

Legislative Journal

TUESDAY, JUNE 9, 1981

SESSION OF 1981 165TH OF THE GENERAL ASSEMBLY

No. 36

SENATE

TUESDAY, June 9, 1981.

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

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

PRAYER

The Chaplain, the Reverend RICHARD BENNER, Pastor of St. Paul (Wolfs) United Church of Christ, York, offered the following prayer:

Again I invite you to join me in prayer.

Lord, our God, in seeking the welfare of our State, these Senators have been called forth by the voters to serve the people of this State and protect their freedom, their rights and privileges. By the example of their own lives, these Leaders, bowing in prayer, call on the people to live their life, serving, sacrificing, and experiencing the fulfillment of their goals and dreams.

We, the citizens, pray for the leadership skills needed by those who govern us. Theirs is a task with great demands. They have accepted the call of their electors, have sworn before You and the people, their loyalty and fidelity to this task. They are as human before You as everyone else. They know the joy of accomplishment, the exhilaration of perseverance that results in the winning of the best result for the system of government and for those governed by it. They also know the heartbreak, the frustration, the pain, the exhaustion of this life personally and within their legislative work.

Lord, we lift up to You the Leadership of the Senate and the Senators, persons who, with us, share the common experiences of life, the good and the bad, and yet, by their desire, they have a very special calling to fulfill, an awesome calling in its size and purpose.

I pray then for the inner strength of moral and spiritual courage in them as they move through this day and plan for tomorrow. I pray for their commitment to the desire to serve and govern as the Senate of our State. I pray for their willingness to give and to take toward the common goal of the good of the people in the State. I pray, Lord God, for them to seek calling on You, for Your healing and Your power to guide and direct them so that they know truth from falsehood which so affects their sound judgment and action.

I pray for them as they also have their private and personal life experience as everyone else of us has for their family life brings them strength and fulfillment and experiences that drain them as in sickness and accident. Particularly then we thus pray for Senator Jubelirer, his son and the family in this great time of stress. Your presence in their life, Your help and healing, our concern that follows them through this all, for this we pray.

Our need is real, Lord, personal, and as Legislators called to this service. Come, be our close companion this day and always, and we will fulfill our calling, whatever it may be. Amen.

JOURNAL APPROVED

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

The Clerk proceeded to read the Journal of the preceding Session, when, on motion of Senator STAUFFER, further reading was dispensed with, and the Journal was approved.

SENATOR SCANLON TO VOTE FOR SENATOR SMITH, SENATOR ANDREZESKI AND SENATOR STOUT

Senator SCANLON. Mr. President, I request a legislative leave for Senator Smith for the entire day, and a temporary legislative leave until 3:30 p.m. for Senator Andrezeski and for Senator Stout.

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

HOUSE MESSAGE

HOUSE CONCURS IN SENATE CONCURRENT RESOLUTION

The Clerk of the House of Representatives being introduced, informed the Senate that the House has concurred in Senate Concurrent Resolution, **Serial No. 202**, entitled:

Directing Joint State Government Commission conduct an in-depth study of property tax relief for senior citizens.

REPORTS FROM COMMITTEES

Senator FISHER, from the Committee on Environmental Resources and Energy, reported, as committed, **SB 825, 849, HB 638 and 753**.

Senator HOWARD, from the Committee on Finance, reported, as committed, **SB 812** and **HB 719**; as amended, **SB 83** and **HB 229**.

Senator PRICE, from the Committee on Urban Affairs and Housing, reported, as amended, **SB 384**.

BILL REREFERRED

Senator HOWARD, from the Committee on Finance, returned to the Senate **SB 826**, as committed, which was rereferred to the Committee on Appropriations.

BILLS INTRODUCED AND REFERRED

Senator GEKAS presented to the Chair **SB 903**, entitled:

An Act amending the act of March 4, 1971 (P. L. 6, No. 2), entitled "Tax Reform Code of 1971," providing for the exclusion of child passenger restraint devices from the sales and use tax.

Which was committed to the Committee on FINANCE, June 9, 1981.

Senator GREENLEAF presented to the Chair **SB 904**, entitled:

An Act amending Title 68 (Real and Personal Property) of the Pennsylvania Consolidated Statutes, providing for common expense liabilities of commercial users, executive board meetings and bonds conditioned on promised correction of defects by declarant and repair of physical facilities by declarant.

Which was committed to the Committee on URBAN AFFAIRS AND HOUSING, June 9, 1981.

Senators O'PAKE, HELFRICK, MURRAY, BODACK, STAPLETON, HANKINS, McKINNEY and MESSINGER presented to the Chair **SB 905**, entitled:

An Act amending the act of November 25, 1970 (P. L. 716, No. 232), entitled "The Pennsylvania Insurance Guaranty Association Act," providing for the coverage of claims arising from insurance policies sold by agents whose authority has been terminated and expanding the powers and duties of The Pennsylvania Insurance Guaranty Association.

Which was committed to the Committee on BANKING AND INSURANCE, June 9, 1981.

GUEST OF SENATOR EDWARD P. ZEMPRELLI PRESENTED TO SENATE

Senator ZEMPRELLI. Mr. President, we are privileged to have in the gallery today the sister of a former Leader of the Senate, Senator Nolan.

I would appreciate it very much, Mr. President, if the Senate would give Sister Mary Nolan a warm welcome on behalf of the Senate.

The PRESIDENT. Will Sister Mary Nolan please rise so the Senate may give you its traditional warm welcome?

(Applause.)

GUESTS OF SENATOR WILLIAM J. MOORE PRESENTED TO SENATE

Senator MOORE. Mr. President, I am also very pleased to have some distinguished visitors in the gallery from Perry

County visiting the Capitol today, Mr. and Mrs. Gerald Lyter and family.

Mr. President, I would like to call special attention to their son, Curtis Lyter, who will be eighteen years old on June 18th. He is a 1981 graduate of the Greenwood School District in Perry County as an honor student and salutatorian. He received the Eighth Grade Outstanding Student Award offered by the American Legion. He is an Eagle Scout and received the Hugh O'Brien Leadership Award in the tenth grade. He attended the Boys States sponsored by the American Legion. He was active in sports, track and soccer, a member of the chorus, the band and the Music Masters Tri-M, a member of the Lutheran Church of the Good Shepherd in Liverpool and president of the Youth Fellowship. More importantly, Mr. President, Curtis was nominated to all three of our service academies, the Air Force Academy, West Point and the Naval Academy. He accepted the nomination to the United States Naval Academy and will begin training there on July 7th.

Mr. President, I would ask my colleagues to give this entire family our usual warm welcome.

The PRESIDENT. Will they please rise so the Senate may give you its traditional warm welcome?

(Applause.)

GUEST OF SENATOR PATRICK J. STAPLETON PRESENTED TO SENATE

Senator STAPLETON. Mr. President, we also have the privilege of having with us in the gallery Mr. Anthony DeFilippi, who is President of the Council in Leechburg. He is now serving as the President of the Pennsylvania State Association of Boroughs.

Mr. President, I would appreciate it if the Senate would give him a warm welcome.

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

(Applause.)

GUESTS OF SENATOR JAMES R. LLOYD PRESENTED TO SENATE

Senator LLOYD. Mr. President, this seems to be a day for introductions amongst my colleagues. I am very, very proud to have with us today in the Pennsylvania Senate two very dear friends of mine, two gentlemen from the Philadelphia area who have been a guiding force in my life and have helped me since my teenage years and people of whom I think a very, very great deal, two distinguished gentlemen, Mr. Raymond M. Shoemaker from R. M. Shoemaker and a man who comes as close to being a father as one could have and Mr. Albert Sixsmith, from A. E. Sixsmith Company in Philadelphia.

The PRESIDENT. Would they please rise and accept the Senate's traditional warm welcome?

(Applause.)

CALENDAR

SPECIAL ORDER OF BUSINESS

SB 705 CALLED UP OUT OF ORDER

SB 705 (Pr. No. 736) — Without objection, the bill was called up out of order, from page 3 of the Third Consideration Calendar, by Senator STAUFFER, as a Special Order of Business.

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

SB 705 (Pr. No. 736) — 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—45

Table with 4 columns of names: Andrezeski, Bell, Bodack, Corman, Early, Fisher, Gekas, Greenleaf, Hager, Hankins, Helfrick, Hess, Holl, Hopper, Howard, Kelley, Lewis, Lincoln, Lloyd, Loeper, Lynch, McKinney, Manbeck, Mellow, Messinger, Moore, Murray, O'Connell, O'Pake, Pecora, Price, Reibman, Rhoades, Romanelli, Ross, Scanlon, Singel, Smith, Snyder, Stapleton, Stauffer, Stout, Tilghman, Wilt, 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 1291 CALLED UP OUT OF ORDER

HB 1291 (Pr. No. 1772) — Without objection, the bill was called up out of order, from page 4 of the Second Consideration Calendar, by Senator STAUFFER, as a Special Order of Business.

