ZEMPRELLI AMENDMENT II

Senator ZEMPRELLI, by unanimous consent, offered the following amendment:

Amend Sec. 201, page 29, by inserting between lines 9 and 10:

For payment toward the establishment of a monument to the veterans of the Vietnam War to be constructed in Washington, D.C..... 5,000

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

Senator ZEMPRELLI. Mr. President, this is a very meager appropriation of \$5,000 for a Vietnam memorial for the veterans of the Vietnam War to construct a memorial in Washington, D.C., as a combined effort with the other forty-nine States of the United States. It shows you how old I am, I thought we were dealing in time in the past somewhat anachronistically. I would suggest, Mr. President, the Vietnam veteran has been one who has felt, and quite justifiably so, that they have been somewhat not appreciated. The memorial would be one for all such veterans. It would carry the names of all those from the State of Pennsylvania who died in our country's service.

Mr. President, I think the significant thing to remember is although the war was a distasteful war for many people, those who served and those who died did so with honor and certainly in the best interests of the defense of this country and the principles of this country as they believed them to be.

Mr. President, I very much hope the Senate will join in this amendment and unanimously adopt it as being both a reasonable and a proper recognition of the Vietnam veteran in their place in that particular war.

POINT OF ORDER

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

The PRESIDING OFFICER. The gentleman from Allegheny, Senator Zemprelli, will state it.

Senator ZEMPRELLI. Mr. President, before taking the vote, I would also ask if the Chair would pass upon my request for a legislative leave?

Has the amendment been approved, Mr. President?

The PRESIDING OFFICER. No, the amendment has not been approved.

Senator ZEMPRELLI. Mr. President, I believe the Chair indicated, would the Chair agree to the amendment?

The PRESIDING OFFICER. No, the Chair asked will the Senate agree to the amendment and stopped there.

Senator ZEMPRELLI. Mr. President, as a point of order, would it not be important to dispose of that matter before considering the legislative leave?

The PRESIDING OFFICER. I thought the gentleman was interrupting the proceedings.

And the question recurring,

Will the Senate agree to the amendment?

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

YEAS—22

Andrezeski	Lincoln	Murray	Singel
Bodack	Lloyd	O'Pake	Smith
Early	Lynch	Reibman	Stapleton
Hankins	McKinney	Ross	Stout
Kelley	Mellow	Scanlon	Zemprelli
Lewis	Messinger		

NAYS—25

Bell	Hess	Manbeck	Shaffer
Corman	Holl	Moore	Snyder
Fisher	Howard	O'Connell	Stauffer
Gekas	Jubelirer	Pecora	Street
Greenleaf	Kusse	Price	Tilghman
Hager	Loeper	Rhoades	Wilt
Helfrick			

Less than a majority of the Senators having voted "aye," the question was determined in the negative.

And the question recurring,

Will the Senate agree to the bill on third consideration?

LEGISLATIVE LEAVE

Senator ZEMPRELLI. Mr. President, I would now renew my request for a legislative leave.

The PRESIDING OFFICER. The Chair hears no objection and the leave is granted.

And the question recurring,

Will the Senate agree to the bill on third consideration?

MELLOW AMENDMENT I

Senator MELLOW, by unanimous consent, offered the following amendment:

Amend Sec. 201, page 15, line 1, by striking out "7,000,000" and inserting: 16,000,000

On the question,

Will the Senate agree to the amendment?

Senator MELLOW. Mr. President, when we first received the proposal of the new budget by Governor Thornburgh, the

amount of money that was included in that budget for the line item dealing with appropriations for housing and redevelopment assistance grants was listed as \$16 million. When the gentleman from Montgomery, Senator Tilghman, reported the version of the budget of the gentleman from Montgomery, Senator Tilghman, to the floor, he reduced that line item by some \$9 million.

Mr. President, I am extremely concerned and a little bit upset about the reason for the reduction by \$9 million to the current line item of \$7 million and I am kind of surprised to learn the gentleman from Montgomery, Senator Tilghman, would do that in view of the fact that Governor Thornburgh did decide that line item should be \$16 million through the discussion he has had with his various regional offices and from discussion I am sure he has had with the governmental officials of our many municipalities that are in dire need of this money.

Mr. President, there is a tremendous amount of Federal dollars that are used in a matching basis for this particular money and I think it is extremely important if we here are interested in the revitalization of our many cities in this great Commonwealth of ours to restore that line item to the \$16 million as originally submitted by the Governor's Office.

Senator LEWIS. Mr. President, again notes from the Committee on Appropriations' inquiries with the Secretary of the Department of Community Affairs with respect to the requests that were made for funding for redevelopment assistance shed some interesting light on what the hope is for this Commonwealth in those particular program areas. We find that Secretary Dennis indicated to us that an additional \$9 million was being requested for the department's housing and redevelopment program because the funds would enable the department to carry out the Governor's commitment to place increased emphasis on community conservation. Secretary Dennis also pointed out, Mr. President, this program creates jobs in the construction industry and her experience was, it is shown, that for every dollar appropriated, \$6.00 is invested by the private sector for development. The Secretary of the Department of Community Affairs concluded by saying finally, "I want to stress that while an overall budgetary increase is being requested, the department's budget request could be triple and it still would not meet the demands of our local governments." Secretary Dennis noted that housing assistance is provided through these monies in urban, suburban and in rural areas throughout the Commonwealth of Pennsylvania. Since the Federal grant is the major source for housing subsidy funds, nearly all of the organizations that are assisted with this State money develop programs that are designed to secure basic subsidies for housing and urban development from the FHA or for the Department of Agriculture.

"Redevelopment..." Mr. President, according to the Secretary of Community Affairs, "...has been the State's primary tool for preserving and revitalizing Pennsylvania's residential and commercial neighborhoods. It has been effective in improving the tax base to generate revenues for essential community services while increasing housing opportunities

for low and moderate income families and improving the overall vitality of our communities." That is a quote from the Secretary of the Department of Community Affairs. She went on to note that they were requesting other monies for collateral projects but, in conclusion, noted that of the projects funded, twenty-three per cent were housing projects, twenty-five per cent were redevelopment projects and the remaining fifty-three per cent was applied to prevention and elimination of blight projects.

Mr. President, the arbitrary reduction of this \$9 million is going to virtually make it impossible for the department to meet those objectives which the Secretary so clearly indicated were vital to the programs of this Commonwealth.

Mr. President, with that in mind, I desire to interrogate the gentleman from Montgomery, Senator Tilghman.

The PRESIDING OFFICER. Will the gentleman from Montgomery, Senator Tilghman, permit himself to be interrogated?

Senator TILGHMAN. I will, Mr. President.

Senator LEWIS. Mr. President, would the gentleman advise us by what calculations he arrived at the reduction in the \$9 million originally proposed by the Governor for this need?

Senator TILGHMAN. Mr. President, I certainly will, I was going to remark on that.

Some of my colleagues, as we will note, are trying to get through these proceedings and I am not giving a lot of talks, but some of my colleagues have asked me to point out to the Members of the Senate in this fiscal year the Housing and Redevelopment Assistance Agency got \$16 million as of March 31st, and this comes out of a booklet that we all get called the "Status of Appropriations of the General Fund." As of March 31st, they had \$15,510,000. Indeed, they had only spent \$100,000. That is for this year.

Last year in the 1979-80 fiscal year, the appropriation was \$13,306,000, they ended the year with money in the bank to the tune of \$6,314,000. They did not even spend all of it that year.

In the prior year, 1978, they received a \$3,281,000 appropriation. Interesting that this appropriations jumped from \$3 million to \$15 million in two years and in that fiscal year, 1978, they did not spend \$1,756,000. They are not spending the money that they are getting. I do not think the taxpayers of Pennsylvania should be paying taxes to put it in some bank account for some agency that does not use it. I hope that answers the gentleman's question.

Senator LEWIS. Mr. President, the gentleman indicated as of some date, and it was my information the date was March 31, 1981, I think he used some date in April, an available amount of money, some \$15.5 million, had not yet been expended, is that correct?

Senator TILGHMAN. Yes, Mr. President.

Senator LEWIS. Is the gentleman aware that as of this very moment there are some \$14.5 million in contracts in various stages of completion which are expected to be fully signed and require the application of the balance of that money which he just indicated is still available?

Senator TILGHMAN. Mr. President, I would doubt that statement. On March 31st, the commitment showed \$100,000; the expenditures, \$390,000 for this year.

Senator LEWIS. Mr. President, I thank the gentleman and I will return in just a moment to continue the interrogation.

Senator TILGHMAN. Mr. President, I will wait while the gentleman finishes the telephone call, if the gentleman wants.

Senator LEWIS. Mr. President, since the gentleman says he doubts the information, let me point out for the gentleman's benefit and for the information of all of the Members precisely where this \$14.5 million in impending contracts is going.

There is one in Washington County to the Charleroi Community Block Development Corporation for \$300,000.

There is another one in Scranton for the Erie-Lackawanna Railroad terminal at \$750,000.

In Bucks County, the Morrisville Community Block Development Corporation has an application now for \$250,000.

In Philadelphia there are housing assistance programs that total more than \$1.7 million.

In Pittsburgh, the North Shore Project is currently on tap for \$2.136 million.

In Fayette County there is Uniontown Community Block Development Program proposed to be funded at \$200,000.

In Chester County we have a Rehab Development Program proposed to be funded at something slightly in excess of \$2 million.

In Schuylkill County we have the Pottsville Rehabilitation Program at \$175,000 and in Williamsport there is an Economic Development Program funded for \$250,000.

That is where those programs are, Mr. President. That is what the projects are that currently are in the process of being funded and will fully consume the \$16 million that was appropriated this year for the purposes described by the Secretary.

Where then are we going to find ourselves next year since it seems as if the gentleman's argument for the cut is in the fiscal year they are not going to spend the money they are getting?

Well, I hope this puts to rest once and for all and makes it very clear those funds are going to be spent and are currently in the process of being allocated as I mentioned.

Mr. President, where are we going to find ourselves next year? We are going to find ourselves in a situation where an agency that currently has more than \$51 million in requests and applications for this funding from communities all over the Commonwealth of Pennsylvania is going to be cut by \$9 million because of an erroneous conclusion with regard to the economic circumstances existing in this present year. The tragedy does not stop there, Mr. President, because the administrative portions of this section of the Department of Community Affairs are paid at the rate of two per cent of the block grant that is allocated, which means we would find this department having to cut back from twelve to five positions that are currently being used to try to handle these programs for communities in Pennsylvania. Seven more people are going to have to be furloughed because of the two per cent direct administrative link that exists between the line items and the operations of that department.

Mr. President, I do not think that any of us concerned about our communities, concerned about the rehabilitation of our cities, concerned about the low and moderate income people who are benefiting from these programs can stand by and just whack out \$9 million from a program requested by the Governor, especially in light of the very beneficial application to which these funds are currently being applied.

Mr. President, for that reason I would request all of the Members to cast an affirmative vote to maintain this program that was projected and called for by the Governor and the Administration. Keep in mind the cuts were not his, that the Governor's Secretary and Cabinet people not only believe these are appropriate but have defended these appropriations as I mentioned them to you. The cut has come over here in conjunction with another funding matter for an alternative program which was seen by some to be more important than these very intimate and vital projects for our communities throughout Pennsylvania.

Mr. President, I would request an affirmative vote.

Senator STREET. Mr. President, I would just like to respond to the remarks of the gentleman from Bucks, Senator Lewis, because they are so distorted that I think they need some clarity.

Out of the money that was left in 1979, that money is earmarked for Philadelphia and Pittsburgh. It is by law, forty per cent, twenty for Pittsburgh and twenty for Philadelphia of the Housing Assistance Grants which goes to the cities of the first and second class. It is only because those cities failed to draw down on that money, so maybe what we need to do, Mr. President, is transfer the monies and change the law from Pittsburgh and Philadelphia since they seem to have the inability to spend the money and we will be able to put the money in an area where it can be used. But the gentleman knows for a fact, as well as I do, in 1979 there was \$3 million that was to have gone to Philadelphia and Pittsburgh and they never drew down on it.

Also, Mr. President, we cannot on the floor of this Senate deal with proposed applications. Applications are not commitments. The gentleman knows that as well as I do. Out of the money for 1980, there is close to \$6 million that was allocated for Pittsburgh and Philadelphia and they failed to draw down on it. Maybe we should offer an amendment to transfer that money from Philadelphia and Pittsburgh so that the money can be spent.

The PRESIDENT (Lieutenant Governor William W. Scranton III) in the Chair.

Senator MELLOW. Mr. President, I desire to interrogate the gentleman from Philadelphia, Senator Street.

The PRESIDENT. Will the gentleman from Philadelphia, Senator Street, permit himself to be interrogated?

Senator STREET. I will, Mr. President.

Senator MELLOW. Mr. President, the gentleman from Philadelphia, Senator Street, did indicate to us that he felt legislation, and please clarify if I am wrong, should be introduced so that communities other than the City of Philadelphia and the City of Pittsburgh should take advantage of monies that are made available. Mr. President, am I correct in that?

Senator STREET. Mr. President, I said maybe we should transfer that money that was left over for Philadelphia and Pittsburgh to balance off or replace the money that we are trying to replace in this budget.

Senator MELLOW. Mr. President, could the gentleman indicate to us if a proposal were made on the floor of this Senate where this money would be used for cities other than the City of Philadelphia and the City of Pittsburgh, would the gentleman then view that favorably?

Senator STREET. Mr. President, would I view the money being transferred from Philadelphia and Pittsburgh favorably? No, Mr. President.

Senator MELLOW. Mr. President, I said if there was a proposal made in this Senate where the money then would be utilized in cities other than Philadelphia and Pittsburgh, would the gentleman then view that favorably?

Senator STREET. It would depend on who made the proposal.

Senator LEWIS. Mr. President, let me point out for the benefit of the gentleman from Philadelphia, Senator Street, the twenty per cent figure the gentleman is talking about is not a guarantee and it is not an allocation of funds to Philadelphia and Pittsburgh. It simply stands as a maximum, as a cap on the total amount that may possibly be allocated for the use in either of those two municipalities.

Mr. President, I might also say, if the gentleman believes there is something wrong with the processing of the applications, that I would join the gentleman in trying to find a way to speed up that process in the Department of Community Affairs. I would have to disagree with the gentleman, Mr. President. I do not think that is what the problem is at all. Certainly the Secretary of that department does not believe that is where the problem is, either.

Mr. President, for the gentleman's benefit, I am going to come back and reread the statement I read before in case the gentleman did not hear it. This is from the Secretary of the Department of Community Affairs when she was testifying before this committee, when she was justifying the request for the full \$16 million that the Governor had allocated in his budget for this purpose. She said, "Redevelopment has been the State's primary tool for preserving and revitalizing Pennsylvania's residential and commercial neighborhoods. It has been quite effective in improving the tax base that generates revenues for essential community services which increases housing opportunities for low and moderate income families and improving the overall vitality of a community." So, if we happen to think that a particular project someplace has not been handled in a way that we believe it should have been, then let us do something about that, but I want to repeat and remind this Body that the Secretary of this department is very strongly and vigorously in favor of these programs and believes that they have been doing the good they were intended to do. Unless we think this is designed only to cover Philadelphia and Pittsburgh, let me just review very quickly some of the items that are currently outstanding to be funded and which will be funded and approved from the remaining \$15 million that we have talked about for this year. It covers communities all over this Commonwealth, Mr. President.

In Indiana County, Saltsburg; in Greene County, Waynesburg; in small cities, in Clymer Borough, in Turtle Creek through their cog, in Kittanning Borough, in Armstrong, we find the Steel Valley cog, in Williamsport, in Somerset County, in the City of York, in the City of Clinton, in Lancaster, a number of projects, additional projects in York, Harrisburg and in Columbia County, in Hooversville Borough, a long way from the City of Philadelphia.

Mr. President, I might point out a number of them as well up in the northeast in Scranton, in the Luzerne County areas and, yes, Mr. President, there are some in Philadelphia, but the programs are being spread out across the width and breadth of this Commonwealth and are very meaningful to all of our people and will not be continued if, in fact, this \$9 million cut, some sixty per cent of the funds that were requested and approved by the Governor, is allowed to stand.

Senator KELLEY. Mr. President, at the expense of making myself more unpopular, I ask for a slow roll call since there are so few people on the floor.

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

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

YEAS—21

Andrezeski	Lincoln	Murray	Singel
Bodack	Lloyd	O'Pake	Smith
Early	Lynch	Reibman	Stapleton
Hankins	Mellow	Ross	Stout
Kelley	Messinger	Scanlon	Zemprelli
Lewis			

NAYS—25

Bell	Hess	Manbeck	Shaffer
Corman	Holl	Moore	Snyder
Fisher	Howard	O'Connell	Stauffer
Gekas	Jubelirer	Pecora	Street
Greenleaf	Kusse	Price	Tilghman
Hager	Loeper	Rhoades	Wilt
Helfrick			

Less than a majority of the Senators having voted "aye," the question was determined in the negative.

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

MELLOW AMENDMENT II

Senator MELLOW, by unanimous consent, offered the following amendment:

Amend Sec. 201, page 15, line 1, by striking out "7,000,000" and inserting: 10,359,950

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

Senator MELLOW. Mr. President, basically, this amendment is a follow-up on the previous amendment that I had introduced that was defeated on party lines with one exception. Instead of it raising the total amount of money to the amount that was originally requested by the Governor of \$16 million, it raises it to a total amount of money of \$10,359,950.

Mr. President, last year during our national election both of our candidates for the office of President of the United States at that time, President Jimmy Carter and candidate Ronald Reagan, both campaigned throughout the entire length and breadth of this country of ours talking about what must be done to revitalize the downtown areas. It was a campaign that was widely received by a number of our people. It was a campaign that was followed very, very closely by those who were running for a public office either at the State level or in various General Assembly seats throughout the entire Commonwealth, indeed, and I think, Mr. President, throughout every State that has a problem with its downtown area.

Mr. President, I do not think there is any question in my mind if we are to make absolutely certain that the economy of our State is a very strong, sound economy, then we must do everything that we possibly can, Mr. President, to revitalize the downtown areas of our cities throughout this great Commonwealth of ours, whether those cities be in the northeastern part of the State, which I represent, or in any other part of the State, and whether the city be a very small city of somewhere around 10,000 people, or the extremely large metropolitan areas of the City of Philadelphia and the City of Pittsburgh.

Mr. President, by looking at the 1970 census versus our 1980 census, we have found that in these particular areas, our major urban areas, there were many cases where we have had a drastic decline in population. Mr. President, I can tell you in the City of Scranton that I represent, and which bears the name of your family, that we have lost approximately 17,000 citizens. They have moved out of the City of Scranton over the last ten years. Declining tax base, tremendous deterioration in our downtown areas, and many problems that have besieged our areas have caused tremendous problems, Mr. President.

Mr. President, those of us who have been interested in trying to revitalize our downtown areas have been looking at the State government and the Federal government to see just what, indeed, can be done to try to pick us up just a bit. Mr. President, this line item we are talking about, the line item dealing with housing and redevelopment assistance, is one that has greatly affected the revitalization of our downtown areas.

In the discussion of our last amendment, we heard of the statistics and the figures that were recited by the gentleman from Bucks, Senator Lewis, with regard to this proposal. Mr. President, I want to give you an idea of what will take place in Region 2, which basically represents the northeastern part of the State if we, in fact, do not add this money back into the budget.

Mr. President, there are four projects up there that have been considered top priority projects with basic approval by the Department of Community Affairs. Three of those projects, Mr. President, lie in downtown Scranton, one of them lies in the Borough of Dunmore, all located in Lackawanna County. Mr. President, the first project is a housing rehabilitation project on the priority list for

\$150,000. Mr. President, the second two projects are the projects of most importance. The first one deals with the revitalization of the old Erie-Lackawanna Railroad Station. The amount of money to include Federal funds in that particular project is \$750,000, three-quarters of a million dollars to try and revitalize a railroad station that has been vacant now for close to twenty years. The third project, Mr. President, and probably the project in the City of Scranton which is of utmost importance is the establishment of a Galleria, the same type of Galleria that we know exists in the City of Philadelphia and in the City of Pittsburgh.

Mr. President, last October we had a major department store that was located in downtown Scranton announce that it was closing its doors. They did not give the people or governing fathers in the City of Scranton any time to try to persuade these people not to close their store, but made an announcement late in the afternoon at the close of business on that particular day, that no longer would this department store be opened. Mr. President, after a lot of work by the regional office of the Department of Community Affairs, and by the elected officials of the City of Scranton and the legislative delegation, there has been a package put together, Mr. President, to develop a Galleria. The funding of this Galleria in part was going to come from the amount of money that the gentleman from Montgomery, Senator Tilghman, has just cut out of this budget, \$300,000 worth.

Mr. President, there is another project for the Borough of Dunmore. This project has in part already been funded. The first part of the project for fiscal years 1980 and 1981 has been funded to the tune of \$112,500. Mr. President, the money to be used in the revitalization of this community is to be used for off-street parking and is to be used for the revitalization of the curbing and the sidewalks in the downtown borough area.

Mr. President, 1981-1982 applications and 1982-1983 applications have already received a top priority funding on behalf of the Department of Community Affairs. If this money is not reinstated, those particular projects, Mr. President, will have been scratched.

Mr. President, what I am trying to tell you is if we ignore downtown areas such as we have in the City of Scranton, we are dealing a devastating blow on what the effect is going to be for the revitalization of these particular communities.

Mr. President, I have to think what will happen, what will the repercussions be of our people next year at this time when they realize what steps have been taken? What will our people try to do when they realize that it is too late, when they will realize the developer for the railroad station without having the \$750,000 grant, Federal and State, when he comes in and says, "I am sorry, financially it is impossible?"

Mr. President, what is going to happen with the downtown city when we find out that the developer for the Galleria—the department store has been closed now for the better part of seven months—when he realizes that this \$300,000 which was going to be made available for rehabilitation for downtown Scranton, is no longer going to be available? Are they then going to come in and say, "Yes, we will continue to go ahead with the plan as we have developed?"

Mr. President, this problem is not unique to the City of Scranton. I think if we will take the city, any city in this great Commonwealth of a like size, they have like problems. Mr. President, we cannot afford to have this money not included in the budget.

Mr. President, as an individual who has had an opportunity of going through this charade for the past eleven years, I find it extremely difficult knowing that basically the Members who are present in the Senate today, that is just about each and every one of us, share these same concerns. I find it very difficult to hear some of the statements that I have heard here today, Mr. President, and I also find it extremely alarming to know it appears that the Republican Party in this Senate has invoked some type of a unit rule within their caucus because regardless of the importance of the project, regardless of what area it may affect, regardless of what political boundaries it may cross, Mr. President, we cannot receive one vote from the other side of the aisle with regard to some worthwhile projects, especially in view of the fact, that the Governor of this great Commonwealth, the man who leads the party that they represent, has indicated he feels that this line item in the budget should be \$16 million and not the \$7 million it has been advanced by the gentleman from Montgomery, Senator Tilghman.

Mr. President, I have to ask myself this question and very possibly someone on the other side may give me a very cynical answer, but I believe the question has got to be asked, what would happen in these particular cases if the money, if the matching funds, if the areas to be revitalized, who are not represented by a Democrat in this Senate but indeed were represented by a Republican, would this, Mr. President, have been an amendment that would have been agreed to yesterday by the Majority Party of this Senate?

Mr. President, it is extremely difficult to understand, with you, who I have the utmost respect for, and whose city bears your name, how they could not see fit to go ahead and make available this money so that we can go ahead and we can revitalize an area that has been on the decline for the last several years.

Mr. President, this is an extremely important amendment to revitalize downtown Scranton and every other city of this great Commonwealth, and I ask for an affirmative vote.

And the question recurring,

Will the Senate agree to the amendment?

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

YEAS—21

Andrezeski	Lincoln	Murray	Singel
Bodack	Lloyd	O'Pake	Smith
Early	Lynch	Reibman	Stapleton
Hankins	Mellow	Ross	Stout
Kelley	Messinger	Scanlon	Zemprelli
Lewis			

NAYS—25

Bell	Hess	Manbeck	Shaffer
Corman	Holl	Moore	Snyder
Fisher	Howard	O'Connell	Stauffer
Gekas	Jubelirer	Pecora	Street
Greenleaf	Kusse	Price	Tilghman

Hager Loeper Rhoades Wilt
Helfrick

Less than a majority of the Senators having voted "aye," the question was determined in the negative.

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

STAPLETON AMENDMENTS I

Senator STAPLETON, by unanimous consent, offered the following amendments:

Amend Sec. 201, page 11, line 23, by striking out "\$15,479,000" and inserting: \$14,509,000

Amend Sec. 201, page 11, by inserting between lines 26 and 27:
For Dog Law enforcement.....1,770,000

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

Senator STAPLETON. Mr. President, this is a line item. The Governor proposed cutting the Department of Agriculture's budget for Dog Law enforcement by \$800,000. This would reinsert that \$800,000. In 1980 and 1981, Mr. President, \$1,770,000 was available for Dog Law enforcement throughout the Commonwealth. In the present budget, only \$970,000 is contained in the 1981-82 budget.

The Administration's idea is to turn many of the Dog Law enforcement responsibilities over to local governments. In order to accomplish this transition of the Dog Law Act of 1965, we need to amend it. So far, the Administration has not had a bill introduced that would make the necessary changes. Until such time as the Legislature has an opportunity to study and act upon such changes, I certainly feel the Department of Agriculture should be adequately funded to carry out its present Dog Law responsibility.

The actual cost of the Dog Law enforcement program to the General Fund is only around \$400,000 per year. Since \$1.3 million is collected annually from the sale of dog licenses, these amendments would restore that \$800,000 to the Department of Agriculture's budget to be used for the Dog Law enforcement. I only want to remind all of the Members here, Mr. President, we will take upon ourselves a very major change in the Dog Law Act of 1965 and believe me, this is a major change because we are transferring the Dog Law enforcement responsibilities back to local governments and I do not believe local government at this time needs this additional burden.

Senator LEWIS. Mr. President, I have now on a number of occasions and will on a number of additional occasions throughout the afternoon make reference to the various hearings of the Committee on Appropriations. Just so none of my colleagues are misled into believing it was all so deadly serious that there was no sense of humor whatsoever, I want to share with you the preamble to a discussion with Secretary Hollowell which I will continue with with respect to the proposed elimination of this Dog Law enforcement program.

Mr. President, I asked the Secretary, "Let me go back and talk about the dog program. I assume that is a relatively unpleasant area for you to have to discuss."

His answer was, "I am really an avid dog lover."

My question, "Is it fair to say you are really not in agreement with the Administration's proposal?"

The Secretary's answer was, "No, that is not at all true. I am totally a part of the Administration's."

I asked, "You do have some very good candid discussions as we developed the Administration's proposal?"

His answer, "Once that's established, we make a contribution without question."

"Oh," I said, "I understand it's your obligation to carry it out, but that doesn't mean you have to be so happy about doing it."

The Secretary's answer was, "I find I sleep better if I stay in line."

From there we went on, Mr. President, to try to get into some of the substance of this Dog Law enforcement program's proposed elimination.

I asked the Secretary, "Well, I've got before me some of the testimony that your office provided in program analysis for this Dog Law enforcement program for the Office of Budget and Management and some of the statements, one of them an immediate result of repeal of this program, would be a total lack of dog control and enforcement services in rural areas. Anything changed with regard to that?"

The Secretary asked me if I would repeat that.

I said, "Sure." What is an immediate result of the elimination of this program?

He said, "Who said that..." those problems were going to develop? "I am not sure I understand."

Mr. President, I then explained to him what I was reading from was a program analysis, a revision request for the Dog Law enforcement program as presented to the Governor's Office. That happens to be a request presented and prepared by the Department of Agriculture in support of their request to keep or to maintain various programs.

The Secretary's response was, "I think that was a part of a rather comprehensive report that you take excerpts out of. I am not sure it is a fair way to..."

I then said, "Let me not just take a single excerpt or two, let me read to you another statement."

I then began a quote from the Department's program revision request. It reads as follows:

"Municipal governments often do not have the expertise or the will to develop the fund for the Dog Law Enforcement Control Program. Usually without a sufficient tax base, rural areas would not be able to hire control officers to catch dogs, or return lost or stray dogs to their owners. Repeal of the Dog Law of 1965 will also result in the discontinuation of shelter subsidy grants, or reimbursement for the human disposal of dogs, statewide educational program and responsibilities of dog ownership and licensing regulations, enforcement and inspection, regulation of the sale and transportation of dogs."

Mr. President, I am continuing to quote from the Department's own presentation to the Governor.

"Most importantly, repeal of Act 437 would end a statewide system of dog licensing that serves to identify dog

owners and defines the licensed dog as the property of its owner. Repeal of the present statutory authority is not being answered to reduction of the Pennsylvania's dog related problems." Those are the quotes, Mr. President, from the Department's own statement to the Governor.

"Then as a final matter, statement is 'the repeal of Act 437 would create a void of regulatory legislation for dog control and enforcement in the Commonwealth. As Pennsylvania's canine population is so large and unevenly distributed, logic dictates the current societal problems associated with dog ownership would remain after the Commonwealth's involvement has ended.'"

With that in mind, Mr. President, I then asked the Secretary what logic dictates all of the statements that previously were made so strongly in support of that program can now give us any reason to believe the abolition of the program makes any sense?

His response was, "I think what that says is the abolition does not make sense unless we replace it with something better."

Mr. President, there is no replacement. There is nothing better. What we are looking at again is merely another proposal to throw the costs of the operation of a needed program back onto our county governments. Interestingly enough, we find an anomaly here that on the one hand there is a proposal to abolish a program that cost \$1.7 million last year, but in so doing, they are only talking about a reduction in the amount authorized for the program by \$800,000. Let me say that another way because I think it is very important. Although the Governor proposes the abolition of the Dog Law enforcement program, he is nevertheless providing \$900,000 in funding for a program that will not exist.

Mr. President, I do not understand that kind of budgetary logic. If the program is going to be eliminated, and I certainly hope it would not, then it should be eliminated and we should cut the entire \$1.7 million. I think the most important situation is that this is a program that has been important primarily to our rural counties although there has been a contribution to all of the counties in this Commonwealth. We are talking about an \$800,000 expenditure that has been mandated by law and I might point out there is nothing in this budget document that eliminates that mandate in the law to provide the services.

Again, Mr. President, we find this Administration suggesting we ignore the law that has been developed by this General Assembly and signed by prior Chief Executives and instead simply not provide the money to carry out the programs that we are obligated to do. I think it is about time we stop that kind of chicanery and that we meet the obligations as they exist under the law. If we are going to say we do not want to handle them, then change the law first, but do not try to use the back door to accomplish something this General Assembly has refused to approve on the straight and direct method.

For that reason, Mr. President, I would ask an affirmative vote on this bill.

Senator KELLEY. Mr. President, it appears to me the issue of these amendments is to test the wisdom of the gentleman

from Lehigh, Senator Messinger, because if all of us will recall several months ago when we were involved in the difficult strains of confirmation of Judge Wilkinson for the Supreme Court, the wisdom espoused by the gentleman from Lehigh, Senator Messinger, was that the people really did not care about the confirmation of judges, but the people were more concerned about dogs. We are going to test the wisdom of the gentleman from Lehigh, Senator Messinger, and I urge all my colleagues to verify the wisdom of the gentleman and vote in the affirmative.

And the question recurring,

Will the Senate agree to the amendments?

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

YEAS—21

Andrezski	Lincoln	Murray	Singel
Bodack	Lloyd	O'Pake	Smith
Early	Lynch	Reibman	Stapleton
Hankins	Mellow	Ross	Stout
Kelley	Messinger	Scanlon	Zemprelli
Lewis			

NAYS—25

Bell	Hess	Manbeck	Shaffer
Corman	Holl	Moore	Snyder
Fisher	Howard	O'Connell	Stauffer
Gekas	Jubelirer	Pecora	Street
Greenleaf	Kusse	Price	Tilghman
Hager	Loeper	Rhoades	Wilt
Helfrick			

Less than a majority of the Senators having voted "aye," the question was determined in the negative.

And the question recurring,

Will the Senate agree to the bill on third consideration?

LEWIS AMENDMENT III

Senator LEWIS, by unanimous consent, offered the following amendment:

Amend Sec. 201, page 32, lines 22 through 28 by striking out all of said lines

On the question,

Will the Senate agree to the amendment?

