

COMMONWEALTH OF PENNSYLVANIA

Legislative Journal

TUESDAY, APRIL 21, 1981

SESSION OF 1981

165TH OF THE GENERAL ASSEMBLY

No. 23

SENATE

TUESDAY, April 21, 1981.

The Senate met at 2:00 p.m., Eastern Standard Time.

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

PRAYER

The Chaplain, the Reverend THEODORE HILDEBRAND, Pastor of St. John's Lutheran Church, Greenville, offered the following prayer:

Let us pray.

Lord of the universe, You have given the stewardship of power to humanity so that we may create a measure of freedom and order in our associations together and be responsible for equity, justice and commerce in our human communities. In this Senate of the Commonwealth of Pennsylvania are persons of leadership, persons You have gifted with the visions, skills and abilities of legislative government, persons elected by their fellow citizens to represent them and to serve the Commonwealth. Help each of them in their deliberations and actions this day that they may be open to Your spirit, that they may practice wisdom and form their understandings from the various sides of every issue, that they may find the pressures of their tasks more stimulating than corrosive and that they may find satisfactions and rewards in their mutual labors for the Commonwealth and in their associations with each other.

Grant that in Roy Wilt, who this day is added to their number, they will find a help in their task and an aid in their associations. Help Roy in his life in this Senate find the ways to be most useful to the people and the Commonwealth of Pennsylvania, helpful to the decision-making processes of this Body and a servant to his Lord. Amen.

The PRESIDENT. The Chair thanks Reverend Hildebrand who is the guest this week of Senator-elect Wilt.

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 ZEMPRELLI TO VOTE FOR SENATOR SMITH

Senator ZEMPRELLI. Mr. President, I would request a legislative leave of absence on behalf of Senator Smith for today's Session.

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

COMMUNICATIONS FROM THE GOVERNOR

APPROVAL OF SENATE BILL

The Secretary to the Governor being introduced, presented communication in writing from His Excellency, the Governor, advising that the following Senate Bill had been approved and signed by the Governor:

SB 405.

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 STATE BOARD OF CHIROPRACTIC EXAMINERS

April 8, 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 Jack L. Guilliams, D.C., 102 East Main Street, Fredericksburg 17026, Lebanon County, Forty-eighth Senatorial District, for appointment as a member of the State Board of Chiropractic Examiners, to serve until July 15, 1984, and until his successor is appointed and qualified, but not longer than six months beyond that period, vice Doctor Michael Lucas, Ambridge, whose term expired.

DICK THORNBURGH.

MEMBER OF THE BOARD OF TRUSTEES OF KUTZTOWN STATE COLLEGE

April 8, 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 The Honorable James E. Mullen, 501 Macoby Street, Pennsburg 18073, Montgomery County, Twenty-fourth Senatorial District, for appointment as a member of the Board of Trustees of Kutztown State College, to serve until the third Tuesday of January, 1987, and until his successor is appointed and qualified, vice Mrs. Renee L. Dietrich, Wyomissing, whose term expired.

DICK THORNBURGH.

MEMBER OF THE DAUPHIN COUNTY  
BOARD OF ASSISTANCE

April 8, 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 Edward C. Leonard (Republican), 19 River Road, Dauphin 17018, Dauphin County, Fifteenth Senatorial District, for appointment as a member of the Dauphin County Board of Assistance, to serve until December 31, 1981, and until his successor is duly appointed and qualified, vice James J. Ravenell, Harrisburg, whose term expired.

DICK THORNBURGH.

MEMBER OF THE DAUPHIN COUNTY  
BOARD OF ASSISTANCE

April 8, 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 Herman Krevsky (Republican), 3201 North Front Street, Harrisburg 17110, Dauphin County, Fifteenth Senatorial District, for appointment as a member of the Dauphin County Board of Assistance, to serve until December 31, 1983, and until his successor is duly appointed and qualified, vice The Reverend Kendig Bergstresser, Harrisburg, whose term expired.

DICK THORNBURGH.

RECALL COMMUNICATION  
REFERRED TO COMMITTEE

He also presented communication in writing from His Excellency, the Governor of the Commonwealth, which was read as follows, and referred to the Committee on Rules and Executive Nominations:

JUDGE, COURT OF COMMON PLEAS,  
BUTLER COUNTY

April 15, 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 December 8, 1980, for the appointment of Frank Paul Krizner, Esquire, 200 Art-Lin Drive, Butler 16001, Butler County, Twenty-first Senatorial District, as Judge of the Court of Common Pleas of the Fiftieth Judicial District of Pennsylvania, composed of the County of Butler, pursuant to Act 106, approved July 10, 1980, to serve until the first Monday of January, 1982.

I respectfully request the return to me of the official message of nomination in the premises.

DICK THORNBURGH.

CORRECTIONS TO  
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 BOARD OF TRUSTEES  
OF WHITE HAVEN CENTER

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

Please note the nomination for D. Walter Slovak, Hudsonale, Weatherly 18255, Carbon County, Twenty-ninth Senatorial District, for appointment as a member of the Board of Trustees of White Haven Center, to serve until the third Tuesday of January, 1987, and until his successor is appointed and qualified, vice Renee Dean, Stroudsburg, resigned, should be corrected to read:

Doctor John P. Slovak, Hudsonale, Weatherly 18255, Carbon County, Twenty-ninth Senatorial District, for appointment as a member of the Board of Trustees of White Haven Center, to serve until the third Tuesday of January, 1987, and until his successor is appointed and qualified, vice Renee Dean, Stroudsburg, resigned.

DISTRICT JUSTICE

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

Please note the nomination for 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, 1982, vice Joseph Zedler, New Cumberland, suspended, should be corrected to read:

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 Zedlar, New Cumberland, removed.

REPORTS FROM COMMITTEE

Senator GREENLEAF, from the Committee on Law and Justice, reported, as committed, **SB 484**; as amended, **SB 277**.

BILLS INTRODUCED AND REFERRED

Senators EARLY and O'PAKE presented to the Chair **SB 702**, entitled:

An Act amending the act of March 4, 1971 (P. L. 6, No. 2), entitled "Tax Reform Code of 1971," granting certain credits against the gross receipts tax.

Which was committed to the Committee on FINANCE, April 21, 1981.

Senators ANDREZESKI, SINGEL, BODACK, EARLY, GREENLEAF, McKINNEY, STAPLETON, LLOYD,

MELLOW, REIBMAN and ROSS presented to the Chair **SB 703**, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, providing for interpreters for certain deaf persons in civil proceedings.

Which was committed to the Committee on JUDICIARY, April 21, 1981.

### SPECIAL CEREMONY

The PRESIDENT. The next order of business will be the administration of the oath of office to Senator-elect Roy W. Wilt, in accordance with the requirements of Article VI, Section 3 of the Constitution of Pennsylvania.

### RETURNS OF ELECTION OF SENATOR

The PRESIDENT. I will ask the Clerk to read the returns of the Special Election held in the Fiftieth Senatorial District on March 31, 1981.

The Clerk read the returns of election as follows:

In the Name and by Authority of the  
COMMONWEALTH OF PENNSYLVANIA

TO THE HONORABLE PRESIDENT AND TO  
THE MEMBERS OF THE SENATE OF THE  
GENERAL ASSEMBLY OF THE COMMON-  
WEALTH OF PENNSYLVANIA, GREETINGS:

I have the honor to present the returns of the Special Election held March 31, 1981 for a Member of the Senate of the General Assembly of the Commonwealth of Pennsylvania for the Fiftieth Senatorial District, as the same have been certified to and filed with the Secretary of the Commonwealth by the Crawford County, Erie County and Mercer County Boards of Election. The following person, having received the highest number of votes in the district, was duly elected a member of the Senate of the General Assembly:

ROY W. WILT  
Mercer County

IN TESTIMONY WHEREOF, I have hereunto set my hand and seal at the City of Harrisburg, this twenty-first day of April in the year of our Lord one thousand nine hundred and eighty-one and of the Commonwealth the two hundred and fifth.

WILLIAM R. DAVIS  
Secretary of the  
Commonwealth

CRAWFORD COUNTY  
COMMISSIONERS' OFFICE  
COURTHOUSE  
Meadville, Pennsylvania

THIS IS TO CERTIFY, That the following is the official results of the Special Election, 50th Senatorial District held March 31, 1981 for Crawford County

Roy W. Wilt	6453 six thousand four hundred fifty-three
Richard J. Ruhlman	6844 six thousand eight hundred forty-four

In testimony whereof, we have hereunto set our hand and caused the seal of Crawford County to be affixed, this eighth day of April, 1981 at Meadville, Pennsylvania.

CRAWFORD COUNTY  
BOARD OF ELECTIONS

OAKLEY M. LAMB  
IVAN G. ROSE

COUNTY OF ERIE  
Department of Elections  
Room 7, Erie County Court House  
Erie, Pennsylvania

April 8, 1981

William R. Davis  
Secretary of the Commonwealth  
Department of State  
Harrisburg, PA. 17120

Dear Mr. Davis:

This is to certify the official count taken Friday, April 3, 1981, pertaining to candidates on the ballot for the Special Election, 50th Senatorial District, Erie County, March 31, 1981.

REPUBLICAN

Roy Wilt 1960

DEMOCRATIC

Richard J. Ruhlman 1223

In testimony whereof, I have hereunto set my hand and caused the Seal of the County of Erie, Pennsylvania to be affixed this 8th day of April, 1981.

MARY ANN EDLER  
Election Coordinator

COUNTY OF MERCER  
REGISTRATION AND ELECTION BUREAU  
Mercer, Pennsylvania

April 20, 1981

We, the undersigned Board of Elections for Mercer County, Pennsylvania, hereby certify that the following is the total number of votes received at the Special Election held on March 31, 1981, in Mercer County and certified by the Mercer County Board of Elections this day, April 15, 1981:

Republican - Roy Wilt 12,761

Democratic - Richard Ruhlman 7,983

In witness whereof we have hereunto set the hand and seal of the Mercer County Board of Elections this 15th day of April, 1981.

BY THE BOARD  
WILLIAM M. REZNOR  
J. D. McCUTCHEON  
HAROLD E. BELL

MARY LOU RODGERS  
Attest

In the Name and by Authority of the  
COMMONWEALTH OF PENNSYLVANIA

I, William R. Davis, Secretary of the Commonwealth, do hereby certify that at the Special Election held on the thirty-first day of March 1981 Roy W. Wilt having received twenty-one thousand one hundred and seventy-four votes was duly elected to the office of Senator in the General Assembly in the Fiftieth Senatorial District of Pennsylvania.

Witness my hand and the seal  
of my office this twenty-first  
day of April 1981.

WILLIAM R. DAVIS  
Secretary of the Commonwealth

The PRESIDENT. Such returns having been received and read, Roy W. Wilt is declared to be a duly elected Senator in the General Assembly for the Fiftieth Senatorial District.

For the record, the Secretary of the Senate informs the Chair that he has been informed by the Secretary of the Commonwealth that the Senator-elect has filed in his office the accounts and affidavits as required by the Act of June 3, 1937, Pamphlet Law 1333, Section 1632. The Chair has received a certificate confirming this and will submit the same for the record.

**ADMINISTRATION OF OATH OF OFFICE**

The PRESIDENT. Senator-elect Roy Wilt will please stand at the Bar of the Senate so that the oath of office may be administered. Please bring your Bible with you. If your family would like to join you there, that is to be expected.