PREFERRED APPROPRIATION BILL ON SECOND CONSIDERATION

HB 1291 (Pr. No. 1772) — Considered the second time and agreed to,

Ordered, To be transcribed for a third consideration.

RECESS

Senator STAUFFER. Mr. President, I request a recess of the Senate until 3:15 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 3:15 p.m., Eastern Daylight Saving Time.

AFTER RECESS

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

EXECUTIVE NOMINATIONS

EXECUTIVE SESSION

Motion was made by Senator LOEPER,

That the Senate do now resolve itself into Executive Session for the purpose of considering certain nominations made by the Governor.

Which was agreed to.

NOMINATION TAKEN FROM THE TABLE

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

The Clerk read the nomination as follows:

MEMBER OF THE STATE BOARD OF EXAMINERS OF ARCHITECTS

March 10, 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 Donald E. Hunter (Architect), 4760 Scott Drive, Hermitage 16146, Mercer County, Fiftieth Senatorial District, for appointment as a member of the State Board of Examiners of Architects, to serve for a term of six years and until his successor shall have been appointed and qualified, vice Thomas Mangan, Fort Washington, whose term expired.

DICK THORNBURGH.

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

SENATOR STAUFFER TO VOTE FOR SENATOR HAGER

Senator STAUFFER. Mr. President, Senator Hager is tied up in his office on a legislative matter. I will ask legislative leave and will be voting him.

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

And the question recurring, Will the Senate advise and consent to the nomination?

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

YEAS—27

Table with 4 columns of names: Bell, Corman, Fisher, Gekas, Greenleaf, Hager, Hankins, Helfrick, Hess, Holl, Hopper, Howard, Kusse, Loeper, Manbeck, Moore, O'Connell, Pecora, Price, Rhoades, Shaffer, Smith, Snyder, Stauffer, Street, Tilghman, Wilt

NAYS—21

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

A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.
Ordered, That the Governor be informed accordingly.

NOMINATIONS TAKEN FROM THE TABLE

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

The Clerk read the nominations as follows:

**MEMBER OF THE PENNSYLVANIA CANCER
CONTROL, PREVENTION AND RESEARCH
ADVISORY BOARD**

March 16, 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 Harold A. Harvey, M.D., 1446 Jill Drive, Hummelstown 17036, Dauphin County, Fifteenth Senatorial District, for appointment as a member of the Pennsylvania Cancer Control, Prevention and Research Advisory Board, to serve for a term of three years and until his successor is appointed and qualified, pursuant to Act 224, approved December 18, 1980.

DICK THORNBURGH.

**MEMBER OF THE CRIME VICTIM'S
COMPENSATION BOARD**

May 13, 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 Perrin C. Hamilton, Esquire, (Republican), 210 Glenn Road, Ardmore 19003, Montgomery County, Seventeenth Senatorial District, for reappointment as a member of the Crime Victim's Compensation Board, to serve until March 22, 1987, and until his successor is appointed and qualified.

DICK THORNBURGH.

**MEMBER OF THE BOARD OF TRUSTEES
OF WESTERN CENTER**

May 22, 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 Mrs. Merle E. Tupi, 771 Hazelwood Avenue, Pittsburgh 15217, Allegheny County, Forty-third Senatorial District, for reappointment as a member of the Board of Trustees of Western Center, to serve until the third Tuesday of January, 1987, and until her successor is appointed and qualified.

DICK THORNBURGH.

On the question,

Will the Senate advise and consent to the nominations?

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

YEAS—48

Andrezski	Holl	Mellow	Scanlon
Bell	Hopper	Messinger	Shaffer
Bodack	Howard	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
Hankins	Lynch	Rhoades	Tilghman
Helfrick	McKinney	Romanelli	Wilt
Hess	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 Governor be informed accordingly.

EXECUTIVE SESSION RISES

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

The motion was agreed to.

PERMISSION TO ADDRESS SENATE

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

Senator SHAFFER. Mr. President, earlier today this Body took a vote on Senate Bill No. 705, Printer's No. 736. At that time I was absent and in my office with some constituents. I would like the record to show that had I been present, I would have voted in the affirmative on Senate Bill No. 705.

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

PERMISSION TO ADDRESS SENATE

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

Senator KUSSE. Mr. President, when the vote was taken on Senate Bill No. 705, I was absent from the floor on legislative business. Had I been in my seat, I would have voted in the affirmative.

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

CONSIDERATION OF CALENDAR RESUMED

**BILL ON CONCURRENCE
IN HOUSE AMENDMENTS**

BILL OVER IN ORDER

SB 14 — Without objection, the bill was passed over in its order at the request of Senator STAUFFER.

FINAL PASSAGE CALENDAR

BILL OVER IN ORDER

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

THIRD CONSIDERATION CALENDAR

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

HB 61 (Pr. No. 941) — 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	Holl	Mellow	Scanlon
Bell	Hopper	Messinger	Shaffer
Bodack	Howard	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
Hankins	Lynch	Rhoades	Tilghman
Helfrick	McKinney	Romanelli	Wilt
Hess	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 106, SB 147 and 361 — Without objection, the bills were passed over in their order at the request of Senator STAUFFER.

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

SB 496 (Pr. No. 503) — Considered the third time and agreed to,

On the question,
Shall the bill pass finally?

Senator ZEMPRELLI. Mr. President, I rise in opposition to Senate Bill No. 496. The reason I would oppose Senate Bill No. 496 is that having had some experience with suppressions of voluntary admissions and understanding what they are, the reasons that are given and upon which the court acts to suppress an admission are the very same reasons that should not be used to impeach the credibility of a witness.

Case in point, Mr. President: If a confession or admission is taken under duress or a law enforcement agency has used force or other means to acquire a confession or an admission and the court suppresses that admission or confession, and it is consistent to say that when the issue comes before the court

on the trial of the defendant or any other person who is involved that testimony of necessity would be different than what it was when he gave the admission or the confession. Then, of course, if this act were passed, it would allow, as a matter of right, the prosecuting officer to offer the same statement or admission that was suppressed against that particular witness or defendant as a matter of impeaching his credibility.

Mr. President, it is ludicrous. The admission or the confession would not be suppressed in the first instance if it was not detrimental to the defendant. It would be hard to conceive of a situation where the statement made by a defendant in a criminal trial would be consistent with the admission that was given. If the admission, in fact, as I have said before and will repeat one more time, was suppressed because it was not received under circumstances, whether voluntary or involuntary, that allowed for a free statement on the part of the defendant, then most certainly it should not be used in any instance to impeach his credibility.

The credibility infers the fact that what he said the first time may have some credibility to it and that is the reason why it has been suppressed. Why then, Mr. President, would we travel in a circle and say then that because he made that statement what he is saying later is not correct.

Mr. President, I think this is a very, very serious matter and one certainly that assists in the prosecution of these matters, but certainly one that is absent of the element of fairness and giving a defendant in any situation an opportunity for which the court has passed on that admission or credibility in saying it does not have the standing of proper evidence. Not having the standing of proper evidence in the first instance, Mr. President, speaks for its admissibility as an element of credibility of a defendant's witnessed statement at a trial of the issue.

Mr. President, I ask that Senate Bill No. 496 be voted down.

Senator GREENLEAF. Mr. President, I rise in support of this bill, particularly its origin and its purpose is to avoid what is going on now in the State of Pennsylvania and that is legalized perjury.

Mr. President, we are permitting defendants to take the stand and commit literal perjury. For example, in the case that arose that brought my attention to this particular issue was the Bucks County rape case, in which the individual confessed to the commission of the rape for reasons other than voluntariness. I would like to refer to them as technical reasons, as District Attorney Rendell uses an example of let us say the arrest being applied six hours and ten minutes rather than within the six-hour limits, then the confession can be suppressed. This individual was then brought to trial, his confession was suppressed, the girl who was raped testified as to the incident. He then took the stand and told a completely different story than he had when he made his original statement. The Commonwealth was prevented from using that statement for impeachment purposes to present to the jury which time that individual was telling the truth.

Mr. President, I think it is for the jury to decide whether that individual was telling the truth when he originally made his statement or whether it was when he was on the stand. The

Commonwealth should have the opportunity to test and impeach that individual's and the defendant's credibility by presenting to him that confession. This particular individual was ultimately acquitted and the jury never had the opportunity to test his credibility and test his truthfulness by looking at and having access to the original confession.

Mr. President, this does not change the law. This only changes the situation where an individual chooses to take the stand. If he does not take the stand, the statement is not admissible, whether it is voluntary or whether it has been suppressed for technical reasons or what have you. Once that individual takes the stand, he waives his rights to the Fifth Amendment and self-incrimination. He then puts his credibility at issue and certainly the jury and the Commonwealth should have the opportunity to review that.

