

COMMONWEALTH OF PENNSYLVANIA

Legislative Journal

TUESDAY, DECEMBER 8, 1981

SESSION OF 1981

165TH OF THE GENERAL ASSEMBLY

No. 68

SENATE

TUESDAY, December 8, 1981.

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

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

PRAYER

The Chaplain, the Reverend RALPH SNYDER, Pastor of St. Andrews Presbyterian Church, Lebanon, offered the following prayer:

Let us pray.

Almighty God our Father, help us as we face the momentous task of public office not to be overwhelmed. Remind us that You do not require us to do everything but You do ask that we do something.

May we know that it is not demanded that we be perfect but that we are required to do our best.

Teach us that we cannot bring every work to final fruition but we can make a beginning.

There is no command that we must do the impossible but there is the mandate that we be found faithful.

There is no way that we can please everyone but we are answerable to our own conscience under God.

Keep us from the arrogance of being whole loaf people and teach us the wisdom that half a loaf is better than none.

We pray through Him Who taught us that we must be as wise as serpents and harmless as doves. Amen.

The PRESIDENT. The Chair thanks Reverend Snyder, who is the guest this week of Senator Manbeck.

JOURNAL APPROVED

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

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

SENATOR JUBELIRER TO VOTE FOR SENATOR HAGER

Senator JUBELIRER. Mr. President, I request a temporary legislative leave of absence, just for this Session only, for Senator Hager.

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

SENATOR ROSS TO VOTE FOR SENATOR REIBMAN

Senator ROSS. Mr. President, I request a temporary legislative leave for Senator Reibman. We will be voting her.

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

GENERAL COMMUNICATIONS

GRANTED CLEMENCY RECOMMENDATIONS

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

December 7, 1981

Subject: Copies of Granted Clemency Recommendations
To: Mark Corrigan, Secretary of the Senate
John J. Zubeck, Chief Clerk,
House of Representatives
From: David S. Bayne, Secretary
Board of Pardons

Attached are copies of recommendations for clemency petitions which have been granted by the Governor, for your files.

These are being forwarded to you in accordance with Rule 123 of the Board of Pardons Rules (booklet enclosed).

DISCHARGE PETITIONS

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

In the Senate, December 8, 1981.

We, the Senators whose signatures are affixed hereto respectfully request that the Honorable William W. Scranton, III, as presiding officer of the Senate of the Commonwealth of Pennsylvania, place the nomination hereafter set forth before the Senate for a vote pursuant to the provisions of Article IV, Section 8(b) of the Constitution of the Commonwealth of Pennsylvania which provides in part "... The Senate shall act on each executive nomination within 25 legislative days of its submission. If the Senate has not voted upon a nomination within 15 legislative days following such submission, any five members of the Senate may, in writing, request the presiding officer of the Senate to place the nomination before the entire Senate body whereby the nomination must be voted upon prior to the expiration of five legislative days or 25 legislative days following submission by the Governor, whichever occurs first...."

We respectfully set forth the following facts relative to the nomination hereinafter set forth:

1. The nomination was presented to the Senate on August 6, 1981; and

2. The nomination has been before the Senate for a period of time in excess of 15 legislative days.

The nominee in the position is as follows:

Dr. Robert A. Dannels	Member Board of Assistance, Westmoreland County
	Edward P. Zemprelli
	Eugene F. Scanlon
	Robert J. Mellow
	Francis J. Lynch
	James E. Ross

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We respectfully set forth the following facts relative to the nomination hereinafter set forth:

1. The nomination was presented to the Senate on August 6, 1981; and

2. The nomination has been before the Senate for a period of time in excess of 15 legislative days.

The nominee in the position is as follows:

Glenn Kaufman	Member Board of Assistance, Somerset County
	Edward P. Zemprelli
	Eugene F. Scanlon
	Robert J. Mellow
	Francis J. Lynch
	James E. Ross

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

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days or 25 legislative days following submission by the Governor, whichever occurs first...."

We respectfully set forth the following facts relative to the nomination hereinafter set forth:

1. The nomination was presented to the Senate on August 6, 1981; and

2. The nomination has been before the Senate for a period of time in excess of 15 legislative days.

The nominee in the position is as follows:

John C. Tuten	Member Pennsylvania Securities Commission
	Edward P. Zemprelli
	Eugene F. Scanlon
	Robert J. Mellow
	Francis J. Lynch
	James E. Ross

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In the Senate, December 8, 1981.

We, the Senators whose signatures are affixed hereto respectfully request that the Honorable William W. Scranton, III, as presiding officer of the Senate of the Commonwealth of Pennsylvania, place the nomination hereafter set forth before the Senate for a vote pursuant to the provisions of Article IV, Section 8(b) of the Constitution of the Commonwealth of Pennsylvania which provides in part "... The Senate shall act on each executive nomination within 25 legislative days of its submission. If the Senate has not voted upon a nomination within 15 legislative days following such submission, any five members of the Senate may, in writing, request the presiding officer of the Senate to place the nomination before the entire Senate body whereby the nomination must be voted upon prior to the expiration of five legislative days or 25 legislative days following submission by the Governor, whichever occurs first...."

We respectfully set forth the following facts relative to the nomination hereinafter set forth:

1. The nomination was presented to the Senate on August 6, 1981; and

2. The nomination has been before the Senate for a period of time in excess of 15 legislative days.

The nominee in the position is as follows:

Stanley Mausteller	Register of Wills and Recorder of Deeds, Columbia County
	Edward P. Zemprelli
	Eugene F. Scanlon
	Robert J. Mellow
	Francis J. Lynch
	James E. Ross

The PRESIDENT. The communications will be laid on the table.

## CALENDAR

### SPECIAL ORDER OF BUSINESS

#### HB 305 CALLED UP OUT OF ORDER

**HB 305 (Pr. No. 2556)** — Without objection, the bill was called up out of order, from page 3 of the Third Consideration Calendar, by Senator JUBELIRER, as a Special Order of Business.

**BILL ON THIRD CONSIDERATION  
AND FINAL PASSAGE**

**HB 305 (Pr. No. 2556)** — 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—47**

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

**NAYS—0**

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

Ordered, That the Secretary of the Senate return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which concurrence of the House is requested.

**GUEST OF SENATOR FREEMAN HANKINS  
PRESENTED TO SENATE**

Senator HANKINS. Mr. President, at this time I would like to introduce a young lady with a lot of talent, beauty and all the charm that goes along with those things.

Sitting with us in the gallery today is Patricia Mahoney—that is not Irish, but the name is—from my district, who was recently selected as Miss Mantua of 1981. Miss Mahoney is currently a junior attending the West Philadelphia Catholic Girls High School. Besides her obvious charm and beauty, she won her title through her poetry reading of Gibran's "Prophet of the Children."

I would request the Senate acknowledge Miss Mahoney's visit to the Capitol in its usual manner.

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

(Applause.)

**BILL SIGNED**

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

**SB 114.**

**RECESS**

Senator JUBELIRER. Mr. President, I request a recess of the Senate until 3:30 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 3:30 p.m., Eastern Standard Time.

**AFTER RECESS**

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

**CONSIDERATION OF CALENDAR RESUMED**

**REPORT OF COMMITTEE OF CONFERENCE**

**BILL OVER IN ORDER**

**SB 618** — Without objection, the bill was passed over in its order at the request of Senator STAUFFER.

**BILL WHICH SENATE HAS NONCONCURRED  
IN HOUSE AMENDMENTS**

**SENATE INSISTS UPON ITS NONCONCURRENCE  
IN AMENDMENTS MADE BY THE HOUSE  
TO SB 277**

**SB 277 (Pr. No. 1135)** — Senator STAUFFER. Mr. President, I move that the Senate insist upon its nonconcurrence in the amendments made by the House to Senate Bill No. 277, and that a Committee of Conference on the part of the Senate be appointed.

The motion was agreed to.

Ordered, That the Secretary of the Senate inform the House of Representatives accordingly.

**REQUEST BY MINORITY WHIP**

Senator SCANLON. Mr. President, would you have the Reading Clerk announce over the loudspeaker that we are in Session. I have had several people come by here and say they were not aware of the fact that we were in Session. I do not think the microphone is carrying down to the offices.

The PRESIDENT. The Chair would remind all Members of the Senate who are currently in their offices that the Senate is in Session and a roll call vote will come very shortly.

**BILLS ON CONCURRENCE  
IN HOUSE AMENDMENTS**

**SENATE NONCONCURS IN HOUSE AMENDMENTS**

**SB 1 (Pr. No. 1458)** — Senator STAUFFER. Mr. President, I move that the Senate do concur in the amendments made by the House to Senate Bill No. 1. I would ask for a negative vote.

On the question,

Will the Senate agree to the motion?

Senator SCANLON. Mr. President, I would like to remind the Members of the Democratic caucus this is a motion to concur and we are requesting an affirmative vote, a vote of "aye" on the motion to concur.

Senator SINGEL. Mr. President, Senate Bill No. 1 comes before us today a stronger bill than it did when it was first presented to us. Strong bipartisan support in the House enabled amendments to be accepted that makes possible a more streamlined type of oversight on the regulatory process. The strong bipartisan support consisted of a vote of 149-46 in favor of these amendments and a total of fifty-five Republicans supported this in the House. The substance of the amendments is the initial oversight of regulations would be provided by the standing committees and their staffs. The final ultimate oversight would be provided by us in the Legislature. The general way this would be accomplished is that standing committees would have thirty days or ten legislative days to review a proposed regulation after it has been published in the Pennsylvania Bulletin. Failure to act within that time period would imply an acceptance of the regulation.

Mr. President, both the House and the Senate committees with this oversight capability could negate the enactment of a regulation by concurrent resolution. If, in fact, the Legislature fails to act then, after thirty days or ten legislative days, it still would go into effect.

Another good aspect of these amendments is they would forbid the repromulgation of regulations, if, in fact, they have been considered and rejected two successive times. Senate Bill No. 1, as originally proposed and drafted, would have added to our bureaucracy rather than reduce it. It would have duplicated reporting requirements and additional items in the Pennsylvania Bulletin rather than trim government. Senate Bill No. 1 would have set up an additional commission through which a review would have to occur.

It is my opinion that Senate Bill No. 1, as it was originally proposed, would have established a cumbersome procedure that was completely unnecessary. I do not think it is necessary to go into that particular procedure, suffice it to say that an additional commission would have been set up that would not only have replaced but would have duplicated and overreacted to regulations when we have our committee system intact. This legislation as it was originally proposed would not have moved us into the era of a modern Legislature. The trend in Congress today and the trend in Legislatures throughout the country is to expand our oversight capabilities and it is to expand our actions to make sure the regulatory process is carried out efficiently. It is not to abdicate our responsibilities to some third party.

Mr. President, I think the amendments that were added by the House are a definite improvement and I think what we ought to be doing in this Legislature is to be reducing government, not increasing it. The amendments accomplish this and it is my hope that we can give this motion an affirmative vote.

The PRESIDENT pro tempore. Mr. President, I do not wish to debate this entire bill all over again. I do want to point out to the Members of the Senate though one serious deficiency in Senate Bill No. 1 as it comes back to us from the House of Representatives.

One of the main functions, one of the main purposes of Senate Bill No. 1 was to reassert legislative responsibility and legislative oversight over what the bureaucracy was doing and the main function which we finally ironed out and got the Administration to agree to was that either one of us, either the House or the Senate, if it disagreed with the regulation, could stop it cold. As this comes back to us from the House, it must be denied by both. If either house approves it, then the regulation becomes the regulation.