We are privileged to have with us today Judge Anthony J. Scirica of the Court of Common Pleas of Montgomery County who will administer the oath of office to Senator-elect Wilt.

Will everyone please rise?

I now present Judge Scirica for the administration of the oath.

(The oath of office was duly administered to Senator-elect Roy W. Wilt.)

(Applause.)

The PRESIDENT. For the record, the Chair notes Roy Wilt has been sworn in as a Member of the Senate at 2:20 p.m. this afternoon.

Senator Wilt, on behalf of the Members of the Senate, I want to warmly welcome you to this Body. I would like to also relay the regrets of Governor Thornburgh who was called to a special meeting with President Reagan this afternoon and could not be here but would like to extend his warmest congratulations to you and to your family for becoming a Member of the Senate of Pennsylvania.

**THANKS OF THE SENATE EXTENDED  
TO THE HONORABLE ANTHONY J. SCIRICA  
FOR ADMINISTERING OATH OF OFFICE**

The PRESIDENT. The Senate wishes to offer thanks to Judge Scirica and our appreciation for his coming here today to perform this service.

The Senate will now be at ease to allow any photographs to be taken of Roy and his family.

(The Senate was at ease.)

**GOVERNOR THORNBURGH WELCOMED  
TO THE SENATE**

The PRESIDENT. I would like to introduce a guest who just arrived from Washington, Governor Thornburgh. Please give him a warm welcome.

(Applause.)

**CALENDAR**

**BILLS ON CONCURRENCE  
IN HOUSE AMENDMENTS**

**SENATE CONCURS IN HOUSE AMENDMENTS**

**SB 5 (Pr. No. 687)** — Mr. President, I move that the Senate do concur in the amendments made by the House to Senate Bill No. 5.

On the question,

Will the Senate agree to the motion?

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

**YEAS—46**

Andrezski	Hopper	Messinger	Scanlon
Bell	Howard	Moore	Shaffer
Bodack	Jubelirer	Murray	Singel
Corman	Kelley	O'Connell	Smith
Early	Kusse	O'Pake	Snyder
Fisher	Lewis	Pecora	Stapleton
Gekas	Lincoln	Price	Stauffer
Greenleaf	Lloyd	Reibman	Street
Hager	Loeper	Rhoades	Tilghman
Helfrick	Lynch	Romanelli	Wilt
Hess	Manbeck	Ross	Zemprelli
Holl	Mellow		

**NAYS—0**

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

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

**HB 570 CALLED UP OUT OF ORDER**

**HB 570 (Pr. No. 598)** — Without objection, the bill was called up out of order, from page 5 of the Third Consideration Calendar, by Senator JUBELIRER.

**BILL ON THIRD CONSIDERATION  
AND FINAL PASSAGE**

**HB 570 (Pr. No. 598)** — Considered the third time and agreed to,

On the question,

Shall the bill pass finally?

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

**YEAS—44**

Andrezski	Holl	Mellow	Scanlon
Bell	Hopper	Messinger	Shaffer
Bodack	Howard	Moore	Singel
Corman	Jubelirer	Murray	Smith
Early	Kusse	O'Connell	Snyder
Fisher	Lewis	O'Pake	Stapleton
Gekas	Lincoln	Pecora	Stauffer
Greenleaf	Lloyd	Price	Street
Hager	Loeper	Reibman	Tilghman
Helfrick	Lynch	Romanelli	Wilt
Hess	Manbeck	Ross	Zemprelli

**NAYS—2**

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

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

**GUESTS OF SENATOR J. WILLIAM LINCOLN PRESENTED TO SENATE**

Senator LINCOLN. Mr. President, it gives me great pleasure and with a great deal of pride that I come to the microphone today. I have an introduction of constituents from my district, ones that have had some Statewide publicity in the last three or four weeks. We have with us today Coach Jim "Lash" Nesser, his assistant, Coach Willie Bryant and the Uniontown Red Raider AAA State Champion Basketball Team. Would you fellows up there please rise and get a nice big hand from the Senate?

The PRESIDENT. Would the Senate please give them our traditional warm welcome?

(Applause.)

Senator LINCOLN. Mr. President, and fellow Senate Members, this group of young men have followed in a tradition at Uniontown. This is their fourth State championship title. There are many, many schools that have never even come close to one. This is their fourth one. Coach Nesser has a very good distinction, too. He had a State championship with a very small Catholic high school in Uniontown and now he has one with a public school. I do not think that has been equaled in Pennsylvania.

Mr. President, I am proud of these young men. I ate lunch with them today. They are good boys; they have played hard; they represented not only Uniontown but also Pennsylvania youth rather well. I want to congratulate you too, fellows. It is nice being with you today.

Senator JUBELIRER. Mr. President, if I was not out of order I would respond that they had to get by Altoona before they got there, but I would not say that because I would be out of order.

**RECESS**

Senator JUBELIRER. Mr. President, I request a recess of the Senate until 4:00 p.m., for the purpose of holding a Republican caucus and a Democratic caucus.

The PRESIDENT. Are there any objections? The Chair hears no objection, and declares a recess of the Senate until 4:00 p.m., Eastern Standard Time.

**AFTER RECESS**

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

**CONSIDERATION OF CALENDAR RESUMED**

**FINAL PASSAGE CALENDAR**

**BILL OVER IN ORDER TEMPORARILY**

**HB 32** — Without objection, the bill was passed over in its order temporarily at the request of Senator JUBELIRER.

**BILL OVER IN ORDER**

**SB 331** — Without objection, the bill was passed over in its order at the request of Senator JUBELIRER.

**THIRD CONSIDERATION CALENDAR**

**PREFERRED APPROPRIATION BILL OVER IN ORDER**

**HB 686** — Without objection, the bill was passed over in its order at the request of Senator JUBELIRER.

**BILLS ON THIRD CONSIDERATION AND FINAL PASSAGE**

**SB 14 (Pr. No. 14)** — Considered the third time and agreed to,

On the question,  
Shall the bill pass finally?

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

**YEAS—48**

Andrezski	Hopper	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	Stout
Hager	Loeper	Reibman	Street
Helfrick	Lynch	Rhoades	Tilghman
Hess	McKinney	Romanelli	Wilt
Holl	Manbeck	Ross	Zemprelli

**NAYS—0**

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

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

**HB 19 (Pr. No. 19)** — Considered the third time and agreed to,

On the question,  
Shall the bill pass finally?

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

YEAS—48

Andrezski	Hopper	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	Stout
Hager	Loeper	Reibman	Street
Helfrick	Lynch	Rhoades	Tilghman
Hess	McKinney	Romanelli	Wilt
Holl	Manbeck	Ross	Zemprelli

NAYS—0

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

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

**HB 21 (Pr. No. 21)** — Considered the third time and agreed to,

On the question,  
Shall the bill pass finally?

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

YEAS—48

Andrezski	Hopper	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	Stout
Hager	Loeper	Reibman	Street
Helfrick	Lynch	Rhoades	Tilghman
Hess	McKinney	Romanelli	Wilt
Holl	Manbeck	Ross	Zemprelli

NAYS—0

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

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

BILL OVER IN ORDER  
ON FINAL PASSAGE

**HB 22 (Pr. No. 22)** — Considered the third time and agreed to,

On the question,  
Shall the bill pass finally?

Senator CORMAN. Mr. President, may we be at ease?

The PRESIDENT. The Senate will be at ease.

Senator JUBELIRER. Mr. President, I request House Bill No. 22 go over in its order.

The PRESIDENT. Without objection, House Bill No. 22 will go over in its order on final passage.

BILL ON THIRD CONSIDERATION  
AND FINAL PASSAGE

**HB 23 (Pr. No. 23)** — Considered the third time and agreed to,

On the question,  
Shall the bill pass finally?

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

YEAS—48

Andrezski	Hopper	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	Stout
Hager	Loeper	Reibman	Street
Helfrick	Lynch	Rhoades	Tilghman
Hess	McKinney	Romanelli	Wilt
Holl	Manbeck	Ross	Zemprelli

NAYS—0

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

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

BILLS OVER IN ORDER

**HB 33 and SB 108** — Without objection, the bills were passed over in their order at the request of Senator JUBELIRER.

SENATOR ZEMPRELLI TO VOTE FOR  
SENATOR LLOYD

Senator ZEMPRELLI. Mr. President, since the commencement of today's Session this afternoon, Senator Lloyd who was present here had to leave for legislative purposes. I am requesting a legislative leave on his behalf at this time for the completion of the Calendar.

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

THIRD CONSIDERATION CALENDAR  
RESUMED

BILL ON THIRD CONSIDERATION  
AND FINAL PASSAGE

**SB 114 (Pr. No. 711)** — Considered the third time and agreed to,

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

On the question,  
Shall the bill pass finally?

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

YEAS—48

Andrezeski	Hopper	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	Stout
Hager	Loeper	Reibman	Street
Helfrick	Lynch	Rhoades	Tilghman
Hess	McKinney	Romanelli	Wilt
Holl	Manbeck	Ross	Zemprelli

NAYS—0

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

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

BILL OVER IN ORDER

**HB 123** — Without objection, the bill was passed over in its order at the request of Senator JUBELIRER.

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

**SB 124 (Pr. No. 656)** — Considered the third time and agreed to,

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

On the question,  
Shall the bill pass finally?

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

YEAS—48

Andrezeski	Hopper	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	Stout
Hager	Loeper	Reibman	Street
Helfrick	Lynch	Rhoades	Tilghman
Hess	McKinney	Romanelli	Wilt
Holl	Manbeck	Ross	Zemprelli

NAYS—0

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

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

BILL OVER IN ORDER

**HB 227** — Without objection, the bill was passed over in its order at the request of Senator JUBELIRER.

BILLS ON THIRD CONSIDERATION AND FINAL PASSAGE

**SB 314 (Pr. No. 316)** — Considered the third time and agreed to,

On the question,  
Shall the bill pass finally?

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

YEAS—47

Andrezeski	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	Stout
Hager	Loeper	Reibman	Street
Helfrick	Lynch	Rhoades	Tilghman
Hess	McKinney	Romanelli	Wilt
Holl	Manbeck	Ross	Zemprelli
Hopper	Mellow	Scanlon	

NAYS—1

Bell

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 343 (Pr. No. 346)** — Considered the third time and agreed to,

On the question,  
Shall the bill pass finally?

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

YEAS—48

Andrezeski	Hopper	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	Stout
Hager	Loeper	Reibman	Street
Helfrick	Lynch	Rhoades	Tilghman
Hess	McKinney	Romanelli	Wilt
Holl	Manbeck	Ross	Zemprelli

NAYS—0

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

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

**SB 404 (Pr. No. 410)** — Considered the third time,

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

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

Amend Title, page 1, line 7 by striking out all of said line and inserting: establishing the State Lottery Commission as an independent commission; transferring the powers and duties of the Department of Revenue to the State Lottery Commission; permitting the employment of counsel and transferring certain employes and records.

Amend Sec. 1, page 1, line 10 by striking out "The definition of "commission" in section 3 and" and inserting: The title and

Amend Sec. 1, page 1, line 11 by inserting after "sections": 3,

Amend Sec. 1, page 1, by inserting between lines 12 and 13:

#### AN ACT

Providing for a State Lottery and administration thereof; authorizing the creation of [a] an independent State Lottery Commission; prescribing its powers and duties; disposition of funds; violations and penalties therefor; exemption of prizes from State and local taxation and making an appropriation.