Mr. President, Senate Bill No. 496 is in support of and in conformance with the United States Supreme Court decision of *Harris v. New York* in which the majority opinion held that it is not a violation of the United States Constitution to introduce a previously suppressed voluntary statement of a defendant to impeach his credibility once he takes the stand. They reasoned to allow otherwise would allow legalized perjury.

Mr. President, if I can quote from the opinion, and I think it is applicable here, the court held, "Every criminal defendant is privileged to testify in his own defense, or to refuse to do so. But that privilege cannot be construed to include the right to commit perjury. Having voluntarily taken the stand, petitioner was under an obligation to speak truthfully and accurately and the prosecution here did no more than utilize the traditional truth-testing devices of the adversary process. Had consistent statements been made by the accused to some third person, it could hardly be contended that the conflict could not be laid before the jury by way of cross-examination and impeachment.

"The shield provided by *Miranda* cannot be perverted into a license to use perjury by way of a defense, free from the risk and confrontation with prior inconsistent utterances. We hold, therefore, that the petitioner's credibility was appropriately impeached by the use of this earlier conflicting statements."

The Pennsylvania Supreme Court, ultimately, in the *Triplett* case, came down with a different decision and found that such a procedure was a violation of the Pennsylvania Constitution, although the United States Supreme Court, as I indicated before, has found that it was not a violation of the United States Constitution.

A review of both provisions would indicate that they are almost identical and that it was really a difference of philosophy rather than a difference in law.

Mr. President, I think it is incumbent upon this Legislature to rectify this wrong. I have submitted this proposal to the Pennsylvania District Attorney's Association at the last Session when this bill passed last Session, and it was approved and endorsed by the Pennsylvania District Attorney's Association including District Attorney Rendell, who was quite supportive of the proposal. It was also recommended and supported by the Pennsylvania Chiefs of Police Association.

Mr. President, I would hope the Senate would take into consideration, and my honored and able colleague, the gentleman from Allegheny, Senator Zemprelli, has mentioned the defendant. I would like to mention the victim, particularly this victim that was involved in the rape case that I mentioned or all the other future victims of criminal activity in this Commonwealth. They should be given the opportunity just as they are put to the test in regard to credibility and impeachment and whether that rape victim is put to the test of whether she is telling the truth, that defendant should be put to the test in determining whether he is telling the truth. If she has given prior inconsistent statements and can be challenged by those inconsistencies, so too the defendant should be placed to that same test. If he has given prior inconsistent statements, he should be put to that test as well.

Senator BELL. Mr. President, I listened closely to the Minority Leader and I did not hear him make any charge that the constitutional amendment to the Pennsylvania Constitution would be unconstitutional from the Federal constitutional point of view. Therefore, there is no constitutional question here. The only thing is, should the people of Pennsylvania be given the opportunity to tighten down on the rights afforded to criminal defendants. I think we now come to the question in front of us: Should the Pennsylvania Legislature continue to give more rights to the criminal defendant than is given by the Supreme Court of the United States? From my district, from my contacts with my district, I find people on the street feel the defendant has too many rights and it is time that not only the Legislators, the Congress and the various courts, all of them, should start to protect the rights of the victim.

Mr. President, I am voting to let the people of Pennsylvania decide.

Senator ZEMPRELLI. Mr. President, it seems of late I have been the champion of some very unpopular positions and I do not suggest after the emotional situation related by the gentleman from Montgomery, Senator Greenleaf, that he has come upon a particular situation. I would have to agree with him that I wish a prior inconsistent statement were used to impeach the credibility of that particular defendant. Nobody would argue with that. Justice was not done. He said it was not done.

Mr. President, let me give you a couple situations where justice would be done and it would not be done in the opposite direction. As any attorney in this Body knows and probably many others know, there is such a right of suppression when a statement is secured from a defendant under duress. That does happen. We do not have to read the newspapers very often, we do not have to look at some emotional television program or believe in Santa Claus to know these things happen in our society. Hopefully it would not happen to any of the Members. What we are suggesting is, the inability of this particular bill is to separate the good from the bad, we are dealing with the principle that has been sacred in this society. It is not upon the defendant to prove his innocence, it is upon the Commonwealth to prove the guilt of an individual. There are rules and regulations prescribed for following in that. One

is qualified evidence, Mr. President, or the qualification of evidence. Consider a petition to suppress evidence because that statement was acquired under a situation of duress, or the statement would not have been made except for duress, maybe duress in a threat, maybe duress in a form of actual violence against the defendant.

What the gentleman is suggesting, Mr. President, is that any such statement when suppressed may be used as evidence against that defendant if he elects to take the stand to impeach his credibility. Then the gentleman suggests with all the wisdom of a prosecutor that he should, in fact, he does not necessarily have to take the stand to defend himself if he wants to avoid the use of a suppressed statement.

Mr. President, I am disappointed the gentleman would think that. It suggests the defense should not have the opportunity of presenting its case or telling its side of the story in spite of his example. The issue here is given every reason for suppression and understanding there must be some wisdom in defense as against an admission or confession when a court elects to suppress that evidence as being unfair or illegal under the laws established, that it should not be allowed to come in the back door. It is ludicrous to suggest once a jury has heard evidence of that kind that it can casually disregard it because some judge in his charge suggests disregard this statement you have heard. It just does not happen in the practicum of life. We do not operate that way. We sometimes like to remember everything we are told that we are not supposed to remember and forget those things we should remember.

Mr. President, I suggest to you Senate Bill No. 496 before us is not only a dangerous one, not only one that would deprive innocent people of their rights, but also one that is contrary to the basic and fundamental tenets of what democratic process for criminal indictment and prosecution is in these United States.

Senator O'PAKE. Mr. President, the distinguished Minority Leader's argument would be very persuasive if the word "voluntary" were not in the proposal before us. I will read what it says. "The use of a suppressed voluntary admission or voluntary confession to impeach the credibility..." and so forth. So the situations of confessions and admissions obtained under duress are not the kinds of situations we are talking about. The court has gone so far in some cases, some courts have, to suppress the use of any statement given not because the statement was extracted under duress but because the statement was given after some artificially imposed rule set down subsequently by the United States or some Appellate Court.

We are not talking about confessions that are coerced or extracted under duress, Mr. President. We are talking about only confessions that were voluntary or admissions that were voluntary and I would urge support of this.

Senator GREENLEAF. Mr. President, I was just going to reiterate what the gentleman from Berks, Senator O'Pake, indicated, that we have attempted to phrase it and it does not apply to duressed, coerced statements. It only deals with those statements that are given by persons who are making their statements voluntarily, although may be suppressed because

of a technical violation such as the example District Attorney Rendell gave in regard to the time limit between their arraignment and arrest, the six hour rule, and if we are in violation of it by five minutes the statement can be suppressed even though it is truthful. We are only dealing with truthful statements. We are only dealing with the guilty, not the innocent. These are people who have made voluntarily intelligent knowing statements of their guilt and then because of a technicality have had their confessions suppressed. We are not dealing with those statements that are tinged by coercion or duress. This rule would not apply. They could not use that type of a statement because by the very use and means that that statement was obtained impinges the very credibility of that statement. Senate Bill No. 496 does not apply to those types of statements. It only applies to those persons who admitted their guilt voluntarily and then denied it on the stand later.

Finally, Mr. President, I would like to bring out that thirty-four States in this Nation have followed the United States Supreme Court Rule, so we are in the minority in regard to that particular issue. The reason we have not taken these steps before is that invariably it has been the United States Supreme Court that has said this particular practice is in violation of the United States Constitution. Here we have an opportunity where the United States Supreme Court has said this practice is not in violation of the Constitution. This gives us the opportunity to change the rule now when before if they had found there was a violation of the United States Constitution, of course, we would be powerless to do anything about the expansion of "defendant's rights." On this particular issue, we do have the opportunity and the right to take some steps to rectify this situation. We are not dealing with any time-honored principle. There certainly is no time-honored principle to allow defendants to take the stand and commit perjury.

Senator ZEMPRELLI. Mr. President, I thank the Chair for recognizing me again.

Mr. President, there may be some confusion in the minds of a lot of people here and certainly the language of the bill and the amendment that is set forth speaks as follows: "The use of a suppressed voluntary admission or voluntary confession to impeach the credibility of a person..." et cetera.

Mr. President, I see no provision defining voluntary in terms of that which has been argued by both the gentleman from Montgomery, Senator Greenleaf, and the gentleman from Berks, Senator O'Pake. If voluntary, and it appears it is a word of art, then it certainly means something different to them than it does to me, absent a specific definition. A statement that is secured under certain circumstances of suppression may be a voluntary statement made by the defendant but not of such a quality that could be used for impeachment purposes as it would be consistent with any statement made thereafter by that defendant.