Mr. President, I suggest to you this requires a two-house veto the way it came back to us from the House. That, it seems to me, contrary to what the gentleman from Cambria, Senator Singel, says, takes away from the authority of this Body. It was our thought when we drafted this, the gentleman from Allegheny, Senator Zemprelli, and myself, and all of those sponsors who are on there, either one of us should have the right to knock down a regulation which was put into effect based upon legislation which both of us had to pass. As this bill comes back to us now, both houses would have to veto it or the regulation goes into effect.

Mr. President, I would recommend a "no" vote. Let us nonconcur and get this thing resolved in conference.

Senator KELLEY. Mr. President, I think the gentleman from Lycoming, Senator Hager, makes the perfect argument for supporting the concurrence. That is, if it takes both Bodies to pass the law which gives the authority for the regulation, then it should be both Bodies having the same meaning and spirit and intent of that law to reject the regulation.

Mr. President, I urge accordingly and because of the gentleman's remarks an affirmative vote.

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

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

## YEAS—24

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

## NAYS—26

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

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

The PRESIDENT. The amendments are nonconcurrent in and the President pro tempore will appoint a Committee of Conference.

Ordered, That the Secretary of the Senate inform the House of Representatives accordingly.

BILLS OVER IN ORDER

SB 16 and 108 — Without objection, the bills were passed over in their order at the request of Senator JUBELIRER.

SENATE CONCURS IN HOUSE AMENDMENTS

SB 562 (Pr. No. 1448) — Senator JUBELIRER. Mr. President, I move that the Senate do concur in the amendments made by the House to Senate Bill No. 562.

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

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

YEAS—50

Table with 4 columns of names: Andrezeski, Bell, Bodack, Corman, Early, Fisher, Fumo, Gekas, Greenleaf, Hager, Hankins, Helfrick, Hess, Holl, Hopper, Bodack, Corman, Early, Fisher, Fumo, Gekas, Greenleaf, Hager, Hankins, Helfrick, Hess, Mellow, Messinger, Moore, Murray, O'Connell, O'Pake, Pecora, Price, Reibman, Rhoades, Romanelli, Ross, Scanlon, Shaffer, Singel, Snyder, Stampone, Stapleton, Stauffer, Stout, Street, 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 Secretary of the Senate inform the House of Representatives accordingly.

BILLS OVER IN ORDER

SB 919, 920 and 930 — Without objection, the bills were passed over in their order at the request of Senator JUBELIRER.

SENATE CONCURS IN HOUSE AMENDMENTS

SB 962 (Pr. No. 1495) — Senator JUBELIRER. Mr. President, I move that the Senate do concur in the amendments made by the House to Senate Bill No. 962.

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

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

YEAS—37

Table with 4 columns of names: Andrezeski, Bodack, Early, Fisher, Fumo, Gekas, Greenleaf, Hager, Hankins, Hess, Holl, Hopper, Lewis, Lincoln, Loeper, McKinney, Manbeck, Mellow, Murray, O'Connell, O'Pake, Pecora, Price, Reibman, Rhoades, Romanelli, Ross, Scanlon, Shaffer, Singel, Stampone, Stapleton, Stout, Street, Tilghman, Wilt, Zemprelli

NAYS—13

Table with 4 columns of names: Bell, Corman, Greenleaf, Helfrick, Howard, Jubelirer, Kelley, Kusse, Lloyd, Messinger, Moore, Snyder, Stauffer

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

Ordered, That the Secretary of the Senate inform the House of Representatives accordingly.

THIRD CONSIDERATION CALENDAR

BILL OVER IN ORDER

SB 63 — Without objection, the bill was passed over in its order at the request of Senator JUBELIRER.

BILLS ON THIRD CONSIDERATION AND FINAL PASSAGE

SB 82 (Pr. No. 1507) — 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—50

Table with 4 columns of names: Andrezeski, Bell, Bodack, Corman, Early, Fisher, Fumo, Gekas, Greenleaf, Hager, Hankins, Helfrick, Hess, Holl, Hopper, Bodack, Corman, Early, Fisher, Fumo, Gekas, Greenleaf, Hager, Hankins, Helfrick, Hess, Mellow, Messinger, Moore, Murray, O'Connell, O'Pake, Pecora, Price, Reibman, Rhoades, Romanelli, Ross, Scanlon, Shaffer, Singel, Snyder, Stampone, Stapleton, Stauffer, Stout, Street, 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 Secretary of the Senate present said bill to the House of Representatives for concurrence.

HB 145 (Pr. No. 1075) — Considered the third time and agreed to,

On the question,
Shall the bill pass finally?

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

YEAS—47

Table with 4 columns of names: Bell, Corman, Early, Fisher, Fumo, Gekas, Greenleaf, Hager, Hankins, Helfrick, Holl, Hopper, Howard, Jubelirer, Kelley, Kusse, Lewis, Lincoln, Lloyd, Loeper, Lynch, McKinney, Manbeck, Mellow, Messinger, Moore, Murray, O'Connell, O'Pake, Pecora, Price, Reibman, Romanelli, Ross, Scanlon, Shaffer, Singel, Snyder, Stampone, Stapleton, Stauffer, Stout, Street, Tilghman, Wilt, Zemprelli

NAYS—3

Andrezeski Bodack Rhoades

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

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

**HB 453 (Pr. No. 2632)** — 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—50

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

NAYS—0

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

Ordered, That the Secretary of the Senate return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which concurrence of the House is requested.

BILL OVER IN ORDER

**SB 622** — Without objection, the bill was passed over in its order at the request of Senator JUBELIRER.

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

**SB 1042 (Pr. No. 1223)** — 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—50

Andrezeski	Holl	Mellow	Scanlon
Bell	Hopper	Messinger	Shaffer
Bodack	Howard	Moore	Singel
Corman	Jubelirer	Murray	Snyder
Early	Kelley	O'Connell	Stampono
Fisher	Kusse	O'Pake	Stapleton
Fumo	Lewis	Pecora	Stauffer
Gekas	Lincoln	Price	Stout
Greenleaf	Lloyd	Reibman	Street

Hager	Loeper	Rhoades	Tilghman
Hankins	Lynch	Romanelli	Wilt
Helfrick	McKinney	Ross	Zemprelli
Hess	Manbeck		

NAYS—0

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

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

BILL ON THIRD CONSIDERATION AMENDED

**SB 1081 (Pr. No. 1470)** — Considered the third time,

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

GEKAS AMENDMENT I

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

Amend Sec. 2 (Sec. 9712), page 2, line 12, by striking out "displayed" and inserting: possessed

On the question,  
Will the Senate agree to the amendment?  
It was agreed to.

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

GEKAS AMENDMENTS II

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

Amend Sec. 3 (Sec. 9713), page 4, line 1, by removing the comma after "arson" and inserting: as defined in 18 Pa.C.S. § 3301(a) (relating to arson).

Amend Sec. 3, (Sec. 9714), page 5, line 19, by removing the comma after "arson" and inserting: as defined in 18 Pa.C.S. § 3301(a) (relating to arson).

Amend Sec. 3 (Sec. 9714), page 6, line 9, by removing the comma after "arson" and inserting: as defined in 18 Pa.C.S. § 3301(a) (relating to arson).

On the question,  
Will the Senate agree to the amendments?  
They were agreed to.

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

GEKAS AMENDMENTS III

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

Amend Sec. 2 (Sec. 9712), page 2, line 19, by striking out "prior"

Amend Sec. 2 (Sec. 9712), page 2, line 20, by removing the period after "required" and inserting: prior to conviction, but reasonable notice of the Commonwealth's intention to proceed under this section shall be provided after conviction and before sentencing.

Amend Sec. 3 (Sec. 9713), page 4, line 20, by striking out "prior"

Amend Sec. 3 (Sec. 9713), page 4, line 21, by removing the period after “required” and inserting: prior to conviction, but reasonable notice of the Commonwealth’s intention to proceed under this section shall be provided after conviction and before sentencing.

Amend Sec. 3 (Sec. 9714), page 6, line 28, by striking out “prior”

Amend Sec. 3 (Sec. 9714), page 6, line 29, by removing the period after “required” and inserting: prior to conviction, but reasonable notice of the Commonwealth’s intention to proceed under this section shall be provided after conviction and before sentencing.

Amend Sec. 3 (Sec. 9715), page 8, line 15, by striking out “prior”

Amend Sec. 3 (Sec. 9715), page 8, line 16, by removing the period after “required” and inserting: prior to conviction, but reasonable notice of the Commonwealth’s intention to proceed under this section shall be provided after conviction and before sentencing.

On the question,

Will the Senate agree to the amendments?

They were agreed to.

And the question recurring,

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

GEKAS AMENDMENTS IV

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

Amend Sec. 3 (Sec. 9713), page 4, line 7, by removing the period after “(b)” and inserting: , notwithstanding any other provision of this title or other statute to the contrary.

Amend Sec. 3 (Sec. 9715), page 8, line 13, by removing the period after “imprisonment” and inserting: , notwithstanding any other provision of this title or other statute to the contrary.

On the question,

Will the Senate agree to the amendments?

They were agreed to.

And the question recurring,

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

GEKAS AMENDMENTS V

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

Amend Sec. 2 (Sec. 9712), page 2, line 18, by striking out “(1)”

Amend Sec. 2 (Sec. 9712), page 2, lines 21 through 28, by striking out all of said lines and inserting: determined at sentencing. The court shall consider any

Amend Sec. 3 (Sec. 9713), page 4, lines 22 through 25, by striking out “If insufficient” in line 22, all of lines 23 through 25 and inserting: The court shall consider any evidence presented at trial and shall afford the Commonwealth and the

On the question,

Will the Senate agree to the amendments?

They were agreed to.

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

BILLS OVER IN ORDER

**SB 1094 and 1112** — Without objection, the bills were passed over in their order at the request of Senator JUBELIRER.

BILL ON THIRD CONSIDERATION AMENDED

**SB 1132 (Pr. No. 1485)** — Considered the third time,

On the question,

Will the Senate agree to the bill on third consideration?

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

Amend Sec. 1 (Sec. 3113), page 1, lines 16 and 17, by striking out “, or the district attorney of the county in which a condominium is located,”

On the question,

Will the Senate agree to the amendment?

Senator SCANLON. Mr. President, I would like to remind the Members of our caucus that we agreed to ask for a roll call vote on this amendment by the gentleman from Philadelphia, Senator Price, which removes the enforcement of the Condominium Act from local district attorneys and vests it entirely in the Office of the Attorney General.

Senator PRICE. Mr. President, the simple purpose of this amendment is to delete, as the gentleman said, the Attorney General as one of the enforcement officers and this, frankly, is at the request of the the District Attorneys Association. I will remind the Members there is still in the bill the possibility of having an enforcement of the condominium law by the Attorney General and that office has agreed to that position.

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

And the question recurring,

Will the Senate agree to the amendment?

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

YEAS—25

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

NAYS—25

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

The PRESIDENT. The Chair exercises its constitutional prerogative to vote and will vote “aye.” Therefore, the official vote is as follows:

## YEAS—26

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

## NAYS—25

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

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

The PRESIDENT. Without objection, the bill will go over, as amended.

## BILL RECOMMITTED

**SB 1209 (Pr. No. 1464)** — Upon motion of Senator JUBELIRER, and agreed to, the bill was recommitted to the Committee on State Government.