Senator LEWIS. Mr. President, what I would like to do is to shift gears just a little bit. In some of the preliminary remarks, I had indicated that we had something in the neighborhood of about \$95 million worth of funds that we thought were available from a variety of sources. Some of them, including the elimination of items which are presently included within the budget document and this is one of them.

What we are talking about now, Mr. President, is a matter of a cut from the present budget document as opposed to the previous amendment which was an addition to various spending categories. This one, Mr. President, happens to be one of the most intriguing little things that we discovered, and I might say accidentally, during the course of all the budget deliberations in the last four or five months. Simply stated, what it is is a very clear double dip by the front office to

attempt to fund twice for the needs that will only be paid on one occasion and by so doing generate some \$16.5 million that are available for use in whatever fashion people hope to apply the money and will not be needed for the purposes originally indicated by the Budget Department.

Mr. President, let me review generally for you what this is all about. It is a very complicated scheme but we did finally get to the bottom of it with some questioning of Mr. Bittenbender during the time we were dealing with some of the people from the Retirement Board. The scenario, as best we can put it together, Mr. President, is that in the early part of the fall of last year when the Office of Budget and Administration gave the directives to the various departments for the guidelines for computing the employee benefit portions of their budget requests, they directed these people allocate employee benefits at the rate of thirty-six per cent. The previous year the employee benefit ratio had been a 34.5 per cent. The question then naturally arises, why is there a 1.5 per cent increase in employee benefits? What we found out was at that time the department decided they were going to fund a \$26 million item paid from the Pennsylvania Retirement Board on account of benefits for retired employees by, in fact, allocating those costs to each one of the departments and the special funds from which employees are hired, the idea being to allocate the expenses rather than putting up a lump sum amount in the budget as had been done in the past.

Mr. President, somewhere along the line the department decided that just was not a workable procedure to the full extent that they had initially intended to implement it. They did reach the conclusion, however, that they could appropriately administer the program by applying the contribution obligations to Federally funded projects and the special funds, such as the Fish and Game Commission, the Milk Marketing Board and so forth. They eliminated the idea of also applying the contribution rates to each of the general government areas within the State budget. By so doing, the Office of Budget and Administration decided to include a \$16 million item, \$16.587 million to be exact, in the budget, rather than the \$26 million item that was necessary to fully fund the item. However, what the Office of Budget and Administration failed to do, Mr. President, was to tell any of the secretaries or the budget analysts or the fiscal managers of the various departments that they now only needed to calculate their benefit rate at 34.5 per cent instead of thirty-six per cent. In fact, all of the calculations had been done, all of them were in, and when we heard the talk about tightening our belts and doing more with less, what we found was that each and every one of these department secretaries believed that they were being assessed from the general government monies that were allocated to them at an employee benefit rate of thirty-six per cent.

Mr. President, to show you how confused and surprised some of them were, let me briefly review for you the questioning on this area with Secretary Baran from the Department of General Services.

I asked him, "Mr. Secretary, back in the fall, when you prepared your budget document request for the Governor's

Office, you were instructed to use an employee benefit figure of 36%. Do you recall that?"

His answer, "Yes."

I asked, "Did you use the thirty-six per cent figure when you were calculating?"

He interrupted me and said, "Yes."

I asked, "Have you since that time been given any instructions by OBA with regard to any change in that 36% figure?"

Now keep in mind, Mr. President, I am talking about the hearings of the Committee on Appropriations that were held in February, and I believe into early March of this year.

The Secretary said, I would like to ask Mr. Elgin, our fiscal management person, to respond to that question. He did not know the answer.

Mr. Elgin then replied, "I'm Bill Elgin, Fiscal Management. No, we have not, sir."

My question again to reemphasize it, "No you have not?"

He answered, "No, sir."

My question, "So then, it would come as a surprise to you to learn that, in fact, the Office of the Budget is now using the 34.5% figure?"

His response, "Nothing surprises me anymore, sir."

My question, "I appreciate your candor."

His answer, "It would mean that we would probably have approximately \$360,000 more dollars available to take care of our Department for next year, sir."

Mr. President, that is the scenario in department after department, after department, that came before us when I asked these people whether they had been given any reason or any information or asked to do any recalculations from the original thirty-six per cent back to the 34.5 per cent that the department was now using.

Interestingly enough, and the answer by the way from all of them consistently was, no, we have not.

The scenario then went full circle when at a subsequent meeting of the Committee on Appropriations, involving the State employees retirement system, I questioned, you will recall in my preliminary comments I mentioned to you that it is the responsibility of the State employees retirement system to, in fact, pay this \$26 million obligation which was now being funded at \$16 million? I got into the questioning of State employees retirement representative Robert Cusma and began to ask him about this entire matter, gave him some background on it and asked him whether he was familiar with all of these scenarios.

His answer was, "I do not know where you got that information, but let me try to explain. The actual benefit factor that will be used for the next fiscal year will be developed about June—between June and July—..." In fact, Mr. President, I apologize, this is testimony now that is coming from Mr. Bittenbender, one of the Budget Office people, Mr. Cusma had become thoroughly confused. He indicated that he did not know anything about this project; that all they were doing was handling the numbers that were given to them by the Office of Budget and Administration and, in fact, he noted that Mr. Bittenbender was sitting in the audience that day and finally out of desperation he asked that the chairman

recognize Mr. Bittenbender for the point of giving an explanation and the gentleman from Montgomery, Senator Tilghman, did that.

It is now Mr. Bittenbender who is providing this answer when he says, "Let me try to explain. The actual benefit factor that will be used for next fiscal year will be developed about June—between June and July—as we begin the rebudgeting process, after the appropriations are enacted. Before—a year earlier—approximately August of the preceding year, August of '80 in this case, when we developed the budget instructions, we made an estimate of what the benefit factor will be. We have tried to be slightly on the high side, at that point in time, so that we don't have agencies submitting budget requests that would be underfunded in the benefit area."

Mr. Bittenbender then proceeded to explain that, "In August of 1980, we estimated that benefit factor would be up to 36%, and that's the factor we instructed agencies to use in making their budget requests. We recalculated, or reestimated, that factor in December, when our office made its analysis of the budget requests. At that point in time, we adjusted it downwards, for our purposes, to 34.5%. That is the percentage we are now estimating for General Fund agencies..."

I point that out in light of the testimony that I just read before, given by Secretary Baran some number of months after the department claims that they readjusted their estimate downwards and that Secretary and his fiscal management people telling us very clearly that they had no idea about what we were talking and that, in fact, if that is what occurred, they were going to have hundreds of thousands of dollars in additional funds available to use that they had not expected to have.

Mr. President, I continued to talk to Mr. Bittenbender then about what all of this meant in terms of the various departments. I asked him, "So, to the extent that every one of the governmental Departments and agencies funded from the General Fund submitted their budget documents before December—and I believe they all did—they were all factoring at an erroneous rate for employee benefits?"

Mr. Bittenbender's response, "That's correct."

Mr. President, what we have got, I believe, is an unintentional but classic double dip, a situation in which the departments never expected to have the money and for administrative purposes the Office of Budget and Administration has now subsequently included an item of \$16.587 million in the budget to pay for an item that had already been allocated by all of the departments. The money is there to meet the obligation as it had originally been intended and projected by the departments when they made their budget requests. To reinstate this money again is going to do nothing except provide the equivalent of a slush fund to use dollars in a manner that nobody had ever initially anticipated and that is not set forth in any of the budget documents for our review in trying to decide whether those monies are necessary or appropriate.

Mr. President, it seems to me the way to handle the situation is to eliminate that \$16.5 million appropriation to the Retirement Board as the department itself initially intended to do and then to use those monies in some fashion that are going to benefit all of the people of Pennsylvania instead of just providing additional employee opportunities for the respective departments.

Mr. President, I would request an affirmative vote on this amendment.

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

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

YEAS—21

Andrezeski	Lincoln	Murray	Singel
Bodack	Lloyd	O'Pake	Smith
Early	Lynch	Reibman	Stapleton
Hankins	Mellow	Ross	Stout
Kelley	Messinger	Scanlon	Zemprelli
Lewis			

NAYS—25

Bell	Hess	Manbeck	Shaffer
Corman	Holl	Moore	Snyder
Fisher	Howard	O'Connell	Stauffer
Gekas	Jubelirer	Pecora	Street
Greenleaf	Kusse	Price	Tilghman
Hager	Loeper	Rhoades	Wilt
Helfrick			

Less than a majority of the Senators having voted "aye," the question was determined in the negative.

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

LINCOLN AMENDMENT I

Senator LINCOLN, by unanimous consent, offered the following amendment:

Amend Sec. 201, page 19, line 24, by striking out "1,544,000,000" and inserting: 1,604,300,000

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

Senator LINCOLN. Mr. President, the amendment I am offering is a very simple amendment. It merely changes the line item, Section 201, page 19, line 24 by striking out \$1,544,000,000 and would add \$60,300,000 to that amount and make it \$1,604,300,000.

Mr. President, even though it is very simple in the technical aspects, I consider this amendment probably the most vital that we are going to deal with and it will have the most far-reaching effects on the constituency that each and every Senator in this room represents. We had a very serious problem in the last two years when this Administration allowed the percentage of funding for basic education instructional cost to go from a forty-six per cent level in 1979-80 to 43.1 in 1980-81, and with the proposed budget from the Governor and the dollar amounts included in House Bill No. 712, that State percentage of funding would fall to forty-one per cent.

Mr. President, we go back to 1977 and 1978 for a little bit of historical data on the subject. The level then was 46.4. It went to 46.7 in 1977-78; 45.2 in 1978-79; back to forty-six per cent in 1979-80; down to 43.1 in 1980-81; and this year's budget would allow that percentage to fall to forty-one per cent.

Mr. President, the ramifications and the effect of allowing this to happen are going to be felt by everyone that owns a piece of property in Pennsylvania. It is incredible to me that a Governor promising that one of his major issues in his campaign was how important public education was and how committed he was to bringing the percentage figure to fifty per cent, which has been generally accepted as a mandate that the State should hold up to, in just two and a half years has allowed that percentage and endorses a budget that would allow that percentage to drop down to forty-one per cent. I probably will not have to remind most of the Members what happens whenever we in the State fail to fulfill our obligation to fund education at a level that we should. Just in the past few days I have had a random sampling done of 150 school districts in Pennsylvania of the 505. The business agents in these school districts were contacted and we asked the question as to what their current budget deliberations were going to produce for next year's school budget. 75.7 per cent of those 150 schools that were contacted have increased taxes and will be increasing taxes for the upcoming year.

For just a little bit of a sampling of that we go to Lycoming County, where our President pro tempore is from, East Lycoming School District will have a ten mill increase which will take their millage to twenty-five. This is a forty per cent increase over last year's funding. Going throughout Lycoming County, the increases go from twenty-three per cent, 23.8, 19.4, 15.8 and 10.8 in Tioga County which is part of that district. It is not something which is peculiar to one part of the State. In the central region and the eastern region the percentages read somewhat the same as well as the northwestern region and the northeastern region. One particular area is really interesting to me because quite a few of the representatives in the Senate come from that area. In Chester County, out of the 110, there were thirteen school districts contacted and they have an average of nine per cent in increases in school property taxes.

In Delaware County, it is 9.3, 16.9, 10.1, 6.3, 9.9, 14.7, 13.7, 9.3, 11.1, 13.8. It is an incredible thing about these tremendous tax increases in Chester and Delaware Counties, in the school districts we contacted. I will read the list of the amount of millage these school districts are already paying: 182 mills in Haverford; Interboro, 206 mills; Marple-Newton, 159; Penn-Delco, 224; Radnor, 173.5; Ridley, 191; and on and on and on.

Mr. President, some of the people who have been voting consistently "no" on a partisan basis, the same people who have been voting in that pattern for the many hours we have been here today I hope will listen to what I am telling them about what is happening to their school districts because the effect of limiting the increase in subsidy monies to \$50 million is going to affect their school districts just as badly as it is going to affect mine.

Mr. President, I have a listing of some newspaper stories that have been carried around the State. I held the one up last night. It really is not very funny if you live in a district and it has a headline in your local newspaper like that that says, "School Tax Hike Fifteen Mills." That is serious. It is serious because not only are we jeopardizing the homes owned by people, working men and women and elderly citizens in the district, but we also have another item that goes hand in hand with those high property taxes.

Mr. President, in this particular district, McKeesport, in Allegheny County, where they are already increasing their millage fifteen mills they also laid off twenty-nine teachers. Not only are we seeing tremendous increases in property taxes, we are also seeing a dangerous precedent being set with programs being cut and the quality of education possibly being hindered.

Mr. President, that same pattern follows throughout the State. Girard School District in Erie County, 27 mill hike. There is a very interesting thing we have been witnessing in the west. The Wilkesburg School District has opted to lay off fifty-one teachers out of a school district the size of Wilkesburg is damaging to the quality of education. Derry in Westmoreland has a 9.7 mill hike. Bald Eagle up in the north central part, or wherever it is, or in the central part of the State, have a tentative budget. They have eliminated 11.5 teachers, which is a little hard for me to understand, and they have a six mill increase in property taxes.

The West Shore in this area has a nine mill increase. Manheim Township, which I think is in Lancaster County has a six mill increase. In Moon Township in Allegheny, they have laid off thirty more teachers. Cumberland Valley which is in this area, the Harrisburg area, has a six mill increase. Reading has a six mill increase. Just on and on.

Mr. President, if the Members look through what I have compiled and read the stories, it becomes a little scary. Let me tell you why, Mr. President. If we check over the years, the off year or the off-election year for the Members of the General Assembly is generally when increases in spending for education have been the highest. The following year when everybody runs and everybody is really concerned about their image and they do not want to be the big spender or they do not want to be the guy voting for taxes or whatever it may be, that is next year again. If we underfund education the way we have and not only underfund it but seriously underfund it, next year it is going to be worse. These tax increases we are talking about right now are going to also be filled—the same stories next year are going to be filled with a school district which is on the brink of disaster. They are going to be distressed.

Mr. President, we have approximately 100 school districts in Pennsylvania right now, almost one-fifth, that are in serious economic trouble. I cannot conceive of anything that could possibly stop a responsible legislator from voting for this amendment. In my logical approach to things, I guess, I sometimes forget that other things play a part in how people vote besides whether it is a good or a bad amendment or whether it is needed or not.

Mr. President, I really have a problem with what is taking place today. I think the arrogance of power and the misuse of power has never been more clearly demonstrated to me than what I am seeing the Republican caucus do today. The closest it comes to that is back in 1973 when I was a Member of the House and the Republican Party controlled the House and we went through the same type of process with amendments to a budget. At one point a Member from Delaware County, Stanley Kester, got up to the microphone and looked at the Democratic side of the aisle and pounded on his chest and said, "If you do not like what is going on, tough, because we have the votes." I can tell you that attitude and that mentality had a lot to do with the Republicans losing the Governor's race the next year and losing the House. I am telling the Republican caucus by what they are doing here today, they may be able to walk back to their offices and they may go into their caucuses and they may be able to gloat that we beat the Democrats, but I want them to know there are people living in their districts that may not be registered Republicans. They may not be registered at all. Those are the people they are beating today. Those are the people they are really beating whenever they vote down good amendments.

Mr. President, I would suspect the same roll call will end up being the one taken on this particular amendment. I am telling them they are making a mistake. They are making a mistake when they do anything to harm their constituency. There are printouts available that can tell them what their school districts will get from this \$60 million and there are printouts that will tell them what they will get from the \$50 million. The Members should take a look at them. I can tell them in most cases, this \$60 million would be the difference in whether their school districts have to raise property taxes or not. If they do not care about that, fine.

There will be another day, Mr. President, and somewhere along the line, many of us are going to have to answer for what we are doing here today. I say that with almost a sadness that I have never felt before in the nine years I have been serving in the General Assembly. There is money available for this. This does not necessitate a tax increase on the State level. This \$60 million is available with funds that are now available. I would hope some sense would prevail and the petty partisanship we are partaking in today would be moved aside and we would look at this amendment in the light of what it would do for our constituency.

Mr. President, I would urge the Members to vote "yes" when they do that.

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

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

YEAS—21

Andrezeski	Lincoln	Murray	Singel
Bodack	Lloyd	O'Pake	Smith
Early	Lynch	Reibman	Stapleton
Hankins	Mellow	Ross	Stout
Kelley	Messinger	Scanlon	Zemprelli
Lewis			

NAYS—25

Bell	Hess	Manbeck	Shaffer
Corman	Holl	Moore	Snyder
Fisher	Howard	O'Connell	Stauffer
Gekas	Jubelirer	Pecora	Street
Greenleaf	Kusse	Price	Tilghman
Hager	Loeper	Rhoades	Wilt
Helfrick			

Less than a majority of the Senators having voted "aye," the question was determined in the negative.

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

SINGEL AMENDMENT I

Senator SINGEL, by unanimous consent, offered the following amendment:

Amend Sec. 201, page 31, by inserting between lines 8 and 9:

For community living arrangements
for the developmentally disabled..... 1,000,000

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

Senator SINGEL. Mr. President, this is a small but very important amendment and I hope it can be dealt with in more than just a partisan fashion.

This amendment would provide \$1 million for the continuation of a vital program for the developmentally disabled. Specifically, it would provide adequate funding for the community living arrangements program which has been operated under the auspices of the Developmentally Disabled Planning Council for the past two years. Until now, the council which is funded by Federal money has diverted up to \$1 million from its \$2.27 million allocation for community living arrangements. The source of funds is drying up for three reasons:

First, according to Federal regulations and congressional intent the council can apply Federal funds only on a demonstration basis. The CLA program has proven itself to be cost effective and a successful program that can now be operated on an ongoing basis far beyond any demonstration phase.

Secondly, the proposed Block Grant programs now being drafted on the Federal level, will mean, at best, an uncertainty as to the availability of these Federal funds. One thing is clear, the Federal government will no longer assume funding responsibility at previous levels despite the worth of programs like the community living arrangements.

Third, even if the Developmental Disabilities Planning Council had the authority to expend Federal dollars to maintain this CLA program, the council is committed to a dozen other priorities that will absorb most of its present funding. In order to continue their valuable programs and still maintain the community living arrangements they fall \$1 million short.

Mr. President, many of my colleagues are aware of the effectiveness and the merit of the CLA program. I am glad to report that I have had bipartisan support for the introduction of Senate Bill No. 728, which is now pending in the Committee on Public Health and Welfare. In my own district there are six individuals housed in apartments where for the

first time in their lives they are learning to feed themselves, to dress themselves and to experience self-reliance. For these six and for the seventy-six individuals now participating in the program, cutting off funding would be to condemn these adults back to a corner of their childhood homes—or worse into institutions which would be about twice as expensive and immeasurably more damaging than independent care.

Mr. President, to fail to provide adequate funding would be to crush, for all time, their dreams of functioning productively in our society.

Thomas Derr, the Executive Director of the Developmental Disabilities Planning Council has said, "The intent of the program is to maximize each resident's opportunity to reach their highest level of developmental growth by helping them become as economically self-sufficient and independent as possible and to become active, productive and integrated members of the community." The need for this program has been shown by the council to be a less restrictive and more cost efficient alternative to institutionalization.

This amendment would assure that Pennsylvania accepts the responsibility for providing the continued progress that these seventy-six individuals have enjoyed and it would offer some hope to over 200 other individuals who are awaiting placement in this very important program. To reject this amendment would demonstrate a callous disregard for the needs of this special population.

Mr. President, I urge all of my colleagues to do the right thing, to vote in the affirmative on this important amendment.

Senator SNYDER. Mr. President, the gentleman from Cambria, Senator Singel, has very commendably interested himself in this corner of the welfare problem. It concerns seventy-six individuals who have normal mentality but who have very sad physical impediments and because of that and in the hope of making them viable members of society, they have been funded by Federal funds in the past year or two. It is true I was one who joined with the gentleman from Cambria, Senator Singel, in a sort of rollback little appropriation bill to fund this if no other way was found. We have learned there is a sharp division of thought with respect to whether this needs State funds at all. It has been Federally funded 100 per cent up to now and the department feels this can still be funded particularly since there are rollover funds which are usable for the past two years. On the general theory that we do not spend State money when we can get or have in hand Federal money, certainly it would seem to be an unwise position to amend these into the GA bill now. I do not want to burden the Senate with all the background on this subject but the council that administered this is a council that is mostly holdovers from the past Administration. They have been spending their money on such flabby social energies as assessing interagency management advocacy, networks, coordination training, prevention planning, treatment training, et cetera. Most of it has not gone for the very good and worthy purpose of helping these seventy-six persons or others in that category. At the present moment we are quite entitled to say "let's not spend any State money, at least not yet." I think the

council, the members of it who are Members of the present Administration are very much minded to use this rollover, holdover money to continue to fund this for this year and hence this would seem to be unneeded.

Mr. President, while I am on my feet and while it applies to a great many things besides this, I would like to say one other thing. There seems to be threading through the advocacy of so many of these amendments that the gentleman from Bucks, Senator Lewis, and others have offered, sort of a "business as usual" or a "spending as usual" attitude and that is definitely not what is sweeping the United States of America at this time. I think there is a new breeze here, one that will compel us to reexamine the priorities of all these things and not only which ones as against each other, but how we handle them. We are coming into an age when government, be it National, State or local, is not going to be able to fund all the glorious ideas that have been promoted in the past. We are going to use, for one thing, a great many more volunteers and I am not going to get up and argue this with every one of the projects that I imagine the gentleman from Bucks, Senator Lewis, has, judging from the package in his hand, but it applies to a great many of them.

Mr. President, we are just going to have to look at things in a new way and perhaps the only way we can compel the professionals in these various fields to do that is to give them something less than what they would like to have.

Senator SINGEL. Mr. President, I appreciate the distinguished gentleman's comments concerning these amendments and in fact, I do commend him for taking an active interest in the community living arrangements program as the gentleman mentioned he is one of the powerful cosponsors of my legislation that would provide a line item, however, I do take issue with the gentleman's indication that money is available on the Federal level for this. It is true that this program has been funded in the past but there is a disagreement at the current time as to whether or not that funding will continue. In the first place the Congressional intent and the Federal regulations governing funding toward a Disability Council such as the one that operates the CLA program, clearly implies and clearly intends that the money it uses for these types of programs be done on a demonstration basis only, and only when no other appropriate funding mechanism is available.

Mr. President, this has gone far beyond the demonstration phase and, in fact, should be incorporated as a line item by the Department of Public Welfare, if, in fact, they do want to take care of the seventy-six individuals currently receiving this kind of care. To bolster that argument, I would read from a memo that was sent from Secretary of Health and Welfare, Secretary O'Bannon herself, to the Secretary of Budget and Administration, Mr. Robert Wilburn, who says in a memo dated November 1, 1979: "Since the continuation and longevity of Federal funding for this project is very much in question, the council has given some thought to requesting the Governor to provide a line item within his 1980-81 Budget Request to the Legislature to continue the funding of the DD-CLA program."

Mr. President, the purpose of this memorandum, and this was back in November of 1979, is to make us aware of the strategy and to emphasize our support of these efforts.

Mr. President, I would state once more, in my opinion this is a very necessary amendment to provide for the continued progress of the individuals who are being helped so very much by the program right now and to do less would be to abdicate our responsibility to make sure these people are not just abandoned, which they will be when Federal funding dries up.

Mr. President, I would also like to comment that if, in fact, the "new breeze" that blows through the Legislatures in Harrisburg and Washington is one that abdicates our responsibility in favor of saving a few pennies, then I am not blown by those particular winds.

Senator SNYDER. Mr. President, I was not aware of the memo dated 1979, but certainly these funds have been available from Federal sources and I do not think we should be governed by that in 1981.

Mr. President, I would urge a negative vote on the amendment.

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

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

MOTION TO LIMIT DEBATE

Senator STREET. Mr. President, under Rule XIII on Motions, I at this time move that from this point on we limit debate to two minutes on each amendment that will be introduced.

The PRESIDENT. The gentleman's motion is not in order at this time. The only thing in order is the calling of the roll.

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

YEAS—21

Andrezski	Lincoln	Murray	Singel
Bodack	Lloyd	O'Pake	Smith
Early	Lynch	Reibman	Stapleton
Hankins	Mellow	Ross	Stout
Kelley	Messinger	Scanlon	Zemprelli
Lewis			

NAYS—25

Bell	Hess	Manbeck	Shaffer
Corman	Holl	Moore	Snyder
Fisher	Howard	O'Connell	Stauffer
Gekas	Jubelirer	Pecora	Street
Greenleaf	Kusse	Price	Tilghman
Hager	Loeper	Rhoades	Wilt
Helfrick			

Less than a majority of the Senators having voted "aye," the question was determined in the negative.

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

MOTION TO LIMIT DEBATE

Senator STREET. Mr. President, at this time on Rule XIII on Motions, Section 2, line 7, I move that we limit debate for all amendments offered to two minutes per amendment.

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

MOTION TO LIMIT DEBATE WITHDRAWN

Senator STREET. Mr. President, I withdraw my motion at this time.

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

LEWIS AMENDMENT IV

Senator LEWIS, by unanimous consent, offered the following amendment:

Amend Sec. 201, page 7, line 11, by striking out all of said line

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

Senator LEWIS. Mr. President, as I began to say, showing that we, in fact, do have what I believe are worthwhile reordering of priorities to make monies available to fund the more important needs of State government, this particular amendment proposes an elimination of a current line item of \$998,000 that is proposed to be spent on an integrated central data system. There may well be arguments that can be made in favor of pursuing this type of a program, but we know there is not going to be any projected savings materialized from this, at least until 1985 or 1986, and I think given the tightness of the available dollars, it does not seem appropriate to commit almost a million dollars for a new project for new hardware at the same time as we are seeing so many repeated notes here to cut necessary programs in this Commonwealth.

Mr. President, I would ask for an affirmative vote on this amendment.

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

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

YEAS—21

Andrezski	Lincoln	Murray	Singel
Bodack	Lloyd	O'Pake	Smith
Early	Lynch	Reibman	Stapleton
Hankins	Mellow	Ross	Stout
Kelley	Messinger	Scanlon	Zemprelli
Lewis			

NAYS—25

Bell	Hess	Manbeck	Shaffer
Corman	Holl	Moore	Snyder
Fisher	Howard	O'Connell	Stauffer
Gekas	Jubelirer	Pecora	Street
Greenleaf	Kusse	Price	Tilghman
Hager	Loeper	Rhoades	Wilt
Helfrick			

Less than a majority of the Senators having voted "aye," the question was determined in the negative.

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

LEWIS AMENDMENT V

Senator LEWIS, by unanimous consent, offered the following amendment:

Amend Sec. 201, page 13, line 10 by striking out "3,000,000" and inserting: 1,000,000

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

Senator LEWIS. Mr. President, continuing with what I believe to be a reasonable reorganization of our priorities, we note there is an appropriation of \$3 million for commercial advertising. A little while ago this Senate defeated an attempt to provide additional monies for real assistance with our tourism industry and that is tourist promotion assistance. It would seem to me, Mr. President, it would make sense to reduce the commercial advertising by a million dollars so that we could have those monies available for tourist promotion assistance or for any other reasonable programs. This amendment proposes to reduce that current line item from \$3 million to \$2 million.

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

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

YEAS—21

Andrezeski	Lincoln	Murray	Singel
Bodack	Lloyd	O'Pake	Smith
Early	Lynch	Reibman	Stapleton
Hankins	Mellow	Ross	Stout
Kelley	Messinger	Scanlon	Zemprelli
Lewis			

NAYS—25

Bell	Hess	Manbeck	Shaffer
Corman	Holl	Moore	Snyder
Fisher	Howard	O'Connell	Stauffer
Gekas	Jubelirer	Pecora	Street
Greenleaf	Kusse	Price	Tilghman
Hager	Loeper	Rhoades	Wilt
Helfrick			

Less than a majority of the Senators having voted "aye," the question was determined in the negative.

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

LEWIS AMENDMENT VI

Senator LEWIS, by unanimous consent, offered the following amendment:

Amend Sec. 201, page 26, line 27, by striking out "36,030,000" and inserting: \$35,630,000

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

Senator LEWIS. Mr. President, this bill proposes reducing the general government funds to the Department of General Services by \$400,000. It is intended to identify a very specific situation in which we find there is now excess funding for, of all things, a Bureau of Paperwork Management. If you want

to see bureaucracy just living off itself, I think that certainly represents the epitome. Even more importantly now the Department of General Services and the Bureau is going to be charging other agencies for its various services. This reduction will nevertheless continue to let the Bureau operate at its current funding level. I believe it makes no sense to allocate \$400,000 for a Paperwork Management Bureau that is already being charged off against other departments.

Mr. President, I would ask for an affirmative vote on this amendment.

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

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

YEAS—21

Andrezeski	Lincoln	Murray	Singel
Bodack	Lloyd	O'Pake	Smith
Early	Lynch	Reibman	Stapleton
Hankins	Mellow	Ross	Stout
Kelley	Messinger	Scanlon	Zemprelli
Lewis			

NAYS—25

Bell	Hess	Manbeck	Shaffer
Corman	Holl	Moore	Snyder
Fisher	Howard	O'Connell	Stauffer
Gekas	Jubelirer	Pecora	Street
Greenleaf	Kusse	Price	Tilghman
Hager	Loeper	Rhoades	Wilt
Helfrick			

Less than a majority of the Senators having voted "aye," the question was determined in the negative.

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

LEWIS AMENDMENT VII

Senator LEWIS, by unanimous consent, offered the following amendment:

Amend Sec. 201, page 8, line 9, by striking out "\$18,189,000" and inserting: \$21,234,000

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

Senator LEWIS. Mr. President, this amendment deals with the Department of the Attorney General and, as we all know, a new department and agency charged with the responsibility of providing the leadership in criminal law enforcement for whatever offense someone might be charged. The requests that were made by the Attorney General in his budget document to the Governor have been substantially underfunded.

This amendment proposes to return the level of appropriation to the amount requested by the Attorney General and proposes an increase of \$3,045,000. Specifically that money is going to be used to restore a number of items that present themselves as funding options. We will see the need for executive office and management office positions, increases for criminal law enforcement through the addition of attorneys and staff people; increases for drug law enforcement is

deemed to be critically necessary, increased funding for Medicaid fraud investigations, which I might point out would, on a four-to-one basis, generate Federal matching funds. It would provide increases for funding the creation of a prosecutor's council, an increase in funding for necessary reorganization in restructuring the Strawberry Square office area.

In our meetings of the Committee on Appropriations, Mr. President, I discussed these proposed increases with the Attorney General and he made the following comment in that meeting. He said, "I am making every effort to make what I'm requesting cost effective and certainly I would say to you, Senator, that the thrust of this proposed budget out of a realization in this town that there is an economic crisis and it has to be played against the backdrop of the facts that exists here in State government, that it is a maintenance level type of budget. And with the exception of one area, criminal law enforcement, that's the only area that we're asking for a substantial increase in State spending, in the sum of \$462,000 over the Governor's proposed budget. The other areas..." the Attorney General continued, "...Medicaid fraud, drug control, administration, executive office, are all hold the line areas, or slightly above in order to meet the increased costs. The \$3,000,000, as I emphasized, is not an increase in state spending. It represents a transfer, or a new appropriation...that was already in the budget and a transfer of function and personnel in a sense to the Attorney General's Office." The Attorney General then concluded, "It's a cost conscious proposal which we made as a result of some study, keeping in mind that this is a new office and we are charting the new course."

I then queried him by saying, "If I hear you correctly, you're telling me that you've got to have the numbers that you asked for. That you realize the economic problems as others claim that they have and notwithstanding that you can't live with the numbers the Governor's Office has suggested that you're going to have to get." And the Attorney General said most emphatically, "Yes, sir. That's a correct statement."

Mr. President, this amendment simply proposes to restore to the funding level requested by the Attorney General the amount that he will need to appropriately and effectively conduct his office for the forthcoming year.

Mr. President, I would ask for an affirmative vote.

And the question recurring,

Will the Senate agree to the amendment?

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

YEAS—21

Andrezeski	Lincoln	Murray	Singel
Bodack	Lloyd	O'Pake	Smith
Early	Lynch	Reibman	Stapleton
Hankins	Mellow	Ross	Stout
Kelley	Messinger	Scanlon	Zemprelli
Lewis			

NAYS—25

Bell	Hess	Manbeck	Shaffer
Corman	Holl	Moore	Snyder
Fisher	Howard	O'Connell	Stauffer
Gekas	Jubelirer	Pecora	Street
Greenleaf	Kusse	Price	Tilghman

Hager	Loeper	Rhoades	Wilt
Helfrick			

Less than a majority of the Senators having voted "aye," the question was determined in the negative.