Amend Sec. 1 (Sec.3), page 1, line 14 by striking out the bracket before "(1)"

Amend Sec. 1 (Sec. 3), page 1, line 14 by inserting after "the": independent

Amend Sec. 1 (Sec. 3), page 1, line 15 by striking out the bracket after "act."

Amend Sec. 1 (Sec. 3), page 1, line 16 by striking out all of said line and inserting:

(2) ["Division" shall mean the Division of the State Lottery created by this act.

(3) "Lottery" or "State lottery" shall mean the lottery established and operated pursuant to this act.

[(4)] (3) "Director shall mean the Executive Director of [the Division of] the State Lottery Commission.

[(5) "Secretary shall mean the Secretary of Revenue.]

Amend Sec. 1 (Sec. 4), page 1, line 17 by striking out the bracket before "Section"

Amend Sec. 1 (Sec. 4), page 1, lines 18 and 19 by inserting a bracket before "within" in line 18 and after "a" in line 19 and inserting immediately thereafter: an independent commission to be known as the

Amend Sec. 1 (Sec. 4), page 2, line 1 by inserting brackets before and after "a chairman and four" and inserting immediately thereafter: five

Amend Sec. 1 (Sec. 4), page 2, lines 4 and 6 by inserting a bracket before "appointed" in line 4 and after "Senate," in line 6 and inserting immediately thereafter: elected by the commission from the members of the commission

Amend Sec. 1 (Sec. 4), page 2, line 7 by inserting brackets before and after "Governor" and inserting immediately thereafter: commission

Amend Sec. 1 (Sec. 4), page 2, line 17 by inserting brackets before and after "to be paid by the Governor's Office"

Amend Sec. 1 (Sec. 4), page 2, lines 21 and 22 by inserting a bracket before "other" in line 21 and after "chairman," in line 22

Amend Sec. 1 (Sec. 4), page 2, line 27 by inserting after "The": commission shall elect a

Amend Sec. 1 (Sec. 4), page 2, line 27 by inserting after "director": who

Amend Sec. 1 (Sec. 5), page 2, line 29 by inserting a bracket before "Section"

Amend Sec. 2, page 3, line 3 by striking out "Subsection (a) of section" and inserting: Section

Amend Sec. 2, page 3, line 3 by inserting after "act": , clause (11) amended October 17, 1980 (No.184),

Amend Sec. 2, page 3, line 4 by striking out "by adding a clause"

Amend Sec. 2 (Sec. 6), page 3, lines 5 and 7 by inserting a bracket before "Secretary" in line 5 and after "Revenue" in line 7 and inserting immediately thereafter: Commission.—The commission

Amend Sec. 2 (Sec. 6), page 3, line 8 by inserting brackets before and after "his" and inserting immediately thereafter: its

Amend Sec. 2 (Sec. 6), page 3, lines 12 through 15 by striking out all of said lines and inserting:

(1) The type of lottery to be conducted.

(2) The price, or prices, of tickets or shares in the lottery.

(3) The numbers and sizes of the prizes on the winning tickets or shares.

(4) The manner of selecting the winning tickets or shares.

(5) The manner of payment of prizes to the holders of winning tickets or shares.

(6) The frequency of the drawings or selections of winning tickets or shares, without limitation.

(7) Without limit as to number, the type or types of locations at which tickets or shares may be sold.

(8) The method to be used in selling tickets or shares.

(9) The licensing of agents to sell tickets or shares provided that no person under the age of twenty-one shall be licensed as an agent.

(10) The manner and amount of compensation, if any, to be paid licensed sales agents necessary to provide for the adequate availability of tickets or shares to prospective buyers and for the convenience of the public.

(11) The apportionment of the total revenues accruing from the sale of lottery tickets or shares and from all other sources among (i) the payment of prizes to the holders of winning tickets or shares; (ii) the payment of costs incurred in the operation and administration of the lottery, including the [expenses of the division and the] costs resulting from any contract or contracts entered into for promotional, advertising or operational services or for the purchase or lease of lottery equipment and materials; (iii) for the repayment of the moneys appropriated to the State Lottery Fund pursuant to section 16 of this act; and (iv) for property tax relief and free or reduced fare transit service for the elderly as provided in section 12 of this act: Provided, however, That no less than thirty per cent of the total revenues accruing from the sale of lottery tickets or shares shall be dedicated to subclause (iv) above.

(12) Such other matters necessary or desirable for the efficient and economical operation and administration of the lottery and for the convenience of the purchasers of tickets or shares and the holders of winning tickets or shares.

(b) To report monthly to the Governor and the Legislature the total lottery revenues, prize disbursements and other expenses for the preceding month, and to make an annual report, which shall include a full and complete statement of lottery revenues, prize disbursements and other expenses, to the Governor and the Legislature, and including such recommendations for changes in this act as the [secretary] commission deems necessary or desirable.

Amend Sec. 3, page 3, line 16 by striking out "Section 9" and inserting: Sections 7 and 8

Amend Sec. 3, page 3, line 16 by striking out "is" and inserting: are

Amend Bill, page 3, lines 17 through 28 by striking out all of said lines and inserting:

Section 7. Lottery Sales Agents; Qualifications; Prohibitions.—(a) No license as an agent to sell lottery tickets or shares shall be issued to any person to engage in business exclusively as a lottery sales agent. Before issuing such license the [secretary] commission shall consider such factors as:

(1) The financial responsibility and security of the person and his business or activity;

(2) The accessibility of his place of business or activity to the public;

(3) The sufficiency of existing licenses to serve the public convenience; and



(4) The volume of expected sales.

For the purposes of this section, the term "person" shall be construed to mean and include an individual, association, corporation, club, trust, estate, society, company, joint-stock company, receiver, trustee, assignee, referee, or any other person acting in a fiduciary or representative capacity, whether appointed by a court or otherwise, and any combination of individuals. "Person" shall also be construed to mean and include all departments, commissions, agencies and instrumentalities of the State, including counties and municipalities and agencies and instrumentalities thereof.

(b) If the [secretary] commission shall find that the experience, character and general fitness of the applicant are such that the participation of such person as a lottery sales agent will be consistent with the public interest, convenience and necessity, it may thereupon grant a license.

Without limiting the generality of the foregoing, the [secretary] commission may refuse to issue a license pursuant to this section, or may suspend or revoke a license so issued if it shall find that the applicant or licensee:

- (1) Has been convicted of a crime involving moral turpitude.
- (2) Has engaged in bookmaking or other form of illegal gambling.
- (3) Has been found guilty of any fraud or misrepresentation in any connection.
- (4) Has violated any rule, regulation or order of the [secretary] commission.

(c) The [secretary] commission may refuse to grant a license or may suspend or revoke a license issued pursuant to this section to a corporation, if it shall determine that:

(1) Any officer, director, member or stockholder of such corporation applying for a license or of any corporation which owns stock in or shares in the profits, or participates in the management of the affairs of such applicant: (i) has been convicted of a crime involving moral turpitude, (ii) has engaged in bookmaking or other forms of illegal gambling, (iii) has been found guilty of any fraud or misrepresentation in any connection, or (iv) has violated any rule, regulation or order of the [secretary] commission.

(2) The experience, character, or general fitness of any officer, director, or stockholder of any of the aforesaid corporations is such that the participation of such person as a lottery sales agent would be inconsistent with the public interest, convenience or necessity, but if the [secretary] commission determines that the interest of any stockholder referred to in this clause or in clause (1) of this subsection is sufficient, in the opinion of the [secretary] commission, to affect adversely the conduct of a lottery sales agency by such corporation in accordance with the provisions of this act, the [secretary] commission may disregard such interest in determining whether or not to grant a license to such corporation.

(3) The applicant is not the owner or the lessee of the business at which it will conduct a lottery sales agency pursuant to the license applied for, or that any person, firm, association, or corporation other than the applicant shares, or will share, in the profits of the applicant, other than by dividends as a stockholder, or participates, or will participate, in the management of the affairs of the applicant.

(d) Pending final determination of any question under this section, the [secretary] commission may issue a temporary license upon such terms and conditions as it may deem necessary, desirable or proper to effectuate the provisions of this act.

Section 8. Assignability of Prizes Drawn.—No right of any person to a prize drawn shall be assignable, except that payment of any prize drawn may be paid to the estate of a deceased prize winner, and, except that any person pursuant to an appropriate judicial order may be paid the prize to which the winner is entitled. The [secretary] commission shall be discharged of all further liability upon payment of a prize pursuant to this section.

Amend Sec. 4 (Sec. 10), page 4, line 12 by striking out the bracket before "State"

Amend Sec. 4 (Sec. 10), page 4, line 13 by inserting a bracket before "or"

Amend Sec. 4 (Sec. 10), page 4, line 13 by striking out the bracket after "the"

Amend Sec. 4 (Sec. 10), page 4, line 14 by inserting a bracket after "Revenue"

Amend Bill, page 4, by inserting between lines 16 and 17:

Section 5. Sections 14 and 15 of the act are amended and a section is added to read:

Section 14. Unclaimed Prize Money.—Unclaimed prize money on a winning lottery ticket or share shall be retained by the [secretary] commission for payment to the person entitled thereto for one year after the drawing in which the prize was won. If no claim is made within such period, the prize money shall be paid into the State Lottery Fund and used for purposes as otherwise herein provided.

Section 15. Bank Deposits and Control of Lottery Transactions.—The [secretary may, in his] commission may, in its discretion, require any or all lottery sales agents to deposit to the credit of the State Lottery Fund in banks, designated by the State Treasurer, all moneys received by such agents from the sale of lottery tickets or shares, less the amount, if any, retained as compensation for the sale of the tickets or shares, and to file with the [secretary or his] commission or its designated agents reports of their receipts and transactions in the sale of lottery tickets in such form and containing such information as [he] it may require. The [secretary] commission may make such arrangements for any person, including a bank, to perform such functions, activities or services in connection with the operation of the lottery as [he] it may deem advisable pursuant to this act and the rules and regulations of the [department] commission, and such functions, activities or services shall constitute lawful functions, activities and services of such person.

Section 15.1. Counsel.—The commission shall have the power to appoint counsel pursuant to the provisions of Chapter 4 of the act of October 15, 1980 (No.164), known as the "Commonwealth Attorneys Act."

Section 6. All employees, all records and all equipment of the former Division of the State Lottery in the Department of Revenue are hereby transferred to the State Lottery Commission.

Amend Sec. 5, page 4, line 17 by striking out "5" and inserting: 7

On the question,

Will the Senate agree to the amendments?

Senator ROMANELLI. Mr. President, some years ago the Commonwealth of Pennsylvania created a Pennsylvania State lottery. The purpose of that lottery was to raise funds to finance varying programs for the senior citizens of Pennsylvania. The lottery has been very successful. Over the years it has raised millions of dollars to provide aid, rental assistance and transportation to our elderly residents in Pennsylvania.

Mr. President, to eliminate the Lottery Commission today and to put the lottery totally in the hands of the bureaucrats to me would be a grave error. There have been complaints about the Lottery Commission not having any powers. These amendments, Mr. President, simply make the Lottery Commission an autonomous commission appointed by the Governor and at the same status, no salary but on a per diem and expenses basis only. The commission would elect an executive director. Since there is presently an executive director

there would be no additional people hired. They would be an autonomous board but not under the control of the Secretary of Revenue. They would have the complete and total operation of the lottery under their control.