Secondly, Mr. President, what bothers me, it is easy to look with hindsight after a guilty verdict or a not guilty verdict as to what should or should not have happened. We are dealing in a free society where there is a presumption of innocence on

every defendant in a fair society that prescribes fair rules. I do not see in this legislation the exclusion of voluntary admissions acquired under duress or voluntary confessions acquired under circumstances of fear of bodily harm or statements that have been made under circumstances where a person was not of a free will or a free mind. Absent of that definition, Mr. President, I have every reason to believe voluntary would include many, many circumstances that would mitigate against the defendant in a fair trial involving situations where a statement may have been given that was innocent to alleviate a particular circumstance that existed at that time and thereafter reflecting in truth could be used against that person to thwart or otherwise confuse the truth.

For these reasons, Mr. President, I would either ask the gentleman to withdraw his bill and amend it so as to speak to the fact that a voluntary statement is one that is acquired under certain circumstances that would exclude the possibility of those kinds of suppressed evidence that dealt with confessions that were made under circumstances that may be voluntary but still not fair to use to attack the person's credibility.

Senator GREENLEAF. One final comment, Mr. President. The gentleman I am sure is aware of the whole body of law, particularly pre-Miranda decisions that go into great detail of what a voluntary statement is. It is a term of art that there has been a tremendous amount of writing and opinions issued upon. That is what the bill incorporates. There will be a tremendous body of law the courts can fall back on to interpret what a voluntary statement is. There is no need for an additional definition of it.

And the question recurring,
Shall the bill pass finally?

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

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

The PRESIDENT. The gentleman will be so recorded.

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

The PRESIDENT. The gentleman will be so recorded.

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

YEAS—35

Bell	Helfrick	Loeper	Reibman
Bodack	Hess	McKinney	Rhoades
Corman	Holl	Manbeck	Shaffer
Early	Hopper	Messinger	Singel
Fisher	Howard	Moore	Snyder
Gekas	Kelley	O'Connell	Stapleton
Greenleaf	Kusse	O'Pake	Stauffer
Hager	Lewis	Pecora	Stout
Hankins	Lincoln	Price	

NAYS—12

Andrezeski	Mellow	Ross	Tilghman
Lloyd	Murray	Scanlon	Wilt
Lynch	Romanelli	Street	Zemprelli

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.

BILLS OVER IN ORDER

SB 529 and 532 — Without objection, the bills were passed over in their order at the request of Senator STAUFFER.

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

SB 710 (Pr. No. 746) — 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	Holl	Mellow	Scanlon
Bell	Hopper	Messinger	Shaffer
Bodack	Howard	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
Hankins	Lynch	Rhoades	Tilghman
Helfrick	McKinney	Romanelli	Wilt
Hess	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 LAID ON THE TABLE

SB 711 (Pr. No. 747) — Upon motion of Senator STAUFFER, and agreed to, the bill was laid on the table.

BILLS ON THIRD CONSIDERATION AND FINAL PASSAGE

SB 712 (Pr. No. 748) — 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—29

Corman	Kusse	Messinger	Scanlon
Gekas	Lewis	Murray	Shaffer
Hager	Lloyd	O'Pake	Singel
Hess	Loeper	Price	Snyder
Holl	Lynch	Reibman	Stapleton
Hopper	Manbeck	Romanelli	Tilghman
Howard	Mellow	Ross	Zemprelli
Kelley			

NAYS—19

Andrezeski	Greenleaf	Moore	Stauffer
Bell	Hankins	O'Connell	Stout
Bodack	Helfrick	Pecora	Street
Early	Lincoln	Rhoades	Wilt
Fisher	McKinney	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.

SB 714 (Pr. No. 750) — 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	Holl	Mellow	Scanlon
Bell	Hopper	Messinger	Shaffer
Bodack	Howard	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
Hankins	Lynch	Rhoades	Tilghman
Helfrick	McKinney	Romanelli	Wilt
Hess	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

SB 719 — Without objection, the bill was passed over in its order at the request of Senator STAUFFER.

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

SB 724 (Pr. No. 920) — 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	Holl	Mellow	Scanlon
Bell	Hopper	Messinger	Shaffer
Bodack	Howard	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
Hankins	Lynch	Rhoades	Tilghman
Helfrick	McKinney	Romanelli	Wilt
Hess	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

SB 726 — Without objection, the bill was passed over in its order at the request of Senator STAUFFER.

SECOND CONSIDERATION CALENDAR

PREFERRED APPROPRIATION BILL OVER IN ORDER

SB 681 — Without objection, the bill was passed over in its order at the request of Senator STAUFFER.

BILLS OVER IN ORDER

SB 74, 116, HB 143, 261, 395 and 456 — Without objection, the bills were passed over in their order at the request of Senator STAUFFER.

RECESS

Senator STAUFFER. Mr. President, at this time I would ask for a brief recess of the Senate for the purpose of a meeting of the Committee on Rules and Executive Nominations, in the Rules Committee room at the rear of the Senate.

The PRESIDENT. For the purpose of a meeting of the Committee on Rules and Executive Nominations, the Chair declares the Senate in recess.

AFTER RECESS

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

SECOND CONSIDERATION CALENDAR RESUMED

BILLS ON SECOND CONSIDERATION

SB 457 (Pr. No. 464) and HB 497 (Pr. No. 750) — Considered the second time and agreed to,

Ordered, To be transcribed for a third consideration.

BILL ON SECOND CONSIDERATION AMENDED

SB 530 (Pr. No. 859) — The bill was considered.

On the question,

Will the Senate agree to the bill on second consideration?

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

Amend Sec. 1 (Sec. 602.1), page 3, by inserting between lines 20 and 21:

(c) Within thirty (30) days after receipt of his school real property tax bill, a landlord shall disclose in writing to each tenant who has occupied a rental unit for more than forty-five (45) days, the reduction in real property taxes, if any, under this amendatory act which is attributable to the tenant's unit. The amount of tax reduction attributable to each unit shall be based upon allocated square footage occupied or other reasonable criterion.

Amend Sec. 1 (Sec. 602.2), page 4, line 29, by inserting after "COUNCIL": and the board of public education in school districts of the first class A

Amend Sec. 1 (Sec. 602.3), page 6, line 11, by inserting after "property.": The authority to levy this tax shall not be preempted or otherwise invalidated because of any State tax or regulatory statute or ordinance.

On the question,

Will the Senate agree to the amendments?

They were agreed to.

On the question,

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

Senator EARLY, on behalf of himself, Senator PECORA and Senator FISHER, offered the following amendments:

Amend Title, page 1, lines 5 through 14, by striking out "withdrawing gradually the authority" in line 5, all of lines 6 through 14, and inserting: providing for the levying of an optional personal income tax under certain conditions.

Amend Bill, page 1, lines 15 through 24; page 2, lines 1 through 10, by striking out all of said lines on said pages

Amend Sec. 1, page 2, line 15 by striking out "sections" and inserting: a section

Amend Bill, page 2, lines 16 through 30; pages 3 through 12, lines 1 through 30; and page 13, lines 1 through 22 by striking out all of said lines on said pages and inserting:

Section 602.1. Optional Personal Income Tax Equivalent Authorization for School Districts.—(a) Subject to the limitations set forth in subsection (c), the board of school directors of each school district of the second, third and fourth class, the board of public education in school districts of the first class with the authorization of the city council and the board of public education in districts of the first class A in addition to any other taxes authorized by law, may provide by ordinance or resolution for a residential property tax equivalency levied upon the personal income of the residents of its district. The school district shall first determine the necessary uniform real property tax levy to meet their budget needs for the fiscal year. The portion of any residential property tax necessary to meet this requirement would be satisfied by the equivalent amount of personal income tax levy. Each year the Department of Education shall calculate the personal income tax equivalent of each mill of residential property tax. The department shall use the assessed value of residential property located within each school district as certified to him by the State Tax Equalization Board and the personal income reported of the residents of each school district as certified to him by the Secretary of Revenue in this calculation. For the purposes of this section, "personal income" shall mean personal income as defined and taxable under Article III of the act of March 4, 1971 (P.L.6, No.2), known as the "Tax Reform Code of 1971."

(b) The tax imposed in subsection (a) shall be subject to the provisions of section 13 of the act of December 31, 1965 (P.L.1257, No.511), known as "The Local Tax Enabling Act," relating to the collection of, reporting of, withholding of and the payment and penalties for late payments of an earned income tax.

(c) Every school district which imposes the equivalency tax authorized in subsection (a) shall not impose or collect any:

(1) real property tax on real estate classified and assessed as residential real property, but shall continue to impose and collect a real property tax on any real estate classified and assessed as commercial property, industrial property or agricultural property; or

(2) earned income or net profits tax on individuals other than specifically authorized in this section.

(d) Whenever a school district initially imposes the tax authorized in subsection (a), such school district shall retain that tax

structure for a period of at least two (2) years. Thereafter whenever such school district desires to change its tax structure by utilizing the options available in this act, such change as the school district effects shall be continued for a period of at least six (6) years.