## BILL OVER IN ORDER

**HB 1351** — Without objection, the bill was passed over in its order at the request of Senator JUBELIRER.

BILL ON THIRD CONSIDERATION  
AND FINAL PASSAGE

**HB 1546 (Pr. No. 1808)** — 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—50

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

## NAYS—0

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

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

## REPORT FROM COMMITTEE

Senator HOWARD, by unanimous consent, from the Committee on Finance, rereported, as committed, **HB 82**.

## CONSIDERATION OF CALENDAR RESUMED

## SECOND CONSIDERATION CALENDAR

## BILL ON SECOND CONSIDERATION

**SB 171 (Pr. No. 1413)** — Considered the second time and agreed to,

Ordered, To be transcribed for a third consideration.

## BILLS OVER IN ORDER

**SB 179, HB 191, 230 and 239** — Without objection, the bills were passed over in their order at the request of Senator JUBELIRER.

## BILL ON SECOND CONSIDERATION

**HB 312 (Pr. No. 318)** — Considered the second time and agreed to,

Ordered, To be transcribed for a third consideration.

## BILLS OVER IN ORDER

**SB 377 and 398** — Without objection, the bills were passed over in their order at the request of Senator JUBELIRER.

## BILL ON SECOND CONSIDERATION

**HB 427 (Pr. No. 1539)** — Considered the second time and agreed to,

Ordered, To be transcribed for a third consideration.

## BILLS OVER IN ORDER

**SB 506, HB 554 and SB 685** — Without objection, the bills were passed over in their order at the request of Senator JUBELIRER.

## BILL ON SECOND CONSIDERATION

**HB 696 (Pr. No. 2511)** — Considered the second time and agreed to,

Ordered, To be transcribed for a third consideration.

## BILL OVER IN ORDER

**HB 717** — Without objection, the bill was passed over in its order at the request of Senator JUBELIRER.

## BILLS ON SECOND CONSIDERATION

**SB 796 (Pr. No. 844) and SB 846 (Pr. No. 922)** — Considered the second time and agreed to,

Ordered, To be transcribed for a third consideration.

## BILLS OVER IN ORDER

**SB 851 and 852** — Without objection, the bills were passed over in their order at the request of Senator JUBELIRER.

## BILL ON SECOND CONSIDERATION AMENDED

**HB 904 (Pr. No. 2415)** — The bill was considered.



On the question,

Will the Senate agree to the bill on second consideration?

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

Amend Sec. 1 (Sec. 7), page 2, line 7, by striking out "Industrial" and inserting: Industrialized

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

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

It was agreed to.

Ordered, To be transcribed for a third consideration.

#### BILLS OVER IN ORDER

**HB 930, SB 937, HB 960, 963, SB 1018, 1019, 1026, 1027 and HB 1039** — Without objection, the bills were passed over in their order at the request of Senator JUBELIRER.

#### BILL ON SECOND CONSIDERATION

**SB 1051 (Pr. No. 1390)** — Considered the second time and agreed to,

Ordered, To be transcribed for a third consideration.

#### BILL OVER IN ORDER

**SB 1057** — Without objection, the bill was passed over in its order at the request of Senator JUBELIRER.

#### BILL RECOMMITTED

**SB 1089 (Pr. No. 1504)** — Upon motion of Senator JUBELIRER, and agreed to, the bill was recommitted to the Committee on Local Government.

#### BILLS OVER IN ORDER

**SB 1098 and 1122** — Without objection, the bills were passed over in their order at the request of Senator JUBELIRER.

#### BILL REREFERRED

**SB 1135 (Pr. No. 1342)** — Upon motion of Senator JUBELIRER, and agreed to, the bill was rereferred to the Committee on Appropriations.

#### BILLS ON SECOND CONSIDERATION

**SB 1160 (Pr. No. 1380) and SB 1161 (Pr. No. 1381)** — Considered the second time and agreed to,

Ordered, To be transcribed for a third consideration.

#### BILLS OVER IN ORDER

**HB 1175, SB 1190, HB 1333, 1384, 1623, 1624, 1625, 1626, 1627, 1628, 1629, 1630, 1631, 1633, 1634, 1636, 1637, 1638, 1639, 1640, 1641, 1642, 1699 and 1700** — Without objection, the bills were passed over in their order at the request of Senator JUBELIRER.

### PERMISSION TO ADDRESS SENATE

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

Senator ROMANELLI. Mr. President, I was not in my seat when the vote was taken on House Bill No. 305, Printer's No. 2556. Had I been in the Chamber, I would have voted in the affirmative.

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

### SENATE RESOLUTION

#### SENATE EXPRESSES OPPOSITION TO REDUCTION IN THE OPERATIONS OF LOCKS ON THE MONONGAHELA, ALLEGHENY AND OHIO RIVERS AS ANNOUNCED BY THE U.S. ARMY CORPS OF ENGINEERS

Senators SHAFFER, SCANLON, ZEMPRELLI, ROSS, ROMANELLI, STOUT, BODACK, FISHER, PECORA and EARLY, by unanimous consent, offered the following resolution (**Serial No. 68**), which was read, considered and adopted:

In the Senate, December 8, 1971.

WHEREAS, The Corp of U. S. Army Engineers has announced a schedule for a substantial reduction in the future operations of a majority of the locks on the Monongahela, Allegheny and Ohio Rivers, which is scheduled to be effective December 31, 1981, and fully implemented December 30, 1982; and

WHEREAS, The final schedule outlined by public notice dated November 2, 1981, has not had full public input in terms of hearings, that such an important notice should require; and

WHEREAS, Such a schedule would reduce and limit the availability of these Pennsylvania rivers for commerce, industry and the recreational needs of the citizens of Western Pennsylvania; and

WHEREAS, Such a reduction would impact severely on the people, business, and community of Western Pennsylvania, dependent on these rivers for their economic well being; and

WHEREAS, The limitation put on these rivers by the reduction imposed by the proposed lock schedule would not only reduce the potential for a happier life style for the inhabitants of the area, but will reduce substantially important contributions the rivers make to Pennsylvania's image as a great State to visit and vacation; and

WHEREAS, Western Pennsylvania is a mighty industrial complex providing millions of people a place to live, work and play, and any diminution in its vitality directly effects the whole state; therefore be it

RESOLVED, That the Senate of Pennsylvania by this resolution publicly express its opposition to the change in the schedules announced by the United States Army Corp of Engineers on November 2, 1981, and ask them to refrain from putting this program or any part of it in effect, until a thorough economical appraisal has been made, and all concerned citizens have been given an opportunity to be heard; and be it further

RESOLVED, That a copy of this resolution be transmitted to the President, Speaker of the House of Representatives and President pro tempore of the Senate, the appropriate committee chairman in the House and Senate of the United States Congress, and to each Congressman and Senator from Pennsylvania.

## RECESS

Senator JUBELIRER. Mr. President, at this time I request a recess of the Senate for the purpose of holding a very brief meeting of the Committee on Rules and Executive Nominations at the rear of the Senate Chamber in the Rules Committee room.

I might also advise the Minority Leader that it is our intention to call up House Bill No. 82, which is on a Supplemental Calendar and which appears on each Member's desk. If it is the intent of the Minority to caucus on the amendments which will be offered to that, perhaps that would be a good time and we can return to the floor whenever the Minority is prepared to do so, if that be the intent of the gentleman.

Senator ZEMPRELLI. Mr. President, it certainly is our intent to caucus on House Bill No. 82. I think the gentleman from Blair, Senator Jubelirer, presumes correctly. I would hope the caucus would begin immediately so that we might return very early to the floor and I would ask the caucus to commence even though the meeting of the Committee on Rules and Executive Nominations is in progress. I would assume the meeting of the Committee on Rules and Executive Nominations will be a short one.

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

## AFTER RECESS

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

## RECESS

Senator ZEMPRELLI. Mr. President, there apparently was misinformation, the gentleman from Allegheny, Senator Scanlon, indicating to the Chair we were ready. We are not. Quite frankly, the language of the amendments appears to be a reversed gobbledygook. We are having somewhat of a problem trying to understand what the amendments do. That may have to do with the fact that none of the Members are too smart about taxes over here. If we are given another moment or two, perhaps maybe we can decipher the circuitous language that would take you into 1983 and then back over half and then into something else. Mr. President, if we may have just a moment or two more, we may find—

Senator JUBELIRER. No objection, Mr. President. We are glad the debate is over on the amendments.

The PRESIDENT. The termination of the recess having been premature, the Senate will remain in recess.

## AFTER RECESS

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

## SPECIAL ORDER OF BUSINESS

## SUPPLEMENTAL CALENDAR

## SECOND CONSIDERATION CALENDAR

## BILL ON SECOND CONSIDERATION AMENDED

**HB 82 (Pr. No. 2353)** — The bill was considered.

On the question,

Will the Senate agree to the bill on second consideration?

Senator STAUFFER offered the following amendments:

Amend Sec. 5 (Sec. 1201), page 12, line 15, by removing the period after "CONSUMER" and inserting a semicolon

Amend Sec. 5 (Sec. 1201), page 12, line 18, by removing the period after "CONSUMER" and inserting: ; and

Amend Sec. 5 (Sec. 1201), page 13, line 5, by striking out "ARTICLE" and inserting: act

Amend Sec. 5 (Sec. 1273), page 31, line 11, by striking out all of said line and inserting: subsection (c).

Amend Sec. 5 (Sec. 1286), page 41, line 13, by striking out "ARTICLE" and inserting: act

Amend Sec. 5 (Sec. 1295), page 41, line 27, by striking out "NOT"

Amend Sec. 5 (Sec. 1295), page 41, line 28, by striking out "HOWEVER, ALL" and inserting: All

Amend Sec. 5 (Sec. 1295), page 42, line 6, by striking out "ARTICLE" and inserting: act

Amend Sec. 5 (Sec. 1296), page 42, line 22, by striking out "ARTICLE" and inserting: act

Amend Sec. 7, page 47, line 29, by striking out all of said line and inserting: on or after January 1, 1981,

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

Amend Sec. 2 (Sec. 401), page 6, line 1, by striking out "YEAR" and inserting: years

Amend Sec. 2 (Sec. 401), page 6, line 1, by inserting after "1981": and 1982

Amend Sec. 2 (Sec. 401), page 6, line 6, by inserting a period after "1981"

Amend Sec. 2 (Sec. 401), page 6, line 6 through 26, by striking out ", PLUS AN ADDITIONAL DEDUCTION" in line 6, all of lines 7 through 26, and inserting:

(g) For the tax year beginning and ending in 1983 a deduction shall be allowed from taxable income to the extent of the deduction for depreciation which would have been allowable on such recovery property under section 167 of the Internal Revenue Code of 1954, as amended, prior to amendment by the Economic Recovery Tax Act of 1981, plus an additional deduction to the extent of one-half of the deduction related to depreciation claimed and allowable on such recovery property under section 168 of the Internal Revenue Code of 1954, as amended, in excess of the deduction for depreciation which would have been allowable on such recovery property under section 167 of the Internal Revenue Code of 1954, as amended, prior to amendment by the Economic Recovery Tax Act of 1981, if any.

Amend Sec. 2 (Sec. 401), page 6, line 27, by striking out "1983" and inserting: 1984

Amend Sec. 2 (Sec. 401), page 7, line 6, by striking out "1983" and inserting: 1984

Amend Sec. 2 (Sec. 401), page 7, line 12, by striking out "AND 1982" and inserting: , 1982 and 1983

Amend Sec. 2 (Sec. 401), page 7, line 26, by striking out "YEAR 1982," and inserting: years 1982 and 1983

On the question,

Will the Senate agree to the amendments?