And the question recurring,

Will the Senate agree to the bill on third consideration?

RECESS

Senator TILGHMAN. Mr. President, may we stand in recess for four or five minutes?

The PRESIDENT. The Chair hears no objection, the Senate will stand in recess.

AFTER RECESS

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

And the question recurring,

Will the Senate agree to the bill on third consideration?

LEWIS AMENDMENT VIII

Senator LEWIS, by unanimous consent, offered the following amendment:

Amend Sec. 201, page 8, line 9 by striking out "\$18,189,000" and inserting: \$18,689,000

On the question,

Will the Senate agree to the amendment?

Senator LEWIS. Mr. President, notwithstanding the concerns that I previously mentioned expressed by the Attorney General for full funding of his budget request, the Governor saw fit to include in his budget message a funding level of \$18,689,000 for the Attorney General's Office some \$3 million less than the Attorney General felt that he needed.

Mr. President, notwithstanding that reduction by the Governor's Office, House Bill No. 712 proposes a further reduction of \$500,000 below the level recommended by the Governor.

Mr. President, I desire to interrogate the gentleman from Montgomery, Senator Tilghman.

The PRESIDENT. Will the gentleman from Montgomery, Senator Tilghman, permit himself to be interrogated?

Senator TILGHMAN. I will, Mr. President.

Senator LEWIS. Mr. President, will the gentleman explain to us what the factors were in the computation that led to the further cut of the half million dollars in the Attorney General's budget?

Senator TILGHMAN. Mr. President, the purpose of the cut was to allow the Attorney General a thirty per cent increase. With that cut he will have a thirty per cent increase over last year.

Senator LEWIS. Mr. President, was this half a million dollar reduction done in consultation with the Governor's Office or the Budget Office?

Senator TILGHMAN. Mr. President, as I told the gentleman, on occasion the Office of the Budget is familiar

with all the changes we have made, whether they agree with them or not, I do not know. They are familiar with them.

Senator LEWIS. Mr. President, do I take it then the gentleman does not know whether this cut is something that has been agreed to by the Governor's Office?

Senator TILGHMAN. Mr. President, I would suggest the gentleman call the Governor's Office. I am not speaking for them. I told the gentleman very distinctly they are familiar with all the changes made in the printout.

Senator LEWIS. Mr. President, the gentleman made reference to an increase over last year. Is he referring to the amount of money allocated to the Attorney General when it was a cabinet level department within State government?

Senator TILGHMAN. Mr. President, would the gentleman repeat the question, please?

Senator LEWIS. Mr. President, I believe the gentleman from Montgomery, Senator Tilghman, said that even with the half million dollar reduction below the level proposed by the Governor, that, nevertheless, the funding that was available and is presently set forth in House Bill No. 712 represents some increase over the amount of money available for the Attorney General last year.

If that is an accurate recollection of the statement the gentleman made, my question then is this: Are we talking about an increase in this year's proposal over the amount that was available last year for the Attorney General when it was a department of this government at the cabinet level agency?

Senator TILGHMAN. Yes, we are, Mr. President.

Senator LEWIS. Mr. President, has the gentleman discussed this half million dollar decrease with the Attorney General?

Senator TILGHMAN. Mr. President, I am not going to stand here and tell this Senate everybody I discussed every cut with through 780 line items.

Senator LEWIS. Mr. President, can the gentleman tell us—

Senator TILGHMAN. Mr. President, I do not think that has anything to do with your amendment. If the gentleman wants to discuss his amendment, stick to the amendment. I am not going to discuss with the gentleman whom we have discussed these line items with. I do not think it is germane to this operation of amending at all.

Senator LEWIS. Mr. President, can the gentleman tell us what the impact of this half million dollar decrease will be upon that department?

Senator TILGHMAN. Mr. President, they will not have as much money if we would not have cut it.

Senator LEWIS. Mr. President, what will the result be in terms of the delivery of the services of that department?

Senator TILGHMAN. Mr. President, I think the gentleman will have to ask the department.

Senator LEWIS. Mr. President, unfortunately the department is not available for debate on this floor and that is why I asked the gentleman whether he can tell us precisely what those cuts are going to mean since it is my understanding that the gentleman is the one that recommended that half million dollar decrease. Can the gentleman advise us as to what this is going to mean in terms of decreases in the delivery of the services from the Attorney General's Office?

Senator TILGHMAN. Mr. President, no, I cannot.

Senator LEWIS. Mr. President, let me make a number of observations. Again we find a decrease in the budget over what the Governor has recommended without any basis for justifying that decrease whatsoever, with no information available to any of the Members of this Senate as to what the impact is going to be, and most importantly we find the relationships that are drawn between the previous year's budget and this budget happen to come in a situation where we have a totally new independent agency of government in this Commonwealth. We know there are differences now between the allocations of the Counsel General and the Attorney General. We know there are new authorities and responsibilities in the Attorney General's Office that never existed before within the cabinet level department of the Attorney General and I cannot for a moment understand how anybody here can stand and approve a decrease that is dramatically below that which the Governor's Office thought was necessary and which cannot be explained or justified or defended.

Mr. President, I think it is incumbent upon us to recognize that a funding level was determined based upon a review of the need and that we ought to support that until and unless by convincing evidence we can be shown that it makes sense to make a cut. We are not here to be arbitrary. We are here to fund the departments in a fashion and manner that makes sense and I believe it is imperative that we restore this half million dollars.

Mr. President, I ask for an affirmative vote on this amendment.

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

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

YEAS—21

Andrezski	Lincoln	Murray	Singel
Bodack	Lloyd	O'Pake	Smith
Early	Lynch	Reibman	Stapleton
Hankins	Mellow	Ross	Stout
Kelley	Messinger	Scanlon	Zemprelli
Lewis			

NAYS—25

Bell	Hess	Manbeck	Shaffer
Corman	Holl	Moore	Snyder
Fisher	Howard	O'Connell	Stauffer
Gekas	Jubelirer	Pecora	Street
Greenleaf	Kusse	Price	Tilghman
Hager	Loeper	Rhoades	Wilt
Helfrick			

Less than a majority of the Senators having voted "aye," the question was determined in the negative.

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

LEWIS AMENDMENTS IX

Senator LEWIS, by unanimous consent, offered the following amendments:

Amend Sec. 201, page 8, line 9, by striking out "\$18,189,000" and inserting: \$17,821,000

Amend Sec. 201, page 8, by inserting between lines 9 and 10:

For Medicaid Fraud Unit..... 404,000

On the question,

Will the Senate agree to the amendments?

Senator LEWIS. Mr. President, continuing on with the Attorney General's Department, these particular amendments propose a specific line item appropriation for the Medicaid Fraud Unit. The amount that is allocated is \$404,000. It however reduces the general government appropriation by \$368,000, the net result being simply a \$36,000 increase over the Governor's recommendation.

Mr. President, I should point out this \$36,000 increase will also generate \$126,000 in Federal funds. I do not think there is any Member of this Senate who is not aware of the difficulties that exist in this Commonwealth with Medicaid fraud and the need we have to develop an effective enforcement unit to try to cut back on that fraud and that waste of taxpayers' money. The Attorney General has committed himself to attempting to do that.

Mr. President, with regard to this specific item again, we had a discussion in the meeting of the Committee on Appropriations, and I said to the him by way of a question—and when I am saying "him," I mean the Attorney General—"Another area in which you're not getting the funding that you think is critically necessary is in the Medicaid fraud unit, isn't that correct?"

The Attorney General responded to me by saying, "Yes, in a sense that's correct. Let me say this that I must be candid with you. In the days since January 20 that I've been analyzing that's an important area, Medicaid fraud. And I want to beef it up. And the percentage of increase shows my continued commitment. But at the moment, I'm trying to minimize the thrust of this economic proposal because if I can invest \$404,000 next fiscal year, we're going to yield \$1,000,494."

I asked him, "But this is a very specific type of unit, isn't it so that you can generate large sums of federal money to assist you by modest investment of state funds?"

He said, "Yes, sir." That is what will happen.

I asked, "And that's not true in many other areas that we've already talked about?"

He again confirmed, "That's correct." He went on to say, "Our increase, Senator, of \$404,000, for next fiscal year does nothing more than meet the increased cost of operation plus making certain that now that the match is dropped..." and he explained, "We used to get 90% federal 10% state, next year it's going to be 75% federal 25% state. And that increase does nothing more than make certain that we guarantee that yield."

I asked him, "And notwithstanding that reality of the availability of federal money we're going to not take advantage of the million and a half dollars because of the failure to invest 400,000?"

He said, "Yes, sir. I hope that is not the case, because as I said travelling around in the Commonwealth of Pennsylvania

I've heard in the past year a tremendous concern about the cost of health care. If you take the fraud out of the cost, you take the waste out where the providers and others are involved and if we can get the presence here of auditors, you see in the past the Attorney General's Office obviously hadn't had the function as it's going to have to do in the future. We're going to need auditors to do paper chases. And that's an entirely different ballgame than fighting street crime."

I said, "I've heard it suggested and I believe with some frequency during your recent campaign that an effective Medicaid fraud unit could save millions, possibly tens of millions of dollars in state taxpayers money that are now being wasted and diverted by improper and illegal activities. Do you share that belief?"

His answer, "Senator, I don't like to use, I'm not accustomed to using figures I can't prove and I don't have the proof for those kinds of figures, but I can say to you that this certainly if we can get the fraud out of, just in the brief opportunity that I've had a chance to look at some of these summaries, if we can get some of the fraud out we can certainly save a lot of money from tax payers and the health care providers as well."

I then questioned him, "Well, then let's talk about the 400,000 that you've requested. Do you have any doubt at least that would be a cost effective application of taxpayers money in terms of the return you would realize?"

Attorney General Zimmerman said, "No, sir, I have no doubt."

Mr. President, I do not know how you can have any more clear, direct or convincing exchange from the individual who is charged with the operation of this department, someone who is from a different political party than I am and someone who would not be offering answers to gain any type of political advantage of whatever sort. Here is a candid expression of a need to save taxpayers' dollars in Pennsylvania, a candid analysis of how we can qualify for substantial Federal funds and in order to do it, we need to allocate \$404,000 in State monies. I believe Medicaid fraud has been shown to be so serious in this Commonwealth that any failure to provide the tools necessary to fight that area opens up the opportunity for continued abuse and waste of taxpayers' money. I would hope we are not going to allow that to happen and that we will affirmatively approve these amendments.

PERMISSION TO ADDRESS SENATE

Senator McKINNEY asked and obtained unanimous consent to address the Senate.

Senator McKINNEY. Mr. President, on the past few roll calls, I was detained in my office. I would like to be recorded as voting "yes" on these amendments.

The PRESIDENT. The gentleman's remarks will be noted on the record.

And the question recurring,

Will the Senate agree to the amendments?

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

YEAS—22

Andrezeski	Lincoln	Murray	Singel
Bodack	Lloyd	O'Pake	Smith
Early	Lynch	Reibman	Stapleton
Hankins	McKinney	Ross	Stout
Kelley	Mellow	Scanlon	Zemprelli
Lewis	Messinger		

NAYS—25

Bell	Hess	Manbeck	Shaffer
Corman	Holl	Moore	Snyder
Fisher	Howard	O'Connell	Stauffer
Gekas	Jubelirer	Pecora	Street
Greenleaf	Kusse	Price	Tilghman
Hager	Loeper	Rhoades	Wilt
Helfrick			

Less than a majority of the Senators having voted "aye," the question was determined in the negative.

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

LEWIS AMENDMENTS X

Senator LEWIS, by unanimous consent, offered the following amendments:

Amend Sec. 201, page 8, line 9, by striking out "\$18,189,000" and inserting: \$14,353,000

Amend Sec. 201, page 8, by inserting between lines 9 and 10:

For Drug Law Enforcement..... \$4,208,000

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

Senator LEWIS. Mr. President, again dealing with specific areas of maximum concern in the law enforcement process in Pennsylvania, these amendments propose a specific line item appropriation of \$4,208,000 for Drug Law Enforcement in Pennsylvania. It also reduces the general government appropriation by \$3,836,000, the net result of which is an increase of \$372,000 over the Governor's recommendation. This additional money would allow the Attorney General to eliminate the compensatory time practice and institute an overtime pay practice for investigators and it would also provide for out-service training for electronic surveillance and additional operating funds.

Again, Mr. President, this is an area about which I specifically questioned the Attorney General. In a question that started by me saying to him, "General, drug law enforcement arrests have been down dramatically in the last five years. What is it that you believe that your office can do with your budget request to improve upon that record?"

The Attorney General said, "Senator, in the area of drug law enforcement what we have proposed, 3,542,000 which is there now. We're proposing to increase it to 4,208,000." Coincidentally that is the number I have here. "Our increase of 372,000 more than the Governor's would merely do the following. It would pay overtime to the agents rather than compensatory leave in order to make those agents available more hours to work the streets where they ought to be. That would not be significant. That alone would be highly significant area of improvement in drug law enforcement. But in addition there are the maintenance of the equipment, the

additional cost of operating expenses, and if we were to get that amount we would only go back to the operating, we would only go back to the 79-80 level of performance by that increase. We would not be escalating it beyond that." We would be holding it at those years.

I questioned him then, Mr. President, by saying, "And when you're saying that you get that funding level you mean the funding level that you've requested?"

And he confirmed that.

Mr. President, I said then, "Would merely put you at the same operating level as the Department was at two years ago."

And he again confirmed that.

I questioned, "And the failure to get that operating level will do what in your opinion with regard to the flow of drugs in this Commonwealth?"

The Attorney General said this, "In my opinion it will not give us in the Attorney General's Office in the Drug Law Enforcement area the presence and the muscle that we should have in order to combat the flow of drugs into and through Pennsylvania. Right now, 1980-81, there are 100 personnel in that complement of Drug Law Enforcement. We're proposing one person increase in 81-82 to increase to 101. That increased funding in Drug Law Enforcement so we have these straight, \$161,000 of that amount of overtime and benefits to eliminate the non-productive compensatory leave problem. Twenty-four thousand of that amount of increase is for electronic surveillance certification and out-service training costs. If these agents aren't certified to use the weapons you've given, you the General Assembly have given the Attorney General and put in an arsenal obviously we can't make the moves that we ought to be making. Operational expense increases of \$187,000 to return that program to 79-80 level. And \$25,000 of fixed asset costs in order for replacement of equipment."

The Attorney General concluded by saying, "So you see we're not coming in here in any of these programs, sir, and asking for tremendous increases."

Mr. President, I cannot imagine anyone in this Assembly who is not concerned about the problems of Drug Law Enforcement. The Attorney General has made it very clear what he needs in order to do the job, to really just get back to the 1979-80 levels in doing the job, to start to fight that area of crime in this Commonwealth. If we are serious about making a commitment to bring about some control in drug abuse and to provide effective Drug Law Enforcement in this Commonwealth, then I would urge my colleagues to approve these amendments and to provide the additional \$372,000 necessary to do that job.

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

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

YEAS—22

Andrezeski	Lincoln	Murray	Singel
Bodack	Lloyd	O'Pake	Smith
Early	Lynch	Reibman	Stapleton
Hankins	McKinney	Ross	Stout
Kelley	Mellow	Scanlon	Zemprelli

Lewis Messinger

NAYS—25

Bell	Hess	Manbeck	Shaffer
Corman	Holl	Moore	Snyder
Fisher	Howard	O'Connell	Stauffer
Gekas	Jubelirer	Pecora	Street
Greenleaf	Kusse	Price	Tilghman
Hager	Loeper	Rhoades	Wilt
Helfrick			

Less than a majority of the Senators having voted "aye," the question was determined in the negative.

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

LEWIS AMENDMENT XI

Senator LEWIS, by unanimous consent, offered the following amendment:

Amend Sec. 201, page 8, line 9, by striking out "\$18,189,000" and inserting: \$15,660,000

For Criminal Law Enforcement..... \$2,991,000

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

Senator LEWIS. Mr. President, this amendment would increase the funding for Criminal Law Enforcement in the Attorney General's Department and essentially that would provide seven additional attorneys, four clerk stenographers and most importantly, twenty-four sessions of multi-county Grand Juries. The Attorney General was most concerned about this and I asked him why he thought we should have these Grand Juries, and it happens to be twelve Statewide Grand Juries, not twenty-four.

He responded by saying, "Senator, I think that the crime statistics that we read about and heard about...in Pennsylvania...said the overall serious crime is up 7.4%. And topping that list is robbery and violent crime. We all know embezzlement went up 150% in 1980. And I think without these statistics I think it's generally accepted that corruption and white collar crime has escalated throughout this country. And without that special investigative Grand Jury and the subpoena power that it provides, it is virtually impossible to make an effective fight against organized crime, public corruption and white collar crime. And that's why I want to beef up, I want to beef up that focus on statewide corruption while at the same time taking the Grand Jury and dividing it and making it available to local District Attorneys with the Attorney General on a multi-county level. I think we can do that very cost effectively if we regionalize and make it available throughout the state."

Mr. President, I said, "You're telling me it will be virtually impossible to make an effective fight against organized crime without the Grand Juries that you've requested. And yet the Governor has underfunded your request by \$460,000."

He responded to me, "I heard the budget message of the Governor and he has articulated his commitment from the Executive to fighting crime in Pennsylvania. And I applaud, I laud that commitment. However, I have the responsibility

now. Four million people said I am responsible to go out and get the evidence in the trenches and to produce it. Without the special investigatory Grand Jury and the regional multi-county Grand Jury, it makes my task a much more difficult one. It makes it much, much more difficult for me to meet the mandate of the people. Because if there's anything I have heard in the year I've travelled across Pennsylvania from the people of Pennsylvania it was they're fed up with crime, they're fed up with corruption and corrupt officials, they're fed up with the threat and intimidation of crime and they're willing where they believe there can be some meaningful progress made, to make a financial commitment to do something about it.

I said to him, "In your opinion that's what's necessary to do the job from the office that has the responsibility for doing the job?"

He said, "Senator, in my opinion, respectfully, there's nothing in this proposed budget, nothing for the experimental. It is all necessary. It is a maintenance budget."

With regard to the staffing in his office, he also had to say, "The Governor's proposal would have increased the criminal personnel, lawyer, staff, from seven, it would have increased by seven lawyers. By five. Let me suggest to you, Senator Lewis, Senator Tilghman, Senator Snyder, I came from the Prosecutor's Office right here in Dauphin County where we had fourteen Assistant District Attorneys for Dauphin County. Would you believe today in Pennsylvania there are only seven Deputy Attorneys General for the entire State assigned to prosecute crime. I have not made a tremendous or large request. I'd like to increase it to nineteen lawyers for the Commonwealth of Pennsylvania."

Mr. President, what we are talking about here is \$462,000 to prosecute crime in Pennsylvania and to make it possible to effectively fight organized crime, public corruption and white collar crime. The Attorney General has minced no words in making it abundantly clear that without this money, he cannot do any of those things in the fashion, it is clear to him, it has to be done. I do not see how we can for a moment refuse to provide the money needed to make this all out war on crime in Pennsylvania at a time when we are going through millions of dollars of reallocations and amendments that have already been accepted by the Majority Party here, many of them without even concrete funding proposals. I do not know anything that can be more important than a total commitment to help the Attorney General do what has to be done to fight crime in these areas.

Mr. President, I ask for an affirmative vote.

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

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

YEAS—22

Andrezeski	Lincoln	Murray	Singel
Bodack	Lloyd	O'Pake	Smith
Early	Lynch	Reibman	Stapleton
Hankins	McKinney	Ross	Stout
Kelley	Mellow	Scanlon	Zemprelli
Lewis	Messinger		

NAYS—25

Bell	Hess	Manbeck	Shaffer
Corman	Holl	Moore	Snyder
Fisher	Howard	O'Connell	Stauffer
Gekas	Jubelirer	Pecora	Street
Greenleaf	Kusse	Price	Tilghman
Hager	Loeper	Rhoades	Wilt
Helfrick			

Less than a majority of the Senators having voted "aye," the question was determined in the negative.

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

LEWIS AMENDMENT XII

Senator LEWIS, by unanimous consent, offered the following amendment:

Amend Sec. 201, page 8, line 9, by striking out "\$18,189,000" and inserting: \$17,929,000

For creation of a Prosecutor's Council..... \$260,000

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

Senator LEWIS. Mr. President, this amendment proposes a specific line item of \$260,000, again as requested by the Attorney General, for the purpose of creating a Prosecutor's Council. This council would be the vehicle for provision of continuing education services for District Attorneys all over Pennsylvania for local investigators and most importantly for helping them together with the Attorney General to have an understanding of where each is going and how they can most effectively cooperate in fighting crime in Pennsylvania.

Mr. President, I would ask for an affirmative vote on this amendment.

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

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

YEAS—22

Andrezeski	Lincoln	Murray	Singel
Bodack	Lloyd	O'Pake	Smith
Early	Lynch	Reibman	Stapleton
Hankins	McKinney	Ross	Stout
Kelley	Mellow	Scanlon	Zemprelli
Lewis	Messinger		

NAYS—25

Bell	Hess	Manbeck	Shaffer
Corman	Holl	Moore	Snyder
Fisher	Howard	O'Connell	Stauffer
Gekas	Jubelirer	Pecora	Street
Greenleaf	Kusse	Price	Tilghman
Hager	Loeper	Rhoades	Wilt
Helfrick			

Less than a majority of the Senators having voted "aye," the question was determined in the negative.

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

STOUT AMENDMENT I

Senator STOUT, by unanimous consent, offered the following amendment:

Amend Sec. 201, page 27, by inserting between lines 9 and 10:

For the expenses incurred by the Veterans' Memorial Commission in developing detailed plans for a State Memorial including but not limited to architectural costs, design costs, engineering costs and other related expenses..... 50,000

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

Senator STOUT. Mr. President, I hope this amendment fares a little bit better than the amendment offered earlier in today's Session by the gentleman from Allegheny, Senator Zemprelli, in which he presented an amendment for funding the veterans' memorial in Washington, D. C. on behalf of Pennsylvania veterans.

In 1976, Pennsylvania transferred a parcel of land at the Indiantown Gap Military Reservation to the Federal government so the Veterans Administration could develop a national cemetery. Presently the Veterans Administration is developing the Indiantown Gap National Cemetery in a five phase construction program.

Phases one and two are under construction at this time and the Federal government and the Veterans Administration indicate that this national cemetery will be dedicated in November of 1982.

Mr. President, it is important to remember the time frame because last year the Legislature in the passage of legislation which became Act 13 of last year, created the Pennsylvania Veterans Memorial Commission. This commission has a life of two years. It is supposed to report back to the General Assembly in February of 1982 with a plan to develop a memorial at the Indiantown Gap National Cemetery to honor the servicemen and women of Pennsylvania. The Veterans Memorial Commission is made up of people from the Adjutant General's Office, General Services and the Historical Museum Society and representatives from the Statewide veterans organizations.

This amendment, Mr. President, would appropriate \$50,000 so they can develop the architecture and design necessary to create this memorial for the Pennsylvania veterans. It is imperative that it be included in this 1981-1982 budget so the commission can retain architectural expertise and so forth to develop this memorial for Pennsylvania veterans, and it would be an appropriation to the Department of General Services. They do not have in-house expertise in memorial design and development. This amendment is supported, as I said, by the various Statewide veterans organizations.

Mr. President, I ask for an affirmative vote on this amendment.

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

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

YEAS—22

Andrezeski	Lincoln	Murray	Singel
Bodack	Lloyd	O'Pake	Smith
Early	Lynch	Reibman	Stapleton
Hankins	McKinney	Ross	Stout
Kelley	Mellow	Scanlon	Zemprelli
Lewis	Messinger		

NAYS—25

Bell	Hess	Manbeck	Shaffer
Corman	Holl	Moore	Snyder
Fisher	Howard	O'Connell	Stauffer
Gekas	Jubelirer	Pecora	Street
Greenleaf	Kusse	Price	Tilghman
Hager	Loeper	Rhoades	Wilt
Helfrick			

Less than a majority of the Senators having voted "aye," the question was determined in the negative.

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

STOUT AMENDMENT II

Senator STOUT, by unanimous consent, offered the following amendment:

Amend Sec. 201, page 39, by inserting between lines 6 and 7:

For transfer to the Motor License Fund for the purpose of highway maintenance..... 20,000,000

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

Senator STOUT. Mr. President, last year with the passage of what became Act 68, it provided for formula distribution of funds for highway maintenance when the amount appropriated is in excess of ninety-five per cent of the base allocation for highway maintenance and they used the 1978-1979 or the 1979-1980 years. Based on the assumption that the General Fund monies transferred to the Motor License Fund will be in addition to any amount that they already received, I have, therefore, proposed an amendment that would allocate \$20 million according to the Act 68 formula for additional State highway maintenance appropriations.

Mr. President, I feel it is appropriate that we consider this amendment because in the current budget that is before us in Sequence No. 633, mass transit assistance, we are seeing that an increase in mass transit assistance, which only affects a very small area of this Commonwealth, is getting an increase from \$112.8 million to \$141.5 million, an increase of \$28.7 million, over a twenty-five per cent increase in funding. I feel it is only appropriate we do provide additional funds for highway maintenance because, as we know, the current funding was below that of the previous year and at the present time this General Assembly does not know if there will be additional funds available to PennDOT by the Administration's proposal for SWAP tax or any other type of funding.

Therefore, Mr. President, this \$20 million, and although I have not calculated for all the sixty-seven counties, the \$20 million would provide in Allegheny County an additional \$2,046,000; Butler County, 400,000; Crawford County, 487,000; Fayette County, 300,000; Mercer County, 352,000;

Venango County, 204,000; Washington County, 851,000; Westmoreland County, 1,222,000; Delaware County, 303,000; Luzerne County, 687,000 and Montgomery, 562,000. I feel if we are going to address the serious problems of highway maintenance in this Commonwealth, we are going to have to appropriate additional funds to the Department of Transportation. This is something we have done in the past, in the 1979 budget year we appropriated \$52 million from the General Fund to the Department of Highway for highway maintenance.

Mr. President, I urge an affirmative vote on this amendment for \$20 million for highway maintenance.

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

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

YEAS—22

Andrezeski	Lincoln	Murray	Singel
Bodack	Lloyd	O'Pake	Smith
Early	Lynch	Reibman	Stapleton
Hankins	McKinney	Ross	Stout
Kelley	Mellow	Scanlon	Zemprelli
Lewis	Messinger		

NAYS—25

Bell	Hess	Manbeck	Shaffer
Corman	Holl	Moore	Snyder
Fisher	Howard	O'Connell	Stauffer
Gekas	Jubelirer	Pecora	Street
Greenleaf	Kusse	Price	Tilghman
Hager	Loeper	Rhoades	Wilt
Helfrick			

Less than a majority of the Senators having voted "aye," the question was determined in the negative.

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

STAPLETON AMENDMENT II

Senator STAPLETON, by unanimous consent, offered the following amendment:

Amend Sec. 201, page 15, line 25, by striking out "217,812,000" and inserting: 228,973,000

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

Senator STAPLETON. Mr. President, this amendment provides an additional \$11 million to the State colleges and universities. The Governor's budget recommends some \$217 million in State funds for the thirteen State-owned colleges and Indiana University. This figure represents a 5.5 per cent increase over the previous year.

Mr. President, the present funding level assumes a \$150 tuition increase for all of these institutions. The very fact that last year the tuition rose by \$150 and if another \$150 increase were to go into effect this year, we would have a thirty-one per cent increase over a two-year period, while the national average is less than nine per cent for State-owned colleges for the same period. Mr. President, in all of the fourteen State-owned institutions we find that room and board and other

fees have been escalating. At one campus, Slippery Rock, the room and board costs rose by \$260 since 1979-1980, along with a health service fee for \$50 per year which was instituted at that school, as well as a number of other State-owned colleges have instituted health fees also.

Mr. President, I have always been a firm believer that State-owned colleges and universities have an obligation to offer a quality education to our young people at the lowest possible tuition in this Commonwealth. The national average in 1980-1981 was \$706. Pennsylvania tuitions presently at our State-owned institutions are \$1100, with the possibility of \$1,250 if this amendment is not accepted.

Mr. President, I desire to interrogate the gentleman from Montgomery, Senator Tilghman.

The PRESIDENT. Will the gentleman from Montgomery, Senator Tilghman, permit himself to be interrogated?

Senator TILGHMAN. I will, Mr. President.

Senator STAPLETON. Mr. President, without this increase of \$11 million, is it the gentleman's belief that the tuition at the State colleges will have to be increased by \$150 a year?

Senator TILGHMAN. Mr. President, I have no idea at all.

Senator STAPLETON. Mr. President, I have taken the position that this funding level assumes a \$150 tuition increase for all of our institutions. That is the purpose of the amendment and I ask for support, Mr. President.

Senator LEWIS. Mr. President, simply, so there is no confusion on the part of any of the Members about what the impact of the current funding level for State colleges will be, the testimony in the Committee on Appropriations, as I recall, was very clear that the anticipation, at a minimum, will be for a \$150 tuition increase if the funding level remains at the current level. That is what our students have to look forward to for the next year.

And the question recurring,

Will the Senate agree to the amendment?

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

YEAS—22

Andrezeski	Lincoln	Murray	Singel
Bodack	Lloyd	O'Pake	Smith
Early	Lynch	Reibman	Stapleton
Hankins	McKinney	Ross	Stout
Kelley	Mellow	Scanlon	Zemprelli
Lewis	Messinger		

NAYS—25

Bell	Hess	Manbeck	Shaffer
Corman	Holl	Moore	Snyder
Fisher	Howard	O'Connell	Stauffer
Gekas	Jubelirer	Pecora	Street
Greenleaf	Kusse	Price	Tilghman
Hager	Loeper	Rhoades	Wilt
Helfrick			

Less than a majority of the Senators having voted "aye," the question was determined in the negative.

And the question recurring,

Will the Senate agree to the bill on third consideration?

STAPLETON AMENDMENT III

Senator STAPLETON, by unanimous consent, offered the following amendment:

Amend Sec. 201, page 15, line 25, by striking out "217,812,000" and inserting: 223,392,000

On the question,

Will the Senate agree to the amendment?

Senator STAPLETON. Mr. President, for the same reasons I am introducing this amendment. This amendment provides an additional \$5,580,000 to the State colleges and university. It would reduce the tuition increase from \$150 to \$75 a year.

And the question recurring,

Will the Senate agree to the amendment?

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

YEAS—22

Andrezeski	Lincoln	Murray	Singel
Bodack	Lloyd	O'Pake	Smith
Early	Lynch	Reibman	Stapleton
Hankins	McKinney	Ross	Stout
Kelley	Mellow	Scanlon	Zemprelli
Lewis	Messinger		

NAYS—25

Bell	Hess	Manbeck	Shaffer
Corman	Holl	Moore	Snyder
Fisher	Howard	O'Connell	Stauffer
Gekas	Jubelirer	Pecora	Street
Greenleaf	Kusse	Price	Tilghman
Hager	Loeper	Rhoades	Wilt
Helfrick			

Less than a majority of the Senators having voted "aye," the question was determined in the negative.

And the question recurring,

Will the Senate agree to the bill on third consideration?

LEWIS AMENDMENT XIII

Senator LEWIS, by unanimous consent, offered the following amendment:

Amend Sec. 201, page 23, line 23, by striking out "\$74,210,000" and inserting: \$81,631,000

On the question,

Will the Senate agree to the amendment?

Senator LEWIS. Mr. President, this amendment proposes to add the sum of \$7.421 million to the PHEAA appropriation, the effect of which would be to fund that request at the level made by the department. I should point out the Governor in his budget proposal recommended that PHEAA be funded at \$76.21 million. The department itself had asked they be funded at that level, which is approximately \$7.5 million higher.

Mr. President, I believe in conjunction with the discussions we just had with the gentleman from Indiana, Senator Stapleton, about the impact of the tuition increases, the oper-

ation of our PHEAA system becomes extremely important. By failing to provide the funding level as requested by the department, we are going to see substantial reductions in the number of students who are going to be able to get that PHEAA money. What we are being confronted with is the problem of inflation, both on the one hand in tuition increases and on the other in terms of proposed reductions for the number of persons who are going to receive the PHEAA grants.

Mr. President, I think every one of us is fully familiar with how important these grants are and how critical in some instances they can be to the entire question of whether many of our young people will ever get the opportunity to get a higher education. I believe we have to be concerned about these reductions. We can note that last year PHEAA serviced about 109,000 grants for Pennsylvania students. The appearance now, according to the testimony from the PHEAA representatives and from the Director, Ken Reeher, is that we are staring at an approximate reduction of somewhere between 6,500 and 7,000 students below the number of last year who will qualify and be eligible for that funding.