Mr. President, I urge the adoption of these amendments.

Senator TILGHMAN. Mr. President, I think it is interesting in all the years I have been here, we have never had an opportunity to phase out any board, commission or agency. We now have a chance to phase out something that I once said is as useless to State government as the appendix is to the human body. I have here worked out through the course of years of this lottery, the costs of every member of the Lottery Commission while they had been doing nothing. They get a per diem and travel. It is about \$158,000; one lady got \$80,000 of that money. I think the amendments of the gentleman from Allegheny, Senator Romanelli, are really a cruel hoax to foist on the senior citizens of Pennsylvania. The gentleman implies that the Lottery Commission has something to do with running the lottery. It never has, it never was supposed to in the original legislation and as most of us know, the lottery is run by the Department of Revenue.

Mr. President, if the amendments of the gentleman from Allegheny, Senator Romanelli, should pass and become law, there would be a period of time when the Revenue Department would have to turn over to the Lottery Commission the running of the lottery. I am sure the beneficiaries of the money that is raised by the lotteries would suffer and they are the senior citizens.

For this reason, Mr. President, I urge the Members of the Senate to vote down these amendments and to take advantage of the first chance we have ever had to do away with a commission in Pennsylvania.

Senator ROMANELLI. Mr. President, the gentleman from Montgomery, Senator Tilghman, may have been here when the original Lottery Act was passed and when they drafted the legislation that created the Lottery Commission. Had I been here at that time, I would have made this an autonomous board with full powers to operate that lottery. That is all I am trying to do today. I am not trying to impose a cruel hoax on the senior citizens, but I want to make sure the elderly Pennsylvanian is protected. As we all full well know, Mr. President, bureaucrats go astray. I am not saying some Members of the Lottery Commission could not also but an autonomous board such as our Turnpike Commission, which incidentally, Mr. President, is looked at in transportation circles, our Turnpike Commission and our turnpike, as one of the best in the Nation.

Mr. President, I want an independent board of blue ribbon citizens appointed by the Governor of the Commonwealth, whomever he might be, of whatever party, to administer this board, out of the hands of political and bureaucratic government. I want to see an autonomous board run this Lottery Commission so it is protected in future years. It will not cost the Commonwealth or the recipients one additional dime.

And the question recurring,

Will the Senate agree to the amendments?

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

YEAS—5

Andrezeski	Romanelli	Ross	Scanlon
Murray			

NAYS—43

Bell	Hopper	Manbeck	Singel
Bodack	Howard	Mellow	Smith
Corman	Jubelirer	Messinger	Snyder
Early	Kelley	Moore	Stapleton
Fisher	Kusse	O'Connell	Stauffer
Gekas	Lewis	O'Pake	Stout
Greenleaf	Lincoln	Pecora	Street
Hager	Lloyd	Price	Tilghman
Helfrick	Loeper	Reibman	Wilt
Hess	Lynch	Rhoades	Zemprelli
Holl	McKinney	Shaffer	

Less than a majority of all 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?

It was agreed to.

On the question,

Shall the bill pass finally?

Senator MELLOW. 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 MELLOW. Mr. President, would the gentleman from Montgomery, Senator Tilghman, indicate to the Members of the Senate for the record if the integrity of the original idea for the passage of the lottery which took place, I guess, back in the early 1970's for funds to be used to aid programs for the senior citizens, if that is maintained in Senate Bill No. 404?

Senator TILGHMAN. Absolutely, Mr. President, yes.

Senator MELLOW. Mr. President, would the gentleman once again for the record just indicate there is nothing in here that would take away money for the senior citizens or transfer it to any department, is there?

Senator TILGHMAN. Mr. President, there is nothing in this legislation that would harm the senior citizens in any way. As a matter of fact, it would put a little more money back into the total lottery fund because there would be no expenses taken from the fund.

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—37

Andrezeski	Hopper	McKinney	Rhoades
Bell	Howard	Manbeck	Shaffer
Corman	Jubelirer	Mellow	Singel
Fisher	Kelley	Messinger	Snyder
Gekas	Kusse	Moore	Stapleton
Greenleaf	Lewis	O'Connell	Stauffer
Hager	Lincoln	Pecora	Street
Helfrick	Loeper	Price	Tilghman

Hess	Lynch	Reibman	Wilt
Holl			

## NAYS—11

Bodack	Murray	Ross	Stout
Early	O'Pake	Scanlon	Zemprelli
Lloyd	Romanelli	Smith	

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.

## BILL OVER IN ORDER

**SB 568** — Without objection, the bill was passed over in its order at the request of Senator JUBELIRER.

## HB 32 CALLED UP

**HB 32 (Pr. No. 1178)** — Without objection, the bill, which previously went over in its order temporarily, was called up, from page 2 of the Final Passage Calendar, by Senator JUBELIRER.

## BILL OVER IN ORDER

**HB 32** — Senator JUBELIRER. Mr. President, I move that House Bill No. 32 go over in its order.

On the question,

Will the Senate agree to the motion?

Senator LEWIS. Mr. President, I rise in opposition to the motion made by the gentleman from Blair, Senator Jubelirer. We had a great deal of discussion and debate about House Bill No. 32 last week. I will not repeat that debate except to point out that the passage of this bill is a matter of urgency in terms of time. There was a great deal of debate about the fact that this is being held hostage for a tax vote.

Mr. President, I would ask all of the Members of the Senate to weigh the merits of this bill on its own and to put it aside from the tax debate that should be conducted in a separate arena and to vote in the negative on the motion to go over so we can finally pass this bill and get it to the House for its concurrence.

And the question recurring,

Will the Senate agree to the motion?

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

## YEAS—25

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

## NAYS—23

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

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

The PRESIDENT. House Bill No. 32 will go over in its order on final passage.

## SECOND CONSIDERATION CALENDAR

## BILLS OVER IN ORDER

**SB 12, 13 and 16** — Without objection, the bills were passed over in their order at the request of Senator JUBELIRER.

## BILLS ON SECOND CONSIDERATION

**HB 124 (Pr. No. 125) and SB 156 (Pr. No. 156)** — Considered the second time and agreed to,

Ordered, To be transcribed for a third consideration.

## BILL OVER IN ORDER

**SB 161** — Without objection, the bill was passed over in its order at the request of Senator JUBELIRER.

## BILL ON SECOND CONSIDERATION

**SB 185 (Pr. No. 185)** — Considered the second time and agreed to,

Ordered, To be transcribed for a third consideration.

## BILL OVER IN ORDER

**HB 261** — Without objection, the bill was passed over in its order at the request of Senator JUBELIRER.

## BILL REREFERRED

**SB 316 (Pr. No. 692)** — Upon motion of Senator JUBELIRER, and agreed to, the bill was rereferred to the Committee on Appropriations.

## BILLS OVER IN ORDER

**HB 326 and SB 330** — Without objection, the bills were passed over in their order at the request of Senator JUBELIRER.

## BILLS ON SECOND CONSIDERATION

**SB 346 (Pr. No. 689) and SB 356 (Pr. No. 359)** — Considered the second time and agreed to,

Ordered, To be transcribed for a third consideration.

## BILL OVER IN ORDER

**HB 376** — Without objection, the bill was passed over in its order at the request of Senator JUBELIRER.

## BILL ON SECOND CONSIDERATION

**SB 388 (Pr. No. 391)** — Considered the second time and agreed to,

Ordered, To be transcribed for a third consideration.

## BILLS OVER IN ORDER

**SB 399, 425 and 433** — Without objection, the bills were passed over in their order at the request of Senator JUBELIRER.

BILLS ON SECOND CONSIDERATION

**SB 456 (Pr. No. 463), SB 458 (Pr. No. 465), HB 472 (Pr. No. 939) and SB 503 (Pr. No. 694)** — Considered the second time and agreed to,

Ordered, To be transcribed for a third consideration.

BILL OVER IN ORDER

**SB 512** — Without objection, the bill was passed over in its order at the request of Senator JUBELIRER.

BILL ON SECOND CONSIDERATION

**SB 515 (Pr. No. 618)** — Considered the second time and agreed to,

Ordered, To be transcribed for a third consideration.

BILL OVER IN ORDER

**SB 521** — Without objection, the bill was passed over in its order at the request of Senator JUBELIRER.

BILL ON SECOND CONSIDERATION

**HB 523 (Pr. No. 550)** — The bill was considered.

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

Senator EARLY. Mr. President, I move that House Bill No. 523 go over in its order.

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

Senator JUBELIRER. Mr. President, I object to House Bill No. 523 going over in its order. If the gentleman from Allegheny, Senator Early, has made a motion, I would object to that motion and we would ask for a negative vote on the gentleman's motion and ask that the bill go up.

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

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

YEAS—21

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

NAYS—26

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

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 second consideration?

It was agreed to.  
Ordered, To be transcribed for a third consideration.

BILL ON SECOND CONSIDERATION AMENDED

**HB 524 (Pr. No. 551)** — The bill was considered.

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

Senator JUBELIRER offered the following amendments and, if agreed to, asked that the bill be considered for the second time:

Amend Title, page 1, lines 1 through 12, by striking out all of said lines and inserting:

Amending the act of March 4, 1971 (P.L.6, No.2), entitled "An act relating to tax reform and State taxation by codifying and enumerating certain subjects of taxation and imposing taxes thereon; providing procedures for the payment, collection, administration and enforcement thereof; providing for tax credits in certain cases; conferring powers and imposing duties upon the Department of Revenue, certain employers, fiduciaries, individuals, persons, corporations and other entities; prescribing crimes, offenses and penalties," further providing for the imposition of certain taxes, revising the definition of "taxable income" and adding the tax on real estate transfers to the code.

Amend Bill, page 1, lines 15 through 23; page 2, lines 1 through 30; page 3, lines 1 through 28, by striking out all of said lines on said pages and inserting:

Section 1. Section 302, act of March 4, 1971 (P.L.6, No.2), known as the "Tax Reform Code of 1971," amended July 4, 1979 (P.L.60, No.27), is amended to read:

Section 302. Imposition of Tax.—(a) There is hereby imposed an annual tax to be paid by resident individuals, estates or trusts at the rate of two and two-tenths per cent until December 31, [1981] 1983 and at a rate of two per cent thereafter on the privilege of receiving each of the classes of income hereinafter enumerated in section 303.

(b) There is hereby imposed an annual tax to be paid by nonresident individuals, estates or trusts at the rate of two and two-tenths per cent until December 31, [1981] 1983 and at a rate of two per cent thereafter on the privilege of receiving each of the classes of income enumerated in section 303 from sources within this Commonwealth.