Senator STAUFFER. Mr. President, the effect of the amendments that are before us at this time is to defer for two years the accelerated cost recovery system adopted by the Federal Congress and proposed to be implemented in the laws of the Commonwealth. This would mean there would be no recovery to the corporations of Pennsylvania for the calendar years 1981 and 1982. In the year 1983 fifty per cent of the recovery would be authorized under the amendments. In the calendar year 1984, 100 per cent of the recovery would be authorized.

Mr. President, I would ask for a favorable vote on the amendments.

Senator ZEMPRELLI. Mr. President, I desire to interrogate the gentleman from Bucks, Senator Howard.

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

Senator HOWARD. I will, Mr. President.

Senator ZEMPRELLI. Mr. President, as I suggested and perhaps it was overheard by the gentleman from Bucks, Senator Howard, the language of the amendments as it would be incorporated and interpreted within the bill gives me some concern. I received and I have a great deal of trepidation from the additional statements made by the gentleman from Chester, Senator Stauffer, as to the percentage of cost and recovery commencing in 1983 and if I read the bill correctly the statements of the gentleman, are, I hope, inadvertently inaccurate.

Therefore, Mr. President, I would ask the gentleman from Bucks, Senator Howard, if in fact it is true that in 1983 there would be only a fifty per cent recovery of the depreciation aspect?

Senator HOWARD. Mr. President, I do not have a copy of the amendments in front of me. I wonder if someone could provide those to me?

Mr. President, it is the intention of the amendments as I understand them to provide a fifty per cent depreciation in the third year out and another fifty per cent added to that for the fourth year out with no allowance for the first and second year. Does that answer the question of the gentleman, Mr. President?

Senator ZEMPRELLI. Mr. President, it may for the moment.

Mr. President, now relating to the year 1984 and consequentially thereafter, the statement was made by the gentleman from Chester, Senator Stauffer, that that is the first year in which there is a full implementation of the loss. I ask the gentleman if he believes that is a correct statement of the effect of House Bill No. 82 and the amendments?

Senator HOWARD. Mr. President, is that question directed to myself?

Senator ZEMPRELLI. Mr. President, it is directed to the gentleman from Bucks, Senator Howard, because eventually I must get to the bill independent of the amendments.

Senator HOWARD. Mr. President, may I ask the gentleman to restate his question, then, please?

Senator ZEMPRELLI. Mr. President, restating the question, is it the gentleman's understanding that the first full implementation of the depreciation allowance would occur in the year 1984?

Senator HOWARD. That is correct, Mr. President.

Senator ZEMPRELLI. Mr. President, I ask the gentleman then to interpret paragraph I on page 7 of the bill referring to Printer's No. 2353, understanding that line 6 has been changed to read 1984 instead of 1983, and I ask the gentleman if it is not true that there is over and above the full implementation additional recovery, and if such is the case, what happens in 1984 as to the total amount of recovery on depreciation?

Mr. President, I would refer specifically to line 6 where it would read together with line 5, "...ascertained by the Federal Government in tax years commencing in 1984 of one-fourth of the sum per year or \$10,000 per year, whichever is greater, until the total amount has been recovered."

Senator HOWARD. Mr. President, I would ask that we permit the gentleman from Chester, Senator Stauffer, to answer the gentleman from Allegheny, Senator Zemprelli, if that is agreeable to the gentleman.

Senator ZEMPRELLI. Mr. President, I have no problem. I am looking for answers, not necessarily authorship.

Senator STAUFFER. Mr. President, the language to which the gentleman refers is language which appears in House Bill No. 82 that provides for the recovery, the amortization recovery, of the beginning of those monies which are deferred from the years 1981 and 1982.

Senator ZEMPRELLI. Mr. President, that is precisely the point. The point is, beginning in 1984 we are allowing what, for all intents and purposes is 125 per cent of the depreciation allowance. Is that a fair statement, Mr. President?

Senator STAUFFER. That is a fair statement, Mr. President.

Senator ZEMPRELLI. So it is a full implementation plus an additional twenty-five per cent, the twenty-five per cent relating to the recoupment of that which has been deferred for the years 1981 and 1982?

Senator STAUFFER. That is correct, Mr. President.

Senator ZEMPRELLI. Therefore, Mr. President, we are in effect postponing the otherwise allowable depreciation allowance for the years 1981 and 1982, moving to a fifty per cent allowance in 1983 but beginning with 1984 allowing 100 per cent plus twenty-five per cent of the recoupment of that which has been deferred.

Senator STAUFFER. Mr. President, that is the reason I used the term "defer" when I explained the amendments.

Senator ZEMPRELLI. Mr. President, I do not want to take issue with the gentleman but I gathered the full impres-

sion from his remarks were, Mr. President, that beginning in 1984, for all intents and purposes, the implementation would be 100 per cent. However, in terms of allowable depreciable dollars for tax purposes, it would be, for all intents and purposes, 125 per cent until such time continuing progressively thereafter that there had been a full recoupment of all monies that otherwise would have been due in 1981 and 1982 if these amendments did not pass. Is that correct, Mr. President?

Senator STAUFFER. Mr. President, I think part of the problem the gentleman may have had is the fact that he is mixing the amendments with language which already appears in House Bill No. 82. The recoupment language to which the gentleman refers is a part of House Bill No. 82, which was not affected nor touched by the amendments which I have offered. In speaking on the amendments, I was describing the effects of the amendments themselves.

Senator ZEMPRELLI. Mr. President, to quote the gentleman's exact remarks as I recall them, "There would be no recovery in 1981 and 1982."

Mr. President, I would suggest to the gentleman and ask him if he does not, in fact, agree that the meaning of no recovery is somewhat different in interpretation and meaning than deferment of recovery. Is it not reasonable for me to conclude when the gentleman uses language of no recovery that that means presently and prospectively?

Senator STAUFFER. Mr. President, I would disagree with the gentleman because there will be no recovery in 1981 and 1982. There will be no funds that will go to the corporations affected by this legislation in those two years.

Senator ZEMPRELLI. Mr. President, would the gentleman from Chester, Senator Stauffer, know what the revenue losses are beginning in 1983?

Senator STAUFFER. Mr. President, based on current figures my understanding is that the revenue loss would be something in the neighborhood of \$57 million to \$58 million.

Senator ZEMPRELLI. In 1984, Mr. President?

Senator STAUFFER. Mr. President, again based on current figures, something in the neighborhood of \$107 million to \$108 million, plus, of course, whatever the amount that was claimed for the recoupment of the amount that was lost during 1981 and 1982, a figure which, of course, I do not have and we will not have until the claims were to begin to be processed at that time.

Senator ZEMPRELLI. Mr. President, would the gentleman agree that if using his base of figures, fifty-seven and 107, that it would be reasonable to assume that twenty-five per cent of two years recoupment would be the equivalent of fifty per cent of one year's recoupment or the additional sum of \$57 million as a minimum impacting first in 1984?

Senator STAUFFER. Mr. President, that would be the maximum impact, yes.

Senator ZEMPRELLI. So, Mr. President, we are talking instead of the fixed amount of \$57 million in 1983, but under the gentleman's amendments, we would move then to approximately 163 to 165 minimum in 1984?

Senator STAUFFER. Mr. President, under my amendments we would move to the 107. The balance is picked up

with the language which already appears in House Bill No. 82.

Senator ZEMPRELLI. Mr. President, I am relating to revenue losses. Is it not true in all of its simplicity that we would lose for all intents and purposes \$57 million in 1983 and then \$163 million in 1984, the sum and substance being the compilation of 107 plus a figure of \$56 million or \$57 million which would represent twenty-five per cent recoupment for a two-year period or fifty per cent of one year which is the equivalent of our loss in 1983? Is that basically a fair statement, Mr. President?

Senator STAUFFER. Mr. President, I think that basically is a fair statement. I also think the gentleman must consider the fact that we would be dealing in those numbers much sooner were it not for the amendments I have offered because we could have an immediate effect if we were not to take a deferral action.

Senator ZEMPRELLI. Mr. President, does the gentleman from Chester, Senator Stauffer, have any idea how he intends to make up or suggest that we make up the loss of \$163 million which we are projecting at this time for the fiscal year 1984?

Senator STAUFFER. Mr. President, quite obviously, the whole purpose behind the act was to stimulate economic activity and it would be our hope that this new program will stimulate economic activity in the State and will generate increased revenue because of the improved climate that we developed in the Commonwealth.

Senator ZEMPRELLI. Mr. President, what is the purpose of the deferment of this revenue during the present fiscal year and that of 1982? What is the purpose in this deferment, recognizing that there is a revenue loss of \$57 million in 1983 and a minimum of \$163 million or \$165 million in 1984?

Senator STAUFFER. Mr. President, the purpose is to deal with the sudden impact on the current budget that came about as a result of the enactment of the Federal legislation.

Senator ZEMPRELLI. Mr. President, is it the intention of the Republican Leadership to run Senate Bill No. 618?

Senator STAUFFER. Mr. President, although that is not a question relating to these amendments, I will be happy to respond regardless and indicate, yes, it is our intention to run both bills as a package.

Senator ZEMPRELLI. Mr. President, from all the scuttlebutt I heard in the hall, maybe the gentleman can confirm it or deny it. Is not House Bill No. 82, the gentleman's amendments, and Senate Bill No. 618 now before us coupled together as a package?

Senator STAUFFER. Mr. President, I just indicated that we do intend to run that bill coupled with House Bill No. 82, which coupling normally in legislative jargon means running as a package.

Senator ZEMPRELLI. Mr. President, would the gentleman answer what the need for Senate Bill No. 618 is, if in fact we are running House Bill No. 82?

Senator STAUFFER. Mr. President, we have been told by the Budget Office that there is still a need for the one per cent budget cut this year. It may not be penny for penny but the fact appears from revenue figures that we perhaps may need

more than that, perhaps even much more. We are in a recession and we are going to have difficulty in making ends meet. Some revenues are not reaching their projections and without this action we are taking on Senate Bill No. 618 coupled with House Bill No. 82 we could face an impossible budgetary situation, and endeavoring to be responsible we are dealing with that subject so that we will not face a fiscal problem as we move through the balance of this current fiscal year.

Senator ZEMPRELLI. Mr. President, is it not true and will the gentleman not agree that in doing it by deferring the tax on business now is a failure to recognize the critical need with unemployment at this time and the critical need with the fiscal policy and the losses at this particular time otherwise would be somewhat solved if we did not, in fact, defer this income and provide business with a break at this time?

Senator STAUFFER. Mr. President, no, I would not agree with that.

Senator ZEMPRELLI. Mr. President, is this not, in fact, contrary to the pronounced statements of the Reagan Administration in its edict to relieve business of immediate taxes and to provide a budget cut as a result thereof? Is this not counterproductive to that established Federal policy?

Senator STAUFFER. Mr. President, no, not counterproductive at all. I think we are showing that we are in full accord. We are merely deferring the action to do so because as we indicated in answer to a previous question, we did have a sudden impact that had not been prepared for in the structuring of the current year's budget. In order to deal with the economic needs of Pennsylvania we find it advisable to take this kind of action. The fact that we are only deferring and not cancelling Pennsylvania's participation shows our support and belief that this program will stimulate the economy of the Nation and certainly, the Commonwealth of Pennsylvania.