Mr. President, it seems to me to be very clear and very simple what this message is. That is, this General Assembly by failing to provide the resources necessary merely to maintain the number of grant recipients as we had last year, is saying to 6,500 or 7,000 Pennsylvania students: "We are just not concerned about your education anymore." Mr. President, I am not prepared to do that because that education is extremely important. Then we find not only are these students being hit on the one hand with a tuition increase and on the other hand with a reduction in terms of the availability of PHEAA scholarships for their assistance, but we are also finding some major programmatic changes in Washington at the same time that will have the impact again of substantially reducing students' eligibility for Federal basic grants, which has the corresponding and almost comical impact then of further increasing the obligations for the State from a fund which is not being provided the dollars to meet those obligations.

In fact, Mr. President, the language we used in the meeting of the Committee on Appropriations, was that these students of Pennsylvania are ultimately getting hit with a hat trick play here. I do not think hockey is necessarily associated with the PHEAA grants but if we want to look at the violence that can occur there, I think we can see some really occurring here for our students.

Loss by 7,000 students of the opportunity to gain PHEAA grants on the one hand, substantial reductions in Federal monies on the other hand, on the third, increasing tuition costs and fourth, an item which we will discuss in more detail shortly and, that is, a dramatic reduction in the available monies to match Federal grants for work-related projects.

Mr. President, the most important resource we have in this Commonwealth is our students. I believe we have for a long time made a commitment to making it possible for our Pennsylvania students to get the higher education that will make them productive and beneficial citizens in this Common-

wealth. By failing to fund the PHEAA program in an adequate manner, we are turning around a most important and long-standing commitment to these students.

Mr. President, I would ask an affirmative vote on this amendment.

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

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

YEAS—22

Andrezeski	Lincoln	Murray	Singel
Bodack	Lloyd	O'Pake	Smith
Early	Lynch	Reibman	Stapleton
Hankins	McKinney	Ross	Stout
Kelley	Mellow	Scanlon	Zemprelli
Lewis	Messinger		

NAYS—25

Bell	Hess	Manbeck	Shaffer
Corman	Holl	Moore	Snyder
Fisher	Howard	O'Connell	Stauffer
Gekas	Jubelirer	Pecora	Street
Greenleaf	Kusse	Price	Tilghman
Hager	Loeper	Rhoades	Wilt
Helfrick			

Less than a majority of the Senators having voted "aye," the question was determined in the negative.

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

LEWIS AMENDMENT XIV

Senator LEWIS, by unanimous consent, offered the following amendment:

Amend Sec. 201, page 23, line 23, by striking out "\$74,210,000" and inserting: \$78,210,000

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

Senator LEWIS. Mr. President, this amendment proposes to merely increase the amount the Governor had recommended for PHEAA by \$2 million rather than \$7 million. I think we recognize the need for a commitment to our students. If some of my colleagues are just a little bit concerned or timid about going for the whole hundred yards in this, I am certain they will be able to lose some of that apprehension and recognize the benefit of this more modest approach to the subject.

Mr. President, I ask for an affirmative vote on this amendment.

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

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

YEAS—22

Andrezeski	Lincoln	Murray	Singel
Bodack	Lloyd	O'Pake	Smith
Early	Lynch	Reibman	Stapleton
Hankins	McKinney	Ross	Stout
Kelley	Mellow	Scanlon	Zemprelli
Lewis	Messinger		

NAYS—25

Bell	Hess	Manbeck	Shaffer
Corman	Holl	Moore	Snyder
Fisher	Howard	O'Connell	Stauffer
Gekas	Jubelirer	Pecora	Street
Greenleaf	Kusse	Price	Tilghman
Hager	Loeper	Rhoades	Wilt
Helfrick			

Less than a majority of the Senators having voted "aye," the question was determined in the negative.

And the question recurring,

Will the Senate agree to the bill on third consideration?

LEWIS AMENDMENT XV

Senator LEWIS, by unanimous consent, offered the following amendment:

Amend Sec. 201, page 23, line 23, by striking out "\$74,210,000" and inserting: \$76,210,000

On the question,

Will the Senate agree to the amendment?

Senator LEWIS. Mr. President, this amendment simply proposes to return the PHEAA grant to the level initially recommended by the Governor. As a result of that, we might note the current House Bill No. 712 provides for a cut by \$2 million over the amount the Governor had recommended for the PHEAA program.

Mr. President, I wish to interrogate the gentleman from Montgomery, Senator Tilghman.

The PRESIDENT. Will the gentleman from Montgomery, Senator Tilghman, permit himself to be interrogated?

Senator TILGHMAN. I will, Mr. President.

Senator LEWIS. Mr. President, would the gentleman from Montgomery, Senator Tilghman, please explain for my benefit and for the benefit of the other Members why he has reduced the proposed amount from the Governor's budget for the PHEAA program by \$2 million?

Senator TILGHMAN. Mr. President, we did not cut the Governor's budget. The amount of money is exactly the same as last year.

Mr. President, in reply to the gentleman, over the course of the last month or two, I have been making a concentrated study of the Pennsylvania Higher Education Assistance Agency and it has nothing to do with the budget. For instance, I asked for a computer printout and I have the figures here of the number of applicants and the awards in every State of the Union. I asked for the amount of money. I have the amount of money that is returned to this State from the eight States that have reciprocity with us. We might be interested to learn in Puerto Rico there were two applicants for scholarship and one was an award in the amount of \$320. In the Virgin Islands there were three applicants for scholarships. These are Pennsylvanians going to colleges in these institutions in those areas. The Virgin Islands was awarded one. Let me find Hawaii, a nice place to go to college. In Hawaii there were six Pennsylvania applicants and there are two at college for \$1,180. The dollar values are not large but it goes on like this. I think the time has come to tell most of the

States in this Union we are not going to allow Pennsylvania scholarship money to go into other States and fund their colleges and that we are going to work on a reciprocity basis.

Those States that do have reciprocity with Pennsylvania, and allow their students to take their State taxpayers' money into the State, are Connecticut, Delaware, District of Columbia, Maryland, Massachusetts, New Jersey, Ohio and West Virginia. In Pennsylvania, between Pennsylvania and New Jersey, I am going to give a couple of figures, for every dollar that Pennsylvania puts into that State, New Jersey puts \$5.90 into Pennsylvania. From there on it gets worse. As to Pennsylvania and West Virginia, for every dollar Pennsylvania puts into West Virginia, West Virginia put two cents into Pennsylvania, et cetera.

Mr. President, my study on this has gone on for a long time. We are continuing it. I have talked to many college students who have come in to see me in the last month or so and they support my concept of telling States throughout the United States, we are not sending our tax dollars into your States any longer and that we will, indeed, help Pennsylvania residents to get more money to go to college in Pennsylvania.

Senator LEWIS. Mr. President, will the gentleman be kind enough to tell us how the \$2 million cut that he has inserted into House Bill No. 712 will accomplish the objective that the gentleman talked about here?

Senator TILGHMAN. Mr. President, the gentleman continually misused the statement of "cuts" tonight. The amount of money in this year's budget is identical to the amount of money in last year's budget.

Senator LEWIS. Mr. President, will the gentleman from Montgomery, Senator Tilghman, tell us how the amount of money that will be available to PHEAA this year either through the adoption of House Bill No. 712, or any other funding level, will accomplish the objective that the gentleman just talked about here?

Senator TILGHMAN. Mr. President, it draws attention to the problem.

Senator LEWIS. Mr. President, I recall a lengthy debate on this floor last evening in which attention was drawn to a potential problem with respect to distribution of available education subsidy monies and I believe it was the gentleman from Montgomery, Senator Tilghman, who offered an amendment to correct that problem to which attention was drawn by making a limitation upon the distribution of State monies.

Mr. President, can the gentleman tell us why a limitation factor has not been inserted rather than a reduction from the Governor's proposal for PHEAA?

Senator TILGHMAN. Mr. President, that is not germane to this amendment.

Mr. President, I am not going to answer the question.

Senator LEWIS. Mr. President, when I started my questioning the gentleman chose to make responses with regard to a lengthy study that he has been conducting and the need to limit the distribution of PHEAA monies. I did not begin that discussion, he has. I am intrigued by it. It may well be something we would be willing to support and so, within the

context of trying to appropriately handle the PHEAA monies that are available, I think it is germane and I would ask the gentleman why we have not used that approach rather than the \$2 million reduction that he chose to use.

Senator TILGHMAN. Mr. President, to balance the budget, as we well know, certain cuts have to be made. The gentleman's increases, I think the taxpayers of Pennsylvania should know, are almost up to \$200 million. If we are going to put certain things into the budget, certain cuts have to be made and this was one of them.

Senator LEWIS. Mr. President, in my earlier remarks with regard to this amendment I have made reference to some statements and some statistics that came from the Executive Director of PHEAA, Mr. Reeher, with regard to his anticipation that at the funding level proposed by the Governor, there would be approximately a reduction in the number of recipients by some 6,500 or 7,000. If, in fact, the amount that is allocated for PHEAA is \$2 million less than that requested by the Governor, can the gentleman tell us how many more students will not get grants next year.

Senator TILGHMAN. No, Mr. President, I cannot tell you.

Senator LEWIS. Mr. President, would the gentleman agree there would have to be a reduction in the number of grant recipients in order to accommodate that funding level?

Senator TILGHMAN. Of course not, Mr. President. Anything can be changed in the formula.

Senator LEWIS. Mr. President, I think the impact and the effect of this is very easy for any observer to see. What has happened again is another arbitrary reduction over the Governor's request for funding without any due concern for the impact that this type of reduction is going to have upon college students in Pennsylvania. It is going to be serious. People are going to suffer because of it, people who need and who have been counting upon this money to be able to support and provide for their college education. Again, Mr. President, we are not dealing with an amount that has been determined by a department, we do not have a secretary or an executive director coming in and asking for one level, we are talking about the amount the Governor thought to be necessary and appropriate at least to meet the needs as he saw them. Now for reasons that again escape any realistic discussion or explanation here, we are finding yet again another substantial cut in the necessary programs for its students in Pennsylvania.

Mr. President, I think that every Member of this Senate has got to understand what that is going to mean to people in his district. I hope we are prepared to go back to those college students who are going to be rejected by PHEAA next year and to say that we had the opportunity to provide an adequate level of funding but did not do it because we had to make some budget cuts. I certainly do not want to do that and I cannot imagine that any other person here is interested in having to do that, Mr. President. We are talking about a responsible level of funding for this agency that has been reduced without any appropriate explanation.

Mr. President, I would encourage my colleagues to reject that type of an approach to the budget and to approve this amendment which would simply return the funding level to that which was originally recommended by the Governor.

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

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

YEAS—22

Andrezeski	Lincoln	Murray	Singel
Bodack	Lloyd	O'Pake	Smith
Early	Lynch	Reibman	Stapleton
Hankins	McKinney	Ross	Stout
Kelley	Mellow	Scanlon	Zemprelli
Lewis	Messinger		

NAYS—25

Bell	Hess	Manbeck	Shaffer
Corman	Holl	Moore	Snyder
Fisher	Howard	O'Connell	Stauffer
Gekas	Jubelirer	Pecora	Street
Greenleaf	Kusse	Price	Tilghman
Hager	Loeper	Rhoades	Wilt
Helfrick			

Less than a majority of the Senators having voted "aye," the question was determined in the negative.

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

SCANLON AMENDMENT I

Senator SCANLON, by unanimous consent, offered the following amendment:

Amend Sec. 201, page 7, line 19 by striking out "1,500,000" and inserting: 1,000,000

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

Senator SCANLON. Mr. President, before I speak on the amendment, I would request that whoever is keeping count over there carefully note that this is a cut. This is not an increase.

Mr. President, this amendment would cut the sum of \$500,000 from the appropriation to the Office of the General Counsel. Recently we just adopted a deficiency appropriation which would provide \$225 million during the current fiscal year for the Office of General Counsel. The Governor has recommended \$1.5 million for the next year. It is strongly suggested this appropriation be cut by at least \$500,000.

Mr. President, I ask a vote of unanimity to support this cut for a change.

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

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

YEAS—22

Andrezeski	Lincoln	Murray	Singel
Bodack	Lloyd	O'Pake	Smith
Early	Lynch	Reibman	Stapleton
Hankins	McKinney	Ross	Stout

Kelley Lewis	Mellow Messinger	Scanlon	Zemprelli
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NAYS—25

Bell Corman Fisher Gekas Greenleaf Hager Helfrick	Hess Holl Howard Jubelirer Kusse Loeper	Manbeck Moore O'Connell Pecora Price Rhoades	Shaffer Snyder Stauffer Street Tilghman Wilt
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Less than a majority of the Senators having voted "aye," the question was determined in the negative.

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

SCANLON AMENDMENT II

Senator SCANLON, by unanimous consent, offered the following amendment:

Amend Sec. 201, page 20, line 1, by striking out "\$38,964,000" and inserting: 38,464,000

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

Senator SCANLON. Mr. President, this amendment would be another cut in the amount of \$500,000 in the amount appropriated for the Department of Education in their vocational education program. The Governor had recommended \$39,464,000 and the Committee on Appropriations reduced it by \$500,000 on the theory that some of this money was paid in advance to the districts involved. I do not know where they arrived at the figure of \$500,000 when in fact the advance payment amounts to \$1 million, and following their own theory of cutting, they should have cut it \$1 million rather than \$500,000.

Therefore, Mr. President, I am requesting support for an additional cut of \$500,000 in this appropriation.

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

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

YEAS—22

Andrezeski Bodack Early Hankins Kelley Lewis	Lincoln Lloyd Lynch McKinney Mellow Messinger	Murray O'Pake Reibman Ross Scanlon	Singel Smith Stapleton Stout Zemprelli
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NAYS—25

Bell Corman Fisher Gekas Greenleaf Hager Helfrick	Hess Holl Howard Jubelirer Kusse Loeper	Manbeck Moore O'Connell Pecora Price Rhoades	Shaffer Snyder Stauffer Street Tilghman Wilt
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Less than a majority of the Senators having voted "aye," the question was determined in the negative.

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

SCANLON AMENDMENT III

Senator SCANLON, by unanimous consent, offered the following amendment:

Amend Sec. 201, page 13, line 5, by striking out "\$5,234,000" and inserting: \$4,910,000

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

Senator SCANLON. Mr. President, this amendment represents another cut in the amount of \$324,000 at Sequence No. 114 to the Department of Commerce in their general governmental operations.

The reduction would represent a \$13,000 cut in the press office and the elimination of a budget for film promotion at a savings of \$133,000 and the budget for international development be cut by \$178,600. It appears to me the budget on film promotion has proven to be a waste of money and it should be cut.

Therefore, Mr. President, I am requesting unanimous support for the adoption of this amendment.

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

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

YEAS—22

Andrezeski Bodack Early Hankins Kelley Lewis	Lincoln Lloyd Lynch McKinney Mellow Messinger	Murray O'Pake Reibman Ross Scanlon	Singel Smith Stapleton Stout Zemprelli
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NAYS—25

Bell Corman Fisher Gekas Greenleaf Hager Helfrick	Hess Holl Howard Jubelirer Kusse Loeper	Manbeck Moore O'Connell Pecora Price Rhoades	Shaffer Snyder Stauffer Street Tilghman Wilt
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Less than a majority of the Senators having voted "aye," the question was determined in the negative.

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

LEWIS AMENDMENT XVI

Senator LEWIS, by unanimous consent, offered the following amendment:

Amend Sec. 201, page 23, line 27, by striking out "\$1,922,000" and inserting: 2,425,000

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

Senator LEWIS. Mr. President, I am back to dealing with PHEAA but this time with regard to the administration of the department because I think we all understand whatever the

amount of money might be that is made available for the loan programs and for the matching grants, that in fact, there must be an effective and an efficient administration of that department in order to handle these particular loans.

Mr. President, what this amendment proposes to do is to increase by \$503,000 the amount of money available for administration of the PHEAA program by raising the entire level of the appropriation to \$2,425,000, which is the amount originally requested by the PHEAA Board. This is a very interesting story, Mr. President, because the PHEAA Board has consistently over a period of years reduced the proportion of its administrative monies that have come from State government. We talked about that again in the meetings of the Committee on Appropriations. Again it is a discussion that was taking place between me and Ken Reeher, the Executive Director, and I said to him, "As I read your budget document, you indicate that the proposed level of administrative funding for your Department made by the Governor now would in fact only supply you with 16% of the necessary operating funds."

He said, "That is correct."

I then said, "And that in fact, in the last five years you've actually reduced by 62% over what you were getting in the 1976 budget for administrative expenses."

Mr. Reeher said, "That's correct, Senator. We do not have any problem with the reduction. We do have a problem with the amount, but it's being reduced this year. Our long-term objective is to administratively be independent of the state appropriation."

So I said, "Well, then, that's in fact because your agency makes money for state government, doesn't it?"

He said, "That's correct."

I asked him how he did it.

He said, "Well we are servicing all the loans that are sold to Sally May."

He explained, "This is a congressional corporation to provide liquidity to the lenders."

He explained, "They go to the Federal Financing Bank and borrow money and then they go out and buy the student loans. We're servicing all the loans sold by banks in Maine, New Jersey, Delaware, Maryland, Ohio and Pennsylvania. We've also put a small computer in Indiana, Denver, Iowa, Arkansas, Virginia and New Jersey. We're under contract to put one in Connecticut. We've had some discussion with California and each of those computers are used by the state agency there to administer a student loan program." What happens is, our PHEAA Board provides them with the hardware, sells them the software and then operates the system through our own central computer. They make a monthly charge based upon the number of accounts that they put on that system.

I asked Mr. Reeher, "And you expect the revenues from those activities could possibly increase in the future if you have the opportunity to do that?"

He said, "Yes. For example, my men are today, all this week they've been installing in Denver, and that contract calls for a payment when the system is up and running and then it

calls for two successive payments six months apart just for the equipment."

He went on to explain then how that project would operate.

I asked him, "Well, then in fact with keeping with the request of the Governor you literally agree that you can do more with less and reflected that by reducing your administrative request over last year in your budget submission. Did you not?"

Mr. President, let me stop here for just a moment to point out if in fact we approve this amendment and increase the request made by PHEAA for their administrative expenses for this year, that that will still represent a reduction over the amount that they got in the budget last year.

Mr. Reeher then said, "Yes our budget was the 97% of last year figure."

I asked him, "Before we even started to talk about an 8% salary increase obligation that you have to bear?"

He said, "That's right."

I asked him, "As things stand now what the Governor has said is that he wants to cut you by 25%?"

He answered, "Yes."

I asked him, "\$803,000 over the whole operation?"

He said, "Yes."

I asked him, "The result of that then if I read your statement clearly is that since you're not yet at the point of administrative self-sufficiency which you believe you can get to in two years, that if this Governor's budget item is not changed, if it's left intact, you say that you will clearly never get to the point of self-sufficiency and that it lacks the means to develop the servicing activities to generate the income to permit you to operate in an independent fashion without asking for any state dollars?"

Mr. Reeher said, "I can't say that we'll never get there but I see some problems in trying to move us there on someone else's timetable. We execute the contracts. We make the commitments we think we can carry out. We could do twice as much contracting as we're now doing. The business is out there. But we don't have the capability to manage it and it does take people and it takes front loaded dollars to get yourself in that position. We're asking for one more year of grace so to speak."

My question then was, "Is it unfair to say that the cuts as proposed by the Governor are really short term savings that are going to have, are going to eliminate long term benefits?"

Mr. Reeher said, "I think if we're put in a position where we cannot add the people that we need to for this contracting, yes. It's a loss that we can't recover."

Mr. President, as we look at rearranging priorities, each of us adopts our own ideas of how those priorities ought to be implemented. As we add expenditures in one area, we recognize there need to be cuts in others because we are working within a limited framework of available dollars. I think the cuts we are looking at here have absolutely the opposite effect of what it is that each and every one of us has to be trying to accomplish, and that is to not only deal with this year's budget, but also to work toward a long-term improvement for this Commonwealth throughout all of the areas in which we

will find that certain problems exist now or needs that are being funded, will not exist next year.

Mr. President, this PHEAA administration situation is a classic example of that situation, a department that has dramatically reduced its demand for State dollars over the last five years that hopes within the next two years it will be able to totally eliminate the need for State monies which means that much more revenue available for dealing with other programs. They cannot do it if they are cut below the bone. Anything less than the amount requested by that department, which is a reduction over last year's request, is going to make it virtually impossible for them to achieve that desired level of self-sufficiency.

Mr. President, we have to be prepared to help people who have a track record of helping themselves and have all of the reasonable prospects for even improving upon that in the future. That is why I am asking for approval of this amendment, Mr. President, which would provide the administrative dollars that will make it possible for this agency to become self-sufficient within the next two years.

Mr. President, I ask for an affirmative vote on this amendment.

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

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

YEAS—22

Andrezeski	Lincoln	Murray	Singel
Bodack	Lloyd	O'Pake	Smith
Early	Lynch	Reibman	Stapleton
Hankins	McKinney	Ross	Stout
Kelley	Mellow	Scanlon	Zemprelli
Lewis	Messinger		

NAYS—25

Bell	Hess	Manbeck	Shaffer
Corman	Holl	Moore	Snyder
Fisher	Howard	O'Connell	Stauffer
Gekas	Jubelirer	Pecora	Street
Greenleaf	Kusse	Price	Tilghman
Hager	Loeper	Rhoades	Wilt
Helfrick			

Less than a majority of the Senators having voted "aye," the question was determined in the negative.

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

LEWIS AMENDMENT XVII

Senator LEWIS, by unanimous consent, offered the following amendment:

Amend Sec. 201, page 23, line 27, by striking out "1,922,000" and inserting: 2,072,000

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

Senator LEWIS. Mr. President, I am certain that many of my colleagues were moved by the comments I just made about the attempts to develop administrative self-sufficiency on the part of the PHEAA Board, yet I can understand they may

have been slightly reluctant to again go the full hundred yards. I am asking them now to realize that in the context of those comments to which I heard nary a negative comment nor a single dissenting voice raised to challenge the conclusions and the facts that were set forth. I ask them now to recognize the comments I made were with regard to the difference between the administrative budget requests made by PHEAA and the amount proposed by the Governor. Unfortunately we are confronted with a much more serious problem and that is, again, the amount recommended by the Governor has been, in the figures we see in House Bill No. 712 before us, reduced by some \$150,000.

Mr. President, what this amendment does is to propose to return that \$150,000 so the funding level for the PHEAA administration, albeit below that which they appropriately ought to have, at least should be returned to the level the Governor recognized was minimally necessary in order to carry on their functions.

Mr. President, I desire to interrogate the gentleman from Montgomery, Senator Tilghman.

The PRESIDENT. Will the gentleman from Montgomery, Senator Tilghman, permit himself to be interrogated?

Senator TILGHMAN. I will, Mr. President.

Senator LEWIS. Mr. President, can the gentleman tell us what the basis was for the computation of the reduction of \$150,000 in the PHEAA administration below the Governor's level?

Senator TILGHMAN. Mr. President, I am sorry. I was not listening to your speech so I will take a minute to get that answer.

We made the cuts because as the gentleman said, Mr. President, they are supposed to be self-sufficient and they are doing all this work for these other States and we think they can stand the cuts.

Senator LEWIS. Mr. President, I wonder if the gentleman in light of the testimony given by Mr. Reeher with regard to their inability to sustain those cuts will tell us upon what basis the gentleman has arrived at the conclusion that he believes they can?

Senator TILGHMAN. Mr. President, the gentleman from Bucks, Senator Lewis, has read a lot of questions and answers all night and I was not listening to any of them. I am terribly sorry, Mr. President, I cannot reply to it, but for goodness sakes, do not read them again. If the gentleman said he could not stand the cuts, I would think that is probably a normal reaction to any person in government in any year, in any department that suffers a cut.

Senator LEWIS. Mr. President, is the gentleman aware the amount proposed by the Governor represents approximately a twenty-five per cent decrease over the amount requested by PHEAA for administrative purposes?

Senator TILGHMAN. No, Mr. President.

Senator LEWIS. Mr. President, is the gentleman aware that even the amount requested by PHEAA represented a decrease over the amount that was made available to them in this past year?

Senator TILGHMAN. Mr. President, I am quickly approaching the point where I have talked with my colleagues on this side of the aisle and will refuse to answer questions. The gentleman is going along the same way. It is not proving much. We are not getting anyplace. The gentleman knows the reasons for the cuts, I know the reasons for the cuts, the other Senators know the reasons for the cuts. I do not want to say that I will not stand for interrogation, but I know what an interrogation amounts to often on this floor and I am close to that point.

Senator LEWIS. Mr. President, the very simple fact of the matter is I do not know the reason for the cuts. I am trying to determine that. The gentleman has suggested he believes they can further reduce their administrative expense by bringing in monies from outside the Commonwealth and that the materials available to me do not indicate there is any basis for that conclusion. Mr. President, that is why I would like to know particularly and specifically where and how the gentleman believes those cuts can be implemented within the PHEAA administration program. Mr. President, that is the question I am asking the gentleman and I would be delighted if the gentleman can give me that response.

Senator TILGHMAN. Mr. President, the gentleman is repeating the question. I will repeat the same answer. They are supposed to get this money as a self-sufficiency, saying that Mr. Reeher had some conversation with the gentleman where he said he was not. I am not privy to that conversation, Mr. President. Let us not go over and over the same question. Let us get on with it.

Senator LEWIS. Mr. President, I am not referring to any private conversations. I happen to be quoting from the testimony taken before the Committee on Appropriations and to the best of my recollection, the gentleman from Montgomery, Senator Tilghman, was present at all of those meetings. It was information made available to the gentleman, to me and to all of the other Members who were there. Mr. President, I think we should get on with it and I think we should understand specifically what we are doing with the funding levels for this Commonwealth. If we are going to make a reduction, I think we better be prepared to understand what the impact of that reduction is going to be. I certainly do not have any idea what this \$150,000 cut will mean except real tragedy for that department. The gentleman from Montgomery, Senator Tilghman, has not been able to give me any help other than just a hope it will be produced someplace in the outside market from contracts that are being serviced and the testimony from the Executive Director indicates that just cannot happen and that it is not possible.

Mr. President, I think each and every one of us here have a very clear responsibility with regard to how we handle the State dollars that are being appropriated for the operations of our various agencies. To merely again make cuts which appear do not have any justifiable basis in terms of the impact and the result that will occur, I think, is something that should not and cannot be tolerated by any of the Members of this Senate. I would ask we at least restore the administrative levels for the funding for the administrative operation of that

agency to those requested by the Governor and would ask an affirmative vote, Mr. President, to do that.

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

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

YEAS—22

Andrezeski	Lincoln	Murray	Singel
Bodack	Lloyd	O'Pake	Smith
Early	Lynch	Reibman	Stapleton
Hankins	McKinney	Ross	Stout
Kelley	Mellow	Scanlon	Zemprelli
Lewis	Messinger		

NAYS—25

Bell	Hess	Manbeck	Shaffer
Corman	Holl	Moore	Snyder
Fisher	Howard	O'Connell	Stauffer
Gekas	Jubelirer	Pecora	Street
Greenleaf	Kusse	Price	Tilghman
Hager	Loeper	Rhoades	Wilt
Helfrick			

Less than a majority of the Senators having voted "aye," the question was determined in the negative.

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

LEWIS AMENDMENT XVIII

Senator LEWIS, by unanimous consent, offered the following amendment:

Amend Sec. 201, page 23, line 24, by striking out "2,000,000" and inserting: 3,000,000

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

Senator LEWIS. Mr. President, a short while ago when I was discussing the "hat trick whammy" our students were going to be experiencing in Pennsylvania, one of the items I referenced and said I would get back to is the problem with matching funds for student grants in Pennsylvania. This amendment proposes to increase the amount of money that will be available for those student matching grants from the current level of \$2 million to a level of \$3 million which is that which was requested by PHEAA.

Again, we covered this subject in the Committee on Appropriations and in the discussion with Mr. Reeher, I said, "You've talked about your requests with regard to the matching funds and the student funds and the fact the Governor has come up more than four million dollars short of what you have asked for, but at least a million dollars short of what you really think you ought to have?"

He said, "That's correct." He then told me he estimates or rather, we estimate, meaning PHEAA, "...the colleges will lose 4.6 million dollars in federal money that they will, unless they're able to come up with the money elsewhere to provide the match. These are state owned colleges and community colleges which are very dependent on your direct appropriations."

Mr. President, I asked, "Now that 4.6 million loss figure results because of the failure to provide a million dollars in state funds, is that correct?"

He said, "Yes. The match is 80-20."

I said, "Right. So that if in fact we went from the two million that the Governor's giving you to the three million that you really think should be in there, in addition to that money our state institutions would pick up 4.6 million dollars in additional federal money?"

He said, "Yes. And it would be for work-study employment."

Mr. President, these work-study programs along with all the other ones I mentioned are extremely important to the students of this Commonwealth, students who do want to work to earn their money, who are not going to PHEAA, who are not in the position to take loans, but who are in a position to work, and we are talking now about losing \$4.6 million because of the failure of the State to provide this additional \$1 million for those matching grants.

Mr. President, I think this is an extremely important area for our students and would ask an affirmative vote.

And the question recurring,

Will the Senate agree to the amendment?

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

YEAS—22

Andrezeski	Lincoln	Murray	Singel
Bodack	Lloyd	O'Pake	Smith
Early	Lynch	Reibman	Stapleton
Hankins	McKinney	Ross	Stout
Kelley	Mellow	Scanlon	Zemprelli
Lewis	Messinger		

NAYS—25

Bell	Hess	Manbeck	Shaffer
Corman	Holl	Moore	Snyder
Fisher	Howard	O'Connell	Stauffer
Gekas	Jubelirer	Pecora	Street
Greenleaf	Kusse	Price	Tilghman
Hager	Loeper	Rhoades	Wilt
Helfrick			

Less than a majority of the Senators having voted "aye," the question was determined in the negative.

And the question recurring,

Will the Senate agree to the bill on third consideration?

SINGEL AMENDMENT II

Senator SINGEL, by unanimous consent, offered the following amendment:

Amend Sec. 201, page 27, line 19, by striking out "500,000" and inserting: 1,000,000

On the question,

Will the Senate agree to the amendment?

Senator SINGEL. Mr. President, the passage of House Bill No. 230, Act 224 of 1980, which was enacted in November of that year called for a mandatory tumor registry and also provided for the planning of a comprehensive cancer program in the Department of Health to deal with the serious problem

we have in this State as well as nationwide with the high incidence of cancer. The cost for the program is estimated by the Department of Health initially to be \$1.5 million. House Bill No. 712, this budget, contains \$500,000 and this amendment would add \$500,000 to bring it to a reasonable initial level of funding at \$1 million.

I have a particular interest in this matter, Mr. President, because shortly after my election, I became aware of one community in the Thirty-fifth District that was very much concerned with the level and the incidence of cancer there. It is as a result of much local interest in the matter, an association, the Black Lick Valley Cancer Fund Association was formed to delve into the problem of cancer in the small Borough of Nanty Glo in the Thirty-fifth District. This group did an exhaustive door-to-door search and uncovered much information concerning the high incidence of cancer especially in the years since 1975.

Mr. President, a result of their effort was a meeting held March 17th in my office with Department of Health officials to determine what exactly could be done to get to the bottom of what was causing these inordinate amounts of cancer. Much to the credit of the Pennsylvania Department of Health, especially Dr. Reid, the Assistant Secretary for Community Health Programs and his assistant, Mr. Bill Shaull, a task force was established that is now beginning an intensive investigation into the causes of cancer in the Nanty Glo area and possible solutions.

Mr. President, the interesting thing about this whole exercise is Nanty Glo, as dangerously high as the cancer levels are and in one case, we discovered one street had seventeen houses on it and eleven reported incidences of cancer, enormously high as that rate is, it was discovered and it is contended this is not atypical for communities throughout Pennsylvania. I think that speaks to the real problem we have with cancer in the State. One thing is exceedingly clear to me, at the very least, we should provide our Department of Health with the necessary tools to at least get a handle on the statistical occurrences of cancer. This funding would do that and at least provide the initial capital necessary to begin a scientific approach to this whole matter.

Mr. President, I would urge an affirmative vote on this amendment.

And the question recurring,

Will the Senate agree to the amendment?