Section 2. Subclause 1. of clause (3) of section 401 of the act, amended December 8, 1980 (P.L.1117, No.195), is amended to read:

Section 401. Definitions.—The following words, terms, and phrases, when used in this article, shall have the meaning ascribed to them in this section, except where the context clearly indicates a different meaning:

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(3) "Taxable income." 1. In case the entire business of the corporation is transacted within this Commonwealth, for any taxable year which begins on or after January 1, 1971, taxable income for the calendar year or fiscal year as returned to and ascertained by the Federal Government, or in the case of a corporation participating in the filing of consolidated returns to the Federal Government, the taxable income which would have been returned to and ascertained by the Federal Government if separate returns had been made to the Federal Government for the current and prior taxable years, subject, however, to any correction thereof, for fraud, evasion, or error as finally ascertained by the Federal Government: Provided, That additional deductions shall be allowed from taxable income on account of any dividends received from any other corporation but only to the extent that such dividends are included in taxable income as returned to

and ascertained by the Federal Government: Provided further, That additional deductions shall be allowed from taxable income in an amount equal to the amount of any reduction in an employer's deduction for wages and salaries as required by section 280C of the Internal Revenue Code as a result of the employer taking a credit for "new jobs" pursuant to section 44B of the Internal Revenue Code: Provided further, That taxable income will include the sum of the following tax preference items as defined in section 57 of the Internal Revenue Code, as amended, (i) excess investment interest; (ii) accelerated depreciation on real property; (iii) accelerated depreciation on personal property subject to a net lease; (iv) amortization of certified pollution control facilities; (v) amortization of railroad rolling stock; (vi) stock options; (vii) reserves for losses on bad debts of financial institutions; (viii) and capital gains but only to the extent that such preference items are not included in "taxable income" as returned to and ascertained by the Federal Government. No deduction shall be allowed for net operating losses sustained by the corporation during any other fiscal or calendar year: Provided, That for the calendar year 1981 and fiscal years beginning in 1981 and thereafter, a net operating loss, as provided by section 172 of the Internal Revenue Code, shall be allowed as a deduction and a carryover pursuant to the following schedule:

Net Operating Loss for Year	Carryover
1981	1 year
1982	2 years
1983 and thereafter	3 years

The net operating loss shall be carried to the earliest of the taxable years to which, under this schedule, such loss may first be carried. In the case of regulated investment companies as defined by the Internal Revenue Code of 1954, as amended, "taxable income" shall be investment company taxable income as defined in the aforesaid Internal Revenue Code of 1954, as amended. In arriving at "taxable income" for Federal tax purposes for any taxable year beginning on or after [January 1, 1971, any corporate net income tax due to the Commonwealth pursuant to the provisions of this article shall not be allowed as a deduction and the amount of corporate tax so due and excluded from Federal taxable income under the Internal Revenue Code shall not be apportioned but shall be subject to tax at the rate imposed under this article.] January 1, 1981, no deduction shall be allowed for taxes imposed on or measured by net income.

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Section 3. Sections 402 and 502 of the act, reenacted and amended July 4, 1979 (P.L.60, No.27), are amended to read:

Section 402. Imposition of Tax.—Every corporation shall be subject to, and shall pay for the privilege of doing business in this Commonwealth, or having capital or property employed or used in this Commonwealth, by or in the name of itself, or any person, partnership, association, limited partnership, joint-stock association, or corporation, a State excise tax at the rate of twelve per cent per annum upon each dollar of taxable income of such corporation received by, and accruing to, such corporation during the calendar year 1971 and the first six months of 1972 and at the rate of eleven per cent per annum upon each dollar of taxable income of such corporation received by, and accruing to, such corporation during the second six months of calendar year 1972 through the calendar year 1973 and at the rate of nine and one-half per cent per annum upon each dollar of taxable income of such corporation received by, and accruing to, such corporation during the calendar years 1974, 1975 and 1976 and at the rate of ten and one-half per cent per annum upon each dollar of taxable income of such corporation received by, and accruing to, such corporation during the calendar year 1977 and each calendar year thereafter to the beginning of calendar year [1982] 1984 and at a rate of nine and one-half per cent for each calendar year thereafter, except where a corporation reports to the Federal

Government on the basis of a fiscal year, and has certified such fact to the department as required by section 403 of this article, in which case, such tax, at the rate of twelve per cent, shall be levied, collected, and paid upon all taxable income received by, and accruing to, such corporation during the first six months of the fiscal year commencing in the calendar year 1972 and at the rate of eleven per cent, shall be levied, collected, and paid upon all taxable income received by, and accruing to, such corporation during the second six months of the fiscal year commencing in the calendar year 1972 and during the fiscal year commencing in the calendar year 1973 and at the rate of nine and one-half per cent, shall be levied, collected, and paid upon all taxable income received by, and accruing to, such corporation during the fiscal year commencing in the calendar years 1974, 1975 and 1976 and at the rate of ten and one-half per cent, shall be levied, collected, and paid upon all taxable income received by, and accruing to, such corporation during the fiscal year commencing in the calendar year 1977 and during each fiscal year thereafter to the fiscal year commencing in the calendar year [1982] 1984 and at a rate of nine and one-half per cent for each fiscal year commencing in the calendar year [1982] 1984 and each fiscal year thereafter. No penalty prescribed by subsection (e) of section 1202.1 shall be assessed against a corporation for the additional tax which may be due as a result of the increase in tax rate from nine and one-half per cent to ten and one-half per cent imposed retroactively by this section for the calendar year 1977 or for the fiscal year commencing in 1977.

Section 502. Imposition of Tax.—Every corporation carrying on activities in this Commonwealth or owning property in this Commonwealth by or in the name of itself or any person, partnership, joint-stock association or corporation shall be subject to and shall pay a State property tax on taxable income derived from sources within this Commonwealth at the rate of twelve per cent per annum upon each dollar of such taxable income received by and accruing to such corporation during the calendar year 1971 and the first six months of 1972 and at the rate of eleven per cent per annum upon each dollar of taxable income of such corporation received by, and accruing to, such corporation during the second six months of calendar year 1972 through the calendar year 1973 and at the rate of nine and one-half per cent per annum upon each dollar of taxable income of such corporation received by, and accruing to, such corporation during the calendar years 1974, 1975 and 1976 and at the rate of ten and one-half per cent per annum upon each dollar of taxable income of such corporation received by, and accruing to, such corporation during the calendar year 1977 and each calendar year thereafter to the beginning of calendar year [1982] 1984 and at a rate of nine and one-half per cent for each calendar year thereafter, except where a corporation reports to the Federal Government on the basis of a fiscal year and has certified such fact to the department as required by section 403 of Article IV, in which case such tax at the rate of twelve per cent shall be levied, collected and paid upon each dollar of such taxable income received by and accruing to such corporation during the first six months of the fiscal year commencing in the calendar year 1972 and at the rate of eleven per cent shall be levied, collected, and paid upon all taxable income received by, and accruing to, such corporation during the second six months of the fiscal year commencing in the calendar year 1972 and during the fiscal year commencing in the calendar year 1973 and at the rate of nine and one-half per cent, shall be levied, collected, and paid upon all taxable income received by, and accruing to, such corporation during the fiscal year commencing in the calendar years 1974, 1975 and 1976 and at the rate of ten and one-half per cent, shall be levied, collected, and paid upon all taxable income received by, and accruing to, such corporation during the fiscal year commencing in the calendar year 1977 and each fiscal year thereafter to the fiscal year commencing in the calendar year [1982] 1984 and at a rate of nine and one-half per cent for each fiscal year commencing in the

calendar year [1982] 1984 and each fiscal year thereafter: Provided, however, That such taxable income shall not include income for any period for which the corporation is subject to taxation under Article IV: And, provided further, That no penalty prescribed by subsection (e) of section 1202.1 shall be assessed against a corporation for the additional tax which may be due as a result of the increase in tax rate from nine and one-half per cent to ten and one-half per cent imposed retroactively by this section for the calendar year 1977 or for the fiscal year commencing in 1977.

Section 4. The act is amended by adding an article to read:

**ARTICLE XI-C  
REALTY TRANSFER TAX**

Section 1101-C. Definitions.—The following words when used in this article shall have the meanings ascribed to them in this section, except in those instances where the context clearly indicates a different meaning:

“Association.” A partnership, limited partnership, or any other form of unincorporated enterprise, owned or conducted by two or more persons.

“Corporation.” A corporation or joint-stock association organized under the laws of this Commonwealth, the United States, or any other state, territory, or foreign country, or dependency, including, but not limited to, banking institutions.

“Department.” The Department of Revenue of this Commonwealth.

“Document.” Any deed, instrument or writing whereby any lands, tenements or hereditaments within this Commonwealth or any interest therein shall be quitclaimed, granted, bargained, sold, or otherwise conveyed to the grantee, purchaser, or any other person, but does not include wills, mortgages, transfers between corporations operating housing projects pursuant to the Housing and Redevelopment Assistance Law and the shareholders thereof, transfers between nonprofit industrial development agencies and industrial corporations purchasing from them, any transfers to nonprofit industrial development agencies, and transfers between husband and wife, transfers between persons who were previously husband and wife but who have since been divorced provided such transfer is made within three months of the date of the granting of the final decree in divorce, or the decree of equitable distribution of marital property, whichever is later, and the property or interest therein subject to such transfer was acquired by the husband and wife or husband or wife prior to the granting of the final decree in divorce, transfers between parent and child or the spouse of such a child or between parent and trustee for the benefit of a child or the spouse of such child, transfers between a grandparent and grandchild or the spouse of such grandchild, by and between a principal and straw party for the purpose of placing a mortgage or ground rent upon the premises, correctional deeds without consideration, transfers to the United States, the Commonwealth of Pennsylvania, or to any of their instrumentalities, agencies or political subdivisions, by gift, dedication or deed in lieu of condemnation, or deed of confirmation in connection with condemnation proceedings, or reconveyance by the condemning body of the property condemned to the owner of record at the time of condemnation which reconveyance may include property line adjustments provided said reconveyance is made within one year from the date of condemnation, leases, a conveyance to a trustee under a recorded trust agreement for the express purpose of holding title in trust as security for a debt contracted at the time of the conveyance under which the trustee is not the lender and requiring the trustee to make reconveyance to the grantor-borrower upon the repayment of the debt, or a transfer by the owner of previously occupied residential premises to a builder of new residential premises when such previously occupied residential premises is taken in trade by such builder as part of the consideration from the purchaser of a new previously unoccupied residential premises or any transfer from a purchase money mortgagor to the vendor holding the purchase

money mortgage whether pursuant to a foreclosure or in lieu thereof, or conveyances to municipalities, townships, school districts and counties pursuant to acquisition by municipalities, townships, school districts and counties of tax delinquent properties at sheriff sale or tax claim bureau, or any transfer between religious organizations or other bodies or persons holding title to real estate for a religious organization if such real estate is not being or has not been used by such transferor for commercial purposes, or in any sheriff sale instituted by a mortgagee in which the purchaser of said sheriff sale is the mortgagee who instituted said sale.

“Person.” Every natural person, association, or corporation. Whenever used in any clause prescribing and imposing a fine or imprisonment, or both, the term “person” as applied to associations, shall mean the partners or members thereof, and as applied to corporations, the officers thereof.

“Transaction.” The making, executing, delivering, accepting, or presenting for recording of a document.

“Value.” In the case of any document granting, bargaining, selling, or otherwise conveying any land, tenement or hereditament, or interest therein, the amount of the actual consideration therefor, including liens or other encumbrances thereon and ground rents, or a commensurate part of the liens or other encumbrances thereon and ground rents where such liens or other encumbrances and ground rents also encumber or are charged against other lands, tenements or hereditaments: Provided, That where such documents shall set forth a small or nominal consideration, the “value” thereof shall be determined from the price set forth in or actual consideration for the contract of sale, or, in the case of a gift, or any other document without consideration, from the actual monetary worth of the property granted, bargained, sold, or otherwise conveyed, which, in either event, shall not be less than the amount of the highest assessment of such lands, tenements or hereditaments for local tax purposes.