Senator ZEMPRELLI. Mr. President, is not the pronounced economic program at the Federal level one that is predicated upon giving these business tax breaks to business so that it will stimulate the economy rather than to defer them until 1983 and 1984 as we are doing by these amendments and this legislation?

Senator STAUFFER. Mr. President, I think this can be characterized as a State using the new federalism wherein we make our decisions based on what we believe will be the most stimulating and best for our particular situation and, recognizing that our situation includes a current budget as well as what we want to do to encourage the economy and to stir business growth, actions like this become necessary.

Senator ZEMPRELLI. Mr. President, is there any relationship between the motion of the gentleman to defer the payment of business taxes and next year's gubernatorial election?

Senator STAUFFER. Mr. President, none whatsoever.

Senator KELLEY. Mr. President, somehow those of us who serve in public office over a course of time I suppose eventually reach a point where nothing surprises us but I would like to believe there is always an opportunity to be dismayed. If I am not shocked and surprised, I certainly am dismayed at the contents of the amendments before us and the dialogue between the Majority Whip and Minority Leader.

Mr. President, I wonder sometimes as we recant a little bit of our own history where the President pro tempore when he was serving very successfully, obviously, as a Minority Leader, when the gentleman reminded those of us in the Majority at the time about the respective positions we held, about the Majority and the Office of the Governor and about responsibility. I think all of us subscribe to the point of responsibility of those in the Majority as well as those in the Minority. Today I ask a question rhetorically to my colleagues on the other side of the aisle, where are the loyal legions of Lincoln? The Majority Whip just spoke about the purpose of the very act to which the gentleman refers as amendments to stimulate the economy as the National government did. I doubt there is any State on the per capita basis that has a more loyal legitimate claim of value for depreciation than the Commonwealth of Pennsylvania. I wonder how other States are going to react in the sense that those who allow the depreciation acceleration to commence immediately to have a two year advantage on us. We talk about the economic ministers counseling the national President and the Administration, talking about how this recovery is going to be a stimulation and yet these amendments want to deprive our people, our industry and our employers from depreciation in the first two years. We recapture back in 1984 and 1983, but in 1981 and 1982 right now at the end of this fiscal year just think of the millions of dollars that could be pumped in for modernization, acceleration, depreciation and to create job opportunities. Yet, these amendments flaunt the very purpose of the President, the Republican Majority of the United States Senate and the coalition that gathered in the House for the Economic Recovery Act of 1981.

I am not necessarily shocked, Mr. President, but I am dismayed because I wonder where the loyal legions of Lincoln are to be supportive of their great Grand Old Party. This is a unique, initial test. No one has ever proven the supply side theory. I hope and pray to God that it works for the good of the people but I must caution and even chastise those who would support these amendments because if we profess to identify ourselves with the party, our party's author, we are not being loyal to their successors. I think the only way for Pennsylvania to get the benefit of the purpose is to give full and immediate impact to create the economic opportunities, otherwise we are all going to be shocked.

Senator BELL. Mr. President, I have just learned why Lincoln was so thin. He had to listen to people talk at 8:00 at night and did not have any dinner.

Very seriously, Mr. President, I listened to the Democratic Leader tell what was wrong with those of us who are going to vote for the amendments. I suggest under Petitions and Remonstrances so it will not hold us all from dinner, the Democratic Leader then comes up and tells why all the Members are voting against the amendments, tell us and tell Pennsylvania, but do not hold us from our dinner. We are a couple hours late and I am a union man. Tell us that if they lick these amendments, it will cause the Governor to lay off thousands of State employees because there will not be money to pay for them. If they insist on keeping the coupling between the State

and Federal net income tax, they will deny this Commonwealth tens of millions of dollars this year. There is only one way for them to make it up and that is to fire State employees. They have already fired too many of them. Incidentally, Mr. President, when this Administration fires them—and I have bitterly condemned them—they give the pink slips to the Indians and they do not lay off the chiefs.

Mr. President, I will tell you why, and I am not voting the same way some of the leaders are, I am insisting both these bills run at the same time so if we take money away from mental health and mental retardation and welfare, we also take it away from the corporations.

Senator STAUFFER. Mr. President, apropos of the remark that the gentleman from Allegheny, Senator Zemprelli, made with regard to next year's election and hearing some of the remarks of my friend, the gentleman from Westmoreland, Senator Kelley, I would hope next year's election will not color the debate coming from the Minority side as we consider the amendments to this bill.

Senator LEWIS. Mr. President, for more than six months now many of us on this side of the aisle have been seriously challenging the fiscal programs of this Administration. We have raised questions about the spending programs, we have asked for answers about the revenue projections, and notwithstanding the inquiries we have directed either to the Members of the other side of this aisle or to the front office, we found ourselves time and time again being told or being accused of purely being politically motivated as we ask for accurate information.

What a revelation we see this evening as we stand here on this floor and listen to amendments being offered by the Majority Party that very clearly and simply totally repudiates the economic policies of this Administration. Let us not try to duck or hide from that simple fact because we have a Governor in this Commonwealth who happened to be distinguished as being the only one in this entire Nation who was seen by his presence in Washington trumpeting the policies of the Reagan Administration, the one extolling the Members of Congress to adopt the very programs which we have now heard are going to bring fiscal chaos to this Commonwealth, the Governor who then after the programs were implemented said we could handle them and that we needed to abide by them in Pennsylvania and then presented his plan with a spending program that was going to accommodate this fiscal tomfoolery he so heartily endorsed.

Now what we see is the Majority Party finally having to come to grips with the things we have talked about for months and that is that it is foolishness, that there is in fact too much misinformation that has been coming from that office and these amendments now tell this Governor and this Administration that the things they have been trying to kid Pennsylvanians with for so many months cannot even be accepted by his own party.

I think we all ought to be pretty proud and happy about that this evening. Maybe we are finally going to start to become responsible with the economic programs of this Commonwealth. Maybe we are finally going to start to exert some

leadership and stop fooling the people of Pennsylvania when it comes to the programs that they depend so vitally upon. If that is the case, Mr. President, then I think we ought to herald this evening's action. I think it is about time all of us stood up and told this front office we are not going to buy the nonsense they have been trying to sell to us. That begins right now with respect to this proposal to try to give a windfall tax break to corporations who never anticipated it a couple months ago and to try to get a General Assembly to buy a program for accommodating that as recommended by the front office that will wreak havoc and disaster with the already sparse general budget appropriations that we approved just a few months ago. Yet, at the same time, I think while the rejection of this Administration's economic programs are to be heralded, the approach the Majority is suggesting we use to do that brings with it again a little bit of foolishness.

Mr. President, what is there that will be any different two years from now in terms of the economic reality of this Commonwealth that is not present at this time? I answer that question by saying "nothing." In fact, if we are to look at the projections as we know the information obligates us to do today, we have to realize things will be worse then than they are now. Why go through a continuing charade, Mr. President? On the one hand because we cannot live with the circumstances as presented by the Administration and, secondly, if we get lucky, we will duck the political obligations of facing the reality before another election year and so postpone any consequences until a couple months after the election results are finally in and hope we will not impact that race by the realities of what we know we must deal with.

Yes, Mr. President, while I said I applaud the realization that has finally come to this Chamber tonight because of the recognition of where we are economically, by the same token I think we have to reject the approach that is being offered because it simply shifts one bit of foolishness to replace another one we have grown to find we cannot live with. I hope we will reject these amendments, but I hope we will continue to pursue the reality of the economic consequences that have now come before us.

#### SENATOR STAUFFER TO VOTE FOR SENATOR JUBELIRER

Senator STAUFFER. Mr. President, Senator Jubelirer has been forced to leave on legislative business and at this time I would ask for a legislative leave for him. I will be voting him on the amendments.

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

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

Senator FUMO. Mr. President, I would like to briefly address some of the remarks made by my colleague and good friend, the gentleman from Delaware, Senator Bell. The reason why we are here tonight at 7:30 missing dinner, discussing this particular piece of legislation is because the Majority Party called a meeting of the Committee on Finance for 5:00 p.m. and the Majority Party did not deliver these

amendments to our caucus until sometime around 6:30 p.m. That is why we are here at 7:30 p.m. I think the gentleman is very right in saying when we do not have dinner, it may put some pressure upon us. I think that is part of the Majority Party's strategy.

As far as the comments of the gentleman from Delaware, Senator Bell, as to what the Governor would do if we do not pass these amendments, there are many options. Before I talk about those, I would like to remind the gentleman that Senate Bill No. 618 is not a job employment security bill for government workers. Quite the contrary, Mr. President. I think there are other alternatives than this temporary postponement of the inevitable. There is the option of total decoupling. There is the option of surtaxes. There are many options available to make up this revenue. The problem with the Thornburgh philosophy on this issue has been that he has treated this gift to business as being some sort of federally-mandated program and has come to us and said, "Gee, what do we do about this huge revenue loss?" We have an answer. The answer is that we do not accept it. We do not give business and huge corporations another gift. For the benefit of the Members, using the figures of the gentleman from Chester, Senator Stauffer, between now and over the next ten years, using his conservative figures, this gift to business will result in a loss of \$1.137 billion. That is a lot of money.

Mr. President, then I have to say to myself, "Well, gee, why would we in the General Assembly and why would the Majority Party push such amendments, such a gift to business?"

The answer is because obviously this is really not any kind of tax legislation. This is actually the Thornburgh corporate campaign finance bill of 1982. This is the way you finance elections if you are in big business and if you are for them. We on our side of the aisle do not have access to that. We just represent poor people. We cannot tolerate this postponement. What will we do in 1984 when we have to find \$163 million? What do we do then? We just sit around and say, "Gee, it was a cut they enacted in 1981. What a shame. I guess we will lop another 50,000 people off welfare or maybe we will cut back on some senior citizen programs but we will not hurt business."

I say the Governor is in tune with the Reagan Administration. Cut back Federal programs that help people. Give huge corporations and the oil industries tax breaks so they can take over other businesses. That is a great philosophy for business but it is not a philosophy that creates jobs. It is not a philosophy that cares about people. It is a totally irresponsible giveaway to the big business concerns that apparently right now are controlling this Chamber. I think it is a disgrace. We are human beings. We cannot ignore people that are hungry, we cannot ignore senior citizens that are poor and are trying to live out their life in some sort of peace. I cannot. Perhaps the cold and callous hearts on the other side of the aisle can but I cannot.

I cannot accept the argument that this is good for business because if it is so good for business, then why do we not enact it now? If the accelerated depreciation is going to create jobs

for Pennsylvanians, then why do we not hurry up and get the jobs? The fact of the matter is that the accelerated depreciation program in this State is not going to create one job in 1982, 1983, 1984, 1985 or 1986. Not one new job. Because every survey that has been made and every study that has been done shows that industries locate in States that provide services such as schooling, good roads and things of that nature. How do we pay for schooling and good roads and senior citizen programs when we are going to give business \$1.1 billion? It does not work. Two and two are still four, they are not five, six or seven.

Mr. President, I am going on record against this as an atrocious gift to big business that is not going to accomplish anything for anybody except a few fat cats that happen to control a lot of money. It is regrettable in this State that that has been the history of this State, from Penn Central right on down to today. I thought we had turned the corner at some point in time but we apparently have not. It is a shame that people who are supposed to represent people might have been duped into this.