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

YEAS—22

Andrezeski	Lincoln	Murray	Singel
Bodack	Lloyd	O'Pake	Smith
Early	Lynch	Reibman	Stapleton
Hankins	McKinney	Ross	Stout
Kelley	Mellow	Scanlon	Zemprelli
Lewis	Messinger		

NAYS—25

Bell	Hess	Manbeck	Shaffer
Corman	Holl	Moore	Snyder
Fisher	Howard	O'Connell	Stauffer
Gekas	Jubelirer	Pecora	Street
Greenleaf	Kusse	Price	Tilghman

Hager Loeper Rhoades Wilt
Helfrick

Less than a majority of the Senators having voted "aye," the question was determined in the negative.

The PRESIDING OFFICER (John Stauffer) in the Chair.

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

SCANLON AMENDMENT IV

Senator SCANLON, by unanimous consent, offered the following amendment:

Amend Sec. 201, page 7, line 9, by striking out "5,845,000" and inserting: 5,625,000

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

Senator SCANLON. Mr. President, it seems tonight I have been given the opportunity to offer all of those amendments which result in cuts in the budget. This particular amendment would cut at Sequence No. 14, the appropriation to the Office of Budget and Administration by an additional \$220,000. Senate Bill No. 792 has already cut the requested appropriation by the Governor in an amount of \$1 million. After studying the entire problem, it is our opinion an additional \$220,000 can be cut by eliminating all funded vacancies. This would mean as a net result the Office of Budget Administration would receive \$77,000 less in the coming year than it is receiving in the current year.

Mr. President, I am requesting unanimous support for this amendment.

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

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

YEAS—22

Andrezeski	Lincoln	Murray	Singel
Bodack	Lloyd	O'Pake	Smith
Early	Lynch	Reibman	Stapleton
Hankins	McKinney	Ross	Stout
Kelley	Mellow	Scanlon	Zemprelli
Lewis	Messinger		

NAYS—25

Bell	Hess	Manbeck	Shaffer
Corman	Holl	Moore	Snyder
Fisher	Howard	O'Connell	Stauffer
Gekas	Jubelirer	Pecora	Street
Greenleaf	Kusse	Price	Tilghman
Hager	Loeper	Rhoades	Wilt
Helfrick			

Less than a majority of the Senators having voted "aye," the question was determined in the negative.

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

SCANLON AMENDMENT V

Senator SCANLON, by unanimous consent, offered the following amendment:

Amend Sec. 201, page 7, line 6, by striking out "\$3,126,000" and inserting: \$2,921,000

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

Senator SCANLON. Mr. President, this is an amendment to Sequence No. 2, in the Governor's Office, in the Governor's general operations by reducing the appropriation an additional \$205,000. This can be accomplished by reducing the payroll by \$195,000 to reflect six positions that will be transferred to the Office of General Counsel and eliminate a \$10,000 increase which was requested in the operation of the Washington, D.C. office.

Mr. President, there is no question this is a meritorious amendment. I am requesting the support of the entire Senate for its adoption.

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

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

YEAS—22

Andrezeski	Lincoln	Murray	Singel
Bodack	Lloyd	O'Pake	Smith
Early	Lynch	Reibman	Stapleton
Hankins	McKinney	Ross	Stout
Kelley	Mellow	Scanlon	Zemprelli
Lewis	Messinger		

NAYS—25

Bell	Hess	Manbeck	Shaffer
Corman	Holl	Moore	Snyder
Fisher	Howard	O'Connell	Stauffer
Gekas	Jubelirer	Pecora	Street
Greenleaf	Kusse	Price	Tilghman
Hager	Loeper	Rhoades	Wilt
Helfrick			

Less than a majority of the Senators having voted "aye," the question was determined in the negative.

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

SCANLON AMENDMENT VI

Senator SCANLON, by unanimous consent, offered the following amendment:

Amend Sec. 201, page 7, line 10, by striking out "\$13,085,000" and inserting: \$12,852,000

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

Senator SCANLON. Mr. President, before discussing the amendment, I would like to comment I never thought I would live to see the day the gentleman from Montgomery, Senator Tilghman, would vote "no" on five consecutive cuts in the budget. We learn more and more every day. Mr. President, is the gentleman's hearing aid on?

Mr. President, this amendment would cut an additional \$233,000 from the Governor's request at Sequence No. 22 by eliminating forty-two additional positions which we feel are not necessary. I am requesting a unanimous vote on the adoption of this amendment.

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

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

YEAS—22

Andrezeski	Lincoln	Murray	Singel
Bodack	Lloyd	O'Pake	Smith
Early	Lynch	Reibman	Stapleton
Hankins	McKinney	Ross	Stout
Kelley	Mellow	Scanlon	Zemprelli
Lewis	Messinger		

NAYS—25

Bell	Hess	Manbeck	Shaffer
Corman	Holl	Moore	Snyder
Fisher	Howard	O'Connell	Stauffer
Gekas	Jubelirer	Pecora	Street
Greenleaf	Kusse	Price	Tilghman
Hager	Loeper	Rhoades	Wilt
Helfrick			

Less than a majority of the Senators having voted "aye," the question was determined in the negative.

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

LEWIS AMENDMENT XIX

Senator LEWIS, by unanimous consent, offered the following amendment:

Amend Sec. 201, page 33, by inserting between lines 8 and 9:
For the purchase of patrol cars..... 3,500,000

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

Senator LEWIS. Mr. President, I am sure all of my colleagues are absolutely delighted our concern for effective law enforcement is not limited to the Attorney General's Office but rather extends into all appropriate branches and agencies of this Commonwealth. One of those areas has to do with the State Police.

Mr. President, when the Pennsylvania State Police submitted their budget request to the Governor's Office, they indicated a very important need with regard to patrol cars. I thought that need was important enough that I read from that request when we had the State Police Commissioner before the Committee on Appropriations. It is that concern that has given rise to the offering of this amendment which through the increase of \$3.5 million would provide for the needs which are described in this statement which I am going to read. This is a statement from the State Police as presented to the Governor and it says this department must purchase an average minimum number of 600 patrol vehicles per year in order to replace patrol vehicles at 70,000 miles, "...our best experience indicates it is neither economically feasible nor safety conscience to run these vehicles at the State Police pace beyond this mileage. During the current fiscal year, funding will allow for the purchase of only 500 patrol vehicles." By that he means the 1980-81 fiscal year. "A second straight year of inadequate replacement of patrol cars would further exacerbate our fleet situation."

That, Mr. President, is the plea of the State Police Commissioner to the Governor's Office with respect to their needs for their patrol cars.

Mr. President, I asked the State Police Commissioner about the fact he did not get quite the amount of money he was looking for. I asked, "And was it your belief that those replacements were extremely important to the operation of your department?"

His answer was, "Not as important as getting more people."

I said, "All right. Well, what's the Governor's response been with regard to the number of patrol cars that he's allocated money for you to repair? Or replace, rather."

The State Police Commissioner told us at that time, "As it stands now I think I'm probably going to get 40 cars."

Mr. President, I am certain everyone is listening very carefully when I make them aware of the fact in the budget proposal as it now sits before us, the State Police will be able to get forty cars, not the 600 they have told us are absolutely necessary in order to do the job.

In fact, I was so astounded I repeated that and said, "40 cars?"

And the State Police Commissioner said, "Yes, sir."

I said, "And you told him you thought it was critical to replace 500?"

He said, "I don't think I said it was critical. I think I said it was probably good business and so forth."

Mr. President, again we find an area that is not only of extreme importance to us with regard to law enforcement. I might say we went on and talked at some length about what the impact of the failure of providing these cars was going to mean and you do not need much of an imagination to understand our State Police are not going to be patrolling the highways because those cars, when they are running at all, are going to have a much higher rate of time being spent in the garage for those that can even be repaired.

Mr. President, on the one hand while we are talking about making a commitment to law enforcement in this Commonwealth, whether it is Medicaid fraud, whether it is Grand Juries, whether it is crime prosecution or whether it is merely the State Police doing the jobs we expect them to do, we find these budgetary allocations are coming up woefully short. Not 600 cars, Mr. President, not 500 cars, but forty if the State Police Commissioner is lucky.

Mr. President, while I know you and I certainly hope none of those patrolling State policemen ever happens to find us in a wayward moment when the speed of our automobiles might be slightly higher than that posted on any one of the Commonwealth's highways, I do not think we would go to the point of eliminating their opportunity to obtain the vehicles they need to patrol the roads and do the job. That seems to me to be exactly what is going to happen if, in fact, we do not approve this amendment.

Mr. President, I would ask for unanimous consent for the adoption of this amendment.

Senator HOLL. Mr. President, following the hearings of the Committee on Appropriations to which the gentleman

from Bucks, Senator Lewis, referred, I had a series of meetings with representatives of the State Police Commissioner and I had discussions with him. As a result of those meetings, legislation has been introduced to help and possibly completely alleviate the problem to which we refer.

Mr. President, it will transfer all of the examinations for drivers' licenses from the State Police to certified driver training teachers, and it will no longer be done by the police officers. It will, in addition to that, provide for the examinations to be given on public school parking lots that are now marked for that purpose. It will eliminate the need for people to drive long distances to go to these examination points. It will free the automobiles that might be used for that purpose, the State Police cars, and by those officers being used for patrol duty, it will reduce the cost. I do not have the numbers here because I just heard the gentleman talking about it, but it will reduce the budget cost of the State Police so as to permit them to buy a large number of new patrol cars and free officers for police duty in the various areas.

Mr. President, I was deeply concerned about the same answers and questions the gentleman from Bucks, Senator Lewis, is referring to. This, at least, will be a partial answer to the problem the gentleman described here.

Senator LEWIS. Mr. President, I am delighted to hear the gentleman's response. While I am not familiar with the substance of the proposal about which he speaks, it sounds as if it is designed to attempt to provide some alleviation. Notwithstanding that, Mr. President, I think every one of us are aware of the potential difficulties that confront any legislative proposal, especially one that would make the significant changes the gentleman from Montgomery, Senator Holl, is suggesting. I think we cannot wait in terms of meeting the needs of our patrol cars for our State Police until such time as that proposal may clear the Legislative Branch. To the best of my knowledge, it is not even before us or out on the Calendar in the Senate now.

Mr. President, it would seem to me the most prudent way to guarantee the State Police are going to have what they need is to approve this amendment so they can begin to purchase the cars and then to make the appropriate transfers from their funds at such time as it may then be appropriate if the bill of the gentleman from Montgomery, Senator Holl, is adopted. I think that way we do not leave them out hanging in limbo someplace with merely an expectation that something might possibly occur in the future. This subject is much too important, the need for those patrol cars much too critical to have it existing in any tenuous vein.

Senator HOLL. Mr. President, I have to agree with the gentleman that it may take some time. However, the bill is in the committee and has been introduced and it does have the complete support of the Administration and the Police Commissioner.

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

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

YEAS—22

Andrezeski	Lincoln	Murray	Singel
Bodack	Lloyd	O'Pake	Smith
Early	Lynch	Reibman	Stapleton
Hankins	McKinney	Ross	Stout
Kelley	Mellow	Scanlon	Zemprelli
Lewis	Messinger		

NAYS—25

Bell	Hess	Manbeck	Shaffer
Corman	Holl	Moore	Snyder
Fisher	Howard	O'Connell	Stauffer
Gekas	Jubelirer	Pecora	Street
Greenleaf	Kusse	Price	Tilghman
Hager	Loeper	Rhoades	Wilt
Helfrick			

Less than a majority of the Senators having voted "aye," the question was determined in the negative.

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

LEWIS AMENDMENT XX

Senator LEWIS, by unanimous consent, offered the following amendment:

Amend Sec. 201, page 33, by inserting between lines 8 and 9:

For the operation of the Delaware
County Criminal Laboratory..... 270,000

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

Senator LEWIS. Mr. President, this particular amendment provides the monies as requested by the State Police, approximately \$270,000, so they can acquire the operation of the Delaware County Criminal Laboratory. I see the gentleman from Delaware, Senator Bell, here, I do not see the gentleman from Delaware, Senator Loeper, but possibly either or both of those gentlemen will be able to further enlighten all of us as to the circumstances existing with that laboratory and the requests made by the State Police.

Let me say again, Mr. President, from the program description, the Pennsylvania State Police in direct response to a request from Delaware County authorities propose to acquire the Delaware County Criminal Laboratory. The reason for this from their own program description was that Delaware County is unable to maintain this operation and by the State Police taking it over, the local police departments would continue to have the technical, investigative support capabilities in that area.

Mr. President, Delaware County had, in fact, offered to lease the building for a nominal fee and to assign permanently the equipment and the instrumentation to the State Police. The projected staff of the lab would be eight, with six of these being current Delaware County positions. Mr. President, the Delaware County Criminal Laboratory would be similar to the department's other regional laboratories and would provide municipal and State criminal justice agencies and the Pennsylvania State Police the needed technical and scientific services for analyzing, detecting and identifying evidence in the solution of crimes.

Mr. President, they went on to point out, the Delaware County Criminal Laboratory presently serves forty-two different police agencies in Delaware County and a portion of the agencies in Chester County. An acquisition of the laboratory would also enable the State Police then to realign the services provided by the Central Laboratory in Harrisburg and the Bethlehem Laboratory. This would then facilitate services to the southeastern portion of the State which, because of its population density, had a greater incidence of crime than most other areas of the State. Should the Delaware County Criminal Laboratory be discontinued, their case load would in all probability be borne by the State Police at either the Bethlehem or the Harrisburg laboratories.

The State Police then noted, Mr. President, the Delaware laboratory in 1979 performed technical analyses on some 5,079 items involving almost 1,900 criminal cases.

In conclusion, Mr. President, the State Police then went on to say acquisition of this crime laboratory would enable them to effect some realignment of service areas, specifically Montgomery County would be removed from Bethlehem's responsibility and those municipalities in Chester County serviced by the Central Laboratory in Harrisburg would be removed from Harrisburg's responsibility. Continued location of a crime laboratory in that area would enable law enforcement agencies to travel shorter distances for the services, provide relatively shorter distance of travel for staff to attend court and thereby eliminate needed appearances of their lab personnel from the offices and laboratories in more distant cities of Bethlehem and Harrisburg.

Mr. President, what we have before us is a request from Delaware County for the State Police to take over the operation of their laboratory. This is not some idea that was dreamed up by a bureaucrat. This is not a proposal that was proffered by the State Police. This is a request for help from one of our counties in an area that is extremely important as far as criminal investigations and the delivery and production of services to all of those people.

Mr. President, I asked the State Police Commissioner what was going to happen because the money was not provided to acquire that lab and he said he did not know but certainly one of the things about which he was most concerned was the possibility that lab was going to close down because Delaware County did not have the money to continue to operate it. That concerns me as well, Mr. President. I think none of us should be in a position of allowing that kind of a situation to occur. I believe we should approve this small sum of money to make acquisition of that lab a possibility and better service the counties of Montgomery, Chester and Delaware in the need for their criminal investigations.

Senator BELL. Mr. President, as I have been listening to these dozens and dozens of amendments and the attempt by the Minority Chairman of the Committee on Appropriations to legislate by appropriations rather than through the established committees of this Legislature, I am really amazed, and I am not impugning the motives of the gentleman from Bucks, Senator Lewis. The gentleman is carrying a message to the Senate of Pennsylvania from Delaware County which

message was never given to the Senators from Delaware County. The gentleman is moving into a great new field presently financed by LEAA funds without consulting with the established committees of this Senate.

Mr. President, I do not think it is in order for anybody in this Senate to bypass the established committees. There are committees in this Senate that are established to go into new ideas and have proper hearings and consideration. We do not do it by shooting from the dark in one of maybe 150 amendments, and I do not know how many more are to be listened to. I am prepared to spend all week here, whether I am in here or listening to the squawk box in my office. Mr. President, I ask the Chair in the future not to permit somebody to bypass the committee system with an idea of taking over some function.

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

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

YEAS—22

Andrezeski	Lincoln	Murray	Singel
Bodack	Lloyd	O'Pake	Smith
Early	Lynch	Reibman	Stapleton
Hankins	McKinney	Ross	Stout
Kelley	Mellow	Scanlon	Zemprelli
Lewis	Messinger		

NAYS—25

Bell	Hess	Manbeck	Shaffer
Corman	Holl	Moore	Snyder
Fisher	Howard	O'Connell	Stauffer
Gekas	Jubelirer	Pecora	Street
Greenleaf	Kusse	Price	Tilghman
Hager	Loeper	Rhoades	Wilt
Helfrick			

Less than a majority of the Senators having voted "aye," the question was determined in the negative.

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

LEWIS AMENDMENT XXI

Senator LEWIS, by unanimous consent, offered the following amendment:

Amend Sec. 201, page 33, by inserting between lines 8 and 9:

For additional funds for trooper clothing expenses..... 187,000

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

Senator LEWIS. Mr. President, as the Governor's Office has noted in the communication they sent to the gentleman from Montgomery, Senator Tilghman, there are from time to time things that change between the period when the budget document is prepared and when this General Assembly must actually decide what spending levels it will implement. I might say one of those items, Mr. President, came about as a result of an arbitration award with regard to the State Police. That award specifically raised the annual clothing allowance from its previous level of \$300 to a new level of \$350. This addi-

tional \$50 per State Police trooper has not been included in the Governor's budget. According to the financial people at the State Police, the cost of this arbitration award for this clothing allowance, effective July 1st, will be \$187,000.

Mr. President, I believe we all know these budgets have been cut to the bone. An arbitration award that was not anticipated by anyone, I do not think can be argued or should be accommodated in budget figures that were previously pared down to their lowest possible number.

Mr. President, it seems to me our obligation to the State Police, our obligation to those troopers, is to provide this money and the alternative, if we fail to do that, is going to be very clear. It is going to mean it is going to have to come from the other dollars which would have otherwise been available to hire more troopers and to provide the proper staffing.

Mr. President, I would ask an affirmative vote on this amendment.

And the question recurring,

Will the Senate agree to the amendment?

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

YEAS—22

Andrezeski	Lincoln	Murray	Singel
Bodack	Lloyd	O'Pake	Smith
Early	Lynch	Reibman	Stapleton
Hankins	McKinney	Ross	Stout
Kelley	Mellow	Scanlon	Zemprelli
Lewis	Messinger		

NAYS—25

Bell	Hess	Manbeck	Shaffer
Corman	Holl	Moore	Snyder
Fisher	Howard	O'Connell	Stauffer
Gekas	Jubelirer	Pecora	Street
Greenleaf	Kusse	Price	Tilghman
Hager	Loeper	Rhoades	Wilt
Helfrick			

Less than a majority of the Senators having voted "aye," the question was determined in the negative.

And the question recurring,

Will the Senate agree to the bill on third consideration?

LEWIS AMENDMENTS XXII

Senator LEWIS, by unanimous consent, offered the following amendments:

Amend Sec. 506, page 59, line 16, by striking out "AND" and inserting a comma

Amend Sec. 506, page 59, line 17, by inserting after "(C)": and (d)

Amend Sec. 506, page 59, by inserting between lines 25 and 26:

(d) The appropriation to the Department of General Services for the payment of tort claims shall be a continuing appropriation.

On the question,

Will the Senate agree to the amendments?

Senator LEWIS. Mr. President, I am sure those who are calculating the running total of the amendments that have been rejected on a regular basis will be delighted to know they can relax, these are amendments that do not require any

monies to be appropriated but rather to deal with a most serious potential problem that has so far gone unattended to. That is the fact since the implementation of the limited sovereign immunity for this Commonwealth, we have made appropriations for tort claim payments. In our discussions yesterday, the gentleman from Montgomery, Senator Tilghman, and others noted the amount that has been allocated this year has been drawn on only very lightly and there is no reason to necessarily believe, although we cannot tell for certain what the draw-downs are going to be on next year's amount. That was the reason why the Majority offered an amendment to cut it.

The fact and the problem we are trying to address here, Mr. President, is that we have a need for these annual allocations to be continuing appropriations. The reason is, we are really dealing with an insurance-type circumstance. We are dealing with a situation in which the responsibilities of this Commonwealth are accumulated on a regular basis and that the bigger claims, the larger items, in fact, those which are going to cost us the most money, are being postponed until some future date but are not being funded today. All we are paying for are the smallest of those that can be handled very expeditiously and disposed of.

Mr. President, let me give you some idea of how serious that problem is building for us. I was at first surprised to learn the money lapsed at the end of the year in our questioning with the Department of General Services about the tort claims payment, and Secretary Baran did, in fact, confirm that yes, it lapses. He then said, "...of course we would not like to see it lapse because we are going to need it in later years."

I asked, "Has your department attempted to do anything to frame legislation that in fact will maintain these funds in what might be an insurance type of trust account of some sort? What you're saying now is we're going on a pay the claims settled kind of basis, rather than recognizing an accrual factor here."

The Secretary said, "That's right." Then he suggested we hear from Mr. Delia, who is actually the Risk Manager, because he had more facts at hand.

Mr. Delia said, "Since the program started, we've gotten about seven thousand claimants. I say claimants. You can have an accident or an incident and you may have more than one claimant. Our count based on our statistical data bank that we have at this time, we've got seven thousand claimants of which 5,300 of those claimants are in the pre-litigation stage and about 1,700 of those claimants are in the litigation stage." He says, "Of the 7,000 claimants, we have had some settlements as you know we've expended some monies. In the pre-litigation stage, we estimate the 5,300 claimants that are in the litigation stage, would require at this time a reserve of seven million dollars."

He says, "I think we've paid all together of the total seven thousand claimants, we paid close to \$2,600,000 since the inception of the program."

Mr. President, what he is saying very, very clearly is there is a major problem brewing down the road. He went on then when I asked whether they factored out an attempt to anti-

pate what the obligation is going to be, Mr. Delia said, "It's impossible, sir, to determine at this time because there is a payoff scale with liability suits, an incident could occur today and may not be settled for six, eight or nine years down the pike."

The problem we have, Mr. President, is if we do not start setting aside the monies, the modest amount of monies we are appropriating each year, some five, six, seven years down the road when these major claims start to be settled, we are going to find a call for this Legislature to put up dramatic sums of money in order to meet the obligations of this Commonwealth. It would seem to me to make sense to do a little bit each year to provide that money in a continuing appropriation account, which is all these amendments do. They say the appropriation for the current year will be a continuing one and will not lapse. By doing that and then following it up with the appropriate substantive legislation processed through the appropriate committee as we should do, we will then be in a position to deal with our liability circumstances as insurance companies do by setting aside reserves that are earning interest and that will be there to pay the claims in the future when they arise rather than creating a situation that is going to impose significant cost factors upon those who follow us in this General Assembly.

Mr. President, I would ask for an affirmative vote.

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

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

YEAS—22

Andrezeski	Lincoln	Murray	Singel
Bodack	Lloyd	O'Pake	Smith
Early	Lynch	Reibman	Stapleton
Hankins	McKinney	Ross	Stout
Kelley	Mellow	Scanlon	Zemprelli
Lewis	Messinger		

NAYS—25

Bell	Hess	Manbeck	Shaffer
Corman	Holl	Moore	Snyder
Fisher	Howard	O'Connell	Stauffer
Gekas	Jubelirer	Pecora	Street
Greenleaf	Kusse	Price	Tilghman
Hager	Loeper	Rhoades	Wilt
Helfrick			

Less than a majority of the Senators having voted "aye," the question was determined in the negative.

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

MELLOW AMENDMENT III

Senator MELLOW, by unanimous consent, offered the following amendment:

Amend Sec. 201, page 28, by inserting between lines 6 and 7:

For the Everhart Museum
in Scranton..... 25,000

On the question,

Will the Senate agree to the amendment?

Senator MELLOW. Mr. President, for the purpose of a very brief explanation, I would just like to point out to the Members of the Senate this appropriation to a museum located in the City of Scranton is one that is vitally needed for the survival of this particular institution. I realize, Mr. President, some people may come back and say this should be done in the form of a nonpreferred bill. Mr. President, I have introduced this particular piece of legislation. It currently lies in the Committee on Appropriations and I am not at all optimistic the Chairman of the Committee on Appropriations will consider it during this legislative Session. Therefore, Mr. President, I offer it to the General Appropriations bill and I will accept the previous roll call.

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

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

YEAS—22

Andrezeski	Lincoln	Murray	Singel
Bodack	Lloyd	O'Pake	Smith
Early	Lynch	Reibman	Stapleton
Hankins	McKinney	Ross	Stout
Kelley	Mellow	Scanlon	Zemprelli
Lewis	Messinger		

NAYS—25

Bell	Hess	Manbeck	Shaffer
Corman	Holl	Moore	Snyder
Fisher	Howard	O'Connell	Stauffer
Gekas	Jubelirer	Pecora	Street
Greenleaf	Kusse	Price	Tilghman
Hager	Loeper	Rhoades	Wilt
Helfrick			

Less than a majority of the Senators having voted "aye," the question was determined in the negative.

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

MELLOW AMENDMENT IV

Senator MELLOW, by unanimous consent, offered the following amendment:

Amend Sec. 201, page 32, by inserting between lines 3 and 4:

For the Cerebral Palsy Society
of Lackawanna County..... 59,000

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

Senator MELLOW. Mr. President, this once again is an amendment very similar to the last amendment that I talked about. This is a proposal which would make available \$59,000 to the Cerebral Palsy Society of Lackawanna County.

Mr. President, back in 1979 this General Assembly found in its wisdom to appropriate and the Governor signed the proposal which made \$59,000 available to the Lackawanna County Society for Cerebral Palsy. Mr. President, it is the fears of the people who are very active in the United Cerebral Palsy in Lackawanna County that because of the tremendous

cutbacks they expect to receive within the Federal government, it is absolutely important that although they did not receive the same appropriation in the last fiscal year, that it be extremely important that in fiscal 1981-1982, \$59,000 worth of State funds be made available so they not only can continue the operation administratively of the Cerebral Palsy Society of Lackawanna County, but would also, Mr. President, be able to continue the tremendous number of programs they have made available to those people who are not as fortunate as we are, those who are suffering from Cerebral Palsy.

Mr. President, I would ask for an affirmative vote on this amendment.

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

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

YEAS—22

Andrezeski	Lincoln	Murray	Singel
Bodack	Lloyd	O'Pake	Smith
Early	Lynch	Reibman	Stapleton
Hankins	McKinney	Ross	Stout
Kelley	Mellow	Scanlon	Zemprelli
Lewis	Messinger		

NAYS—25

Bell	Hess	Manbeck	Shaffer
Corman	Holl	Moore	Snyder
Fisher	Howard	O'Connell	Stauffer
Gekas	Jubelirer	Pecora	Street
Greenleaf	Kusse	Price	Tilghman
Hager	Loeper	Rhoades	Wilt
Helfrick			

Less than a majority of the Senators having voted "aye," the question was determined in the negative.

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

MELLOW AMENDMENT V

Senator MELLOW, by unanimous consent, offered the following amendment:

Amend Sec. 201, page 32, by inserting between lines 3 and 4:

For the Lackawanna County Branch of the Pennsylvania Association for the Blind for the provision of services to the blind..... 35,000

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

Senator MELLOW. Mr. President, this is the final amendment which I have to offer. It is an amendment that would make \$35,000 available to the Lackawanna County Branch of the Pennsylvania Association for the Blind.

Mr. President, once again back in 1979, we were able to get a bill through the General Assembly and signed by the Governor that made \$25,000 available to the Lackawanna County Blind Association.

Mr. President, after much discussion with the gentleman who is the Executive Director of the Lackawanna County Blind Association, in consultation with the proposed cutback

in funding of the Federal government as proposed by President Reagan, it is the feeling of the Lackawanna County Blind Association, Mr. President, that without this appropriation of \$35,000, once again the programs that they have established for many years, which have benefited the Blind Society in Lackawanna County, are going to be tremendously jeopardized.

Mr. President, I ask once again, a favorable consideration on this amendment.

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

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

YEAS—22

Andrezeski	Lincoln	Murray	Singel
Bodack	Lloyd	O'Pake	Smith
Early	Lynch	Reibman	Stapleton
Hankins	McKinney	Ross	Stout
Kelley	Mellow	Scanlon	Zemprelli
Lewis	Messinger		

NAYS—25

Bell	Hess	Manbeck	Shaffer
Corman	Holl	Moore	Snyder
Fisher	Howard	O'Connell	Stauffer
Gekas	Jubelirer	Pecora	Street
Greenleaf	Kusse	Price	Tilghman
Hager	Loeper	Rhoades	Wilt
Helfrick			

Less than a majority of the Senators having voted "aye," the question was determined in the negative.

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

LEWIS AMENDMENT XXIII

Senator LEWIS, by unanimous consent, offered the following amendment:

Amend Sec. 201, page 11, line 20, by striking out "12,471,000" and inserting: 14,618,000

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

Senator LEWIS. Mr. President, the Department of Aging item was an item of especially significant concern to the Members of the Committee on Appropriations when we were holding our hearings. Just to generally refresh recollections, I am sure my colleagues will remember that in the original proposal from the Governor, he recommended the Department of Aging be funded from Lottery Funds. He recommended the funding level be \$14.618 million, and that all of those funds come from what was believed to be a surplus in the Lottery Fund. There was a great deal of negative comment about all of that from the Members of the Committee on Appropriations and I am delighted to see House Bill No. 712 has at least begun to make some attempt and to provide some effort for changing that, although unfortunately, the funding level that has been selected, while it is not coming from lottery funds but coming from general government or from general revenues as it ought to, seems to be substantially less than that

amount which the Governor believed was necessary in order to do the job.

Mr. President, this amendment proposes to restore the level of funding for the Department of Aging to the \$14,618,000 level which was originally recommended by the Governor. The present bill calls for a funding level of \$12,471,000.

Mr. President, I desire to interrogate the gentleman from Montgomery, Senator Tilghman.

The PRESIDING OFFICER. Will the gentleman from Montgomery, Senator Tilghman, permit himself to be interrogated?

Senator TILGHMAN. I will, Mr. President.

Senator LEWIS. Mr. President, will the gentleman please explain for us why the figure of \$12,471,000 was selected as opposed to the Governor's recommended figure of \$14,618,000?

Senator TILGHMAN. Mr. President, we kept the budget at last year's figure.

Senator LEWIS. I am sorry, Mr. President, I did not hear the gentleman.

Senator TILGHMAN. Mr. President, we kept the amount the same as this year. Next year's figure will be the same as this year.

Senator LEWIS. Mr. President, can the gentleman tell us what the consequences of that funding level will be upon the department next year?

Senator TILGHMAN. No, I cannot, Mr. President.

Senator LEWIS. Mr. President, I think it is probably impossible for any of us to tell for sure how dramatic the impact is going to be but what we can look at with some certainty is what is going to happen to that department if, in fact, they even get the amount I am recommending in this amendment.

Secretary Black was before our committee and I questioned him about the delivery of services level that he would be able to provide because I also note the monies for the Council on Aging are included in this item as opposed to being a separate line item as they were before.

I said to the Secretary, "We have talked about the funding of 14.6 million as the source of that program, but before I get into that, you've indicated in your statement that even if you get the full 14.6 million dollars, from whatever source, you're still going to come up drastically short in terms of being able to provide services, are you not?"

Secretary Black said to that inquiry, "Yes."

Mr. President, let me repeat, that was at the \$14,618,000 funding level, the one which I am proposing to restore with this amendment. I went on to say to the Secretary, "You're going to have to reduce services to Pennsylvania's older people by 8%."

His answer, "To take into account the inflationary effect, yes."

I asked him whether he had any idea which services would be reordered.

He said, "Not at this time, no, sir."

I said, "But at least 8% of your current service level for older Pennsylvanians will have to be eliminated?"

He said, "That's our projection. Yes, sir."

I said, "And the program projection also indicates then that you're not even able to carry out your mandated obligations under Act 70, doesn't it?"

He said, "We will carry out most of them. There are some that we just don't have the personnel to accommodate."

Mr. President, in other questioning, and I believe the development of circumstances that are commonly known to most of us and to many Pennsylvanians, this is a Commonwealth in which the aging population is increasing and it has increased again this year as it did last year. To suggest we can arbitrarily pick out last year's budget number, have no idea of what the impact is going to be upon our senior citizens, is something I do not think any one of us can be in a position to attempt to defend to any of our senior citizens groups. We know how active they are, Mr. President. We know how involved they get with community activities and we know how closely they follow each and every one of these matters that so seriously impact upon the services they believe they have earned and they feel they have paid for with their tax contributions across the productive years of their lives.

Mr. President, what we are now being asked to accept in this budget that is before us is a level of funding which is more than \$2.2 million below a level that the Secretary said was going to have a substantial impact on the reduction of services to our senior citizens, an impact so serious that again we were not going to be able to carry out the mandates of existing State law in Pennsylvania.

