

COMMONWEALTH OF PENNSYLVANIA

LEGISLATIVE JOURNAL

WEDNESDAY, NOVEMBER 10, 1982

SESSION OF 1982

166TH OF THE GENERAL ASSEMBLY

No. 50

SENATE

WEDNESDAY, November 10, 1982.

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

The PRESIDENT pro tempore (Henry G. Hager) in the Chair.

PRAYER

The following prayer was offered by the Secretary of the Senate, Hon. MARK R. CORRIGAN:

Eternal Father, in the beauty and glory of this day we pause in the midst of life's busy activities to call upon Thee in thanksgiving and praise, as well as for petitions and divine presence.

We thank Thee for life and all the blessings thereof, and we praise Thee for the knowledge that Thou hast a care and concern for each one of us. Amen.

JOURNAL APPROVED

The PRESIDENT pro tempore. A quorum of the Senate being present, the Clerk will read the Journal of the preceding Session of November 9, 1982.

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 HOPPER

Senator JUBELIRER. Mr. President, I would request a temporary legislative leave of absence for the first part of today's Session for Senator Hopper who is attending a legislative meeting in his district.

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

LEAVE OF ABSENCE

Senator SCANLON asked and obtained leave of absence for Senator HANKINS, for today's Session, for personal reasons.

HOUSE MESSAGES

HOUSE BILL FOR CONCURRENCE

The Clerk of the House of Representatives presented to the Senate the following bill for concurrence, which was referred to the committee indicated:

November 10, 1982

HB 2534 — Committee on Rules and Executive Nominations.

HOUSE RESOLUTION FOR CONCURRENCE

The Clerk of the House of Representatives presented to the Senate the following resolution for concurrence, which was referred to the committee indicated:

November 10, 1982

House Concurrent Resolution No. 169 — Committee on Rules and Executive Nominations.

GENERAL COMMUNICATIONS

BILLS INTRODUCED AND REFERRED

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

November 9, 1982

Senator HESS presented to the Chair **SB 1618**, entitled:

An Act amending the act of August 9, 1955 (P. L. 323, No. 130), entitled "The County Code," providing for the salary of the chief deputy while acting as principal.

Which was committed to the Committee on LOCAL GOVERNMENT, November 9, 1982.

Senator GREENLEAF presented to the Chair **SB 1619**, entitled:

An Act amending the act of April 12, 1951 (P. L. 90, No. 21), entitled "Liquor Code," further providing for the status of a license and requiring the board to review the tax liabilities of licensees prior to the issuance of any renewal of a license.

Which was committed to the Committee on LAW AND JUSTICE, November 9, 1982.

Senator GREENLEAF presented to the Chair **SB 1620**, entitled:

An Act amending the act of April 12, 1951 (P. L. 90, No. 21), entitled "Liquor Code," granting additional rights to private citizens and community groups to seek injunctions barring nuisances.

Which was committed to the Committee on LAW AND JUSTICE, November 9, 1982.

Senator GREENLEAF presented to the Chair **SB 1621**, entitled:

An Act amending the act of April 12, 1951 (P. L. 90, No. 21), entitled "Liquor Code," transferring certain moneys paid to municipalities to the Pennsylvania State Police for enforcement purposes.

Which was committed to the Committee on LAW AND JUSTICE, November 9, 1982.

Senator GREENLEAF presented to the Chair **SB 1622**, entitled:

An Act amending the act of April 12, 1951 (P. L. 90, No. 21), entitled "Liquor Code," further providing for the location of licensees.

Which was committed to the Committee on LAW AND JUSTICE, November 9, 1982.

Senator GREENLEAF presented to the Chair **SB 1623**, entitled:

An Act amending the act of April 12, 1951 (P. L. 90, No. 21), entitled "Liquor Code," requiring that all records of the board be open to public inspection and review.

Which was committed to the Committee on LAW AND JUSTICE, November 9, 1982.

Senator GREENLEAF presented to the Chair **SB 1624**, entitled:

An Act amending the act of April 12, 1951 (P. L. 90, No. 21), entitled "Liquor Code," further providing for the transfer of club licenses.