(e) Any school district which does not choose to impose the tax set forth in subsection (a) shall be limited to imposing any income tax provided in the "Local Tax Enabling Act" only upon the earned income of the residential taxpayer as is otherwise provided by law.

(f) Within thirty (30) days after receipt of his school real property tax bill, a landlord whose property is classified residential by the assessing authority shall disclose in writing to each tenant who has occupied a rental unit for more than forty-five (45) days, the reduction in real property taxes, if any, under this amendatory act which is attributable to the tenant's unit. The amount of tax reduction attributable to each unit shall be based upon allocated square footage occupied or other reasonable criterion.

Section 2. All acts or parts of acts inconsistent with the provisions of this act are repealed to the extent of any inconsistency.

Section 3. This act shall take effect January 1, 1982.

On the question,

Will the Senate agree to the amendments?

Senator EARLY. Mr. President, I offered these amendments on behalf of my colleagues, the gentleman from Allegheny, Senator Fisher, and the gentleman from Allegheny, Senator Pecora. I assure everyone I will be brief.

Mr. President, I did go into detail two weeks ago to illustrate exactly what I am trying to accomplish. What I am saying, Mr. President, is that we are faced now with three choices. Our choice will be, vote for the amendments that I am offering at the present time, vote for Senate Bill No. 530 without the amendments that I am offering, and vote for nothing. If we vote for nothing, we are saying that property tax as it currently exists is fair. We are saying senior citizens on fixed incomes, making approximately \$10,000 a year, are paying approximately ten per cent of that for property tax, while someone else making \$100,000 will pay about one per cent. That, Mr. President, is not fair.

If we vote for Senate Bill No. 530 without my amendments, we will be voting for a tax of one per cent of which your constituents will send that to Harrisburg and Harrisburg will then send that back to your district according to the aid ratio. I think, Mr. President, if there is a reason for me to encourage the Senate to vote for my amendments, that would be it. We will be voting to tax your constituents an additional one per cent from 2.2 to 3.2 and they will not get that money in total in every district. Some districts will get more money than they send to Harrisburg and some districts will get less money than what they send to Harrisburg.

We will also be taxing business on what is known as a business use and occupancy tax. Mr. President, this is probably one area that is extremely vague, and as a Democrat I guess I am not playing my role when I am out to protect business, but business has indicated they are against Business Use and Occupancy Tax.

If we take this chart here, Mr. President, we will notice that under my proposal I go out of my way to protect business. I indicate to the Senate here that under my proposal business

cannot endure an additional or even an unfair burden of taxes that must be paid. They will pay according to what they are paying at the present time, they will pay no more than their fair share. Also, Mr. President, I am not mandating that a school district must do this. This will again depart from Senate Bill No. 530.

Mr. President, if we do not vote for these amendments, we are saying school districts must tax their constituents the way we have indicated in Senate Bill No. 530. Mr. President, I do not think we should take the position that we should determine how they vote.

I would also like to point out, Mr. President, one of the objections to my particular proposal was that Philadelphia was not included. As the gentleman from Philadelphia, Senator Street, had indicated in the past, he would not vote for a piece of legislation that did not include the City of Philadelphia. I would like to indicate to the gentleman that since he had indicated that, under my particular amendments, at this particular time, Philadelphia is included.

There are basic reasons, and I have them listed here, that the Chamber of Commerce has come out against Senate Bill No. 530. The reasons, Mr. President, are answered in my particular amendments. They say, one, the only tax like it in the country is living in Philadelphia and there are many problems with it.

POINT OF ORDER

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

The PRESIDENT. The gentleman from Chester, Senator Stauffer, will state it.

Senator STAUFFER. Mr. President, at this point the gentleman is beginning to debate the merits of Senate Bill No. 530 rather than present his amendments. I believe the gentleman should confine himself to the question of the amendments which he is presenting.

The PRESIDENT. The gentleman will confine his remarks to the amendments. You will be allowed to speak on Senate Bill No. 530 only as these amendments relate to it, but please keep your remarks to the amendments.

Senator EARLY. Mr. President, what my amendments do, my amendments change Senate Bill No. 530. That is specifically what I am telling my colleagues. If we take my amendments—the objections that are listed here that the Chamber of Commerce is objecting to, are resolved. So when I tell you they object to Senate Bill No. 530, the basic reasons as they object is exactly, Mr. President, what my amendments do. They eliminate these objections. When I speak of the objections of Senate Bill No. 530 by the Chamber of Commerce, I am telling you exactly that these objections are taken care of. I am not, Mr. President, deviating from the amendments in any way. Could we be at ease for one second, Mr. President? There is a very important piece of paper that I need that I cannot find on my desk and I am trying to locate it.

The PRESIDENT. The Senate will be at ease.

(The Senate was at ease.)

Senator EARLY. Mr. President, I have here in front of me a letter printed out by "The Voice." "The Voice" is the news-

paper of organized agriculture. I would like to read to the Members what they say. Again, Mr. President, I am going to use the term 530 and 531, but it is exactly what I am getting at.

They say, "PFA Opposes School Tax Legislation." PFA is opposing Legislators to change school taxes currently under consideration in Senate Bill No. 530 and Senate Bill No. 531.

POINT OF ORDER

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

The PRESIDENT. The gentleman from Chester, Senator Stauffer, will state it.

Senator STAUFFER. Mr. President, if the gentleman wants to debate the merits of Senate Bill No. 530, he can do that at the time the bill is up for final consideration. At the present time, the gentleman is presenting amendments and I think he should speak on the merits of his amendments, not introduce the subject of the debate of the legislation that is before us.

The PRESIDENT. The Senate will be at ease. Will the gentleman kindly approach the rostrum?

(The Senate was at ease.)

The PRESIDENT. The gentleman may proceed.

Senator EARLY. Mr. President, let me read the last sentence which illustrates exactly what the farmers are telling us in this legislation. Then I am going back to the first paragraph.

"PFA policy recommends locally-determined combination of flat-rate earned income tax and property tax to finance schools." That is exactly what my amendments do, Mr. President. They do exactly that.

Let me go back to the first paragraph then. I will eliminate Senate Bill No. 531. It says, "...would increase state income tax from 2.2% to 3.2% and would increase state school subsidy. Legislation would also phase out school property taxes and authorize personal income tax for school districts. In addition..." now this is very important. This is what your farmers are saying. "In addition, legislation would mandate Business Use and Occupancy Tax..."

The PRESIDENT. Is the gentleman using these remarks to illustrate his amendments or to speak on the bill, itself?

Senator EARLY. Mr. President, I am using it to illustrate my amendments, because I am eliminating Business Use and Occupancy Tax. That is what I am eliminating.

The PRESIDENT. Would the gentleman speak to his amendments which would eliminate that rather than speaking to the objections of the bill itself?

Senator EARLY. Mr. President, I cannot say the farmers are for my particular amendments. I can tell the Members of the Senate the farmers have said specifically they do not want a Business Use and Occupancy Tax which is what I eliminated. I do not know how else to say it, Mr. President.

Mr. President, I must inform the Members they have a sheet here I have given them for every single school district we have. The sheet indicates what their school district must charge their constituents. Their school district would have to charge—it is the very last column. That is what their school district must charge their particular constituents.

What I am doing, Mr. President, with my particular amendments, is I am keeping all the money locally. I will be giving school boards the authority to do what they want, to govern their schools. I am not being unfair to business. I am not being unfair to the farmers and I would like to say they are endorsing mine, but I cannot. I can say my amendments would take care of their objections.

Mr. President, some have said these particular amendments would make Senate Bill No. 530 unconstitutional. These amendments would not make the bill unconstitutional in my opinion. In any case, Mr. President, my amendments make the deviation that is currently in the bill I am trying to amend as less of a deviation as what we currently have. If anyone indicates my amendments make it unconstitutional, that is foolhardy because my amendments make the bill much closer, much closer. What my amendments do, Mr. President, is they do not emphasize this, they do not change the business tax whatsoever, it does not change it.

Also keep in mind, Mr. President, there is safeguard after safeguard that the business community will not pay—and that is important—an unfair burden to run the schools. They are protected.

Mr. President, with that, I thank you very much and I certainly would appreciate an affirmative vote.

Senator MOORE. Mr. President, I desire to interrogate the gentleman from Allegheny, Senator Early.

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

Senator EARLY. I will, Mr. President.

Senator MOORE. Mr. President, if the amendments proposed by the gentleman were adopted and Senate Bill No. 530 were to be passed with his amendments in it, and if a school district were to exercise their option to use a personal income tax equivalent to raise their local funding, that would mean then that commercial, industrial and agricultural property would have to be assessed sufficiently to raise fifty per cent of that funding, the balance coming from equivalent income tax on residential property, according to the information I have. My question is, if this were to happen, would that not directly contravene present law, the Clean and Green Act, a preferential tax assessment for agricultural property?