Section 1102-C. Imposition of Tax.—Every person who makes, executes, delivers, accepts or presents for recording any document or in whose behalf any document is made, executed, delivered, accepted or presented for recording, shall be subject to pay for and in respect to the transaction or any part thereof, or for or in respect of the vellum parchment or paper upon which such document is written or printed, a State tax at the rate of one per cent of the value of the property represented by such document, which State tax shall be payable at the time of making, execution, delivery, acceptance or presenting for recording of such document.

Section 1103-C. Transfer by Broker.—Where there is a transfer of a residential property by a licensed real estate broker which property was transferred to him within the preceding year as part of the consideration for the purchase of other residential property, a credit for the amount of the tax paid at the time of the transfer to him shall be given to him toward the amount of the tax due upon the transfer. If the tax due upon the transfer from the licensed real estate broker is greater than the credit given for the prior transfer, the difference shall be paid, and if the credit allowed is greater than the amount of the tax due, no refund shall be allowed.

Section 1104-C. Proceeds of Judicial Sale.—The tax herein imposed shall be fully paid, and have priority out of the proceeds of any judicial sale of real estate before any other obligation, claim, lien, judgment, estate or costs of the sale and of the writ upon which the sale is made, and the sheriff, or other officer, conducting said sale, shall pay the tax herein imposed out of the first moneys paid to him in connection therewith.

Section 1105-C. Documentary Stamps.—The payment of the tax imposed by this article shall be evidenced by the affixing of a documentary stamp or stamps to every document by the person making, executing, delivering or presenting for recording such document. Such stamps shall be affixed in such manner that their removal will require the continued application of steam or water,

and the person using or affixing such stamps shall write or stamp or cause to be written or stamped thereon the initials of his name and the date upon which such stamps are affixed or used so that such stamps may not again be used: Provided, That the department may prescribe such other method of cancellation as it may deem expedient.

**Section 1106-C. Furnishing Stamps.**—(a) The department shall prescribe, prepare and furnish stamps to each recorder of deeds, of such denominations and quantities as may be necessary, for the payment of the tax imposed and assessed by this article.

(b) The department shall allow each county a commission equal to one per cent of the face value of the stamps or two hundred fifty dollars (\$250) whichever is greater. The recorder of deeds shall pay the commission herein allowed to the general fund of the county. The department shall pay the premium or premiums on any bond or bonds required by law to be procured by recorder of deeds for the performance of their duties under this article.

(c) All moneys paid into the State Treasury during the effective period of this article shall be credited to the General Fund.

**Section 1107-C. Enforcement; Rules and Regulations.**—The department is hereby charged with the enforcement of the provisions of this article and is hereby authorized and empowered to prescribe, adopt, promulgate and enforce rules and regulations relating to:

(1) The method and means to be used in affixing or cancelling of stamps in substitution for or in addition to the method and means provided in this article.

(2) The denominations and sale of stamps.

(3) Any other matter or thing pertaining to the administration and enforcement of the provisions of this article.

**Section 1108-C. Failure to Affix Stamps.**—No document upon which tax is imposed by this article shall be made the basis of any action or other legal proceeding, nor shall proof thereof be offered or received in evidence in any court of this Commonwealth, or recorded in the office of any recorder of deeds of any county of this Commonwealth, unless a documentary stamp or stamps as provided in this article have been affixed thereto.

**Section 1109-C. Statement of Value; Penalty.**—(a) Every document when lodged with or presented to any recorder of deeds in this Commonwealth for recording, shall set forth therein and as a part of such document the true, full and complete value thereof, or shall be accompanied by an affidavit executed by a responsible person connected with the transaction showing such connection and setting forth the true, full and complete value thereof or the reason, if any, why such document is not subject to tax under this article. The provisions of this subsection shall not apply to any real estate transfers which are exempt from taxation based on family relationship.

(b) Any recorder of deeds who shall record any document upon which tax is imposed by this article without the proper documentary stamp or stamps affixed thereto as required by this article as is indicated in such document or accompanying affidavit, shall, upon summary conviction before any magistrate, alderman or justice of the peace, or other officer having the powers of a committing magistrate, be sentenced to pay a fine of fifty dollars (\$50) and costs of prosecution, and in default of payment thereof, undergo imprisonment for not more than thirty days: Provided, That when any document shall have been recorded, it shall be presumed that all requirements of law affecting the title to any real property conveyed thereby have been complied with.

**Section 1110-C. Unlawful Acts; Penalty.**—(a) It shall be unlawful for any person to:

(1) Make, execute, deliver, accept or present for recording or cause to be made, executed, delivered, accepted or presented for recording any document, without the full amount of tax thereon being duly paid; or,

(2) Make use of any documentary stamp to denote payment of any tax imposed by this article without cancelling such stamp as required by this article or as prescribed by the department; or,

(3) Fail, neglect or refuse to comply with or violate the rules and regulations prescribed, adopted and promulgated by the department under the provisions of this article.

(b) Any person violating any of the provisions of subsection (a) shall be guilty of a misdemeanor, and, upon conviction thereof, shall be sentenced to pay a fine of not more than five hundred dollars (\$500) and costs of prosecution, or to undergo imprisonment of not more than ninety days, or both, in the discretion of the court.

(c) It shall be unlawful for any person to:

(1) Fraudulently cut, tear or remove from a document any documentary stamp; or,

(2) Fraudulently affix to any document upon which tax is imposed by this article any documentary stamp which has been cut, torn or removed from any other document upon which tax is imposed by this article, or any documentary stamp of insufficient value, or any forged or counterfeited stamp, or any impression of any forged or counterfeited stamp, die, plate or other article; or,

(3) Wilfully remove or alter the cancellation marks of any documentary stamp, or restore any such documentary stamp, with intent to use or cause the same to be used after it has already been used, or knowingly buy, sell, offer for sale, or give away any such altered or restored stamp to any person for use, or knowingly use the same; or,

(4) Knowingly have in his possession any altered or restored documentary stamp which has been removed from any document upon which tax is imposed by this article: Provided, That the possession of such stamps shall be prima facie evidence of an intent to violate the provisions of this clause; or,

(5) Knowingly or wilfully prepare, keep, sell, offer for sale, or have in his possession, any forged or counterfeited documentary stamps.

(d) Any person violating any of the provisions of subsection (c) shall be guilty of a misdemeanor, and, upon conviction thereof, shall be sentenced to pay a fine of not less than five hundred dollars (\$500) nor more than one thousand dollars (\$1,000) and costs of prosecution, or to undergo imprisonment for not more than five years, or both, in the discretion of the court.

**Section 1111-C. Failure to Pay Tax; Review.**—(a) If any person shall fail to pay any tax imposed by this article for which he is liable, the department is hereby authorized and empowered to make a determination of additional tax and interest due by such person based upon any information within its possession or that shall come into its possession. All of such determinations shall be made so that notice thereof shall reach the parties against whom made within three years after the date of the recording of the document.

(b) Promptly after the date of such determination, the department shall send, by registered mail, a copy thereof to the person against whom it was made. Within ninety days after the date upon which the copy of any such determination was mailed, such person may file with the department a petition for redetermination of such taxes. Every petition for redetermination shall state specifically the reasons which the petitioner believes entitle him to such redetermination, and it shall be supported by affirmation that it is not made for the purpose of delay and that the facts set forth therein are true. It shall be the duty of the department within six months after the date of any determination to dispose of any petition for redetermination. Notice of the action taken upon any petition for redetermination shall be given to the petitioner promptly after the date of redetermination by the department.

(c) Any person shall have the right to review by the Board of Finance and Revenue and appeal in the same manner and within the same time as provided by law in the case of capital stock and franchise taxes imposed upon corporations.

Section 1112-C. Lien.—(a) Any tax determined to be due by any person hereunder and remaining unpaid after demand for the same, and all penalties and interest thereon, shall be a lien in favor of the Commonwealth upon the property, both real and personal, of such person but only after said lien has been entered and docketed of record by the prothonotary of the county where such property is situated. The department may at any time transmit to the prothonotaries of the respective counties certified copies of all liens for such taxes, penalties and interest, and it shall be the duty of each prothonotary receiving the lien to enter and docket the same of record in his office, which lien shall be indexed as judgments are now indexed. A writ of execution may directly issue upon such lien without the issuance and prosecution to judgment of a writ of scire facias: Provided, That not less than ten days before issuance of any execution on the lien, notice of the filing and the effect of the lien shall be sent by registered mail to the taxpayer at his last known post office address. No prothonotary shall require as a condition precedent to the entry of such liens, the payment of any costs incident thereto.

(b) The lien imposed hereunder shall have priority from the date of its recording as aforesaid, and shall be fully paid and satisfied out of the proceeds of any judicial sale of property subject thereto before any other obligation, judgment, claim, lien or estate to which said property may subsequently become subject, except costs of the sale and of the writ upon which the sale was made, and real estate taxes and municipal claims against such property, but shall be subordinate to mortgages and other liens existing and duly recorded or entered of record prior to the recording of the tax lien. In the case of a judicial sale of property subject to a lien imposed hereunder upon a lien or claim over which the lien imposed hereunder has priority, as aforesaid, such sale shall discharge the lien imposed hereunder to the extent only that the proceeds are applied to its payment, and such lien shall continue in full force and effect as to the balance remaining unpaid.

(c) The department may at any time transmit, to the prothonotaries of the respective counties of the Commonwealth to be by them entered of record and indexed as judgments are now indexed, certified copies of all liens, and a writ of execution may directly issue upon such lien without the issuance and prosecution to judgment of a writ of scire facias: Provided, That not less than ten days before issuance of any execution on the lien, notice of the filing and the effect of the lien shall be sent certified mail to the taxpayer at his last known post office address.

(d) The lien imposed hereunder shall continue for five years from the date of its entry of record, and may be renewed and continued in the manner now or hereafter provided for the renewal of judgments, or as may be provided in the act of April 9, 1929 (P.L.343, No.178), known as "The Fiscal Code."

Section 5. The validity of any law or any ordinance or part of law or of any ordinance, or any resolution or part of any resolution, and any amendments or supplements thereto, now or hereafter enacted or adopted by the Commonwealth or any political subdivision thereof, providing for or relating to the imposition, levy or collection of any tax, shall not be affected or impaired by anything contained in Article XI-C added by this act.

Section 6. The act of December 27, 1951 (P.L.1742, No.467), entitled, as amended, "An act to provide revenue by imposing a State tax relating to certain documents and transactions; prescribing and regulating the method and manner of evidencing the payment of such tax; conferring powers and imposing duties upon certain persons, partnerships, associations, and corporations, sheriffs, recorders of deeds, and the Department of Revenue; saving certain State and local taxes and authorizing amendments, extensions and supplements to the ordinances and resolutions relating thereto; and providing penalties," is repealed.

Section 7. Section 2 shall apply to taxable income for the calendar or fiscal year of the corporation, beginning on or after January 1, 1981.

Section 8. This act shall take effect immediately.

On the question,

Will the Senate agree to the amendments?