Which was committed to the Committee on LAW AND JUSTICE, November 9, 1982.

Senator GREENLEAF presented to the Chair **SB 1625**, entitled:

An Act amending the act of April 12, 1951 (P. L. 90, No. 21), entitled "Liquor Code," removing limitations from certain participants at public hearings.

Which was committed to the Committee on LAW AND JUSTICE, November 9, 1982.

Senator GREENLEAF presented to the Chair **SB 1626**, entitled:

An Act amending the act of April 12, 1951 (P. L. 90, No. 21), entitled "Liquor Code," imposing further restrictions on the members of and employees of the board.

Which was committed to the Committee on LAW AND JUSTICE, November 9, 1982.

November 10, 1982

Senator TILGHMAN presented to the Chair **SB 1627**, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further prohibiting the use of earphones and headphones by certain persons using or crossing the public highways of this Commonwealth.

Which was committed to the Committee on TRANSPORTATION, November 10, 1982.

Senators O'CONNELL, HELFRICK, O'PAKE, REIBMAN, SNYDER and RHOADES presented to the Chair **SB 1628**, entitled:

An Act amending the act of April 9, 1929 (P. L. 177, No. 175), entitled "The Administrative Code of 1929," requiring moneys received by criminals as a result of the commission of a crime to be paid to the Crime Victim's Compensation Board.

Which was committed to the Committee on STATE GOVERNMENT, November 10, 1982.

Senators O'CONNELL, REIBMAN, RHOADES and HELFRICK presented to the Chair **SB 1629**, entitled:

An Act amending the act of June 3, 1937 (P. L. 1225, No. 316) entitled "The Game Law," further providing menagerie permits for educational purposes.

Which was committed to the Committee on GAME AND FISHERIES, November 10, 1982.

Senators O'CONNELL, REIBMAN, SNYDER, SINGEL and RHOADES presented to the Chair **SB 1630**, entitled:

An Act amending the act of May 11, 1982 (No. 2A), entitled "General Appropriation Act of 1982," extending the low-income weatherization program to coal furnace retrofits.

Which was committed to the Committee on STATE GOVERNMENT, November 10, 1982.

Senators O'CONNELL, HELFRICK and CORMAN presented to the Chair **SB 1631**, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further limiting suspension of license for certain activities.

Which was committed to the Committee on TRANSPORTATION, November 10, 1982.

Senators O'CONNELL, STAPLETON, REIBMAN and HELFRICK presented to the Chair **SB 1632**, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for the annual inspection certificate charge.

Which was committed to the Committee on TRANSPORTATION, November 10, 1982.

Senators O'CONNELL and RHOADES presented to the Chair **SB 1633**, entitled:

An Act amending the act of April 12, 1951 (P. L. 90, No. 21), entitled "Liquor Code," further providing for the board to conduct special sales.

Which was committed to the Committee on LAW AND JUSTICE, November 10, 1982.

BILLS SIGNED

The PRESIDENT pro tempore (Henry G. Hager) in the presence of the Senate signed the following bills:

SB 448, 535, 674, 852, 1110, 1280, 1323 and 1482.

REPORTS FROM COMMITTEES

Senator GREENLEAF, from the Committee on Law and Justice, reported, as committed, **SB 1599**.

Senator HOWARD, from the Committee on Finance, reported, as amended, **HB 1649**.

Senator JUBELIRER, from the Committee on Rules and Executive Nominations, rereported, as committed, **HB 118, 1738 and 1920**; as amended, **HB 1126**; reported, as committed, **SB 1566, 1567, HB 1903, 1905, 1914 and 1918**.

GENERAL COMMUNICATION**DISCHARGE PETITION**

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

In the Senate, November 10, 1982.

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 April 20, 1982; 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:

F. E. Masland, III	Member Board of Trustees, Shippensburg State College
	Edward P. Zemprelli Eugene F. Scanlon Robert J. Mellow Francis J. Lynch James E. Ross

The PRESIDENT pro tempore. The communication will be laid on the table.