Senator EARLY. Mr. President, the premise the gentleman started with is incorrect. He received a copy indicating fifty per cent. It may be fifty per cent in his district. It may be 60-40, it may be 70-30, but I had to use something. I used 50-50 because 50-50 is easy for us to figure. First off, no. The gentleman is starting with an incorrect premise.

The second part of the gentleman's question, will it affect Clean and Green? The answer to that is no, it will not affect Clean and Green because, Mr. President, the gentleman's county must assess the property as they are currently assessing it. Clean and Green was a constitutional amendment that was passed. Therefore, the gentleman's county will assess that property as they are currently doing after the Clean and Green constitutional amendment. After they do that, then they determine how much money they collect from residential school property tax which does not affect Clean and Green.

So the figures the gentleman has at the right, and as I recall, Mr. President, there was a gentleman in there who did very well under these particular figures. What I am saying is Clean and Green will still be to the advantage of the gentleman's particular constituents and anyone who has a low figure here, it is almost impossible for them to vote against this. Because if that be the case, that particular district would be sending one per cent to Harrisburg. It would probably get very little back in return. Mr. President, if someone falls into that situation, that would have to be a district that the money would go to Harrisburg and perhaps then that money would go to Philadelphia or Pittsburgh or whatever district that has a very large aid ratio.

Mr. President, to answer the gentleman's question, no, it does not affect Clean and Green. I protect that as much as I protect business.

Senator MOORE. Mr. President, I would like to clarify the question. I will disregard the information on the chart that was presented to us which is, I understand, hypothetical. Is the gentleman saying unequivocally that present preferential assessments which are now in existence will not be affected in any way if these amendments were to be passed and Senate Bill No. 530 with the amendments intact would be passed into law?

Senator EARLY. Mr. President, I cross my heart and hope to die. Yes, unequivocally.

Senator MOORE. Mr. President, I disagree with the gentleman, but I thank him for his answer.

Senator FISHER. Mr. President, a few weeks ago when the gentleman from Allegheny, Senator Early, offered his original amendments I rose and stated the reasons why I would not vote for those amendments at that time. One of them was that the amendments were amendments to the Local Tax Enabling Act and by the nature of them they did not apply to the school districts of the first class and school districts of the first class A.

These amendments, which the gentleman from Allegheny, Senator Early, is offering to Senate Bill No. 530 do apply to all school districts across the Commonwealth. Another objection which I had which was an amendment that I will offer if the amendments of the gentleman from Allegheny, Senator Early, are adopted, deals with the fact there is nothing in the amendments of the gentleman which would provide for a pass through of the savings by landlords to tenants. Otherwise, Mr. President, in principle, when we look at the two versions of property tax reform which I think are properly before the Senate at this time, as the amendments of the gentleman from Allegheny, Senator Early, not only offers an alternative but clearly strikes the alternative that is included in the bill, I prefer the approach that is included in the gentleman's amendments.

Mr. President, as the gentleman indicated, these amendments are offered with the support of myself, the gentleman from Allegheny, Senator Pecora, and the gentleman from Allegheny, Senator Early. I do it because while at the same time applauding the gentleman from Chester, Senator Stauffer, not only for his work on Senate Bills Nos. 530 and

531, but for the gentleman's work over the years on championing the cause of property tax reform. Unfortunately, there are two parts of that bill which are not included in the amendments of the gentleman from Allegheny, Senator Early, which force me to favor the amendments of the gentleman. Those two parts are very simply this. The amendments of the gentleman from Allegheny, Senator Early, which are presently before us give each school district in the Commonwealth an option and we well know in the Senate that each school district in the Commonwealth is very different in makeup. For us to stand here and try to resolve the taxation problems for all 500 and some school districts, how many of them there are, I think is ludicrous. I do not believe we can do it either in the Senate today or in the House tomorrow or in a Committee of Conference.

The amendments of the gentleman from Allegheny, Senator Early, give the school districts the option, and when I talk about options I think by necessity is the concept of local control. I know the school districts that I represent, the ten of them that are in my Senatorial Districts, are part of a consortium of school districts. They have been considering the subject of property tax reform for a long time. They feel the type of legislation we should pass that will help them the most and help them to help the senior citizens that live in those districts that we all represent, to relieve the heavy burden of property taxes, is the type of legislation that gives them the broadest possible alternatives.

Mr. President, I think the amendments which are before us do give the school districts the alternatives because they do not require that the property tax be eliminated. They do require that the property tax be eliminated in the district of the gentleman from Allegheny, Senator Early, in my district or in the district of the gentleman from Chester, Senator Stauffer. We rely on those school districts and their sound judgment, and how often do we hear that we should give the school districts more control, for them to decide what tax should be assessed against the homeowners in that particular district?

Mr. President, that is the first reason why I support the amendments of the gentleman from Allegheny, Senator Early. As an alternative to the voluntary provision, there is an alternative that the local district can assess a personal income tax that can be collected from all wage earners on both earned and unearned income in that district. They will collect it.

Mr. President, I come from a district that is about four hours from here. Most of the people in Allegheny County, at least in my area, are very skeptical of the money they send to Harrisburg. Everybody thinks the money that is sent to Harrisburg goes east and none of it comes west. That is not quite the case, but try to convince them to the contrary. I believe the alternative of the local personal income tax, which is an option for each school district, is far preferable to the dual mandate of a local personal income tax plus an increased State income tax.

For those reasons, Mr. President, I would urge the Members of the Senate to seriously consider that the options are here before us. I do not know what my vote will be if these

amendments fail. I am hopeful these amendments will pass, but I think this is a key vote on the issue of property tax reform. We have two alternatives that are philosophically different, we have two alternatives which I believe by necessity have to be considered constitutional, because of the constitutional question which I am sure my good friend and colleague, the gentleman from Chester, Senator Stauffer, may raise shortly after I speak. I think the constitutional question perhaps is equally close or equally clear on both alternatives. The alternatives are here before us. I think if we want to preserve local control on the taxing powers for our school districts, we must support the amendments of the gentleman from Allegheny, Senator Early.

Senator STAUFFER. Mr. President, at the outset of the remarks of the gentleman from Allegheny, Senator Early, he said the Members of the Senate had three alternatives: Accept Senate Bill No. 530, vote for the gentleman's amendments which would strip the bill of its entire provisions and insert a totally new and different proposal, or do nothing.

Mr. President, I submit to the Members of the Senate here gathered today if they are serious about doing something about the property tax which has become the number one issue of controversy with the people of Pennsylvania, there are only two of the alternatives that the gentleman from Allegheny, Senator Early, mentioned. There is the issue of, number one, pass Senate Bill No. 530 and Senate Bill No. 531 or, number two, do nothing.

Mr. President, if we adopt the amendments of the gentleman from Allegheny, Senator Early, we have done nothing. As the gentleman from Allegheny, Senator Fisher, pointed out, and properly so, I would bring up the constitutional question because it is very valid. I spent nine long years working on this problem of property taxation and the issue that has been raised in Pennsylvania. I started on this long before others who are now active in the field began. In those early days the questions that I raised with those staff people that I recruited were issues like constitutionality, issues like a plan that would work in every one of 505 school districts, issues like something that would be equitable to all of the people of the Commonwealth, not just provide equity for some.

Before a single word was ever placed on a draft, we spent many hours and many days, many weeks and many months researching alternatives and so forth and one of the things that was quickly apparent was the fact that there are no easy answers. We are all experienced Legislators. We know we are faced from time to time with issues that are difficult, that are tough to handle. They are not easy one-line bills. This is one of them, Mr. President.

Interestingly enough when the gentleman from Allegheny, Senator Early, got involved in this back in the last Session, he introduced not one piece of legislation, the amendments before us today, but he introduced two pieces of legislation. One of them was a proposed amendment to the Constitution changing the uniformity clause so that we could have a classified property tax. I happened to have served on the same committee when that bill was before it, and I can remember

the gentleman from Allegheny, Senator Early, very well stating he needed both bills passed because in order to make the one program doable, we would have to amend the Constitution. Somewhere along the line the gentleman has retreated from that position and has laid aside the constitutional amendment. Let me clearly raise the constitutional question here today because, Mr. President, that is a key answer to whether or not we are going to seriously do anything about property taxes and whether or not we can do anything about property taxes.

Mr. President, I have researched Supreme Court decisions of this Commonwealth back to the year 1909 and, interestingly enough, all through the years the Supreme Court has been very adamant and very fixed in its position that we cannot classify real estate. Real Estate is real estate and it can only be handled as a single classification.

Mr. President, I have before me page after page of cases which went to the court in which different petitioners endeavored to divide real estate into some type of form other than a single class. In every instance, including the most recent case, which may be surprising to the gentleman from Allegheny, Senator Early, one just in 1980, just a few months ago, the court said we cannot classify real estate. In the words of one justice, "Real estate is real estate."