Senator JUBELIRER. Mr. President, this is hardly what one would call technical amendments, but nevertheless what the amendments do, they amend into House Bill No. 524, Printer's No. 551, the Realty Transfer Act into the Tax Code as Article 11C. It retains what Representative McVerry has done in his version of House Bill No. 524 and retains that amendment and then amends the Tax Code to extend the personal income tax at its current level of 2.2 per cent for two years and extends the corporate net income tax at its current rate of 10.5 per cent for two years at the same level that it currently is now. It further makes a change on the add-back clause under the corporate net income tax as the gentleman from Allegheny, Senator Zemprelli, has offered last week. The add-back tax we are advised by the Department of Revenue has no cost factor whatsoever.

In effect, Mr. President, we have taken Senate Bill No. 331 with the exception that we have changed the version of it to make it a two-year extension and added the add-back tax and amended House Bill No. 524, Printer's No. 551 with this version.

Mr. President, basically that is the sum and substance of the amendments to House Bill No. 524.

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. I will, Mr. President.

Senator KELLEY. Mr. President, without belaboring the substance of the issue, I wonder if the gentleman would respond to the concept of what is being amended into what? As I understand the constitutional requirements, in amending a bill we are not supposed to amend any bill to change, in the course of its process legislatively, its fundamental purpose. As I understand the comments of the gentleman, he indicated the Realty Transfer Tax is being amended by these amendments into the Tax Code. If that is true, Mr. President, then I would like to know if that is exactly what the gentleman means, because that is what I understood him to say. I wish the gentleman would respond to that, Mr. President.

The PRESIDENT. Is the gentleman requesting an answer from the gentleman from Centre County or the gentleman from Blair County?

Senator KELLEY. Mr. President, I stand corrected. The gentleman from Blair, Senator Jubelirer.

Senator JUBELIRER. Mr. President, I will be happy to respond to the gentleman from Fayette County.

Mr. President, the gentleman is correct. These amendments put the Realty Transfer Tax into the Tax Code as new Article 11C. It retains the purpose of the bill though and keeps in Representative McVerry's concept of amending the Realty Transfer Tax Act, which is evidenced by House Bill No. 524, but it retains the purpose of the bill.



Senator KELLEY. Mr. President, it is very clear that we are doing indirectly what we cannot do directly. I think it would be at this hour a useless act to make any challenges thereto. I understand that is what the amendments do.

Senator ZEMPRELLI. Mr. President, I am glad to see that my colleagues on the other side of the aisle have acquired wisdom in the course of the last two weeks and are now supporting the add back. It is the same add back I believe I offered as an amendment. I am also pleased to see that they found additional wisdom in the fact they are now prepared to vote for a moratorium at the end of two years. That was an additional amendment that was offered here earlier to a tax bill that would accomplish the same purpose. To that extent, it would appear the wisdom would flow between the aisles and all over the Chamber.

However, the concept of passing the tax prior to a budget still remains a very offensive procedure. It suggests that in spite of what all of the hoopla is and all that is being said in the classic Madison Avenue words as to austerity and the like, the Republican Party, my friends on the other side of the aisle in the front office, are now going to determine how much money there is and spend it all and tell us how much they are the spendthrifts of this great Commonwealth.

For that reason, Mr. President, and perhaps none other at this time, understanding that some are palatable and some are extremely offensive, I would ask and I would hope that the Members of the Democratic caucus would vote against these amendments. Certainly if these amendments do prevail and I believe they will, if I can count the number of people who are seated and what the persuasions are here today, they would also vote against House Bill No. 524 if the amendments went in.

Mr. President, I am asking each and every Member of my caucus to be in vehement opposition to these amendments.

Senator JUBELIRER. Mr. President, I was sure that the gentleman was making a speech in favor of the amendments when he endorsed the concept that the gentleman had offered the week before the Easter recess. However, Mr. President, again I would remind the Members of the Senate and the taxpayers of Pennsylvania generally that it is our concept that certainly we ought to know the level of funding that we are to have before we pass a General Fund budget. We believe this is responsible fiscal policy that should be adopted. I believe also, Mr. President, that the taxpayers of Pennsylvania, once this is passed, hopefully the amendments will pass today and hopefully we will pass the bill tomorrow, send it over to the House and have this as the vehicle by which the people of Pennsylvania will well know that we are not increasing their taxes again in this year, that this has been the level of funding that we have had that the Democrats, then Majority, put in in 1977 in a very difficult tax battle year, a year that I think this Republican caucus of ours, fought very diligently and hard with some Members of the Democratic caucus to keep the level of funding down.

Mr. President, this sends out a clear message to all the taxpayers of Pennsylvania that the level of funding will be maintained in the General Fund and there will be no increase

regardless of the fact that we lost \$110 million in Federal revenue sharing, regardless of the fact that the cost of government has gone significantly up.

Mr. President, I think that will make for a very austere budget and one which the people of Pennsylvania can be satisfied that Pennsylvania is following the trend of the Nation in keeping its government lean and trim.

Senator BELL. Mr. President, you know, I do not know how the people of Pennsylvania can see through the smoke-screen that is in this room. The gentleman from Allegheny, Senator Zemprelli, the Minority Leader, is making an argument as to which comes first, the chicken or the egg. Does it adopt the budget first or the taxes first? It is not that simple. The book, namely the Constitution of Pennsylvania, Article VIII, Section 13 (a) says, "Operating budget appropriations made by the General Assembly shall not exceed the actual and estimated revenues and surplus available in the same fiscal year."

Mr. President, I understand from some parts of this world, people read the English language differently. Where I come from, this means we do not spend more than we have as a tax input. In other words, we do not pass a budget first and then raise the taxes. I would also suggest regardless of the smoke-screen in here, there is a clear message from the people of Pennsylvania. That message is to cut back expenditures and for God's sake, do not raise taxes.

Senator ZEMPRELLI. Mr. President, it is beautiful how people can say things and come to exactly diametrically opposed conclusions.

Mr. President, I am a product of an Allegheny County community called Clairton. It was my privilege to have been the solicitor for that community for a number of years beginning in 1952 and the one thing that was held sacred, Mr. President, was the budget process. Never, never without exception in the history of that community or in Allegheny County, or anytime I have had a privilege to be in this Chamber or part of the nice Chamber across the hall, has there ever been a tax measure passed prior to the appropriations having been enacted. That is how simple it is, Mr. President. The clause the gentleman is referring to is absolutely correct in this interpretation, that once we appropriate money and we fix the taxes that are to budget the obligation of passing taxes to meet that budget, then we shall not spend more than the taxes have provided regardless of what that appropriation may be.

Mr. President, the simplicities of this are that we never pass tax measures producing revenues until we have made a determination as to what our priorities are in appropriations. That is so simple, Mr. President, that every housewife in this entire Commonwealth uses that procedure. You and I use that procedure in our everyday management of the fiscal affairs that allows us to conduct ourselves in this society. It shall not change irrespective of what happens here today. To suggest the abomination that this is not a tax increase is a sham because if you have somebody that is producing an income of \$10,000, and that will eliminate itself at the end of the year and reduce to two per cent by reenacting at 2.2 per cent, there is a difference in the amount of income tax that that individual will pay and everybody else will pay.

Mr. President, do not use the classic language of the Madison Street advertisers here. We have increased the taxes, we are going to produce revenues and then we are going out and we are going to spend every damn dime of that money. Tell me, Mr. President, what are our priorities in this well of appropriations that we are going to provide to fill the mantle of the monies that will be raised by a tax measure in place? Are we prepared to answer those kinds of questions with respect to the total revenues that will be needed in order to meet the needs of the Commonwealth of Pennsylvania? Is that not what it is all about? Is our obligation not to provide monies to fulfill the functions for which we serve or is our function to first pass taxes and then decide what cloth will fit to tailor the monies we have? Is that not the sham of this whole budget process, because what we are saying to the people of the Commonwealth of Pennsylvania is, if we are mandating programs that have monies associated with them, that require that these monies be spent in order to meet those obligations, that we are not going to provide them, friend, you are going to have to pick them up at the local level.

Mr. President, is that not the truth of what is happening here today? Where is the courage of this organization and this Body to come up with taxes in keeping with programs we believe we should be behind? That is what it is all about, Mr. President. It is not going to run away from us. It is going to be present here forever. If you think this process is not ludicrous, Mr. President, you wait and see how ludicrous it is because I do not know how you are going to accomplish a budget that meets the kinds of revenues that we are passing here today.

Mr. President, it is conceivable that we would be for more money; it is conceivable that we might be for less money, but the jury is out and once we pass this tax measure, then we have a problem. We have put the wrong foot forward first. It is that simple.

Senator BELL. Mr. President, I am really proud to be called a product of Madison Avenue. I thought I came from Tidewater, Pennsylvania, where we have mud between our toes.

Mr. President, I did hear something as the gentleman with his oratory talked too much. Sometimes when we talk we say more than we want to. Interspersed with the gentleman's words, and the record will show this when it is transcribed, was the statement by the Democratic Leader when he said, just within seconds, "Maybe we will want more money." What that means in plain English, people of Pennsylvania, that maybe the Democrats will want to raise taxes even higher than our desire to continue the existing taxes.

Senator ZEMPRELLI. Just one simple statement, Mr. President. Another thing that has been maintained as rather sacred around here is that you have to have a certification of revenues. Here we are passing a tax measure and there has never been a certification as to what revenues are needed, available to fit into the puzzle of what the total fiscal picture is. That is another compelling reason why we should not be dealing with the matter of renewing taxes at this time.

And the question recurring,

Will the Senate agree to the amendments?

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

#### YEAS—26

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

#### NAYS—22

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

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

On the question,

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

It was agreed to.

Ordered, To be transcribed for a third consideration.

#### BILL REREFERRED

**SB 575 (Pr. No. 691)** — Upon motion of Senator JUBELIRER, and agreed to, the bill was rereferred to the Committee on Appropriations.

#### BILL ON SECOND CONSIDERATION

**HB 585 (Pr. No. 940)** — Considered the second time and agreed to,

Ordered, To be transcribed for a third consideration.

#### BILL OVER IN ORDER

**SB 601** — Without objection, the bill was passed over in its order at the request of Senator JUBELIRER.

#### HOUSE CONCURRENT RESOLUTION NO. 6, CALLED UP

Senator JUBELIRER, without objection, called up from page 10 of the Calendar, House Concurrent Resolution No. 6, entitled:

General Assembly petition Congress to pay for costs incurred due to Three Mile Island cleanup.

On the question,

Will the Senate concur in the resolution?

#### SENATE CONCURS IN HOUSE CONCURRENT RESOLUTION NO. 6

Senator JUBELIRER. Mr. President, I move that the Senate do concur in House Concurrent Resolution No. 6.

The motion was agreed to and the resolution was concurred in.

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

**HOUSE CONCURRENT RESOLUTION  
NO. 9, CALLED UP**

Senator JUBELIRER, without objection, called up from page 10 of the Calendar, House Concurrent Resolution No. 9, entitled:

Joint Legislative Air and Water Pollution Control and Conservation Committee investigate regulations of the Pennsylvania Public Utility Commission to ensure adequate water service to the public.

On the question,

Will the Senate concur in the resolution?

**SENATE CONCURS IN HOUSE  
CONCURRENT RESOLUTION NO. 9**

Senator JUBELIRER. Mr. President, I move that the Senate do concur in House Concurrent Resolution No. 9.