Something is terribly wrong, Mr. President, when we start taking out our budget cuts and our ordering of priorities upon our senior citizens. We have done it with students, we have cut back in areas for the development and prosecution of crime and now we are saying we are also going to tell our senior citizens that the services they are expecting will be cut back. Mr. President, I will not accept that and I certainly hope none of my colleagues will be willing to accept that and they will approve this amendment which I again repeat, will simply take the funding level for the Department of Aging back to that proposed and requested by the Governor.

Mr. President, I ask for an affirmative vote on this amendment.

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

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

YEAS—22

Andrezeski	Lincoln	Murray	Singel
Bodack	Lloyd	O'Pake	Smith
Early	Lynch	Reibman	Stapleton
Hankins	McKinney	Ross	Stout
Kelley	Mellow	Scanlon	Zemprelli
Lewis	Messinger		

NAYS—25

Bell	Hess	Manbeck	Shaffer
Corman	Holl	Moore	Snyder
Fisher	Howard	O'Connell	Stauffer
Gekas	Jubelirer	Pecora	Street
Greenleaf	Kusse	Price	Tilghman
Hager	Loeper	Rhoades	Wilt

Helfrick

Less than a majority of the Senators having voted "aye," the question was determined in the negative.

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

LEWIS AMENDMENT XXIV

Senator LEWIS, by unanimous consent, offered the following amendment:

Amend Sec. 201, page 27, by inserting between lines 26 and 27:

For local health departments
environmental program..... 3,375,000

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

Senator LEWIS. Mr. President, this amendment again rings some of the chords that have been discussed across the course of this amendment battle. The amendment proposes to restore the sum of \$3,375,000 to pay for the environmental programs of local health departments.

Mr. President, when I say ringing the same chords, I am talking about two we have spoken about here with some frequency. One is that this Commonwealth, and you and I and every Member of this Senate is under an obligation to abide by the law as it exists and that current law requires that funds to locally funded health departments for local environmental programs be provided and notwithstanding that, they were terminated in the middle of this past calendar year.

Mr. President, the second chord about which we have spoken so many times is that while this cut certainly gives the appearance of budget constraint, the fact of the matter is those costs are not going to go away, they cannot be reduced, they are real and they are going to have to be paid somewhere, somehow by somebody. If we do not live up to our responsibilities, Mr. President, the solution is really very simple, again, as we have done with court costs, as we have done with a number of other areas, we are telling our county governments to pick up more of the expenses and that means increased real estate taxes. I do not know how many times I have used that term, but I certainly hope those who are calculating the total of the increase in expenditures these amendments if adopted would have provided, are also calculating the total of the increase in the real estate taxes that are going to be forced upon our counties and our local governments because of our failure to fund these obligations.

Mr. President, when I first became aware of the proposals made by the Governor, I was led to arrive at the conclusion that if the budget was adopted in the way it was presented, and that includes these items I have mentioned, the people of Pennsylvania would be treated to the largest single real estate tax increase ever in the history of this Commonwealth and this item will be one of the contributing factors to that. The appropriations were not excessive. They are not significant. They are simply calculated on a seventy-five per cent per capita which goes to fund local environmental programs, programs such as air pollution, restaurant and wholesale food inspection, rodent control, water and sewage inspection,

housing code enforcements and so forth. Mr. President, who in this Senate is going to suggest that a single one of those programs should be eliminated or abolished? Not I, Mr. President, and I have not heard anybody suggest that that should be the case.

Mr. President, and Members of the Senate, what is the only consequence? We are telling our county governments they are going to have to pick up the cost, that means many of the county governments across this Commonwealth. It is not simply limited to Philadelphia or to Pittsburgh, but it will impact upon many of the county governments. The impacts are going to be severe and there is no way for them to make up those differences in costs.

Mr. President, I would certainly implore my colleagues to realize what they are doing to their counties and what they are doing to the real estate taxpayers in those areas by failing to restore this money.

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

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

YEAS—22

Andrezeski	Lincoln	Murray	Singel
Bodack	Lloyd	O'Pake	Smith
Early	Lynch	Reibman	Stapleton
Hankins	McKinney	Ross	Stout
Kelley	Mellow	Scanlon	Zemprelli
Lewis	Messinger		

NAYS—25

Bell	Hess	Manbeck	Shaffer
Corman	Holl	Moore	Snyder
Fisher	Howard	O'Connell	Stauffer
Gekas	Jubelirer	Pecora	Street
Greenleaf	Kusse	Price	Tilghman
Hager	Loeper	Rhoades	Wilt
Helfrick			

Less than a majority of the Senators having voted "aye," the question was determined in the negative.

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

LEWIS AMENDMENT XXV

Senator LEWIS, by unanimous consent, offered the following amendment:

Amend Sec. 201, page 34, line 4, by striking out "5,000,000" and inserting: 8,148,000

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

Senator LEWIS. Mr. President, this is an amendment that happens to have the full support of the Administration and the Office of the Budget. It is one of those items which was contained in the memorandum that we previously talked about dated May 29th, from Secretary Wilburn, to the gentleman from Montgomery, Senator Tilghman, and Representative McClatchy. What this amendment does is to add \$3.148 million to fund the rural and innercity rail and bus transportation proposal that is currently on this Senate's

Calendar. That is the amount of money, Mr. President, that is needed to provide the continuation of the services for the Reading-Norristown rail shuttle service, for the Bethlehem-Lansdale rail shuttle service, for the Beaver-Pittsburgh rail shuttle service, for the Pottsville-Reading rail service. Mr. President, I do not know whom we think it is we are kidding, but this bill as it appears on our Calendar is absolutely meaningless unless we are prepared to provide the money to implement it. That bill does not do the job. The Administration knows these funds are absolutely necessary. They have said so and asked for them in their own memoranda.

Mr. President, I might note the fiscal note that was prepared for the use by the Senate Committee on Appropriations and the discussion that went on at that committee meeting again, very specifically, pointed this out. That fiscal note prepared by the Majority says it will still be necessary to transfer \$3.148 million—I am just reading through here to cut down on time—because the bill specifically identifies services previously funded under the Department of Transportation mass transit program. It is now going into an intercity service program.

Mr. President, I do not know how to more simply say that without these monies this bill that is on this Calendar is absolutely meaningless. I know it is of concern to a number of the Members of this Senate. As I have mentioned, it is of concern to the Administration, they have identified it as an item that must be included in this budget.

Mr. President, I would ask for an affirmative vote on this amendment in order to accomplish that.

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

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

YEAS—22

Andrezeski	Lincoln	Murray	Singel
Bodack	Lloyd	O'Pake	Smith
Early	Lynch	Reibman	Stapleton
Hankins	McKinney	Ross	Stout
Kelley	Mellow	Scanlon	Zemprelli
Lewis	Messinger		

NAYS—25

Bell	Hess	Manbeck	Shaffer
Corman	Holl	Moore	Snyder
Fisher	Howard	O'Connell	Stauffer
Gekas	Jubelirer	Pecora	Street
Greenleaf	Kusse	Price	Tilghman
Hager	Loeper	Rhoades	Wilt
Helfrick			

Less than a majority of the Senators having voted "aye," the question was determined in the negative.

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

LEWIS AMENDMENTS XXVI

Senator LEWIS, by unanimous consent, offered the following amendments:

Amend Sec. 201, page 33, line 27, by striking out "141,500,000" and inserting: 138,352,000

Amend Sec. 201, page 34, line 4, by striking out "5,000,000" and inserting: 8,148,000

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

Senator LEWIS. Mr. President, these amendments speak to the same subject that I was discussing with regard to the previous amendment. While I believe it is our obligation to provide the additional money to meet the costs that will be thrust upon us if House Bill No. 1043 is adopted, one of the other alternatives that has been suggested is not to provide any new money but rather to simply transfer monies from within one fund over to the Intercity Rail Transit Fund to provide for the operational expenses that exist here.

Mr. President, I might note there is at least one newspaper editorial that I am aware of. The Inquirer had asked for the Legislature to provide the funding and was somewhat critical about any reluctance or refusal to do that. At a minimum, Mr. President, these are amendments that require no additional funding for this Commonwealth. I might say in my opinion there should not and cannot be one Member of this Senate who can vote for House Bill No. 1043 without providing the funds to meet the obligations that it provides. To do anything short of that will simply be a sham. It will be a fraud upon the public who are expecting these services. I think at a minimum it is obligatory that each and every one of us move to adopt this transfer so House Bill No. 1043 can be implemented.

Mr. President, I would ask an affirmative vote on these amendments.

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

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

YEAS—22

Andrezeski	Lincoln	Murray	Singel
Bodack	Lloyd	O'Pake	Smith
Early	Lynch	Reibman	Stapleton
Hankins	McKinney	Ross	Stout
Kelley	Mellow	Scanlon	Zemprelli
Lewis	Messinger		

NAYS—25

Bell	Hess	Manbeck	Shaffer
Corman	Holl	Moore	Snyder
Fisher	Howard	O'Connell	Stauffer
Gekas	Jubelirer	Pecora	Street
Greenleaf	Kusse	Price	Tilghman
Hager	Loeper	Rhoades	Wilt
Helfrick			

Less than a majority of the Senators having voted "aye," the question was determined in the negative.

And the question recurring,

LEWIS AMENDMENT XXVII

Senator LEWIS, by unanimous consent, offered the following amendment:

Amend Sec. 201, page 33, line 27 by striking out "141,500,000" and inserting: 142,500,000

On the question,

Will the Senate agree to the amendment?

Senator LEWIS. Mr. President, this amendment again simply attempts to achieve a funding level for necessary services as identified by the Governor. We all know the terrible condition of our public transportation systems in this Commonwealth. Certainly the problems in Philadelphia have been plastered all over the newspapers. In an attempt to do something about that, the Governor's Office recommended a funding level of \$142.5 million to provide operating funds for the mass transit services across this Commonwealth.

Mr. President, for some reason House Bill No. 712 in its present form reduces the Governor's recommended level by a million dollars.

Mr. President, I wonder if the gentleman from Montgomery, Senator Tilghman, would stand for interrogation?

The PRESIDING OFFICER. Senator Tilghman is not on the floor.

Senator LEWIS. Mr. President, may we take a brief recess until he has the opportunity to return?

The PRESIDING OFFICER. We will endeavor to locate Senator Tilghman.

The Senate will be at ease.

(The Senate was at ease.)

Senator LEWIS. Mr. President, I desire to interrogate the gentleman from Montgomery, Senator Tilghman.

The PRESIDING OFFICER. Will the gentleman from Montgomery, Senator Tilghman, permit himself to be interrogated?

Senator TILGHMAN. I will, Mr. President.

Senator LEWIS. Mr. President, would the gentleman from Montgomery, Senator Tilghman, be kind enough to tell us what the calculations were and the reasons behind the reduction of the Governor's recommended appropriation level for mass transit by \$1 million?

Senator TILGHMAN. Mr. President, yes, we have to fund other programs.

Senator LEWIS. Mr. President, can the gentleman tell us what the impact of that \$1 million reduction will be on the transit systems in the Commonwealth?

Senator TILGHMAN. Mr. President, no, I cannot.

Senator LEWIS. Mr. President, I am dumbfounded and thank the gentleman, I presume. It is just now to the point where I am finding it absolutely impossible to believe that reductions can be made in this fashion. It seems to me again what we have is a purely arbitrary reduction in the budget for the purpose of trying to fund some other areas without any understanding whatsoever of what the impact is going to be.

Mr. President, I am dumbfounded and startled that anyone in this Chamber would be a party to that kind of appropri-

tions process. It mystifies me how we can stand here and attempt to say we are being responsible or that we are meeting the obligations of our office with this kind of fiscal tomfoolery. I think every Member of this Senate and certainly the people of this Commonwealth are entitled to know what is going to occur as a result of the appropriations levels we are suggesting here. The Governor's Office studied the subject. The Members might recall the Governor spoke about it at some length in his budget message to the General Assembly. I recall he took some pride in the fact that his Administration was taking affirmative steps to attempt to bring about some assistance to our sorely needed public transit systems in this Commonwealth. What it seems to me now is we are saying in the budget as it stands before us, we really do not care what the Governor said, we do not know why we do not care, but we are arbitrarily going to cut those figures anyhow.

Mr. President, I cannot imagine how any Member of this Senate can accept that approach to budgeting. I would urge them to restore the figure to the Governor's level until such time as there is some reasonable basis upon which a reduction can be made. If, in fact, any facts or information are developed to do that, then would be the appropriate time to consider that sort of a reduction. I do not think we can tolerate that under the circumstances as they have been outlined here.

Mr. President, I would ask for an affirmative vote on the amendment.

Senator TILGHMAN. Mr. President, this charade has gone on a long time. The gentleman from Bucks, Senator Lewis, has made all kinds of statements, dogmatic and otherwise. Some of the gentleman's amendments are factually incorrect. I have not picked the gentleman up on them. The gentleman continues to talk about cuts. The gentleman has, I believe, recommended increases to the tune of \$213 million. This program is not cut. It is a \$28 million increase over that of last year. I think it behooves the gentleman from Bucks, Senator Lewis, to be accurate in his statements. This is a large increase and I do not think the \$1 million—it may not be as much as the Governor requested and maybe the Governors always do not get what they request—but nevertheless, it is a large increase over last year.

And the question recurring,

Will the Senate agree to the amendment?

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

YEAS—22

Andrezeski	Lincoln	Murray	Singel
Bodack	Lloyd	O'Pake	Smith
Early	Lynch	Reibman	Stapleton
Hankins	McKinney	Ross	Stout
Kelley	Mellow	Scanlon	Zemprelli
Lewis	Messinger		

NAYS—25

Bell	Hess	Manbeck	Shaffer
Corman	Holl	Moore	Snyder
Fisher	Howard	O'Connell	Stauffer
Gekas	Jubelirer	Pecora	Street
Greenleaf	Kusse	Price	Tilghman
Hager	Loeper	Rhoades	Wilt

Helfrick

Less than a majority of the Senators having voted "aye," the question was determined in the negative.

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

RECESS

Senator HAGER. Mr. President, it becomes my happy duty to inform the Members of the Senate and all the members of the Senators' staffs, and support staffs of the Senate, dinner has arrived. At this point, Mr. President, I would ask for a recess of the Senate until 8:15 p.m. for the purposes of refueling. I want to thank the gentleman from Bucks, Senator Lewis, for helping us pass the time until dinner has arrived.

The PRESIDING OFFICER. Without objection, the Chair declares the Senate in recess until 8:15 p.m.

AFTER RECESS

The PRESIDENT pro tempore(Henry G. Hager) in the Chair.

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

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

Senator LEWIS. Mr. President, as we are beginning to regroup after the brief dinner recess, it has been suggested it may be appropriate to request a roll call vote on the initial amendment offered just to reestablish a roll rather than continuing to use those present prior to the recess. I simply make that comment inasmuch as if any of the Members are in their offices, they might want to be aware of the fact there may be a roll call requested on the next amendment.

The PRESIDENT pro tempore. On the next amendment which Senator Lewis offers, the Chair will ask for a slow roll call.

Does the gentleman have an amendment at this time which he wishes to offer?

Senator LEWIS. Yes, I do, Mr. President.

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

LEWIS AMENDMENT XXVIII

Senator LEWIS, by unanimous consent, offered the following amendment:

Amend Sec. 201, page 30, line 14, by striking out all of said line and inserting:

services. Of the funds appropriated herein, an allocation shall be made for the increase in pharmacy fees by 50¢ no later than October 1, 1981..... 176,250,000

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

Senator LEWIS. Mr. President, I believe for the first time in the course of the deliberations on these amendments, we are dealing with the extremely important items involved in the Department of Public Welfare, although as I make that comment, it comes to my recollection, there may have been one other amendment dealing with that department. Let me suggest to the Members these are most important items dealing with one of the agencies that spends more money in State government than virtually any of the others with the exception of the Department of Education.

Mr. President, this particular amendment is designed to speak specifically to one of three program revision requests that have been made by the Secretary of the department when she made her budget requests. This particular item happens to be one which I believe virtually every Member of this Senate has at one time or another through one bill or in one form or another indicated a desire to support. I believe, although those prior efforts have not materialized, we are now in a position where we can no longer refuse to give the attention to some of these very critical matters.

The first one, Mr. President, in conjunction with the request and the recommendations made by the Secretary of the Department of Public Welfare, proposes to raise the fee paid to our pharmacists from its current level of \$2.25 to the level of \$2.75. According to the department, our current pharmacy fee, Mr. President, is the second lowest in the fifty-three medical assistance jurisdictions in the country. Assuming merely a five per cent increase in volume, if the higher fees were adopted as I have mentioned, the total cost of the increased fee for an entire fiscal year would be \$5,460,000 of which a little bit less than \$3 million would actually represent State funds.

Mr. President, I might point out this particular appropriation does not even require that high of a funding level. As I indicated, the total cost to the Commonwealth since there are Federal reimbursement monies available, if we were implementing this program for an entire fiscal year would be less than \$3 million. Because of the time delay in attempting to make the changes for this program revision request, we are simply recommending in this amendment it be implemented beginning on the 1st of October of this year, therefore, meaning the actual amount for the transition in the allocation is even less than the \$3 million for a full year.

Mr. President, I do not think we need to spend a lot of time talking about how important this is. I am certain every Member of this Senate has been consulted by pharmacists in his area and has received communications requesting, imploring, pleading with us to make this long-overdue change. This is the time and this amendment will provide that opportunity, Mr. President. I think it is important to know in the budget, as it now stands, there are no funds allocated for a pharmacy dispensing fee increase. There has been some talk of a copay for drugs as we have heard before with the pharmacy collecting the copay and retaining it. I am delighted to say this Senate has rejected that approach. This is the time when we can finally come through with the commitments I am sure many of us have made to our pharmacists when we can in

fact implement a program revision request made by the Secretary of the department and take our Commonwealth out of the questionable stature of having the second worst reimbursement rate in this country by merely approving this modest increase for the fee from \$2.25 per prescription to \$2.75.

Mr. President, I would request an affirmative vote.

The PRESIDENT (Lieutenant Governor William W. Scranton III) in the Chair.

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

Senator BELL. Mr. President, I have sat here for hours listening to the gentleman from Bucks, Senator Lewis, and his colleagues. We are running a tally and so far, Mr. President, the gentleman is up to \$213 million and now he does not know whether it is going to be \$3 million more or a million and a half more, but apparently he is up to about \$215 million additional, and I gather before he finishes, either tonight or tomorrow, he is going to tell us what new taxes he proposes to provide the revenues. I have heard the gentleman say \$60 million, I have heard him say \$90 million, he claims there is \$100 million surplus. We understand there is \$100 million shortfall. I think since the gentleman is a very responsible man, he is going to tell us, who are here listening to him hour after hour, how he is going to raise the taxes on all the people of Pennsylvania who are so fed up with paying taxes so he can pay all these bills.

Senator LEWIS. Mr. President, when I began my comments some number of hours ago, I pointed out I was fully committed to the proposition that we have to live within the means of the revenue that will be generated with the current tax structure. I have not advocated nor will I advocate any tax increase, Mr. President. I do not believe it is appropriate. More importantly, it is absolutely unnecessary. The gentleman can sit there and add up whatever figures he wants to. The fact of the matter is because the Majority Party has taken an absolute negative approach to this entire budgetary process, there has not been one dollar's worth of increase in the appropriations or in House Bill No. 712 as it now stands.

Yes, Mr. President, I did tell the gentleman where the money was going to come from. If, in fact, at any time the Majority Party had seen fit to adopt amendments that are so important to their communities and to our local counties and to the taxpayers of this Commonwealth that would have rearranged the priorities, and if at any time those adoptions and those changes that should have been made got to the point where they would have exceeded available revenues or other programmatic changes we have suggested here tonight, then I would have stopped, Mr. President, because I, too, understand the need to live within a balanced budget. They can add up figures until they run out of paper. The fact of the matter is there has not been a single one of those changes approved and this particular proposal I am now making will not be approved if the Majority continues to vote in the fashion it has.

There are funds available, Mr. President. There is currently \$35 million in surplus funds that have been collected to date

or are projected to be collected in this current fiscal year. Those are not my numbers, I am not making them up. I have not pulled them out of thin air. Those are the numbers of the Budget Office, Mr. President. In fact, as I tried to explain before, our revenues in this current fiscal year have exceeded the appropriations made in the general budget bill last year by almost \$100 million. There are deficiencies and we have approved some of those in the anticipation for the need and the deficiencies as requested by the Budget Office total some \$65 million. By that very simple arithmetic, Mr. President, it means we will have \$35 million left over from the revenues this year that have not been anticipated or projected in the budget calculations that are before us with regard to House Bill No. 712.

The gentleman has asked further questions about where the other items are going to materialize. I would suggest if he looks at the testimony from the Department of the Treasury with regard to the anticipations in what will be earned on our deposits next year, he will find the amount that has been estimated is indefensibly low to the point of being at least \$10 million underfunded in merely meeting the revenues and the interest that has been generated this year, notwithstanding the fact interest rates are higher now than they ever have been.

Yes, Mr. President, we have offered cuts and we will continue to offer cuts, one of which was a \$16.5 million double dip we very clearly talked about and the gentleman apparently was not present to hear about that budgetary item being available. Mr. President, I know the other side will, in fact, attempt to add up all of these amendments and to come forward with the conclusions offered by the gentleman, but I think it is important to recognize not a single one of them has been accepted.

Mr. President, it is time to change that and the time to change that is now with the pharmacists, because it is not going to be adequate to simply go back to them and say, "We have to raise taxes in order to pay your bill."

Senator RHOADES. Mr. President, I think I have just a point to be made. Last week, amendments were presented which I duplicated. Out of the approximately 120 amendments, when I looked at 111 of them, eighty-five called for an increase in appropriations and twenty-six for a reduction. I thought the point should be made.

Senator KELLEY. Mr. President, I only want to observe the gentleman's previous observation missed the point entirely of the comments of the gentleman from Bucks, Senator Lewis. That is the gentleman from Bucks, Senator Lewis, is making the point that not one of these amendments that have been proposed, of which the total was given, has been passed. It is of no material value whatsoever, no relevancy to the issue because they have not been adopted. I think that is the point the gentleman from Bucks, Senator Lewis, was making. I thought he made it very cogently and clearly, but obviously it had to be reiterated.

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

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

YEAS—22

Andrezeski	Lincoln	Murray	Singel
Bodack	Lloyd	O’Pake	Smith
Early	Lynch	Reibman	Stapleton
Hankins	McKinney	Ross	Stout
Kelley	Mellow	Scanlon	Zemprelli
Lewis	Messinger		

NAYS—25

Bell	Hess	Manbeck	Shaffer
Corman	Holl	Moore	Snyder
Fisher	Howard	O’Connell	Stauffer
Gekas	Jubelirer	Pecora	Street
Greenleaf	Kusse	Price	Tilghman
Hager	Loeper	Rhoades	Wilt
Helfrick			

Less than a majority of the Senators having voted “aye,” the question was determined in the negative.

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

LINCOLN AMENDMENTS II

Senator LINCOLN, by unanimous consent, offered the following amendments:

Amend Sec. 201, page 28, line 6, by striking out “\$8,298,000” and inserting: \$7,109,000

Amend Sec. 201, page 28, by inserting between lines 6 and 7:

Somerset Historical Center.....	61,000
Anthracite Museum Complex.....	434,000
Pennsbury Manor.....	165,000
Washington Crossing Park.....	335,000
Brandywine Battlefield Park.....	194,000

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

Senator LINCOLN. Mr. President, these amendments will add nothing to the GA bill. It simply will list by line item the appropriation for the five State-owned historical museums in Pennsylvania. One is the Somerset Historical Center, the Anthracite Museum Complex, the Pennsbury Manor, Washington Crossing Park and the Brandywine Battlefield Park.

Mr. President, in the past, these have been preferred line items in the budget. All I am doing is reducing the governmental operations appropriation to the Historical and Museum Commission by \$1,189,000. I will be increasing the five line items by that exact amount. This will be done specifically to guarantee the operation of these State-owned sites will continue as they have in the past, without any hindrance from anyone, and without having to depend on the Historical and Museum Commission to actually give this money to them in the coming fiscal year. There is no change in anything other than the way the money is being appropriated.

Mr. President, I would appreciate an affirmative vote on this.

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

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

YEAS—22

Andrezeski	Lincoln	Murray	Singel
Bodack	Lloyd	O’Pake	Smith
Early	Lynch	Reibman	Stapleton
Hankins	McKinney	Ross	Stout
Kelley	Mellow	Scanlon	Zemprelli
Lewis	Messinger		

NAYS—25

Bell	Hess	Manbeck	Shaffer
Corman	Holl	Moore	Snyder
Fisher	Howard	O’Connell	Stauffer
Gekas	Jubelirer	Pecora	Street
Greenleaf	Kusse	Price	Tilghman
Hager	Loeper	Rhoades	Wilt
Helfrick			

Less than a majority of the Senators having voted “aye,” the question was determined in the negative.

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

LEWIS AMENDMENT XXIX

Senator LEWIS, by unanimous consent, offered the following amendment:

Amend Sec. 201, page 30, line 14, by striking out all of said line and inserting:

services. Of the funds appropriated herein, an allocation shall be made to increase the fee for physician office visits to \$10 no later than October 1, 1981..... 176,250,000

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

Senator LEWIS. Mr. President, again continuing on with the program revision requests made by the Secretary of the Department of Welfare, this amendment is intended to encourage providers, specifically physicians, to participate in the medical assistance program and to bring the fee that would be paid to these providers a step closer to the prevailing fee paid and charged for private patients.

Mr. President, the Department of Welfare has proposed a \$2.00 increase in the fee for an office visit paid to physicians and that is exactly what this amendment would accomplish. This would bring the current payment level from its \$8.00 allocation to \$10 per office visit. The total cost, Mr. President, across an annualized basis, would be \$10 million, but again, only \$5.7 million of this has to come from State funds.

With this particular amendment, Mr. President, since it is not designed to go into effect until October 1, 1981, the actual cost for the forthcoming fiscal year in State monies would be \$4.3 million. For the purpose of attempting to bring our physician’s fees to the level where they ought to be, I would encourage an affirmative vote.

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

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

YEAS—22

Andrezski	Lincoln	Murray	Singel
Bodack	Lloyd	O'Pake	Smith
Early	Lynch	Reibman	Stapleton
Hankins	McKinney	Ross	Stout
Kelley	Mellow	Scanlon	Zemprelli
Lewis	Messinger		

NAYS—25

Bell	Hess	Manbeck	Shaffer
Corman	Holl	Moore	Snyder
Fisher	Howard	O'Connell	Stauffer
Gekas	Jubelirer	Pecora	Street
Greenleaf	Kusse	Price	Tilghman
Hager	Loeper	Rhoades	Wilt
Helfrick			

Less than a majority of the Senators having voted "aye," the question was determined in the negative.

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

LEWIS AMENDMENT XXX

Senator LEWIS, by unanimous consent, offered the following amendment:

Amend Sec. 201, page 30, line 14, by striking out all of said line and inserting:

services. Of the funds appropriated herein, an allocation shall be made for an increase in medical, surgical and diagnostic fees to approximately 55% of the usual and customary fees, said increase to be effective no later than October 1981..... 176,250,000

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

Senator LEWIS. Mr. President, again continuing with the third of the program revision requests from the Secretary of the Department of Welfare, this amendment, if adopted, would increase the proportions and the amounts paid in medical, surgical and diagnostic fees from forty-five per cent to fifty-five per cent of the usual and customary fees. I might point out, Mr. President, the department believes the appropriate payment level for this Commonwealth ought to, in fact, be seventy per cent of the usual and customary fees, but in recognition of the reality of the budget constraints, have merely asked that we increase the present level to fifty-five from forty-five.

Mr. President, these medical, surgical and diagnostic services that are rendered by physicians outside of the institutional setting, the department pays per procedure performed according to a fee schedule included in the medical assistance regulations. The fee schedule has more than 1,000 medical, surgical and diagnostic procedures for which fees have been established. These fees are based on a 1967 Blue Shield Plan A fee schedule. Blue Shield updates their fee schedule by adding new procedures, deleting outdated procedures and changing fees for each procedure to allow proper weight for utilization of provider specialties and other economic variables like inflation. Since the adoption of the original fee schedule, Plan A by medical assistance, Blue Shield has updated their fees twice

and has established additional fee schedules through Plan B and Plan C, which are based more closely on usual charges.

Mr. President, according to the department, medical assistance fees are so far below the prevailing fees that providers charge for their private patients that the medical assistance program is facing a severe threat of nonparticipation by these providers which will obviously result in the curtailment of services to medical assistance recipients. The department has recommended, Mr. President, the medical, surgical and diagnostic procedure fees for individual providers should be increased to a specific percentage as I have suggested here.

The costs, again, if it were implemented on an annual basis, would be approximately \$21 million, of which \$12 million would be from Commonwealth funds. That is if we go to seventy per cent, Mr. President. In fact, by going to fifty-five per cent and again making it effective on October of 1981, the actual cost to the State in order to at long last bring its fees somewhere closer to the real world for these providers, would be \$3.6 million.

Mr. President, for the sake of all of the people who depend upon these services and the medical assistance opportunities that are so critical to them, I would urge everyone to cast an affirmative vote so they will not face the curtailment or the elimination of these services because of such an outmoded fee schedule.

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

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

YEAS—22

Andrezski	Lincoln	Murray	Singel
Bodack	Lloyd	O'Pake	Smith
Early	Lynch	Reibman	Stapleton
Hankins	McKinney	Ross	Stout
Kelley	Mellow	Scanlon	Zemprelli
Lewis	Messinger		

NAYS—25

Bell	Hess	Manbeck	Shaffer
Corman	Holl	Moore	Snyder
Fisher	Howard	O'Connell	Stauffer
Gekas	Jubelirer	Pecora	Street
Greenleaf	Kusse	Price	Tilghman
Hager	Loeper	Rhoades	Wilt
Helfrick			

Less than a majority of the Senators having voted "aye," the question was determined in the negative.

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

LEWIS AMENDMENT XXXI

Senator LEWIS, by unanimous consent, offered the following amendment:

Amend Sec. 201, page 30, line 14 by striking out "176,250,000" and inserting: 161,500,000

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

Senator LEWIS. Mr. President, for all of my colleagues who have either expressed or have developed concerns about where money is going to come from to pay for the reordering of priorities that I think we all agree should occur at least in certain selected instances, this is an amendment that ought to meet with their approval. It seems what we have determined is there has been an overfunding of a program in State government to the tune of \$14.3 million. Again, this is not conjecture, it is fact. It is there in the dollars and cents, and everyone associated with it admits it. It happens to deal with the medical assistance outpatient appropriation which in fact has been overfunded for the current fiscal year so that it will clearly and without question pay for one month of the expenses for next year's budget. What this means, Mr. President, is that in House Bill No. 712, we only need to fund eleven months worth of obligations for next year. That means we have \$14.7 million clearly and simply available to us to use for these other items.

If we do not move this appropriation to a cash basis, Mr. President, then the Governor will simply be able to save the money by moving it over himself. Mr. President, a significant savings, a significant opportunity to fund the other items which have been challenged here this evening, a savings of \$14.7 million because of an overfunding this year.

Mr. President, I would encourage my colleagues to adopt this amendment. They will then have plenty of money to meet any number of the items they have expressed concerns about.

And the question recurring,

Will the Senate agree to the amendment?

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

YEAS—22

Andrezeski	Lincoln	Murray	Singel
Bodack	Lloyd	O'Pake	Smith
Early	Lynch	Reibman	Stapleton
Hankins	McKinney	Ross	Stout
Kelley	Mellow	Scanlon	Zemprelli
Lewis	Messinger		

NAYS—25

Bell	Hess	Manbeck	Shaffer
Corman	Holl	Moore	Snyder
Fisher	Howard	O'Connell	Stauffer
Gekas	Jubelirer	Pecora	Street
Greenleaf	Kusse	Price	Tilghman
Hager	Loeper	Rhoades	Wilt
Helfrick			

Less than a majority of the Senators having voted "aye," the question was determined in the negative.

And the question recurring,

Will the Senate agree to the bill on third consideration?

LEWIS AMENDMENT XXXII

Senator LEWIS, by unanimous consent, offered the following amendment:

Amend Sec. 201, page 31, line 16, by striking out "103,000,000" and inserting: 105,500,000

On the question,

Will the Senate agree to the amendment?

Senator LEWIS. Mr. President, this amendment simply proposes to return the appropriations for child welfare services in Pennsylvania to the level originally recommended by the Governor.