Mr. President, I would urge all of my colleagues to vote "no" on this resoundingly, not just meekly. Stand up and be counted and do not be conned. We cannot afford \$1.1 billion now or over the next ten decades. It is not in the cards.

Senator MELLOW. Mr. President, as we sit back and listen to the debate that has taken place over the past one hour, trying to analyze the discussions both pro and con, the problem we are dealing with becomes extremely complex.

A few moments ago, Mr. President, the gentleman from Delaware, Senator Bell, looked at the clock and said he can understand why Lincoln was so skinny because he apparently had missed his supper hour on more than one occasion. I think, Mr. President, we can draw to that particular statement a similar thing that will happen, I believe, in Pennsylvania in the near future because of a number of people having to miss their supper hour, not because they are here on the Senate floor in debate, not because they are here representing the dictates and the will and hopefully the thinking of their constituency, but because, in fact, Mr. President, they are the needy people of the Commonwealth and we will not be providing properly to take care of these people.

Mr. President, there is not any question in my mind and I doubt if there is any question in the minds of the twenty-four Members of the Minority of the Senate, what the fate of these amendments is going to be in a few minutes. I know I have heard all of the discussion over the past couple of days that various things have been done so they could take care of the problem that this one may have had with the proposal and something else has been done so they can take care of the problem that someone else may have had with the proposal, therefore, putting together twenty-six Republican votes to, in fact, pass this proposal. Mr. President, what we are doing here is going to have a devastating effect on the people of the Commonwealth in the future.

Mr. President, I do not think too many of us have to recall very long the long agonizing summer of 1977. Unfortunately, Mr. President, you were not here with us then, but we spent

one very long, hard, agonizing summer trying to come up with a budget that we felt would take care of the needs of the people. There are great questions both pro and con on this, Mr. President, and it took us until November of 1977 before we were finally able to adopt a budget because of an increase in taxation.

Mr. President, what we are doing here today is, we are in fact reducing taxes for people that really are not expecting to have that reduction and basically we are giving them a bonanza. Mr. President, it was widely reported on the radio on Monday about the Governor's conference which took place this past weekend and how under the midst of tremendous controversy a number of the eastern Governors who were there opposed vehemently the plans and the procedures that have been advanced by the Reagan Administration and they opposed Reaganomics.

There was one man, Mr. President, who spoke in favor of President Reagan and that was our own Governor, Governor Thornburgh. His statement was, if I can remember the quote that was carried on the radio, it read something like this, "If we do not give the program of Reaganomics an opportunity to work, then we are certain that it will not work."

What, in fact, is happening here today, Mr. President, is the same gentleman, the same Governor who is head of the Republican Party in Pennsylvania, his party that he leads, is saying, "We do not want to give this plan an opportunity to work. We are not going to implement the legislation that is passed by the Congress in the Economic Recovery Act of 1981, to give this thing an opportunity to work. In fact, we are going to defer until 1983 a rebate which President Reagan said businesses should get in 1981."

Mr. President, I am totally opposed to any rebate that business would get in Pennsylvania for 1981, 1982 or 1983 because we have problems in Pennsylvania, Mr. President, that preclude us today from giving back this tremendous amount of money. By stating as was repeated earlier, that we are not giving a rebate for 1981 and 1982, Mr. President, is simply misleading the people of the Commonwealth because with a fifty per cent rebate in 1983, 100 per cent in 1984 and allowing businesses for the next four years to recoup their loss at twenty-five per cent a year or \$10,000, whichever is greater, is in fact taking away from the needy of this great Commonwealth of ours, taking away from our schools and taking it away from our programs, Mr. President, that our people need.

Mr. President, I would ask we deny these amendments, that we turn these amendments down and ask the twenty-six Republicans who in fact are going to vote on these particular amendments this evening to try to reflect in their own minds the needs of our people and try to reconsider, Mr. President, instead of voting for this to vote for the people instead of voting for big business.

Senator BELL. Mr. President, I feel quite honored that I upset the Democratic floor plan of attack on Reagan and Thornburgh instead of an attack on Bell.

Mr. President, let us come right back to earth again. Forget Reagan, forget Thornburgh and think what our vote is. The

vote on these amendments is to uncouple the State CNI from the Federal CNI for two years. I thought some of my colleagues were going to rub my nose in the sand because I could not do any better than two years. That is the big question. Why are the Republicans not doing it with the complete severance of the court? I will give you the answer, Mr. President. This is the best I could get and I did not get any help from the other side of the aisle. What we are doing is uncoupling the State CNI from the Federal CNI for two years. If the Members are so vocal and all of the Members who are going to be elected Governor over there, if someone makes it, we have two years to change the law and completely uncouple it.

Mr. President, that is the problem tonight, not what Reagan did or what Thornburgh did when he went down and broke bread with Reagan. The thing is that our vote tonight against these amendments to the people of Pennsylvania, because they do not look at the—I was almost going to say a bad word—stuff that is said here in this Chamber, they look at the vote. The vote we are going to put on the record will stay there from time immemorial is that tonight the Democrats favor keeping the depreciation schedule of the State coupled to the Federal depreciation and they favor a windfall tax profit to the big corporations. At whose expense?

Mr. President, I am going to throw another one on the fire and let us have another debate on this on another day. How many of the big corporations do pay any State income tax? The interstate corporations of multi-nationals so juggle their books that they show losses in Pennsylvania and profits in Texas where there are not any State income taxes. Can I prove it, Mr. President? No, because I cannot get to see the income taxes of the big oil companies and the big steel companies because they are confidential. If I could get in there and could reveal on the floor of this Chamber some of the tax facts that I understand to be true, it would open everybody's eyes.

Mr. President, now I am going to come back to the point. I was out of order on that one. Mr. President, I am going to say this to my colleagues on the other side of the aisle, remember, if they vote against these amendments, they vote for the big corporations.

Senator LLOYD. Mr. President, I will momentarily defer to the gentleman from Philadelphia, Senator Fumo.

Senator FUMO. Mr. President, I just have one comment for the gentleman from Delaware, Senator Bell.

We Democrats are not voting to help out big business by not uncoupling. We Democrats are saying we cannot afford the \$1.1 billion gift to big business and there are other alternatives. I have an amendment here for surtax, Mr. President. I understand the gentleman from Philadelphia, Senator Street, may even have one for total decoupling. If the gentleman from Delaware, Senator Bell, the gentleman from Philadelphia, Senator Street, and perhaps the gentleman from Philadelphia, Senator Price, would vote for us, we have enough to stop the whole sham. That is what I am saying, Mr. President.

Senator LLOYD. Mr. President, in the interest of accurately determining what the effect of this particular legislation would be, with the purported goal of stimulating Pennsyl-



vania's economy and ideally as a result being able to provide the necessary services to our citizens, I would like to interrogate the gentleman from Chester, Senator Stauffer, if I may.

The PRESIDENT. Will the gentleman from Chester, Senator Stauffer, permit himself to be interrogated?

Senator STAUFFER. I will, Mr. President.

PREVIOUS QUESTION MOVED

Senator MANBECK. Mr. President, I move the previous question.

The PRESIDENT. Senator Manbeck moves the previous question. Is there a second?

Senator CORMAN. Mr. President, I second the motion.

Senator MOORE. Mr. President, I second the motion.

Senator PECORA. Mr. President, I second the motion.

Senator LOEPER. Mr. President, I second the motion.

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

The PRESIDENT. The question before the Senate is, shall the main question now be put? This question is not debatable. Should the Senate vote in favor of this question, then the question would become, will the Senate agree to the amendments without further debate?

The Senate will be at ease.

(The Senate was at ease.)

And the question, recurring,

Will the Senate agree to the motion?

Senator MELLOW. Mr. President, I ask for a roll call on the motion.

The PRESIDENT. The Senate will be at ease.

(The Senate was at ease.)

And the question recurring,

Will the Senate agree to the motion?

Senator MANBECK. Mr. President, because of the good relationship that I have with the other side of the aisle, I will withdraw my motion.

And the question recurring,

Will the Senate agree to the amendments?

The PRESIDENT. The Chair recognizes Senator Lloyd who I believe was in the process of interrogating Senator Stauffer.

Senator LLOYD. Mr. President, my question to the gentleman from Chester, Senator Stauffer, is this:

Under these proposed amendments that we have before us which have the goals apparently of stimulating Pennsylvania's economy in such a way that would help us as a government and as a General Assembly provide the necessary services for our constituents, if a Pennsylvania company were to open three factories in the Sun Belt this year, were to take their resources and open and move and build factories in North Carolina and South Carolina and Arizona, is it correct, Mr. President—and this is my question to the gentleman from Chester, Senator Stauffer—that those same companies would get a tax break on the funds they are investing in other States and would, therefore, reduce the amount of funds they pay to

our Commonwealth and reduce our ability for services while at the same time potentially moving jobs to other parts of the country?

Senator STAUFFER. Mr. President, I would certainly think not, Mr. President.

Senator LLOYD. Mr. President, I would ask the gentleman from Chester, Senator Stauffer, to explain why not. It is my understanding that this legislation would stimulate capital investment without regard to geographic bias and, therefore, substantial corporate investments in other parts of the country would result in significantly less tax dollars in terms of Pennsylvania revenue. Is that an incorrect statement, Mr. President?

Senator STAUFFER. Mr. President, I think the gentleman has failed to divide the legislation into the two parts. The Federal portion would certainly work the way the gentleman indicated but the Commonwealth of Pennsylvania's portion certainly would not because our taxes are based on the activity within the Commonwealth of Pennsylvania, not based on the activity which takes place in other States.

Senator LLOYD. Mr. President, let me make sure I understand this fully. This is to state that a Pennsylvania corporation whose bottom line is tied into what the Federal bottom line is and, therefore, the whole question of this depreciation arises. Is this to state, Mr. President, so we understand clearly, that a Pennsylvania corporation who removes jobs from Pennsylvania makes a substantial capital investment elsewhere would not in any way be reducing their Pennsylvania tax liability?

Senator STAUFFER. Mr. President, what the gentleman has to look at is what we call the apportionment rule. There is an apportionment between the various facilities that a particular company would own. If the gentleman is suggesting in his hypothetical question if a company closes a facility in Pennsylvania and moves elsewhere, do we lose revenue under that circumstance, obviously that is the case, but that certainly would not have relevancy to what we are discussing here.

Senator LLOYD. Mr. President, I am sorry to have to state this but I believe the gentleman is incorrect and I believe the reality here is that we are having amendments foisted upon us that not only do not foster Pennsylvania's economic development, not only is it philosophically flawed, but is also in point of fact structurally flawed. The reality, Mr. President, is those same companies, in terms of economic development, require an objective and we should provide that evaluation of the tax policies as they affect them directly as opposed to another ad lib extension of a set of circumstances that has been handed us by the Federal government.

The question remains, Mr. President, that we are technically in the position now, and I think in point of fact, in reality, to move into the position where we are financing, the Pennsylvania State government, believe it or not, economic development in other States, Mr. President. I agree with my colleagues on the other side of the aisle that there is nothing of greater importance to this Commonwealth than economic development. I agree that businesses of all sizes require an objective evaluation of our tax policies which helps us meet

the mutual needs of the business community and the revenue-producing needs of Pennsylvania so we can provide our services. I further state it has been evidenced by endless studies, by conservative and the liberal analysts that labor pool, transportation, market accessibility, financing availability—

#### PARLIAMENTARY INQUIRY

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

The PRESIDENT. The gentleman from Philadelphia, Senator Street, will state it.