Mr. President, the proposal the gentleman has before us in these amendments would suggest that for one class of taxpayers we would maintain real estate as the vehicle through which they would pay their contributions. For another class we could on an option retreat from that and go to a different system, one of income. However, Mr. President, the Supreme Court has said we cannot do that because if we are going to use real estate, we have to use real estate right across the board. When we do, we will find that under the proposal of the gentleman from Allegheny, Senator Early, anyone who has a different level of income from another will be faced with a differing level of burden and the result will be a lack of uniformity and the issue would fall because of that constitutional question.

Mr. President, I might say that I have discussed this with many, many experts because, as I say, I have been engaged in this activity for a long time, and those who I recognize as having done a lot of study on the issue and as being expert on the issue, are unanimous in their opinion that this is unconstitutional. But furthermore, Mr. President, laying aside the constitutional issue, we come to an issue that this Senate should not and cannot overlook and that is the issue of fairness. Is it fair that we are going to say in one school district because we have an enlightened school board, we are going to move away from the property tax, while in another school district, we are going to deprive the property owners of that school district from fairness and equity in tax reform because the nine members of that school board or perhaps only a majority of five of them take the position that they are not going to move away from that?

Mr. President, the issue is clearly as far as I am concerned, the opportunity for a proposal I have worked on that will work in every school district and that contrary to the remarks

of the gentleman from Allegheny, Senator Early, a few minutes ago, is constitutional. There are no questions about the constitutionality of this and I believe the gentleman from Allegheny, Senator Fisher, raised that question as well. There is no question about the constitutionality. We have been very careful to see there was no constitutional issue raised.

Mr. President, I would ask for the opportunity, the same as the gentleman from Allegheny, Senator Early, has had on at least two previous occasions, to have his legislation considered by this Body, I would ask for the opportunity to have my legislation considered once in this Body.

On that basis, Mr. President, I ask that these amendments be defeated and that we have the opportunity to consider Senate Bill No. 530 and Senate Bill No. 531 and deal straightforward with true tax reform and a true elimination of the obnoxious property tax that is destroying the lifestyle of so many people in our Commonwealth.

Senator EARLY. Mr. President, I did not intend to take the microphone, but I cannot let go the statement the gentleman from Chester, Senator Stauffer, made. He said he wants to have a vote on his particular bill. I went to the gentleman from Chester, Senator Stauffer, and I asked the gentleman if he would consent to having his bill brought to the floor, Senate Bill No. 530, and my bill, Senate Bill No. 401, brought to the floor at the same time and let the Senate decide which proposal they liked. The gentleman said he would not go for that.

I then said, "Would you be so kind as to let Senate Bill No. 530 go to the floor and reintroduce my bill, Senate Bill No. 401 under your sponsorship and again send both bills to the floor and let the Senate decide which bills they want?"

The gentleman again turned that down. For the gentleman to say he wants an opportunity to have his legislation, he was given that opportunity and he turned it down.

Senator STAUFFER. Mr. President, I am not going to prolong this, Mr. President. I think we all want to get this issue over with, but I think those last statements were somewhat on the ridiculous, and I think I do have to give a brief response. I had my opportunity, the gentleman indicates, and that opportunity is before us right now in the form of Senate Bill No. 530 and Senate Bill No. 531.

Senator PECORA. Mr. President, in regards to the present amendments introduced by the gentleman from Allegheny, Senator Early, the gentleman from Allegheny, Senator Fisher, and myself, the present amendments give local school districts the option of continuing their present tax system or instituting a personal income tax and business privilege tax. It also gives them the opportunity to have public input from their present school district citizens or a voters referendum. It will also eliminate an additional increase in State bureaucracies of collecting taxes and distributing to the school districts of their choice under the present system which deletes the amount of money given to the State in taxes from many school districts which includes the majority of the school districts in my Senatorial area.

Senate Bill No. 530 and Senate Bill No. 531 in their present form, are only an additional tax increase for many school

districts and their citizens. It is a benefit to some but it is a tremendous tax increase to many. It would be my request of this Legislative Body to consider definitely these amendments.

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

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

YEAS—24

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

NAYS—24

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

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

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

It was agreed to.

Ordered, To be transcribed for a third consideration.

BILL ON SECOND CONSIDERATION

SB 531 (Pr. No. 860) — Considered the second time and agreed to,

Ordered, To be transcribed for a third consideration.

BILL OVER IN ORDER

SB 560 — Without objection, the bill was passed over in its order at the request of Senator STAUFFER.

BILL REREFERRED

SB 569 (Pr. No. 927) — Upon motion of Senator STAUFFER, and agreed to, the bill was rereferred to the Committee on Appropriations.

BILLS OVER IN ORDER

SB 577, 784, 797 and 847 — Without objection, the bills were passed over in their order at the request of Senator STAUFFER.

**COURT RULES REPORT NO. 2,
RESOLUTION A, CALLED UP**

Senator STAUFFER, without objection, called up from page 8 of the Calendar, Court Rules Report No. 2, Resolution A, as follows:

Resolved That Court Rules Report No. 2 of 1981 transmitted to the General Assembly under date of May 1, 1981 which is incorporated herein by reference be approved.

**COURT RULES REPORT NO. 2,
RESOLUTION A, ADOPTED**

Senator STAUFFER. Mr. President, I move that the Senate do adopt Court Rules Report No. 2, Resolution A.

On the question,
Will the Senate adopt the resolution?

The motion was agreed to and the resolution was adopted.

**ADMINISTRATIVE RULES REPORT NO. 3,
RESOLUTION A, CALLED UP**

Senator STAUFFER, without objection, called up from page 9 of the Calendar, Administrative Rules Report No. 3, Resolution A, as follows:

Resolved That Administrative Rules Report No. 3 of 1981 transmitted by the State Board of Veterinary Medical Examiners under The Administrative Code of 1929 to the General Assembly under date of May 12, 1981 which is incorporated herein by reference be approved.

**ADMINISTRATIVE RULES REPORT NO. 3,
RESOLUTION A, ADOPTED**

Senator STAUFFER. Mr. President, I move that the Senate do adopt Administrative Rules Report No. 3, Resolution A.

On the question,
Will the Senate adopt the resolution?

The motion was agreed to and the resolution was adopted.

**UNFINISHED BUSINESS
REPORTS FROM COMMITTEES**

Senator FISHER, from the Committee on Environmental Resources and Energy, reported, as amended, **SB 323**.

Senator GEKAS, from the Committee on Judiciary, reported, as committed, **SB 439**; as amended, **SB 563**.

RESOLUTIONS REPORTED FROM COMMITTEE

Senator STAUFFER, from the Committee on Rules and Executive Nominations, reported without amendment, the following Senate Resolutions, numbered and entitled:

Serial No. 44 — Directing members, officers and employes of the Senate to lapse all unexpended funds appropriated prior to the 1979-1980 fiscal period.

Serial No. 45 — Urging all citizens of Pennsylvania to participate in the International Year of Disabled Persons.

The PRESIDENT. The resolutions will be placed on the Calendar.

RECONSIDERATION OF HB 376

BILL LAID ON THE TABLE

HB 376 (Pr. No. 1610) — Senator STAUFFER. Mr. President, I move that the Senate do now reconsider the vote by which House Bill No. 376, Printer's No. 1610, failed of final passage on May 26, 1981.

The motion was agreed to.

And the question recurring,
Shall the bill pass finally?

Senator STAUFFER. Mr. President, I move that House Bill No. 376 be laid on the table.

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

Senator STAUFFER. Mr. President, for the benefit of the Members so there is an understanding of this move, this is the final day on which this piece of legislation can be reconsidered. We have no intention of any quick action on the legislation. I just wanted to place it back in position for the Senate to give consideration to it in the days ahead.

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

The motion was agreed to.

The PRESIDENT. House Bill No. 376 will be laid on the table.

SENATE RESOLUTION

MEMORIALIZING GOVERNOR DECLARE WEEK OF OCTOBER 18 TO 24 AS "ANTI-SHOPLIFTING WEEK."

Senators MANBECK, HOPPER, TILGHMAN and HESS offered the following resolution (Serial No. 46), which was read and referred to the Committee on Law and Justice:

In the Senate, June 9, 1981.

WHEREAS, The crime of retail theft or shoplifting has become a serious problem for merchants and retailers alike within the Commonwealth; and

WHEREAS, The cost of this criminal activity is ultimately borne by consumers in the form of higher prices charged by merchants and retailers; and

WHEREAS, Many citizens of the Commonwealth are not aware that shoplifting is a crime for which imprisonment may be imposed; and

WHEREAS, Many people, in particular the youth of our Commonwealth may be susceptible to attempting this crime as a result of pressure by their peers; therefore be it

RESOLVED, That the Senate of Pennsylvania memorialize Governor Dick Thornburgh to declare the week of October 18 to 24 as "Anti-Shoplifting Week" in Pennsylvania in this as well as ensuing years; and be it further

RESOLVED, That a copy of this resolution be sent to Governor Dick Thornburgh.