Mr. President, what we find in House Bill No. 712 is a reduction by \$2.5 million from the amount requested by the Governor for this particular item.

Because of that, Mr. President, I desire to interrogate the gentleman from Montgomery, Senator Tilghman.

The PRESIDENT. Will the gentleman from Montgomery, Senator Tilghman, permit himself to be interrogated?

Senator TILGHMAN. I will, Mr. President.

Senator LEWIS. Mr. President, will the gentleman explain for my benefit and the benefit of my colleagues what the basis was for the \$2.5 million reduction in this appropriation from the amount requested by the Governor?

Senator TILGHMAN. Mr. President, why does the gentleman do this to his colleagues? The gentleman makes me look this all up.

Last year this County Child Welfare Program received \$92 million; this year it will receive \$103 million, roughly a \$10 million increase and the reduction was from the Governor's request.

Senator LEWIS. Mr. President, can the gentleman tell us what the impact of the \$2.5 million reduction from the Governor's request will be on the delivery of services?

Senator TILGHMAN. Mr. President, I do not believe there will be any impact. The money was necessary to fund other programs.

Senator LEWIS. Mr. President, throughout the course of these debates I have made reference to any number of documents that have offered the opinions of knowledgeable people with regard to the items before us. With respect to this particular amendment, let me very briefly refer to a letter I have just received from the Executive Director of the Pennsylvania Council of Voluntary Child Care Agencies.

He says, "We are requesting your support in insuring that the Commonwealth appropriate the \$105.5 million for child welfare services as requested by the Governor."

What we are going to hear from here, Mr. President, are precisely the things that are going to occur as a result of the reduction that presently is before us in House Bill No. 712. The Executive Director goes on by saying, "As you are well aware, Child Welfare Services were underfunded at the State level by 35% in fiscal 1980-81. This was not our fault," he says, "but resulted from incomplete information from the executive branch. The shortfall in child welfare funding has resulted in approximately 1 million fewer days of service being provided to the children and youth in our Commonwealth.

"The Governor, in his budget request, was asking only that services for children and youth be restored to the levels of 1979-80. The requested increase appears to be very large," he acknowledges, but then goes on to say that, "However, when compared with last year's underfunding, the net is simply a wash out.

“It is the our belief the children and youth system cannot suffer any further decreases in its ability to service Pennsylvania’s children. Failure to intervene at an early point in the child’s life only postpones the requirement for services in most cases. Postponement of services is shortsighted in terms of both the child and societal costs. The longer the child goes without appropriate services, the more costly the intervention and the less likelihood of success.”

He says, “We are requesting your support in insuring funding for child welfare services...” in order to meet these needs.

Mr. President, as a general interrogatory, I would ask whether there is any Member of this Senate who is in a position to take any issue with those comments and the problems that will result if we fail to provide the funding as requested by the Governor?

Mr. President, I see no response and I, therefore, have to conclude that no one believes there ought to be issue taken or is in a position to take issue with those comments. In light of that, Mr. President, I think it is incumbent upon all of us to restore this funding level as requested and recommended by the Governor and reinstate the \$2.5 million that have been reduced from that appropriation and to adopt this amendment to accomplish that.

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

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

YEAS—22

Andrezeski	Lincoln	Murray	Singel
Bodack	Lloyd	O’Pake	Smith
Early	Lynch	Reibman	Stapleton
Hankins	McKinney	Ross	Stout
Kelley	Mellow	Scanlon	Zemprelli
Lewis	Messinger		

NAYS—25

Bell	Hess	Manbeck	Shaffer
Corman	Holl	Moore	Snyder
Fisher	Howard	O’Connell	Stauffer
Gekas	Jubelirer	Pecora	Street
Greenleaf	Kusse	Price	Tilghman
Hager	Loeper	Rhoades	Wilt
Helfrick			

Less than a majority of the Senators having voted “aye,” the question was determined in the negative.

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

LEWIS AMENDMENT XXXIII

Senator LEWIS, by unanimous consent, offered the following amendment:

Amend Sec. 201, page 30, line 16 by striking out “356,259,000” and inserting: 347,769,000

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

Senator LEWIS. Mr. President, again the availability of almost another \$8.5 million to fund any number of things,

whether they be those which I pointed out before, or others which may be of concern to people here, again the result of an existing overfunding within the current year and this particular amendment dealing with hospital in-patient care. What we find is that this appropriation has been overfunded this year so it will pay for approximately one-half of a month’s worth of expenses from next year’s budget.

Mr. President, the effect will be to cut the remaining amount we need for next year to eleven and a half months, some \$8.5 million, more money available to reduce tax increases back at home, to pay for providers’ fees or do any of the number of other things I think we recognize ought to be done and I request approval of this amendment, Mr. President.

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

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

YEAS—22

Andrezeski	Lincoln	Murray	Singel
Bodack	Lloyd	O’Pake	Smith
Early	Lynch	Reibman	Stapleton
Hankins	McKinney	Ross	Stout
Kelley	Mellow	Scanlon	Zemprelli
Lewis	Messinger		

NAYS—25

Bell	Hess	Manbeck	Shaffer
Corman	Holl	Moore	Snyder
Fisher	Howard	O’Connell	Stauffer
Gekas	Jubelirer	Pecora	Street
Greenleaf	Kusse	Price	Tilghman
Hager	Loeper	Rhoades	Wilt
Helfrick			

Less than a majority of the Senators having voted “aye,” the question was determined in the negative.

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

LEWIS AMENDMENTS XXXIV

Senator LEWIS, by unanimous consent, offered the following amendments:

Amend Sec. 201, page 7, line 20 by striking out “102,679,000” and inserting: 106,679,000

Amend Sec. 201, page 10, line 24 by striking out “131,775,000” and inserting: 138,670,000

Amend Sec. 201, page 11, line 1 by striking out “14,274,000” and inserting: 14,248,000

Amend Sec. 201, page 11, by inserting between lines 14 and 15:

For the Council on Aging..... 175,000

Amend Sec. 201, page 22, line 10 by striking out “180,000” and inserting: 650,000

Amend Sec. 201, page 23, by inserting between lines 20 and 21:

For the Governor’s School for the Arts..... 250,000

Amend Sec. 201, page 26, line 7 by striking out “10,000” and inserting: 11,000

Amend Sec. 201, page 27, by inserting between lines 9 and 10:

For expenses in vacating the South Office Building..... 600,000

Amend Sec. 201, page 33, line 27 by striking out "141,500,000" and inserting: 139,352,000

Amend Sec. 201, page 34, line 15 by striking out "5,000" and inserting: 8,148

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

Senator LEWIS. Mr. President, these particular amendments set forth a series of items which have been requested by Secretary Wilburn for adoption by this Body. Again I am referencing a letter which I have previously made mention of, dated May 29th, in which the Secretary says these are necessary adjustments for the budget which are the result of later information not available at the time the Governor's budget was introduced. Again I remind my colleagues of his plea when he says I would appreciate your assistance in incorporating these items into the bill. The items very briefly, Mr. President, involve a variety of materials from the Treasury Fund for various sinking funds. The Members might recall that we talked about some of those yesterday, one of them happens to involve the capital debt for which they need almost \$7 million to pay the new bond schedule revised estimates. We have already dealt with the correctional institutions, but they are also now asking for the reinstatement of the Council on Aging in the amount of \$175,000 to now reestablish an item that had previously been deleted as a line item. In the educational area they are asking for \$470,000 additional for private residential rehabilitation institutions and \$250,000 for the Governor's School for the Arts and explain that additional schools qualifying for payments and that it provides for a continuation as a separate line item. They are asking from General Services for \$600,000 to prepare the space for moving costs for the vacation of the South Office Building and, finally, the extraordinary amount of \$1,000 for annual fixed charges for flood lands, all of these items being documented as being necessary by the Budget Office.

Mr. President, I would request an affirmative vote on these amendments.

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

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

YEAS—22

Andrezeski	Lincoln	Murray	Singel
Bodack	Lloyd	O'Pake	Smith
Early	Lynch	Reibman	Stapleton
Hankins	McKinney	Ross	Stout
Kelley	Mellow	Scanlon	Zemprelli
Lewis	Messinger		

NAYS—25

Bell	Hess	Manbeck	Shaffer
Corman	Holl	Moore	Snyder
Fisher	Howard	O'Connell	Stauffer
Gekas	Jubelirer	Pecora	Street
Greenleaf	Kusse	Price	Tilghman
Hager	Loeper	Rhoades	Wilt
Helfrick			

Less than a majority of the Senators having voted "aye," the question was determined in the negative.

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

LEWIS AMENDMENT XXXV

Senator LEWIS, by unanimous consent, offered the following amendment:

Amend Sec. 201, page 7, line 26, by striking out "2,795,000" and inserting: 4,000,000

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

Senator LEWIS. Mr. President, this would simply restore the amount the Governor recommended for grants to the Council on the Arts. For the benefit of my colleagues, they ought to know these are the monies that are used to distribute to the various art organizations throughout this Commonwealth. The Governor had recommended a \$4 million level. Again, Mr. President, House Bill No. 712, as before us, recommends \$2,795,000, obviously a decrease of \$1,205,000. I will spare the gentleman from Montgomery, Senator Tilghman, the exercise again of going through the interrogation as to why the reduction, if it is proper for me to presume it, was just intended to fund other budgetary items of greater concern. If it is not, I would invite his response to that. Presuming that is the reason for it, Mr. President, I would urge my colleagues to recognize the importance of the arts in this Commonwealth and to restore the funding request originally recommended by the Governor which is what this amendment would do.

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

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

YEAS—22

Andrezeski	Lincoln	Murray	Singel
Bodack	Lloyd	O'Pake	Smith
Early	Lynch	Reibman	Stapleton
Hankins	McKinney	Ross	Stout
Kelley	Mellow	Scanlon	Zemprelli
Lewis	Messinger		

NAYS—25

Bell	Hess	Manbeck	Shaffer
Corman	Holl	Moore	Snyder
Fisher	Howard	O'Connell	Stauffer
Gekas	Jubelirer	Pecora	Street
Greenleaf	Kusse	Price	Tilghman
Hager	Loeper	Rhoades	Wilt
Helfrick			

Less than a majority of the Senators having voted "aye," the question was determined in the negative.

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

LEWIS AMENDMENT XXXVI

Senator LEWIS, by unanimous consent, offered the following amendment:

Amend Sec. 201, page 28, line 3, by striking out "21,100,000" and inserting: 24,100,000

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

Senator LEWIS. Mr. President, this amendment deals with the drug and alcohol programs in the Commonwealth of Pennsylvania and proposes to increase the allocation for those purposes by \$3 million.

Mr. President, I think it is important for the Members to understand there are two extremely important factors at play here. The current proposed funding level is the same as it has been for the two previous years, Mr. President. That means there has been absolutely no increase for funding of these drug and alcohol programs for that period of time.

Of equal concern, Mr. President, is the fact there are in the next year going to be substantial reductions in the Federal monies that have been flowing in to augment and supplement these programs. The net result, Mr. President, is without an increase in funding from this Commonwealth, given the circumstances that are at play and the reductions in Federal monies, our drug and alcohol programs across this Commonwealth are going to be severely restricted and dramatic cutbacks are going to be required in terms of the services and the programs that are being offered.

Mr. President, I think we all know how successful these programs have been, especially for our young people. I do not think we want to find ourselves in a position of eliminating those vital services for drug and alcohol programs.

Mr. President, I would request an affirmative vote.

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

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

YEAS—22

Andrezeski	Lincoln	Murray	Singel
Bodack	Lloyd	O'Pake	Smith
Early	Lynch	Reibman	Stapleton
Hankins	McKinney	Ross	Stout
Kelley	Mellow	Scanlon	Zemprelli
Lewis	Messinger		

NAYS—25

Bell	Hess	Manbeck	Shaffer
Corman	Holl	Moore	Snyder
Fisher	Howard	O'Connell	Stauffer
Gekas	Jubelirer	Pecora	Street
Greenleaf	Kusse	Price	Tilghman
Hager	Loeper	Rhoades	Wilt
Helfrick			

Less than a majority of the Senators having voted "aye," the question was determined in the negative.

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

Senator LEWIS. Mr. President, it is with some concern that I must admit to the Chair that I am not going to offer any further amendments. We still have a number of them available, but many of my colleagues have indicated an interest in moving ahead because there is yet a Calendar to deal with this evening. I know when we were breaking, it was suggested by some that rather than continuing to go through these debates

with regard to economics and parliamentary maneuvers, that we elevate our stature just slightly by returning this entire affair to a chivalrous joust. It was suggested the duel, with all of the highlights of chivalry, be determined by the question of whether my voice would give out before the battery of the hearing aid of the gentleman from Montgomery, Senator Tilghman. It appears to me neither of those events have occurred. Notwithstanding that, I would now invite all of my colleagues to continue in this process and offer amendments to restore the items in the budget they believe are important to them.

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?

Senator LEWIS. Mr. President, I had hoped I would have had a minute to at least rest my voice. I hope all of my colleagues who are listening to these procedures now recognize the item before us is the question of whether we are going to approve this budget as presented to this Senate. We are not talking about amendments anymore. We are talking about a budget for the Commonwealth for the next fiscal year. I certainly trust all those who have been diligently working upon their needs and constituents' problems in other areas will begin to make their way to this Chamber, Mr. President.

We have, across the last number of hours, tried to reorder the priorities that exist in this bill and to do it in a way as to live within available State revenues and still meet the pressing needs of this State. Particularly in education, in human service areas and with respect to the need to combat crime.

POINT OF ORDER

Senator KELLEY. Mr. President, I rise to a point of order.
The PRESIDENT. The gentleman from Westmoreland, Senator Kelley, will state it.

Senator KELLEY. Mr. President, I understand House Bill No. 712 was amended and therefore must go over in order, must it not?

The PRESIDENT. The bill was amended yesterday on a previous legislative day. It has not been amended today.

Senator KELLEY. Mr. President, it is on the Calendar as it was amended yesterday?

The PRESIDENT. Yesterday.

Senator KELLEY. Mr. President, I withdraw my point of order.

Senator LEWIS. Mr. President, as we have transgressed some seven or eight or nine hours of discussion on this budget, I think anyone who has listened to any substantial part of that can arrive at only one conclusion, that is there is absolutely no rhyme or reason whatsoever for this budget as it is now before us in House Bill No. 712.

For example, Mr. President, why were aging programs reduced below the Governor's level?

The answer is, "Well, we think they can live with what we are giving them."

What will the impact be of the \$1 million reduction in the Governor's recommendation for mass transit?

The answer is, "We do not really know."

Why cut the Governor's recommendation for \$2 million in PHEAA funding?

The answer is, "You have to balance the budget someplace."

Will the level of appropriation for the State-owned colleges and universities require a tuition increase?

"We cannot really tell you that."

Mr. President, this record is replete with that kind of dialogue. The last response says it best. We have to balance a budget someplace. That is what this bill does. It simply balances numbers without any serious attempt to assess the impact of program cuts or of terminations.

It seems pretty apparent, Mr. President, I cannot stop the passage of this bill. Neither can I recommend anyone support it. It is fiscal tomfoolery at its worst and I think that has become clear in the dialogue that has taken place here. It does not hold the line on taxes. All it does is to permit the Majority Party to escape the political responsibility for tax increases that will surely follow at the local level.

Again, Mr. President, we have documented in area after area the impact upon local governments and the need to increase their budgets in order to pay for the expenses we are simply shifting back to them. I know some of the people of this Commonwealth may, in fact, be confused or fooled for a short period of time. The reality and the day of reckoning is not going to be far ahead, Mr. President, if, in fact, the votes are put forward here today to pass this bill. Our local governments and our school districts are going to have to respond to the result of that and increase their real estate taxes on the local level. Our services to people, our help for poor and for those who are sick, our assistance for public welfare are all going to receive dramatic cuts and reductions. Our students are going to pay higher increases for tuition expenses and on and on and on the litany goes as you have heard it here today.

Mr. President, this is a most unfortunate situation. I would, as I said, recommend to my colleagues and all who are interested in maintaining any fiscal integrity in this process and in the needs and the concerns for the people of this Commonwealth to reject this budget and not merely be led astray with some false desire to try to pass a bill in the Senate but, in fact, to insist upon something that is going to be responsible and meaningful and reflect a considered judgment of the obligations each of us have in this Chamber.

Senator STAUFFER. Mr. President, I realize it has been a long day and I am going to be very brief, but I cannot cast my vote on this budget without at least giving that brief response to the remarks of the gentleman from Bucks, Senator Lewis. The gentleman uses the term fiscal tomfoolery. If there is fiscal tomfoolery engaged in this budget, it is the charade we went through for—golly, I have lost track of how many hours here today—in fact, two days, because we went through the beginnings of it yesterday.

Mr. President, with a rough calculation, we figure the amendments offered by the gentleman from Bucks, Senator Lewis, would at a minimum increase the budget before us by \$233 million; not reorder the priorities, not reallocate the spending, but give us a deficit of a quarter of a billion dollars. That is fiscal tomfoolery.

Mr. President, a message came very clear from the people of Pennsylvania and the people of this Nation, a message I am sure we heard and I am afraid the gentleman from Bucks, Senator Lewis, did not hear. The people have said we have had enough with the continuing escalation of government spending, a continual growth. What we have done in this budget is not provide cuts, as the gentleman indicates. The use of the word "cuts" I think is most unfortunate because where we have provided actual increases, the term cuts above or from the amounts requested seems to be translated by some in this Chamber into cuts below the amounts of money that were spent on specific programs last year.

Mr. President, the field of mental health/mental retardation, one of which we all have great concern is one that has been footballed around for at least the last month. I know I have been deluged in my office with calls. When I point out to the people who call that there are no cuts, that what we have actually done in this budget is pick up the \$40 million at the State level that was cut by the Federal government and we have added an additional \$22 million to that amount, we begin to receive an understanding from the people who want to know what the truth is.

The truth is we have pledged ourselves to fund State government in a responsible way and yet also in a frugal way so we could maintain stability in the tax climate of Pennsylvania.

Mr. President, there is talk about the problems facing Pennsylvania in our future. What are we going to do to attract business and to attract people to our Commonwealth? There is only one way we can do that and that is by showing we can run a stable government in this Commonwealth, that we can prioritize the needs of our people and come in with a budget that does that. In my belief, the budget before us very adequately does that. I think when this budget is in place and this Commonwealth is operating in the next fiscal year, the gentleman from Bucks, Senator Lewis, and any who are listening to his cries of the past two days will find out the house of cards did not fall, that Pennsylvania is moving forward and the people are enjoying some degree of tax stability.

Senator LEWIS. Mr. President, I know the hour is getting late, but apparently the gentleman from Chester, Senator Stauffer, either was not here or did not hear the comments when I went into them at some length with the gentleman from Delaware, Senator Bell, with respect to the fiscal restraints we believe were present throughout the entire amendatory process. I will not go into a lengthy redescription of those items. They are on the record. The gentleman is aware of them.

Mr. President, the bottom line and the overriding factor throughout this has been it has never been my intention nor

the intention of any of my colleagues who have offered amendments here to increase by one cent the spending of the Commonwealth above the available revenue limits. I know how cute it is to sit and add up as a collective matter the amendments that have been offered and I have very patiently explained that at any point if the other party had at any time accepted any of these amendments and the collective effect of that would have exceeded the monies which I think I have very clearly indicated were available to fund these reordering of priorities, then we would have gladly stopped, Mr. President.

I think the sheer determination to refuse to accept any amendment was made abundantly clear, not so much with regard to the items that were proposing to increase various expenditure levels, not so much with the refusal to eliminate double dipping in a \$16.5 million item that has been twice allocated, not with the refusal to eliminate a cut for an over-funding in a variety of areas that exists within the Department of Public Welfare, as we have so clearly pointed out. No, Mr. President, the true indication of the Majority Party's intention to knock down every amendment regardless of its merit, when we came here today, should have been clear from the point at which the first amendment was offered.

Mr. President, I might observe to the gentleman from Westmoreland, Senator Kelley, it should have been clear to him from the very fact this bill was reprinted before we ever got here today and the intention was to run it tonight when we finished and that obviously could not have been done if a single amendment, regardless of merit, had been accepted.

The item to which I referred, Mr. President, that should have let everyone know right from the start was the refusal to eliminate the situation that now exists with regard to unaccountability of expenses in the Appellate Court System in this Commonwealth. Not a dime of additional expenses, in fact, quite possibly savings for the people in this Commonwealth, and twenty-five Members sitting on that side of the aisle voted against a language change that simply would have brought about accountability by requiring vouchers in the expense account system for those judges.

Mr. President, let us not talk about \$230 million or tax increases or restructuring of priorities or attempts to bring about business to this Commonwealth. The die was cast from the point when the first amendment was rejected by the party line vote that was repeated without change through this entire budgetary process. The die was cast when the Majority Party refused to provide or require accountability for the expenses for the Judiciary and the Appellate Court System. I think that says it all, Mr. President.

Senator BELL. Mr. President, I am going to be very, very brief. First of all, I am serving notice on everybody here I will insist nobody speaks more than twice on House Bill No. 712.

Mr. President, I am very concerned about certain things, one of them is schools and the money for our schools. Mr. President, I am calling on every Member in this Senate, after this bill passes, to attack the big question of what is happening in our local schools. There are less pupils, there are less teachers, there are less schools, but the schools are spending an awful lot more money. Something is wrong there. It is not

from this Senate that that fault comes. I am going to suggest to those Members who are crying the crocodile tears about the future of this Commonwealth, start digging in as to why is this tremendous tax increase put on our local people by the local school district to pay their bills when they have less pupils, less schools, less teachers. There must be some answer.

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—28

Bell	Helfrick	Loeper	Shaffer
Corman	Hess	Manbeck	Smith
Early	Holl	Moore	Snyder
Fisher	Hopper	O'Connell	Stauffer
Gekas	Howard	Pecora	Street
Greenleaf	Jubelirer	Price	Tilghman
Hager	Kusse	Rhoades	Wilt

NAYS—18

Andrezeski	Lloyd	O'Pake	Singel
Bodack	Lynch	Reibman	Stapleton
Kelley	Mellow	Ross	Stout
Lewis	Messinger	Scanlon	Zemprelli
Lincoln	Murray		

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 with amendments in which concurrence of the House is requested.

POINT OF INFORMATION

Senator KELLEY. Mr. President, I rise to a point of information.

The PRESIDENT. The gentleman from Westmoreland, Senator Kelley, will state it.

Senator KELLEY. Mr. President, I understand the vote has been announced as twenty-eight "yeas" and eighteen "nays," is that correct?

The PRESIDENT. The gentleman is correct.

RECESS

Senator JUBELIRER. Mr. President, I request a fifteen minute recess of the Senate for the purpose of holding a Republican caucus.

The PRESIDENT. Are there any objections? The Chair hears no objection, and declares a recess of the Senate for the purpose of a Republican caucus.

AFTER RECESS

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

SB 409 CALLED UP

SB 409 (Pr. No. 891) — Without objection, the bill, which previously went over in its order, was called up, from page 1 of the Final Passage Calendar, by Senator JUBELIRER.

BILL ON FINAL PASSAGE

SB 409 (Pr. No. 891) — And the amendments made thereto having been printed as required by the Constitution,

On the question,
Shall the bill pass finally?

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

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

Senator JUBELIRER. I will, Mr. President.

Senator BODACK. Mr. President, can the gentleman from Blair, Senator Jubelirer, please refer to Section 10, on pages 7 and 8, of Senate Bill No. 409?

Referring, Mr. President, to that section that starts out, "Notwithstanding the definition of 'racketeering activity'..." is it not also true the Pennsylvania Crime Code defines racketeering activity as the collection of money at a rate of interest exceeding twenty-five per cent?

Senator JUBELIRER. That is correct, Mr. President, with one addendum. I think the addendum is, "unless authorized by law."

Senator BODACK. Mr. President, is it not true if Senate Bill No. 409 is implemented and the existing average United States security yield for a three-month period is 13.5 per cent, a consumer discount loan company could charge an interest rate of 31.8 per cent?

Senator JUBELIRER. Mr. President, that would be possible as a ceiling. The gentleman is correct.

Senator BODACK. Would the gentleman agree, Mr. President, that 31.8 per cent is in excess of twenty-five per cent?

Senator JUBELIRER. Mr. President, does the gentleman really want me to answer that?

Senator BODACK. Mr. President, I would like to know by what logic this Body could pass a bill that would consider me to be engaged in criminal activity if I extended a loan at 25.25 per cent when our lending institutions would be permitted to extend it to 31.8 per cent?

Senator JUBELIRER. Is that a question, Mr. President?

Senator BODACK. Yes, it is, Mr. President.

Senator JUBELIRER. Mr. President, the answer is very clearly if this Body, this General Assembly, this Senate, this House, authorizes it by law with twenty-six votes in the Senate and 102 in the House, then it does not affect the anti-racketeering statute. We are living in different times today. Unfortunately, we are living in different times, not of this Body's making. International situations, national situations, inflationary spirals that have created a chaotic world out there. Our position is, Mr. President, this in effect would be authorized by law and does not deal with the anti-racketeering statute, does not take away the anti-racketeering statute, and deals with the situation and the economy and the financial world as it exists today.

Mr. President, whatever this Body decides is authorized by law, that provides the answer to that question.

Senator BODACK. I think the gentleman is saying, Mr. President, there would be those cases where 31.8 per cent would not be considered racketeering.

Mr. President, it stands to reason that this Body by passing Senate Bill No. 409 would indeed be legalizing loan shark activities in the State of Pennsylvania. The passage of this bill would exempt financial institutions and other consumer credit operations from the definition of racketeering activity as contained in the Pennsylvania Crime Code.

Mr. President, I would also like to ask the Majority Leader to tell us exactly how many of his constituents have appealed to him to increase interest rates because they feel the threat of denied access to consumer credit.

Senator JUBELIRER. I cannot give the gentleman a precise count, Mr. President, but it has been an extraordinary amount. I have heard from small business people, lending institutions that are going under, and without some kind of rate relief in this State, they cannot possibly make it. I cannot give the gentleman the precise number, though. Those were my constituents.

Senator BODACK. Mr. President, all I heard was threats of job loss, commerce loss and credit operations moving from Pennsylvania. I am now asking if the lending institutions have proven with facts and figures they cannot survive with the ample profits it seems to me, they are presently enjoying.

Senator JUBELIRER. Mr. President, I have the information from the Department of Banking which I certainly do not have the documentation for, but I assume the Department of Banking bases its news releases on some information, that small loan companies and other similar lenders are either curtailing operations or closing lending offices in Pennsylvania at the rate that is continually accelerating. In recent weeks, closings have reached the rate of ten to twelve a week, according to Secretary of Banking, McEnteer. According to bureau estimates, these closings have already cost Pennsylvanians over 500 jobs and if the shutdowns continue at the present pace, at least 1,000 more jobs will be lost during the recent years. I could go on with his release, but I am sure the gentleman probably already has the release. It was sent out to everybody, but I do not have the total documentation for it. I think this is something that is coming upon us at a rather rapid rate. Whether the precise total documentation is available, I do not know.

Mr. President, there are 783 installment sellers of motor vehicles turned in their licenses, nineteen collector repossessioners shut down. I assume if they have those figures, they have the documentation for them to come up with those numbers.

Senator BODACK. Mr. President, I agree this is coming upon us at a rapid rate.

Mr. President, I rise again in opposition to Senate Bill No. 409. The very fact this bill has been called up for another vote clearly demonstrates the force and the power of the special banking interest lobby that supports it.

Other measures would have died when they failed to receive sufficient support on a final vote. But not so with Senate Bill No. 409.

Also peculiar but understandable from the perspective of the special interests that would benefit is the fact this far-reaching proposal has never been subjected to public hearing or public input in the Senate.

I say it is understandable, Mr. President, but it is also unconscionable.

Last week I labeled this measure a big bankers bill and a consumers' nightmare.

This week, I repeat that characterization.

Mr. President, we are asked again today to somehow forget the vast majority of the people we represent. We are asked to vote on a bill that will drastically increase the cost to the consumer for nearly all forms of consumer finance. It appears to me the only form of consumer finance not covered in this bill is home mortgages, or to be more precise, first mortgage loans which have already been exempted from interest ceilings by the Federal government.

Mr. President, this bill takes the existing interest ceilings on credit cards, bank cards, consumer loans for cars, home improvements, second mortgages and everything else, and makes the ceiling the floor.

Regardless of the state of the economy, Mr. President, regardless of the average market yield of treasury notes, this bill will make the existing maximum interest rate ceilings the focal point for increasing rates.

From a conservative viewpoint, it will give lenders an unfair hedge against inflation while the average consumer, the person in the street, will have no such protection.

Mr. President, the gentleman from Blair, Senator Jubelirer, in his remarks last week in favor of this bill noted that our system, and I presume he was referring to our system of consumer finance, has functioned well in a controlled setting.

Mr. President, that is exactly the point. This bill will smother and kill those controls.

The gentleman talks as though this bill merely sets new parameters and makes only a few adjustments. The parameters are sky high and the adjustments are anti-consumer.

The gentleman from Blair, Senator Jubelirer, talks about the small businessman in the towns and hamlets throughout Pennsylvania that have been forced to close their doors as if the magic of Senate Bill No. 409 will somehow cure that trend.

Is it not true, Mr. President, that largely because of excessive interest rates that we have seen a fifty per cent failure increase in small businesses?

The gentleman from Blair, Senator Jubelirer, says he defies anybody to say the middle income or low income person will continue to have credit if we do not pass this bill. Mr. President, I defy the gentleman from Blair, Senator Jubelirer, to say they will not.

A substantial part of a department store's business is dependent on offering credit. If they do not offer credit, is it not safe to assume their business will suffer? Is it not safe to assume they will have to offer credit if they want to stay in business, if they want to sell that refrigerator or other appliance at their marked up values?

I do not believe, Mr. President, we should act under a threat. That is what the gentleman from Blair, Senator Jubelirer, wants us to do. I do not believe the argument of dried up credit and that it can be substantiated.

Mr. President, to paraphrase the Director of Governmental Affairs for the Consumer Federation of America in Washington, D.C., a Mr. Jim Boyle, who talked with my office the other day, he states if the Senate of Pennsylvania acting under this veiled threat from banking interests, votes to pass Senate Bill No. 409, in effect we will be voting to legalize loan sharking across this Commonwealth.

Mr. President, this legislation will not only promote higher and higher interest rates but it will allow the lenders to open the flood gates on credit to high risk borrowers who will be intimidated and destroyed.

Our citizens and constituents will be enticed and coerced into further debt. Personal bankruptcies will increase and credit operations will become expanded and less efficient.

By passing Senate Bill No. 409, Mr. President, the Senate of Pennsylvania will be fueling banks, not jobs or industry. How can we get a country out of recession when everybody will be paying such a large percentage of their income for finance and interest charges?

Every dime it costs the consumer for credit is a dime lost in the consumer's ability to buy.

This is quite evident today, Mr. President, in the housing industry where, as I said, the interest ceilings on home mortgages have been removed.

Effectively and largely because of high interest rates, 1.1 million construction workers are now out of work.

Mr. President, the plight is further illustrated in this full-page ad which appeared in the Washington Post and the Wall Street Journal yesterday.

Mr. President, I would like to read it for you.

"The killer shark interest rate policy of the Federal Reserve System has again chewed up the housing industry for this year, and it will soon attack next year's housing.

"Millions of building workers are laid off, while millions of would-be homeowners are frustrated by exorbitant mortgage rates.

"Why must housing always be the victim of the Fed's yo-yo theories of money manipulation?"

This ad, Mr. President, was paid for by a cement company. Understandably their business has been curtailed and curtailed primarily because of excessively high interest rates.

We see the same problem of high interest rates hurting the steel industry. A top steel executive by the name of William J. Delancey, who is the Chairman and Chief Executive of Republic Steel Corporation, said the high rates such as the 20.5 per cent prime lending rate that prevails at most major banks have damaged steel-related industries such as auto manufacturing and housing. That in turn has limited the growth of new steel orders.

He goes on to say, Mr. President, "Excessively high interest rates will probably lead to slackening further in steel orders this summer."

Mr. President, our experience with high interest rates has not been good.

It certainly is not the time to experiment with higher interest rates on all other forms of credit and consumer finance.

I hold to my statement of a week ago, Mr. President. When the banks say they are losing money on their credit operations, what they really mean is they are just not making the profit they would like to be.

Senate Bill No. 409 is like the all-purpose cleaner, Formula 409, only this time instead of the consumers using 409, the banks will be using it to clean up.