The motion was agreed to and the resolution was concurred in.

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

**HOUSE CONCURRENT RESOLUTION  
NO. 17, CALLED UP**

Senator JUBELIRER, without objection, called up from page 10 of the Calendar, House Concurrent Resolution No. 17, entitled:

General Assembly memorialize Governor Thornburgh designate April 25th, "Rescue Attempt Memorial Saturday," for those servicemen killed in the rescue mission in Iran.

On the question,

Will the Senate concur in the resolution?

**SENATE CONCURS IN HOUSE  
CONCURRENT RESOLUTION NO. 17**

Senator JUBELIRER. Mr. President, I move that the Senate do concur in House Concurrent Resolution No. 17.

The motion was agreed to and the resolution was concurred in.

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

**UNFINISHED BUSINESS**

**SENATE CONCURRENT RESOLUTION**

**MEMORIALIZING CONGRESS PURSUE THE  
MATTER OF PRISONERS OF WAR AND  
AMERICANS MISSING IN ACTION IN  
SOUTHEAST ASIA**

Senators ANDREZESKI, ROSS and STOUT offered the following resolution (Serial No. 214), which was read and referred to the Committee on Military and Veterans Affairs:

In the Senate, April 21, 1981.

WHEREAS, Thousands of Americans who served in the Vietnam conflict or in southeast Asia during such conflict were captured by the enemy or are missing in action; and

WHEREAS, It is uncertain whether those Americans missing in action are alive or dead leaving their families and relatives in agonizing uncertainty; and

WHEREAS, The resolution of such uncertainty is a small price to pay compared to the sacrifices the American prisoners of war and Americans missing in action and their families have paid; therefore be it

RESOLVED (the House of Representatives concurring), That the General Assembly memorializes the Congress of the United States to pursue the matter of prisoners of war and Americans missing in action in southeast Asia to an early resolution thereof; and be it further

RESOLVED, That copies of this resolution be sent to the presiding officers of both Houses of Congress and to each member of Congress from the Commonwealth of Pennsylvania.

**CONGRATULATORY RESOLUTIONS**

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

Congratulations of the Senate were extended to Mr. and Mrs. Joseph Scalise, Mr. and Mrs. Anthony Pistoria, Sr., Mr. and Mrs. Joseph Gartner and to Reverend Joseph A. Young by Senator Bodack.

Congratulations of the Senate were extended to Edward P. Sobehart and to Mr. and Mrs. Edward G. Geiger by Senator Early.

Congratulations of the Senate were extended to John Macoretta, Steven J. Feraldo and to Stephen Joret by Senator Lloyd.

Congratulations of the Senate were extended to Jim Haslett, Tracy Snyder, Donna Lutz, Teresa Flaherty, Terry Carroll, Terry Totten, Kent Stauffer, John Adams, Ed Phipps, Frank Wolk, Mark Dusch, Janine Rush, Joe Cugliari, Albert Barrett, Mr. and Mrs. Walter E. McIntire, Mr. and Mrs. William K. Hawthorne, Mary Etta Chestnut, Mr. and Mrs. Thomas Raymond Simpson, Mr. and Mrs. Pete Raybuck, Mr. and Mrs. George Forsythe and to Mrs. Bertha Kiehl by Senator Stapleton.

Congratulations of the Senate were extended to John M. McCarrell by Senators Stout, Kelley, and Zemprelli.

Congratulations of the Senate were extended to Carolyn Olivia Waters Young by Senator Zemprelli.

Congratulations of the Senate were extended to Keith A. Orris and to William M. Wells by Senator Gekas.

Congratulations of the Senate were extended to the Uniontown High School Basketball Team by Senator Lincoln.

Congratulations of the Senate were extended to Torpey White and to Christopher Gibbons by Senator Loeper.

Congratulations of the Senate were extended to Otto E. Reichert by Senator Price.

Congratulations of the Senate were extended to Monsignor Joseph A. Neverauskas by Senator Rhoades.

Congratulations of the Senate were extended to Mr. and Mrs. Charles R. Harer by Senator Hager.

Congratulations of the Senate were extended to Mr. and Mrs. A. Carbille Foster, Sr. by Senator Hess.

Congratulations of the Senate were extended to the Allen High School Girls Basketball Team by Senator Messinger.

### 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 277 and 484.**

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

### PERMISSION TO ADDRESS SENATE

Senator MCKINNEY asked and obtained unanimous consent to address the Senate.

Senator MCKINNEY. Mr. President, today earlier in the Session I was detained unavoidably in my office. Had I been present in my seat, I would have voted "aye" on Senate Bill No. 5 and House Bill No. 570.

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

### PETITIONS AND REMONSTRANCES

Senator JUBELIRER. Mr. President, it has indeed been a very busy legislative day. It is a day when we have seen the Senate pass the abolishment of the Lottery Commission. We have seen the Senate adopt amendments which begin the process of setting forth the tax structure in Pennsylvania, at least as the amendments so set forth. Regardless of the differences of opinion, it was adopted and it will be run tomorrow.

There is something else I would like to talk about very briefly, Mr. President, something I feel very proud of. I did not make any speech on Senate Bill No. 124 because of the lateness of the hour and I did not want to keep my colleagues. I do think I should call attention for the record, for the press, and for anybody else who really cares, we passed today a shared custody bill for the first time in the history of Pennsylvania. I and a number of my colleagues sponsored that bill. I think it is, if I may say so and take some pride, a very good bill, a bill that has been several years in the making, a bill that I think will go a long way in taking away the bitterness, the vindictiveness and the hatred that occurs after the breakup of a marriage either during separation or divorce.

Mr. President, it establishes for the first time in Pennsylvania's jurisprudence a philosophy, a dictum, at least as the bill comes out of the Senate, that Pennsylvania courts are to look at shared custody as something that is in the best interest of children of broken marriages. It is intended to encourage, to permit and allow contact, allowing physical access between the child and the noncustodial parent.

Although, judges today, Mr. President, have the option of providing for shared custody, nevertheless we have found that the statistics show that in ninety per cent of the cases, mothers are awarded custody of the child. Shared custody is not to be presumed, as was the case in other legislation that was introduced in the last Session. Shared custody can consist of shared

legal custody thus making major decisions for a child or share physical custody which is actual possession and control of the child.

It also provides for sole custody when the occasion provides but under all circumstances the best interests of the child are considered.

Mr. President, one of the major parts of this bill is that for the first time parents who are bitter at divorce, parents who are anxious to be vindictive with one another are in effect forced to come into the Domestic Relations Office and can, in effect, draw up their own custody order with the help of the Domestic Relations Office and submit that to the court for approval. Under that circumstance, Mr. President, I believe if both parents have an option and an opportunity to have input into the custody order, they do not feel that they have been cheated or that the judge went from one side to another or took one person's side or tried to do another parent in and it is for the benefit of the child.

Furthermore, Mr. President, we have a situation where each parent has access now to all medical, dental, religious and school records of the child, that the noncustodial parent must be provided with the address and phone number of the child and other information necessary for the well-being of the child. It provides that if one parent should leave the jurisdiction, the court would provide for an automatic review of the original custody order thus precluding a parent from leaving the jurisdiction solely to take the child away or to get even with another parent in order to have that noncustodial parent further isolated from the child.

As I said, Mr. President, it has been a busy legislative day and as this bill goes over to the House of Representatives, I hope it will not be long before the House will pass this bill, the Governor will sign it into law and Pennsylvania will join many other States, particularly the State of California under which this bill was patterned in making what I think is a very progressive, very positive step in aiding children to have access to both their parents, to have the ability to have the love, affection and contact with both parents as has not been the case too many times in the past.

### BILLS SIGNED

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

**SB 5 and HB 20.**

### HOUSE MESSAGES

#### HOUSE ADOPTS REORGANIZATION PLANS

The Clerk of the House of Representatives being introduced, informed the Senate that the House has adopted the following Reorganization Plans:

Reorganization Plan No. 4, Resolution A.

Reorganization Plan No. 5, Resolution A.

Reorganization Plan No. 6, Resolution A.

Reorganization Plan No. 7, Resolution A.

## GENERAL COMMUNICATION

### RESOLUTION OF THE STATE OF WEST VIRGINIA

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

STATE OF WEST VIRGINIA  
House of Delegates

#### HOUSE CONCURRENT RESOLUTION NO. 21

Offered by Delegates Ernest C. Moore and John Frazier,  
on behalf of the West Virginia Legislature

#### A RESOLUTION MEMORIALIZING THE CONGRESS OF THE

UNITED STATES TO SUPPORT THE  
CONTINUATION OF

#### THE FEDERAL BLACK LUNG BENEFITS PROGRAM

WHEREAS, The people of West Virginia support continuation of the federal black lung benefits program which requires coal industry employers to compensate employees who are inflicted with disabling pulmonary and respiratory diseases caused by years of coal mine employment.

WHEREAS, The production of American coal, and its energy derivatives, central to all feasible plans to make the Nation secure and independent of foreign sources of energy and all possible domination by foreign governments over our national economic and political stability; and

WHEREAS, The production of coal sufficient to so secure the Nation will cause present and future coal workers to suffer the same dreaded diseases now compensated by coal industry employers as a result of the federal black lung benefits program; and

WHEREAS, The infliction of disabling pulmonary and respiratory diseases upon present and future coal workers will rob them of the physical comfort and dignity and the financial security which is enjoyed by other American workers in the mature years of their employment and in the golden years of their lives, ending so many before their time; and

WHEREAS, Those coal workers deserve to share equally with other American workers in the Nation's well-established commitment to make dignified and to make secure those years which follow the lifetime of dedicated service to the Nation by working Americans; therefore, be it

Resolved by the Legislature of West Virginia:

That the Congress of the United States be requested to continue in full force and effect the federal black lung benefit program; and, be it

Further Resolved, That the Clerk of the House of Delegates is hereby directed to forward a copy of this resolution to the President of the United States, United States Senators Robert C. Byrd and Jennings Randolph, the West Virginia Delegation in the House of Representatives and the presiding officers of the legislatures of the coal producing states.

Adopted by the West Virginia  
Legislature April 4, 1981.

CLYDE G. SEE, JR.  
Speaker of the House of Delegates

C. A. BLANKENSHIP  
Clerk of the House of Delegates

## ANNOUNCEMENTS BY THE SECRETARY

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

SENATE OF PENNSYLVANIA

COMMITTEE MEETINGS

WEDNESDAY, APRIL 22, 1981

off the	RULES AND	Rules Committee
floor	EXECUTIVE NOMINATIONS	Conference Rm.
	(to consider certain	
	Executive Nominations)	

TUESDAY, APRIL 28, 1981

10:30 A.M.	LEGISLATIVE REAPPOR-	Senate Majority
	TIONMENT COMMISSION	Caucus Room

MONDAY, MAY 4, 1981

1:00 P.M.	CONSUMER PROTECTION	Room 460,
	AND PROFESSIONAL	4th Floor
	LICENSURE (to consider	Conference Rm.,
	Senate Bills No. 116,	North Wing
	141, 170 and 403)	

## ADJOURNMENT

Senator JUBELIRER. Mr. President, I move that the Senate do now adjourn until Wednesday, April 22, 1981, at 11:00 a.m., Eastern Standard Time.

The motion was agreed to.

The Senate adjourned at 7:00 p.m., Eastern Standard Time.