CONGRATULATORY RESOLUTIONS

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

Congratulations of the Senate were extended to Mrs. Susan E. Reilly by Senator Greenleaf.

Congratulations of the Senate were extended to Mr. and Mrs. Roy McCreary, Mr. and Mrs. Martin R. Piper, Mr. and Mrs. Raymond R. Long, Mr. and Mrs. John Whitfield, Mr. and Mrs. Clyde Carbaugh, Mr. and Mrs. Daniel R. Liroy, Mr.

and Mrs. Francis Riley, Mr. and Mrs. John Strassburger, Mr. and Mrs. Harry Weast, Mr. and Mrs. Costantino Colabove, Mr. and Mrs. Harry Haines, Mr. and Mrs. Lester Burket, Mr. and Mrs. Merrill A. Green, Sr. and to Mr. and Mrs. Charles Lang by Senator Jubelirer.

Congratulations of the Senate were extended to Lieutenant Bruce E. Schmacker by Senator Mellow.

Congratulations of the Senate were extended to Mr. and Mrs. Jack Fredrick Gothie by Senator Moore.

Congratulations of the Senate were extended to The Reverend Clement J. Podskoch and to Father Stephen Medwick by Senator O'Connell.

Congratulations of the Senate were extended to Monsignor John E. Boyle by Senator Rhoades.

Congratulations of the Senate were extended to the Johnstown Business and Professional Women's Club by Senator Singel.

Congratulations of the Senate were extended to The Reverend John Moda by Senator Stapleton.

BILLS ON FIRST CONSIDERATION

Senator STAUFFER. 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 83, 323, 384, 439, 563, 812, 825, 849, HB 229, 638, 719 and 753.

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

PERMISSION TO ADDRESS SENATE

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

Senator STOUT. Mr. President, I was not on the floor earlier in today's Session when the vote was taken on Senate Bill No. 705. I would like the record to show if I had been present, I would have voted in the affirmative. In yesterday's Session I was detained on legislative matters in my district. Had I been present, I would have voted in the affirmative on Senate Bills Nos. 197, 316, 589 and 725.

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

COMMUNICATION 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 512.

PETITIONS AND REMONSTRANCES

Senator BELL. Mr. President, this morning many of us were saddened with the news that Arthur F. Earley, a Member of the House of Representatives had passed during the night while in Harrisburg attending the Sessions of the House of Representatives. I had known Arthur Earley for many, many years. I knew him as a lawyer, I knew him as a neighbor and later I got to know him as a Member of the House from the Chester District which also includes one precinct of Eddystone in Delaware County. I worked very closely with Arthur. I believe I knew him very, very well. With the loss of our colleague from the House, Arthur Earley, we have lost a gentleman, a dedicated Legislator and one who always served in the best and finest traditions of the Members of the Legislature.

Mr. President, speaking on behalf of his constituents and my constituents, it is with deepest regret that we learned the tragic news this morning.

Senator STREET. Mr. President, I would like to take this opportunity to say a few words on behalf of Representative Arthur Earley, who as we all know passed during the night last night. I had the privilege of working with Representative Earley for two years, in 1978 and 1979. It was a pleasure to work with him. I think the Commonwealth, the legislative process, this Assembly, has lost an individual who made a real contribution and it is with regret that we say we feel Arthur Earley is going to be lost to the State of Pennsylvania.

Senator PRICE. Mr. President, I would just like to add one word in addition to those of the gentleman from Delaware, Senator Bell, and the gentleman from Philadelphia, Senator Street. Having had the privilege of serving with Representative Arthur Earley on the Pennsylvania Minority Business Development Authority Board for a year, I know he helped us out of many tangled situations, which seemed at the moment to be insoluble, with his good humor and straightforward judgment. Those of us who serve in the General Assembly are constantly faced with the difficult decisions of deciding between party loyalty and principle. I can think of no finer example than Representative Earley's personal conviction stand on a controversial welfare bill in the House just about two months ago. That is a reminder to me, Mr. President, of the high responsibilities we have.

Senator FISHER. Mr. President, I too rise with great sadness that, really, I have had all day since somebody informed me Arthur Earley had passed away this morning. I, of course, am not from the same end of the State as the previous speakers and Representative Earley was, but I knew Representative Early well as a Member of the Subcommittee on Crime and Corrections on which I served the last two years. Representative Earley was truly a dedicated Representative. He was a Representative not only of the people he was elected to represent here in Harrisburg, but he was certainly a sparkling example of somebody who tried to approach all of the issues and all of the various principles all of us who serve are sent here to decide on with true conviction. I know from sitting in the Republican caucus in the House with him during the last two years how difficult many decisions were which

Arthur Earley made, both with and against issues the Republican caucus stood for. It was doubly sad for me to hear the comments of a few people today that Representative Earley was quite concerned over the weekend about two significant events, one a problem with the welfare checks and one with the shooting of a black youth in Chester County by a policeman, something he was, I guess, working very hard and long on.

Mr. President, I can say it is with deep sadness to see one of your colleagues, who served not only his people but his country during World War II as a marine, be taken away from us so soon and so quickly. I can only say I feel very fortunate to have had the privilege to serve with Arthur Earley.

Senator STREET. Mr. President, I want to take a moment right now to bring to the attention of the Senate and those who are listening on their squawk boxes and those who are here that we have introduced a bill today that is very, very important to the City of Philadelphia. We have 800 cab certifications that are going up for auction tomorrow in the City of Philadelphia. It has been reported by the local news that these certifications will be purchased by a gentleman named Charles Hinkle, who, in turn, intends to sell these certifications for \$15,000 apiece.

Mr. President, I want to bring it to the attention of the Senate we have been doing, in the last couple of days, everything we possibly can to serve notice to the bidder and to other bidders that we have no intentions of letting the certifications, over 400 have been inactive, be sold at a minimal cost and then resold at a \$15,000 apiece price. We think it has the effect of economic discrimination. It forbids those who do not have much money to go into and be a part of private enterprise. I have asked the Committee on Consumer Protection and Professional Licensure to convene hearings around this issue as soon as possible.

Mr. President, I would hope that that could happen.

Senator BELL. Mr. President, in answer to the gentleman from Philadelphia, Senator Street, in 1980 we passed Act 69. This directed the PUC to issue additional certifications or certificates or licenses for taxicabs in Philadelphia.

Under Act 69 there is a requirement that the PUC report to the Committee on Consumer Protection and Professional Licensure of the Senate and the Committee on Consumer Affairs of the House within one year from the effective date of Act 69. Well, the effective date of Act 69 was July 30, 1980. I understand there is some legislation that has just been introduced on this subject and although the Senate Committee on Consumer Protection and Professional Licensure is not the Senate Committee on Consumer Affairs, I think it is a legal successor to that committee. Accordingly, I have checked with the Minority Chairman of the committee and several of the other Members of the committee, and it is the feeling, and I will now announce on the next regular meeting of the committee, on June 22, 1981, at 1:00 p.m., that we will request the Chairman of the PUC to appear in front of the committee, accompanied by such other Members of the commission as she may desire and such staff persons, to

answer any questions that may be asked by Senators concerning how these additional cabs under Act 69, how this thing has been handled and, in general, the taxicab situation in Philadelphia.

Mr. President, I again say, that will be June 22nd, at 1:00 p.m., which is a week Monday.

ANNOUNCEMENTS BY THE SECRETARY

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

SENATE OF PENNSYLVANIA

COMMITTEE MEETINGS

WEDNESDAY, JUNE 10, 1981

10:00 A.M.	Special Senate Task Force to (Public Hearing to investi-	Room 461, 4th Floor
4:00 P.M.	gate Retirement Homes and Retirement Communities)	Conference Rm., North Wing
11:30 A.M.	APPROPRIATIONS (to consider Senate Bills No. 406, 853, 854, 855, 856, 857, 858, 859, 861, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 891 and 892)	Senate Majority Caucus Room

WEDNESDAY, JUNE 17, 1981

11:00 A.M.	MILITARY AND VETERANS AFFAIRS (to consider the nomination of Brig. Gen. Frank H. Smoker, Jr., as Major General PA National Guard and to discuss Senate Bills No. 674 and 675)	Room 460, 4th Floor Conference Rm., North Wing
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ADJOURNMENT

Senator STAUFFER. Mr. President, I move that the Senate do now adjourn until Wednesday, June 10, 1981, at 9:30 a.m., Eastern Daylight Saving Time.

The motion was agreed to.

The Senate adjourned at 6:25 p.m., Eastern Daylight Saving Time.