Mr. President, I would again urge my colleagues on both sides of the aisle to vote for Pennsylvania's consumers by rejecting this special interest bill.

Senator BELL. Mr. President, we went through Senate Bill No. 409 last week and I want to say a few words why I am voting against this bill tonight.

Mr. President, I have had a lot of automobile salesrooms close in my district but they did not close because they could not get bank loans. They closed because many of them were selling American cars and the Jap car just undercut them. Mr. President, I heard many salesmen during the past several months complain they could not sell cars because interest was too high. We come around right now to the situation that certain people are going to be benefited by this bill and certain people are going to be hurt. The people definitely who are going to be benefited are those who lend money. There are many small industrialists who have had to close shop because the exceptionally high cost of money, in other words interest, has caused them to go into bankruptcy. The choice right now is whose ox is being gored or for whom should we take a position? Last week I took the position on behalf of the people who will have to pay interest. Mr. President, I repeat that position tonight.

Senator KELLEY. Mr. President, I do not know if I could add much to what the gentleman from Allegheny, Senator Bodack, said to express and persuade us to vote against Senate Bill No. 409, but the remarks just made by the gentleman from Delaware, Senator Bell, impressed me greatly because he concluded by talking about the people who are going to have to pay for it. Then I am reminded about the remarks made by the gentleman from Chester, Senator Stauffer, on the General Appropriations bill we just passed because he talked about tax stability. The reason the gentleman from Chester, Senator Stauffer, and others used that terminology to persuade us to vote for the General Appropriations bill was the fact there was stability, there was not going to be any change among the constituency of this Commonwealth that we all represent.

Mr. President, now I am just wondering how in any Lord's name of constituency anyone who voted for the general budget could vote for this bill if they are persuaded by the terminology of the gentleman from Chester, Senator Stauffer, and I am sure they were, meaning, therefore, the gentleman from Delaware, Senator Bell, hit it precisely. The twelve million people of this Commonwealth whom we all represent collectively, are going to have to bear the burden and pay the

additional monies which was the very reason the people on the other side primarily said we should vote for the General Appropriations bill because we do not want to have to raise taxes and put a greater burden on the people.

Mr. President, I say as a matter of consistency, not the hobgobble of the small minds, but the dedication of our oath, we should reject this bill with great enthusiasm.

Senator HESS. Mr. President, I have been trying to decipher all this. We know that at the current situation with user rates in Pennsylvania things are not going well. We have heard several gentlemen say if this bill is passed, they will get worse. I only question and ask everyone to ask themselves, what would happen if we set every interest rate at one per cent?

Senator LLOYD. Mr. President, I am reminded of the title of a song from the mid-seventies in response to the gentleman from York, Senator Hess, "Is That All There Is To A Fire?"

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—28

Corman	Hess	Lynch	Shaffer
Early	Holl	Manbeck	Snyder
Fisher	Hopper	Moore	Stapleton
Gekas	Howard	Pecora	Stauffer
Greenleaf	Jubelirer	Price	Tilghman
Hager	Kusse	Ross	Wilt
Helfrick	Loeper	Scanlon	Zemprelli

NAYS—20

Andrezeski	Lewis	Messinger	Rhoades
Bell	Lincoln	Murray	Singel
Bodack	Lloyd	O'Connell	Smith
Hankins	McKinney	O'Pake	Stout
Kelley	Mellow	Reibman	Street

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 406 CALLED UP

SB 406 (Pr. No. 858) — Without objection, the bill, which previously went over in its order, was called up, from page 2 of the Third Consideration Calendar, by Senator JUBELIRER.

BILL REREFERRED

SB 406 (Pr. No. 858) — Upon motion of Senator JUBELIRER, and agreed to, the bill was rereferred to the Committee on Appropriations.

HB 1043 CALLED UP

HB 1043 (Pr. No. 1495) — Without objection, the bill, which previously went over in its order, was called up, from page 3 of the Third Consideration Calendar, by Senator JUBELIRER.

BILL ON THIRD CONSIDERATION
AND FINAL PASSAGE

HB 1043 (Pr. No. 1495) — 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 LEWIS. Mr. President, I think it is somewhat ironic the Majority is now seeking to gain passage of a bill which they have explicitly failed and refused to provide the funding for through an earlier vote this evening.

Mr. President, I want to remind all of my colleagues this is the item that deals with the continuation of transit facilities in certain selected rail lines. I spoke about it at length earlier, and I am not going to repeat all of those items here, but we might recall it requires approximately \$3.5 million in funding. That funding is not contained in House Bill No. 1043, and by the action of the Majority tonight they specifically decided not to put any of the funding for this item into the General Appropriations bill. Any attempt to pass this is purely a charade and I believe the refusal to provide the funding should also result in negative votes. Please do keep in mind, if this bill is passed from here and sent on to some other area so that funding is going to attempt to be made through a transfer in existing funds, what we are going to be doing is taking \$3.5 million out of the urban mass transit funds that are currently available to operate the mass transit facilities in the City of Philadelphia, in the City of Pittsburgh, and the other urban areas in this Commonwealth, in the City of Scranton. That means each and every one of those areas are going to suffer a reduction in their funding because of the failure to put up the monies that were needed for this bill.

Mr. President, I would urge a negative vote on House Bill No. 1043.

Senator STAUFFER. Mr. President, I would remind the gentleman the characterization he just gave is his, it is not necessarily the accurate one. There can be more than one beat to which we march and we will be marching to our beat at the proper time.

Senator LLOYD. Mr. President, I would like to take this opportunity to march to one of those beats to which the gentleman has referred. We have had a great opportunity this week to limit Philadelphia in a variety of ways financially through the budget process.

Mr. President, House Bill No. 1043 also represents a shifting of funds from SEPTA in southeastern Pennsylvania, who has a critical need for a proper and full funding. This particular legislation would further restrict their ability to function at a satisfactory level.

Mr. President, I would urge the Members of the Senate to consider voting against this legislation for that reason or until we find a way to satisfactorily replace the funds that would be removed from the urban mass transportation appropriation for 1981 and 1982 which is precisely the impact that has.

Senator PRICE. Mr. President, my understanding of House Bill No. 1043 is that money will shift if the responsibility shifts.

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

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

Senator JUBELIRER. Mr. President, if the gentleman from Westmoreland, Senator Kelley, wants to interrogate me on the bill, there are others who have been involved in that bill, I am sure who could be far more informative than I.

Senator KELLEY. Mr. President, I believe I correctly directed the question since the gentleman is the Majority Leader and this is more a procedural matter I wanted to inquire about.

Senator JUBELIRER. I will, Mr. President.

Senator KELLEY. Mr. President, in the gentleman's consideration of House Bill No. 1043, I note it is on the second day on the Calendar. The fact it involves a subject matter which at least to the gentleman from Westmoreland, Senator Kelley, may be interested in offering an amendment, I wonder if the gentleman would consent to going over the bill so on the second day, as it is on the Calendar now on Third Consideration, I wonder if we could not consider it the next legislative day or offer opportunities for amendments?

Senator JUBELIRER. Mr. President, in response to the gentleman from Westmoreland, Senator Kelley, this is not new on our Calendar. This bill has been on our Calendar before, was on the Calendar for a substantial number of days, was rereferred to the Committee on Appropriations, bumped from the Committee on Transportation to the Calendar, back to the Committee on Appropriations and is back on our Calendar again. I believe there is some urgency in getting the bill passed and we would like to pass the bill tonight.

Senator KELLEY. I can appreciate, Mr. President, the gentleman in the past whenever there has been an expeditious need in his opinion, the gentleman has generally explained what that basis was. Mr. President, I wonder if the gentleman would explain what is so much of an emergency that we could not let this matter go until next week?

Senator JUBELIRER. Mr. President, I see the emergency and I have a feeling that the lady from Northampton, Senator Reibman, is probably going to set it forth better than I—in various districts throughout this State on these rail lines, the gentleman from Lebanon, Senator Manbeck, I am sure is going to respond, but there is an emergency situation with various rail lines throughout the Commonwealth, in the district of the lady from Northampton, Senator Reibman, in the district of the gentleman from Beaver, Senator Ross, in the district of the gentleman from Lehigh, Senator Messinger, I believe the gentleman from Schuylkill, Senator Rhoades has one in his district and in the district of the gentleman from Montgomery, Senator Holl. There is a consideration of the bill that we feel needs attention at this time.

Senator KELLEY. Mr. President, do I understand the gentleman's position is that he will not consider going over the bill and wants to absolutely consider it tonight?

Senator JUBELIRER. Unilaterally I would not, Mr. President, unless this Body so ordered me to do so by a motion. We think the urgency is too great.

Senator KELLEY. As a matter of practicality, Mr. President, I will not put the Body to the test of support of the Majority Leader. If the gentleman himself does not agree, then I will have to accept the fact.

Senator MANBECK. Mr. President, in response to several of the issues that were raised by the gentleman from Philadelphia, Senator Lloyd, and the gentleman from Westmoreland, Senator Kelley, the legislation that is before us tonight has been before us and it was passed by the House of Representatives. It was referred to the Committee on Appropriations for a fiscal note. The gentleman from Philadelphia, Senator Lloyd, referred to the appropriation being \$3.5 million; it is \$3,148,000. The funds that are made available to the Reading-Norristown rail shuttle service are \$915,000; to the Bethlehem-Lansdale rail shuttle service, it is \$1,241,000 and the Beaver-Pittsburgh rail service is \$492,000, the Pottsville-Reading railroad service is \$500,000.

Mr. President, the reason for the bill is SEPTA was under contract with the Department of Transportation to furnish the shuttle rail service between Lansdale and Philadelphia and Pottsville and Pottstown. They served notice they were going to discontinue the service on May 30th, I believe it was, but the funding is available until June 30th. The Department of Transportation has an agreement with SEPTA that they will continue to operate until June 30th. SEPTA is an organization that is formed by the five southeastern counties and there is a question about them being involved in a contract servicing communities outside of that area.

Mr. President, I have been informed by the Department of Transportation that they will enter into contracts with someone to operate the lines, either SEPTA or someone else that will operate the lines, if SEPTA is not willing to comply with the requirements of operating a good and efficient line.

Mr. President, we have made an investigation of the SEPTA operation which seems to be very inadequate. Nobody could find a place to call for a schedule. If people wanted to travel from Pottsville, Hamburg or other locations within that area to travel to Philadelphia, they were not able to find out where they could make the connections or what the program was. We have been informed by the Department of Transportation that they will operate the system and that they will police it and the people will receive service.

Mr. President, as previously has been stated, unless there is an appropriation made to furnish these funds there will be no operation of those services. There is also contained in House Bill No. 1043 if the people that are traveling on those services do not patronize the lines sufficiently and if the Federal government cuts the subsidy, the funds will not be available.

Mr. President, I would urge everybody to cast their vote in the affirmative on House Bill No. 1043.

Senator REIBMAN. Mr. President, I had not really intended to take the floor on this bill because I thought the subject matter was self-evident as to the importance for maintaining railroad passenger service, particularly in a time with

the high cost of gasoline and the high cost of maintaining roads and building new roads that it would eminently make good sense to be able to move goods and people in large numbers through the railroad system. In addition, Mr. President, if these railroad passenger services were abandoned and the tracks would then be abandoned or left to deteriorate, we would never be able to bring railroads back to a condition to carry the coal from the coal fields up in Lackawanna County and the other areas, to the port of Philadelphia. It is extremely important that we maintain rail service. That is one reason.

The second reason, Mr. President, that House Bill No. 1043 is so important and the gentleman from Lebanon, Senator Manbeck, did talk and tell you the history of the bill and why it was necessary to go this route. I have attended some of the public hearings held by members of SEPTA who wanted to discontinue the service and other people and passengers from my area. The interesting part of it is, Mr. President, expert testimony demonstrated that SEPTA would actually lose more money in fare and subsidy than it would save by discontinuing this service between Bethlehem and Philadelphia. This is the part of the service that really would make money to continue that kind of a rail service.

I think for those reasons, Mr. President, it is extremely important that we maintain a rail service, one that is energy efficient, one that will move more goods and passengers at a time when it is absolutely necessary.

Mr. President, I would urge all of my colleagues to remember that we are going to need all forms of mass transportation and this is one very vital service we ought to preserve.

Senator LEWIS. Mr. President, the gentleman from Lebanon, Senator Manbeck, is obviously very knowledgeable about House Bill No. 1043. There are two points of the comments the gentleman made that I would like to pursue.

First of all, Mr. President, it seemed to me to be very clear from the gentleman's comments, the transfer of responsibility will take place if this bill is funded. Therefore, for the benefit of the gentleman from Philadelphia, Senator Price, who indicated a concern about whether that would occur, and the impact upon the funding for the City of Philadelphia, I think that point should put it to rest and make it very clear for him.

Secondly, Mr. President, I wonder if the gentleman from Lebanon, Senator Manbeck, would stand for a brief interrogation?

The PRESIDENT. Will the gentleman from Lebanon, Senator Manbeck, permit himself to be interrogated?

Senator MANBECK. I will, Mr. President.

Senator LEWIS. Mr. President, did the gentleman say the services cannot be implemented until the funding is provided, the \$3.148 million?

Senator MANBECK. Mr. President, it is my understanding the the availability of the funds are being transferred from Act 101 to Act 10 and before the funds then become available, there must be an appropriation bill passed making them available.

Senator LEWIS. Mr. President, is it the gentleman's understanding House Bill No. 1043 in its present form, in fact, makes that transfer of existing funds from urban mass transportation over to the rural transportation?

Senator MANBECK. Mr. President, it will make it possible to make the funds available.

Senator LEWIS. Mr. President, is the gentleman then saying that some further action of this Legislature will be necessary before in fact the funds are allocated or in whatever fashion made available such that the service proposed under this bill can be implemented?

Senator MANBECK. Mr. President, that is my understanding.

Senator LEWIS. Mr. President, I do thank the gentleman. That has also been my understanding. I thought this point was extremely important because just a few moments ago the Majority Leader, upon interrogation and request by the gentleman from Westmoreland, Senator Kelley, indicated that the reason for moving with this bill at this very late hour was some urgency to implement these services. The gentleman from Westmoreland, Senator Kelley, asked to have an opportunity to consider amendments to the bill and the Majority Leader indicated it was important to pass this tonight so these services could be implemented in a very rapid fashion.

Mr. President, I think the information that has just been presented to us by the gentleman from Lebanon, Senator Manbeck, makes it clear that cannot happen, that in fact further action of this Legislature is absolutely necessary before any of the proposals under this bill can ever be implemented.

For that reason, Mr. President, and returning to the request made by the gentleman from Westmoreland, Senator Kelley, to have the opportunity to offer amendments on the first day or two days when we are back next week, I would ask the Majority Leader to reconsider his opinion about going over this bill for the purpose of dealing with it upon our return next week.

Senator MANBECK. Mr. President, in response to the interrogation by the Chairman of the Minority Committee on Appropriations, the reason for the urgency of passing this bill is that SEPTA has served notice and the funds are not available and are not going to be available to operate these services after June 30th. We are in June, Mr. President. We have less than thirty days to implement the necessary legal procedure to make the funds available so the lines can stay functioning.

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—31

Bell	Holl	Moore	Shaffer
Corman	Hopper	O'Connell	Smith
Fisher	Howard	O'Pake	Snyder
Gekas	Jubelirer	Pecora	Stauffer
Greenleaf	Kusse	Price	Street
Hager	Loeper	Reibman	Tilghman
Helfrick	Manbeck	Rhoades	Wilt
Hess	Messinger	Ross	

NAYS—17

Andrezski	Lewis	McKinney	Singel
Bodack	Lincoln	Mellow	Stapleton
Early	Lloyd	Murray	Stout
Hankins	Lynch	Scanlon	Zemprelli
Kelley			

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 with amendments in which concurrence of the House is requested.

BILLS OVER IN ORDER

HB 61, SB 74, HB 106 and SB 147 — Without objection, the bills were passed over in their order at the request of Senator JUBELIRER.

BILL ON SECOND CONSIDERATION

SB 197 (Pr. No. 198) — Considered the second time and agreed to,

Ordered, To be transcribed for a third consideration.

BILLS OVER IN ORDER

HB 261, SB 319, 457, 530, 531 and 560 — Without objection, the bills were passed over in their order at the request of Senator JUBELIRER.

BILL REREFERRED

SB 580 (Pr. No. 592) — Upon motion of Senator JUBELIRER, and agreed to, the bill was rereferred to the Committee on Appropriations.

BILL ON SECOND CONSIDERATION

SB 680 (Pr. No. 707) — Considered the second time and agreed to,

Ordered, To be transcribed for a third consideration.

BILL OVER IN ORDER

SB 705 — Without objection, the bill was passed over in its order at the request of Senator JUBELIRER.

BILLS ON SECOND CONSIDERATION

SB 710 (Pr. No. 746), SB 711 (Pr. No. 747) and SB 712 (Pr. No. 748) — Considered the second time and agreed to,

Ordered, To be transcribed for a third consideration.

BILLS OVER IN ORDER

SB 714, 719, 724, 726 and 784 — Without objection, the bills were passed over in their order at the request of Senator JUBELIRER.

HOUSE CONCURRENT RESOLUTION

NO. 56, CALLED UP

Senator JUBELIRER, without objection, called up from page 8 of the Calendar, House Concurrent Resolution No. 56, entitled:

General Assembly memorialize President and Congress permit Conrail to make transition from Federal support to nonsubsidized, efficient, competitive entity.

On the question,
Will the Senate concur in the resolution?

**SENATE CONCURS IN HOUSE CONCURRENT
RESOLUTION NO. 56**

Senator JUBELIRER. Mr. President, I move that the Senate do concur in House Concurrent Resolution No. 56.

The motion was agreed to and the resolution was concurred in.

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

UNFINISHED BUSINESS

SENATE RESOLUTION

**AMENDING SENATE RULE 37
BY ADDING SECTION 13.**

Senators HAGER, SCANLON and STAUFFER offered the following resolution (Serial No. 43), which was read and referred to the Committee on Rules and Executive Nominations:

In the Senate, June 2, 1981.

RESOLVED, That Senate Rule XXXVII be amended by adding a section to read:

**XXXVII COMMITTEE ON ETHICS AND OFFICIAL
CONDUCT**

* * *

13. Whenever the committee shall employ independent counsel or shall incur other expenses pursuant to its duties under this rule, payment of costs of such independent counsel or other expenses incurred by the committee pursuant to this rule, shall be paid by the Chief Clerk upon submission of vouchers and necessary documentation which vouchers shall be signed by both the chairman and vice chairman of the committee. Included in such allowable expense items shall be travel and per diem for the members of the committee. The Chief Clerk shall pay such expenses out of funds appropriated to the Chief Clerk for incidental expenses.

SENATE CONCURRENT RESOLUTIONS

**MEMORIALIZING CONGRESS AND VETERANS
ADMINISTRATION TO COORDINATE
ACTIVITIES WITH STATE AND LOCAL
VETERANS ASSISTANCE CENTERS FOR VIETNAM
VETERANS SUFFERING EFFECTS
OF AGENT ORANGE**

Senators O'CONNELL, REIBMAN, SHAFFER, SNYDER, JUBELIRER and SINGEL offered the following resolution (Serial No. 217), which was read and referred to the Committee on Military and Veterans Affairs:

In the Senate, June 2, 1981.

WHEREAS, A great majority of Vietnam Veterans have problems and needs that have been ignored, including the need for programs of medical treatment, therapy and disability benefits, as well as vocational and disability rehabilitation; and

WHEREAS, The American public believes Vietnam Veterans should receive the same respect and favorable treatment accorded veterans of earlier conflicts; and

WHEREAS, Some Vietnam Veterans have suffered severe physical effects, including cancer, nervous system disorders and skin diseases, as a result of their exposure to the defoliant, Agent Orange, while serving in the Republic of Vietnam and reports have been substantiated that unusually high numbers of Vietnamese women and Vietnam veterans' wives have given birth to children with birth defects; therefore be it

RESOLVED (the House of Representatives concurring), That whereas the Federal Government, through the Department of Defense, was responsible for the spraying of the defoliant, Agent Orange, the Federal Government, then, through the Veterans Administration should be responsible for the funding and administration of individual screening programs in order that those veterans suffering the effects of Agent Orange may receive full medical benefits, therapy, disability benefits and rehabilitation training; and be it further

RESOLVED, That the General Assembly hereby memorializes the Congress of the United States and the Veterans Administration to coordinate activities in conjunction with State and local veterans assistance centers located in Pennsylvania; and be it further

RESOLVED, That a copy of this resolution be transmitted to the President, Speaker of the House of Representatives and President pro tempore of the Senate, the appropriate committee chairman in the House and Senate of the United States Congress, and to each Congressman and Senator from Pennsylvania.

**MEMORIALIZING PRESIDENT, CONGRESS
AND DEFENSE DEPARTMENT CONTINUE
INVESTIGATION OF AMERICANS MISSING IN
ACTION, PRISONERS OF WAR OR KILLED IN
ACTION IN SOUTHEAST ASIA**

Senators O'CONNELL, REIBMAN, SHAFFER, SNYDER and JUBELIRER offered the following resolution (Serial No. 218), which was read and referred to the Committee on Rules and Executive Nominations:

In the Senate, June 2, 1981.

WHEREAS, Article VIII, section (a) of the peace accord which ended the Vietnam Conflict provided that the United States and Vietnamese governments would, on the date of United States troop withdrawal, exchange prisoners of war and complete lists of information on all military personnel who died in captivity or were found dead by the enemy; and

WHEREAS, There are still nearly 2,500 Americans still unaccounted for by the Indochinese governments (specifically Vietnam, Laos and Cambodia), even though there have been approximately 1,000 siting reports of captured Caucasians, of which 300 are based on reliable first-hand information; and

WHEREAS, The Vietnamese government has, to date, only returned the remains of 72 United States soldiers who died in captivity and, who along with the Cambodian and Laotian governments, have provided a dismal record of cooperation toward the full accounting of all Americans still unaccounted for; and

WHEREAS, Fundamental humanitarian principles are violated by the continuing lack of cooperation from the Indochinese governments; therefore be it

RESOLVED (the House of Representatives concurring), That the General Assembly of the Commonwealth of Pennsylvania memorialize the President of the United States, Congress and the Department of Defense to continue to place a high priority on securing the fullest possible investigative accounting of Americans listed missing in action (MIA), prisoner of war (POW) or killed in action (KIA) body-not recovered and; be it further

RESOLVED, That copies of this resolution be transmitted to the President, the Speaker of the House of Representatives, the President of the Senate, the appropriate committee chairmen in

both chambers of Congress, the Secretary of Defense and the Joint Chiefs of staff.

CONGRATULATORY RESOLUTIONS

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

Congratulations of the Senate were extended to the American Association of Medical Assistants by Senator Andrezeski.

Congratulations of the Senate were extended to Mr. and Mrs. Benjamin Rosen by Senator Gekas.

Congratulations of the Senate were extended to Mr. and Mrs. George Niederberger by Senator Greenleaf.

Congratulations of the Senate were extended to Mr. and Mrs. Albert Izzo and to Mr. and Mrs. Ronald Lee Parfitt by Senator Lincoln.

Congratulations of the Senate were extended to Charles Francis Gallagher by Senator Murray.

Congratulations of the Senate were extended to The Reverend Father Clement Podskotch by Senators Murray and O'Pake.

Congratulations of the Senate were extended to The Reverend Robert Skurla by Senator O'Connell.

Congratulations of the Senate were extended to Mr. and Mrs. Edwin J. Rihn by Senator Pecora.

Congratulations of the Senate were extended to Captain Howard F. Patton, Jr. by Senator Price.

Congratulations of the Senate were extended to the Marian High School Football Team by Senator Rhoades.

Congratulations of the Senate were extended to The Right Reverend Monsignor Joseph S. Altany, L.L.D. by Senator Romanelli.

Congratulations of the Senate were extended to Mr. and Mrs. Sylvester Smigaj by Senator Smith.

Congratulations of the Senate were extended to Mr. and Mrs. Harry C. Bowser and to Mr. and Mrs. Harold M. Everett by Senator Stapleton.

Congratulations of the Senate were extended to Mr. and Mrs. James W. McNeal, Mr. and Mrs. Ralph M. Rush, Mr. and Mrs. Steve Szopo and to Mr. and Mrs. Don Titus by Senator Stout.

Congratulations of the Senate were extended to Richard Painter by Senator Wilt.

BILLS ON FIRST CONSIDERATION

Senator JUBELIRER. 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 383, 569, HB 143, 395, 456 and 497.

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

PETITIONS AND REMONSTRANCES

Senator HAGER. Mr. President, I merely wanted to say to all the Members of the Senate who are within the sound of my voice, we have on many occasions in the last nine years that I have been here, dealt with a daily fare as long and as arduous as this one, and as partisan as this one, and I think we have never done it in as gentlemanly and as fine a fashion as it was done today. To all the Members of the Senate, my thanks and my appreciation.

COMMUNICATION FROM THE GOVERNOR

RECALL COMMUNICATION LAID ON THE TABLE

The Secretary to the Governor being introduced, presented communication in writing from His Excellency, the Governor of the Commonwealth, which was read as follows, and laid on the table:

MEMBER OF THE PENNSYLVANIA TURNPIKE COMMISSION

June 2, 1981.

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated March 16, 1981, for the appointment of Robert A. Gleason, Jr., 552 Elknud Lane, Johnstown 15905, Cambria County, Thirty-fifth Senatorial District, as a member of the Pennsylvania Turnpike Commission, to serve until June 4, 1983, and until his successor is appointed and qualified, vice Egidio Cerilli, Greensburg, resigned.

I respectfully request the return to me of the official message of nomination in the premises.

DICK THORNBURGH.

NOMINATIONS BY THE GOVERNOR REFERRED TO COMMITTEE

He also 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 MUNICIPAL POLICE OFFICERS' EDUCATION AND TRAINING COMMISSION

June 2, 1981.

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 Martin Schneider, D.D.S. (Elected Official), 355 South 16th Street, Lebanon 17042, Lebanon County, Forty-eighth Senatorial District, for appointment as a member of The Municipal Police Officers' Education and Training Commission, to serve until February 21, 1984, and until his successor is appointed and qualified, vice The Honorable Henry J. Schultz, Easton, resigned.

DICK THORNBURGH.

MEMBER OF THE PENNSYLVANIA
GAME COMMISSION

June 2, 1981.

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 Robert E. Fasnacht (District Six), 955 Lincoln Heights Avenue, Ephrata 17522, Lancaster County, Forty-eighth Senatorial District, for reappointment as a member of the Pennsylvania Game Commission, to serve until the third Tuesday of January, 1989, and until his successor shall have been appointed and qualified.

DICK THORNBURGH.

MEMBER OF THE PENNSYLVANIA
GAME COMMISSION

June 2, 1981.

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 Thomas P. Greenlee (District One), Elm Street, Tionesta 16353, Forest County, Twenty-fifth Senatorial District, for appointment as a member of the Pennsylvania Game Commission, to serve until the third Tuesday of January, 1989, and until his successor shall have been appointed and qualified, vice Robert Sutherland, Erie, whose term expired.

DICK THORNBURGH.

MEMBER OF THE BOARD OF
TRUSTEES OF SHAMOKIN
STATE GENERAL HOSPITAL

June 2, 1981.

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 Robert L. Varano, 300 South Market Street, Mount Carmel 17851, Northumberland County, Twenty-seventh Senatorial District, for appointment as a member of the Board of Trustees of Shamokin State General Hospital, to serve until the third Tuesday of January, 1987, and until his successor is appointed and qualified, vice Leonard Slodysko, Shamokin, whose term expired.

DICK THORNBURGH.

MEMBER OF THE WORKMEN'S
COMPENSATION APPEAL BOARD

June 2, 1981.

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 William R. Hagner, Esquire, Grubb Road, R. D. 2, Malvern 19355, Chester County, Nineteenth Senatorial District, for appointment as a member of the Workmen's Compensation Appeal Board, to serve until the third Tuesday of January, 1983, and until his successor shall have been appointed and qualified, vice William J. Brady, Jr., Esquire, Philadelphia, resigned.

DICK THORNBURGH.

HOUSE MESSAGES

HOUSE CONCURRENT RESOLUTION
REFERRED TO COMMITTEE

The Clerk of the House of Representatives being introduced, presented for concurrence House Concurrent Resolution No. 78, which was referred to the Committee on Transportation.

HOUSE BILLS FOR CONCURRENCE

He also presented for concurrence **HB 1291**, which was referred to the Committee on Appropriations.

He also presented for concurrence **HB 738**, which was referred to the Committee on Banking and Insurance.

He also presented for concurrence **HB 753, 1089 and 1092** which were referred to the Committee on Environmental Resources and Energy.

He also presented for concurrence **HB 312, 427, 581, 838, and 949** which were referred to the Committee on Judiciary.

He also presented for concurrence **HB 793**, which was referred to the Committee on State Government.

HOUSE CONCURS IN SENATE BILL

He also returned to the Senate **SB 512**, with the information that the House has passed the same without amendments.

BILL SIGNED

The President (Lieutenant Governor William W. Scranton III) in the presence of the Senate signed the following bill:

SB 512.

HOUSE MESSAGES

HOUSE INSISTS UPON ITS NONCONCURRENCE
IN AMENDMENTS TO HB 523 AND APPOINTS
COMMITTEE OF CONFERENCE

The Clerk of the House of Representatives being introduced, informed the Senate that the House insists upon its nonconcurrence in Senate amendments to **HB 523** and has appointed Messrs. NAHILL, HAYES and SHOWERS, as a Committee of Conference to confer with a similar committee of the Senate (already appointed) to consider the differences existing between the two houses in relation to said bill.

HOUSE CONCURS IN SENATE
CONCURRENT RESOLUTION

He also informed the Senate that the House has concurred in resolution from the Senate, entitled:

Weekly Adjournment.

ANNOUNCEMENTS BY THE SECRETARY

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

SENATE OF PENNSYLVANIA

COMMITTEE MEETINGS

WEDNESDAY, JUNE 3, 1981

9:30 A.M.	URBAN AFFAIRS AND HOUSING (to consider Senate Bills No. 81, 117, 384, 385, 797 and 802)	Room 459, 4th Floor Conference Rm., North Wing
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THURSDAY, JUNE 4, 1981

9:00 A.M. to 4:00 P.M.	FINANCE (to review Senate Resolution No. 31)	Senate Majority Caucus Room
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MONDAY, JUNE 8, 1981

9:30 A.M.	ENVIRONMENTAL RESOURCES AND ENERGY (Public Hearing on Solar Energy)	Senate Majority Caucus Room
1:00 P.M.	CONSUMER PROTECTION AND PROFESSIONAL LICENSURE (to consider the Administrative Rules Report No. 3, Senate Bills No. 116, 441, 577, 600, 692 and 759)	Room 460, 4th Floor Conference Rm., North Wing

TUESDAY, JUNE 9, 1981

9:30 A.M.	ENVIRONMENTAL RESOURCES AND ENERGY (to consider Senate Bills No. 323, 447, 825 and House Bill No. 638)	Room 459, 4th Floor Conference Rm., North Wing
10:30 A.M.	Legislative Reapportionment Commission	Senate Majority Caucus Room
11:00 A.M.	JUDICIARY (to consider Senate Bills No. 178, 424, 439, 563, 579 and 588)	Room 461, 4th Floor Conference Rm., North Wing
11:00 A.M.	FINANCE (to consider Senate Bills No. 748, 826 and House Bill No. 229)	Room 460, 4th Floor Conference Rm., North Wing

WEDNESDAY, JUNE 10, 1981

10:00 A.M. to 4:00 P.M.	Special Senate Task Force (Public Hearing to investigate Retirement Homes and Retirement Communities)	Room 461, 4th Floor Conference Rm., North Wing
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ADJOURNMENT

Senator HAGER. Mr. President, at this time, I gladly move that the Senate adjourn until Monday, June 8, 1981, at 3:00 p.m., Eastern Daylight Saving Time.

We would include an addendum to that for the Republican Members. We would ask them to be here at 1:30 p.m. for a

caucus where the gentleman from Chester, Senator Stauffer, will be holding a seminar and question and answer session on Senate Bill No. 530 and Senate Bill No. 531, the property tax reform bills. We would urge each Member of the Republican caucus to attend that caucus in order to discuss the matter and ask questions which they may want the answers to.

That is all I have to say, Mr. President.

The motion was agreed to.

The Senate adjourned at 10:55 p.m., Eastern Daylight Saving Time.