Senator STREET. Mr. President, I do not have a copy of the amendments and it seems to me we are debating the bill. Are we debating the amendments tonight that are being attached to House Bill No. 82 or are we debating the bill? I think the gentleman has gone far astray as it relates to the amendments.

The PRESIDENT. In response to the gentleman's question, the debate under this current question is limited to the amendments. The Chair has allowed wide latitude in the debate this evening but would remind the gentleman from Philadelphia that the Rules of the Senate state the debate must be germane to the amendments and not to the bill itself.

Senator LLOYD. Mr. President, the essential question remains the same. These amendments are an extension of a set of circumstances that have been handed us by the Federal government. They provide us with the almost unbelievable set of circumstances under which we would be financing economic development in other parts of the country thus adversely, or certainly not positively affecting our own constituents in Pennsylvania.

Mr. President, I thank the gentleman for attempting to answer our questions. I ask for a "no" vote on the amendments.

Senator STAUFFER. Mr. President, I have to take issue with the gentleman from Philadelphia, Senator Lloyd, when he indicates my answer to him was incorrect. I do take issue with that because my answer to him on that question was correct. I will give the gentleman two illustrations to make the point with regard to apportionment. In the first instance, I will make mention of Caterpillar Corporation which has at least one plant in Pennsylvania. The Caterpillar Corporation, as I understand it, is based in the State of Illinois. Nevertheless, Pennsylvania receives corporate net income tax revenues from the Caterpillar Corporation which result from the apportionment of their activity within the Commonwealth of Pennsylvania. By the same token, Mr. President, recently the Hershey Foods Corporation announced plans to build a new facility in the State of Virginia. This is a corporation which is based in Pennsylvania. We will not lose as a result of this legislation any funds that would be used in the State of Virginia. The State of Virginia will lose that depreciation fund.

Mr. President, my statement is correct. There is an apportionment formula. It has been in place for many, many years and that is the method in which multi-state corporations make the determination as to what their tax liabilities will be to the Commonwealth of Pennsylvania.

Senator LLOYD. Mr. President, I would like to pursue with the gentleman from Chester, Senator Stauffer, the example at hand. Let us pursue the Caterpillar Corporation question. Caterpillar Corporation or any given corporation—Mr. President, this relates fully to the amendments before us.

#### PARLIAMENTARY INQUIRY

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

The PRESIDENT. The gentleman from Philadelphia, Senator Street, will state it.

Senator STREET. Mr. President, what we are discussing now is not contained in the amendments before us. The bill will be debated tomorrow on the floor and I do not wish to listen to it debated twice. Mr. President, I would ask that you restrict the debate and discussion to the amendments that are before us.

Senator LLOYD. Mr. President, if I may respond?

The PRESIDENT. The Chair believes the gentleman from Philadelphia is in order and may continue.

Senator LLOYD. Mr. President, Caterpillar Corporation makes substantial capital investments in other States and that can be written off as a result of the accelerated depreciation on their Federal income tax return. That reduces the bottom Federal line—

#### PARLIAMENTARY INQUIRY

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

The PRESIDENT. The gentleman from Philadelphia, Senator Street, will state it.

Senator STREET. Mr. President, I insist these amendments, if you want me to read them to you, deal with the phase-in process. They deal with two years to a cutback—it is in here—it has nothing to do with what the gentleman is discussing. These amendments have nothing to do with that. They have nothing to do with corporations investing someplace else.

The PRESIDENT. The Chair will remind the gentleman from Philadelphia he has found Senator Lloyd in order, but if the gentleman cares to appeal the ruling of the Chair, he may make a positive formal appeal.

#### RULING OF CHAIR APPEALED

Senator STREET. Mr. President, I appeal the ruling of the Chair.

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

#### APPEAL WITHDRAWN

Senator STREET. Mr. President, I will withdraw my appeal.

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

Senator LLOYD. Mr. President, once again the gentleman from Philadelphia, Senator Street, has proven he is a great believer in the freedom of speech.

Mr. President, again to try to pursue the example before us

Senator STAUFFER. Mr. President, I understand the question.

Senator LLOYD. Mr. President, the gentleman from Chester, Senator Stauffer, indicates that he understands the question. Let me briefly frame it one more time.

If a given corporation expands in another State and takes accelerated depreciation as an expense off their bottom line, that becomes the figure upon which they are paying Federal taxes. We, in Pennsylvania get 10.5 per cent of that figure. Therefore, if that figure has been reduced as a result of accelerated depreciation as a result of investment in other parts of the United States, we in Pennsylvania will have less revenue for subsidizing the economic development elsewhere. Is that not correct?

Senator STAUFFER. Mr. President, that is incorrect because the corporation in question will receive the accelerated depreciation on its Federal tax return. Then the amount of its activity will be apportioned among the States in which it does business. If it is intensive in Pennsylvania, it will have a more intensive depreciation in our State. If it is less intense here, it will have a lesser depreciation here if we do not automatically take the Federal figure and apply that at the State level in a multi-state situation.

Senator LLOYD. Mr. President, as much as I admire the intellectual discipline of the gentleman from Chester, Senator Stauffer, let us take a numbers example. If a company made \$70,000 as a round number and, as a result of accelerated depreciation that is reduced to \$50,000, Mr. President, if it has been reduced to that \$50,000 as a result of investment elsewhere, does that not reduce the amount of Pennsylvania tax?

Mr. President, I withdraw the question. The answer is clearly yes, the point is clearly stated.

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

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

**YEAS—26**

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

**NAYS—23**

Andrezeski	Lewis	Messinger	Singel
Bodack	Lincoln	Murray	Stampone
Early	Lloyd	Reibman	Stapleton
Fumo	Lynch	Romanelli	Stout
Hankins	McKinney	Ross	Zemprelli
Kelley	Mellow	Scanlon	

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

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.

**UNFINISHED BUSINESS**

**REPORTS FROM COMMITTEES**

Senator HOLL, from the Committee on Banking and Insurance, reported, as committed, **HB 863**.

Senator TILGHMAN, from the Committee on Appropriations, rereported, as committed, **SB 1102**.

**REPORT OF COMMITTEE OF CONFERENCE SUBMITTED AND LAID ON THE TABLE**

Senator TILGHMAN submitted the Report of Committee of Conference on **HB 1290**, which was laid on the table.

**REPORT OF COMMITTEE OF CONFERENCE SUBMITTED**

Senator HOWARD submitted the Report of Committee of Conference on **SB 532**, which was placed on the Calendar.

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

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

**SECRETARY OF ENVIRONMENTAL RESOURCES**

October 30, 1981.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate The Honorable Peter S. Duncan, III, R. D. 1, Box 19, Millerstown 17062, Perry County, Thirty-third Senatorial District, for appointment as Secretary of Environmental Resources, to serve until the third Tuesday of January, 1983, and until his successor shall have been appointed and qualified, vice The Honorable Clifford L. Jones, Camp Hill, resigned.

**DICK THORNBURGH.**

**SECRETARY OF LABOR AND INDUSTRY**

October 30, 1981.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate The Honorable Barry Stern, 5600 Munhall Road, Pittsburgh 15217, Allegheny County, Forty-third Senatorial District, for appointment as Secretary of Labor and Industry, to serve until the third Tuesday of January, 1983, and until his successor shall have been appointed and qualified, vice The Honorable Charles J. Lieberth, Pittsburgh, resigned.

DICK THORNBURGH.  
SECRETARY OF REVENUE

October 30, 1981.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate The Honorable Robert K. Bloom, 435 Wood Crest Drive, Mechanicsburg 17055, Cumberland County, Thirty-first Senatorial District, for appointment as Secretary of Revenue, to serve until the third Tuesday of January, 1983, and until his successor shall have been appointed and qualified, vice The Honorable Howard A. Cohen, Bala Cynwyd, resigned.

DICK THORNBURGH.

#### NOMINATIONS LAID ON THE TABLE

Senator LOEPER. Mr. President, I request that the nominations just read by the Clerk be laid on the table.

The PRESIDENT. The nominations will be laid on the table.

#### BILLS IN PLACE

Senator ANDREZESKI presented to the Chair some bills.

Senator MELLOW presented to the Chair two bills.

#### CONGRATULATORY RESOLUTIONS

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

Congratulations of the Senate were extended to Mr. and Mrs. Sherwood M. Ullom by Senator Early.

Congratulations of the Senate were extended to Joseph Anthony McGinley by Senator Gekas.

Congratulations of the Senate were extended to David F. Distel by Senator Greenleaf.

Congratulations of the Senate were extended to Headquarters Company, 1st Battalion of the 111th Infantry, Pennsylvania Army National Guard by Senator Holl.

Congratulations of the Senate were extended to Mrs. Janice W. Davis by Senator Mellow.

Congratulations of the Senate were extended to Liberty High School, the Young Writer by Senator Reibman.

Congratulations of the Senate were extended to James L. Peitz and to Marion M. Thrash by Senator Romanelli.

Congratulations of the Senate were extended to Mrs. Clarence Diamond by Senator Shaffer.

Congratulations of the Senate were extended to Betty M. Fiedler by Senator Snyder.

Congratulations of the Senate were extended to Mr. and Mrs. Charles S. Conrad, Mr. and Mrs. Matthew Ellis, Mr. and Mrs. Lawrence Karl and to Mr. and Mrs. Charles A. Wilson by Senator Stapleton.

#### BILL ON FIRST CONSIDERATION

Senator STAUFFER. Mr. President, I move that the Senate do now proceed to consideration of the bill reported from committee for the first time at today's Session.

The motion was agreed to.

The bill was as follows:

#### HB 863.

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

#### COMMUNICATIONS FROM THE GOVERNOR

##### NOMINATIONS BY THE GOVERNOR REFERRED TO COMMITTEE

The PRESIDENT laid before the Senate the following communications in writing from His Excellency, the Governor of the Commonwealth, which were read as follows, and referred to the Committee on Rules and Executive Nominations:

##### MEMBER OF THE BOARD OF TRUSTEES OF CALIFORNIA STATE COLLEGE

December 8, 1981.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Alfred E. Kraft, 1256 Satellite Circle, Pittsburgh 15241, Allegheny County, Fortieth Senatorial District, for appointment as a member of the Board of Trustees of California State College, to serve until the third Tuesday of January, 1987, and until his successor is appointed and qualified, vice Dr. Irene L. S. Kurfeerst, Pittsburgh, whose term expired.

DICK THORNBURGH.

##### MEMBER OF THE BOARD OF TRUSTEES OF CLARKS SUMMIT STATE HOSPITAL

December 8, 1981.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate George N. Pegula, R. D. 2, Box 145, Olyphant 18447, Lackawanna County, Twenty-second Senatorial District, for appointment as a member of the Board of Trustees of Clarks Summit State Hospital, to serve until the third Tuesday of January, 1987, and until his successor is appointed and qualified, vice Arthur Trotta, Old Forge, resigned.

DICK THORNBURGH.

##### MEMBER OF THE PENNSYLVANIA MINORITY BUSINESS DEVELOPMENT AUTHORITY

December 8, 1981.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Melvin O. Stanton, 619 Spruce Street, Williamsport 17701, Lycoming County, Twenty-third Senatorial District, for appointment as a member of the Pennsylvania Minority Business Development Authority, to serve until June 2, 1986, and until his successor shall be duly appointed and qualified, vice Nathan H. Waters, Jr., Esquire, Harrisburg, whose term expired.

DICK THORNBURGH.

MEMBER OF THE BOARD OF STATE COLLEGE  
AND UNIVERSITY DIRECTORS

December 8, 1981.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate George A. Moore, Jr., 4017 Freemansburg Avenue, Easton 18042, Northampton County, Eighteenth Senatorial District, for appointment as a member of the Board of State College and University Directors, to serve until June 30, 1985, and until his successor is appointed and qualified, vice Laurence Fenninger, Jr., Riegelsville, resigned.

DICK THORNBURGH.

MEMBER OF THE HUNTINGDON COUNTY  
BOARD OF ASSISTANCE

December 8, 1981.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Martha A. Muir (Republican), 625 Seventh Street, Huntingdon 16652, Huntingdon County, Thirtieth Senatorial District, for appointment as a member of the Huntingdon County Board of Assistance, to serve until December 31, 1983, to fill a new position.

DICK THORNBURGH.

## HOUSE MESSAGES

### HOUSE INSISTS UPON ITS NONCONCURRENCE IN AMENDMENTS TO HB 671, AND APPOINTS COMMITTEE OF CONFERENCE

The Clerk of the House of Representatives informed the Senate that the House insists upon its nonconcurrence in Senate amendments to **HB 671**, and has appointed Messrs. SPENCER, WRIGHT and ZWIKL as a Committee of Conference to confer with a similar committee of the Senate (if the Senate shall appoint such committee) to consider the differences existing between the two houses in relation to said bill.

### HOUSE BILLS FOR CONCURRENCE

The Clerk of the House of Representatives presented to the Senate the following bills for concurrence, which were referred to the committees indicated:

December 8, 1981

**HB 1441 and 1442** — Committee on Judiciary.

**HB 1440 and 1443** — Committee on Local Government.

**HB 1256 and 1619** — Committee on Transportation.

## GENERAL COMMUNICATIONS BILLS INTRODUCED AND REFERRED

The PRESIDENT laid before the Senate the following Senate Bills numbered, entitled and referred as follows, which were read by the Clerk:

December 8, 1981

Senators CORMAN, RHOADES, MESSINGER and LOEPER presented to the Chair **SB 1231**, entitled:

An Act amending the act of March 10, 1949 (P. L. 30, No. 14), entitled "Public School Code of 1949," providing for general, municipal and primary election days to be legal holidays.

Which was committed to the Committee on LABOR AND INDUSTRY, December 8, 1981.

Senators O'CONNELL, SCANLON, KUSSE, EARLY, MOORE, ROSS, FISHER, SNYDER and JUBELIRER presented to the Chair **SB 1232**, entitled:

An Act relating to the acquisition of professional architectural and engineering services by State agencies and political subdivisions of the Commonwealth where State money is involved.

Which was committed to the Committee on STATE GOVERNMENT, December 8, 1981.

Senator O'CONNELL presented to the Chair **SB 1233**, entitled:

An Act amending the act of August 5, 1941 (P. L. 752, No. 286), entitled "Civil Service Act," further providing for statements for services of the commission.

Which was committed to the Committee on STATE GOVERNMENT, December 8, 1981.

Senators STAUFFER, STAPLETON, HOLL and LINCOLN presented to the Chair **SB 1234**, entitled:

An Act imposing regulations and licensing requirements on auctioneers, apprentice auctioneers, auction houses and auction companies; imposing powers and duties on the Bureau of Professional and Occupational Affairs and making repeals.

Which was committed to the Committee on CONSUMER PROTECTION AND PROFESSIONAL LICENSURE, December 8, 1981.

Senators SINGEL, ANDREZESKI, LLOYD, LEWIS, STAPLETON and O'PAKE presented to the Chair **SB 1235**, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, providing for a pro-rata refund of drivers license fees of deceased drivers.

Which was committed to the Committee on TRANSPORTATION, December 8, 1981.

Senator SINGEL presented to the Chair **SB 1236**, entitled:

An Act amending the act of December 5, 1936 (2nd Sp. Sess. 1937 P. L. 2897, No. 1), entitled "Unemployment Compensation Law," further providing for conditions for certain tax credits.

Which was committed to the Committee on LABOR AND INDUSTRY, December 8, 1981.

Senator MELLOW presented to the Chair SB 1237, entitled:

An Act making an appropriation to the Everhart Museum in Scranton.

Which was committed to the Committee on APPROPRIATIONS, December 8, 1981.

Senator MELLOW presented to the Chair SB 1238, entitled:

An Act making an appropriation to the Lackawanna County Branch of the Pennsylvania Association for the Blind for the provision of services to the blind.

Which was committed to the Committee on APPROPRIATIONS, December 8, 1981.

### RESOLUTIONS INTRODUCED AND REFERRED

The PRESIDENT laid before the Senate the following Senate Resolutions numbered, entitled and referred as follows, which were read by the Clerk:

December 8, 1981

#### SPECIAL SENATE COMMITTEE STUDY VARIOUS PROPOSALS TO EXPAND LEGALIZED GAMBLING IN PENNSYLVANIA

Senators FISHER and ROMANELLI offered the following resolution (Serial No. 67), which was read and referred to the Committee on Rules and Executive Nominations:

In the Senate, December 8, 1981.

WHEREAS, Federal tax cuts and resulting Federal budget cuts have resulted in losses of revenue to the Commonwealth and to political subdivisions; and

WHEREAS, Alternate State revenue sources to replace declining Federal dollars are not available; and

WHEREAS, Revenues from the present State lottery system appear to have reached their peak and do not appear to be capable of substantial growth in the near future; and

WHEREAS, Several proposals have been suggested to expand the scope of legalized gambling in Pennsylvania including but not limited to electronic video machines, slot machines and gaming devices; and

WHEREAS, These proposals have significant revenue potential for the Commonwealth and deserve close consideration; and

WHEREAS, Many questions have been raised regarding the expansion of legalized gambling in Pennsylvania; therefore be it

RESOLVED, That the President pro tempore of the Senate appoint a select committee of five Senators, three from the Majority and two from the Minority, to study various proposals to legalize gambling with a close look at expansion within the State lottery system by virtue of its present computer capabilities; and be it further

RESOLVED, That the committee be empowered to hold hearings throughout the Commonwealth and take testimony on the proposals to further legalize gambling and possibilities of expanding the present lottery system to include other forms of legalized gambling in the Commonwealth; and be it further

RESOLVED, That the committee report its findings to the Senate, together with recommended legislation within six months from this date.

#### SPECIAL SENATE COMMITTEE INVESTIGATE THE MANNER IN WHICH CERTAIN LAW FIRMS HAVE BEEN APPOINTED TO PROVIDE LEGAL ADVICE TO THE PENNSYLVANIA HOUSING FINANCE AGENCY

Senators O'PAKE, SCANLON, ROSS, FUMO, REIBMAN, STAPLETON, ANDREZESKI, SINGEL, LLOYD, MURRAY, ZEMPRELLI, LEWIS, LYNCH, LINCOLN, BODACK, STOUT, ROMANELLI, KELLEY, HANKINS, McKINNEY, STAMPONE, MELLOW and MESSINGER offered the following resolution (Serial No. 69), which was read and referred to the Committee on Rules and Executive Nominations:

In the Senate, December 8, 1981.

WHEREAS, Certain law firms have been appointed to provide legal advice to the Pennsylvania Housing Finance Agency; and

WHEREAS, The law firm of a former public official was a recipient of one of said appointments within a three-month period after said official terminated his service with the Commonwealth; and

WHEREAS, The act of October 4, 1978 (P.L.883, No.170), referred to as the Public Official and Employee Ethics Law, prohibits every former public official from representing any person before the governmental body with which he has been associated for one year after he leaves that body; and

WHEREAS, The State Ethics Commission has concluded a preliminary investigation into the circumstances surrounding said appointment and has determined that, while the fact of the appointment was communicated directly to said official, the available evidence was insufficient to establish a violation of the Ethics Act; and

WHEREAS, In reaching its conclusion, the commission relied solely on unsworn statements and correspondence supplied by the Office of General Counsel and said former public official and did not exercise its statutory authority to subpoena witnesses and documents and to compel testimony; and

WHEREAS, The commission determined that said appointment was made without prior advertisement by the appointing authority of the availability of said position, despite certain published statements to the contrary; and

WHEREAS, The absence of such advertisement or other documentation prevented the commission from concluding, absolutely, that no negotiation took place between the appointing authority and said former public official; therefore be it

RESOLVED, That the Senate of Pennsylvania recognizes its responsibility, as stated in the preamble of the Public Official and Employee Ethics Law, to "strengthen the faith and confidence of the people of the State in their government...by assuring the people of the impartiality and honesty of public officials..." and be it further

RESOLVED, The Senate of Pennsylvania finds that certain important questions remain unanswered at the conclusion of the Ethics Commission's preliminary investigation and, specifically, the question of who negotiated on behalf of the law firm in obtaining this extremely lucrative contract; and be it further

RESOLVED, That the President pro tempore of the Senate appoint a special Senate committee composed of five members, three from the Majority and two from the Minority, to investigate the manner in which appointments of outside counsel to the Pennsylvania Housing Finance Agency have been offered and obtained including matters referenced herein; and be it further

RESOLVED, That the committee may hold hearings, take testimony, and make its investigations at such places as it deems necessary within this Commonwealth. It may issue subpoenas under the hand and seal of its chairman commanding any person to

appear before it and to answer questions touching matters properly being inquired into by the committee and to produce such books, papers, records and documents as the committee deems necessary. Such subpoenas may be served upon any person and shall have the force and effect of subpoenas issued out of the courts of this Commonwealth. Any person who willfully neglects or refuses to testify before the committee or to produce any books, papers, records or documents, shall be subject to the penalties provided by the laws of the Commonwealth in such case. Each member of the committee shall have power to administer oaths and affirmations to witnesses appearing before the committee; and be it further

RESOLVED, That the committee shall make a preliminary report to the Senate within 90 days and a final report as soon thereafter as possible which reports shall contain the findings of the committee plus such recommendations for legislation or revision of administrative practices and policies as the committee finds to be appropriate.

### ANNOUNCEMENTS BY THE SECRETARY

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

#### SENATE OF PENNSYLVANIA

#### COMMITTEE MEETINGS

WEDNESDAY, DECEMBER 9, 1981

9:30 A.M.	STATE GOVERNMENT (to consider Senate Bill No. 1209 and House Bill No. 1437)	Room 457
11:00 A.M.	APPROPRIATIONS (to consider Senate Bills No. 994, 1135, 1224 and House Bill No. 1643)	Room 461, 4th Floor Conference Rm., North Wing

### HOUSE CONCURRENT RESOLUTION NO. 11, TAKEN FROM THE TABLE

Senator STAUFFER, without objection, called from the table House Concurrent Resolution No. 11, entitled:

Recall of HB 315.

On the question,  
Will the Senate concur in the resolution?

SENATE CONCURS IN HOUSE CONCURRENT  
RESOLUTION NO. 11

Senator STAUFFER. Mr. President, I move that the Senate do concur in House Concurrent Resolution No. 11.

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

Ordered, That the Secretary of the Senate inform the House of Representatives accordingly.

### ADJOURNMENT

Senator STAUFFER. Mr. President, I move that the Senate do now adjourn until Wednesday, December 9, 1981, at 10:00 a.m., Eastern Standard Time.

The motion was agreed to.

The Senate adjourned at 8:20 p.m., Eastern Standard Time.