**MEETING OF THE COMMITTEE
ON TRANSPORTATION**

Senator JUBELIRER. Mr. President, the gentleman from Lebanon, Senator Manbeck, reminds me that the Committee on Transportation is scheduled to meet at 1:30 p.m. I would ask the Members of the Committee on Transportation to report immediately to Room 461.

RECESS

Senator JUBELIRER. Mr. President, I request a recess of the Senate until 2:45 p.m., for the purpose of holding a Republican caucus and a Democratic caucus.

The PRESIDENT pro tempore. Are there any objections? The Chair hears no objection, and declares a recess of the Senate until 2:45 p.m., Eastern Standard Time.

AFTER RECESS

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

REPORTS FROM COMMITTEES

Senator HOLL, by unanimous consent, from the Committee on Banking and Insurance, reported, as committed, **HB 2264**; as amended, **HB 738**.

Senator GEKAS, by unanimous consent, from the Committee on Judiciary, reported, as amended, **HB 1458**.

Senator MANBECK, by unanimous consent, from the Committee on Transportation, reported, as amended, **HB 521**.

Senator PRICE, by unanimous consent, from the Committee on Urban Affairs and Housing, reported, as committed, **HB 2520** and **2522**; as amended, **HB 2519**.

COMMUNICATION FROM THE GOVERNOR**NOMINATION BY THE GOVERNOR
REFERRED TO COMMITTEE**

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

**MEMBER OF THE PENNSYLVANIA
GAME COMMISSION**

November 10, 1982.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Robert S. Lichtenberger (District Six), 3105 Yale Avenue, Camp Hill 17011, Cumberland County, Thirty-first Senatorial District, for appointment as a member of the Pennsylvania Game Commission, to serve until the third Tuesday of January, 1989, and until his successor shall have been appointed and qualified, vice Robert E. Fasnacht, Ephrata, deceased.

DICK THORNBURGH.

**COMMITTEE OF CONFERENCE
APPOINTED ON SB 1151**

The PRESIDENT pro tempore. The Chair announces the appointment of Senators RHOADES, GEKAS and O'PAKE as a Committee of Conference on the part of the Senate to confer with a similar committee of the House (if the House shall appoint such committee) to consider the differences existing between the two houses in relation to Senate Bill No. 1151.

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

**SENATOR JUBELIRER TO VOTE FOR
SENATOR RHOADES**

Senator JUBELIRER. Mr. President, I request a temporary legislative leave of absence for Senator Rhoades, who has been called to his office and who should be back very shortly.

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

**SENATOR ZEMPRELLI TO VOTE FOR
SENATOR REIBMAN**

Senator ZEMPRELLI. Mr. President, I would like to request a temporary legislative leave of absence on behalf of Senator Reibman for the rest of today's Session.

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

CALENDAR

REPORT OF COMMITTEE OF CONFERENCE

BILL OVER IN ORDER

SB 404 — Without objection, the bill was passed over in its order at the request of Senator JUBELIRER.

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

**SENATE INSISTS UPON ITS AMENDMENTS
NONCONCURRED IN BY THE HOUSE
TO HB 178**

HB 178 (Pr. No. 3337) — Senator JUBELIRER. Mr. President, I move that the Senate do insist upon its amendments to House Bill No. 178, 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.

**BILLS ON CONCURRENCE IN
HOUSE AMENDMENTS**

**SENATE CONCURS IN HOUSE AMENDMENTS
IN PART AND NONCONCURS IN HOUSE
AMENDMENTS IN PART**

SB 171 (Pr. No. 2136) — Senator FISHER. Mr. President, I move that the Senate do nonconcur in the amendments inserted by the House, Amendment No. 8761, which is Section 3, presently located on page 7 of the bill. After that vote I would then move that the Senate do concur in the remainder of the amendments inserted in Senate Bill No. 171 by the House.

The PRESIDENT pro tempore. Senator Fisher has moved that the Senate do nonconcur in Amendment No. 8761 placed by the House of Representatives in Senate Bill No. 171, that is Section 3, on page 7 of the bill. The gentleman thereafter intends to move for concurrence so that the result of this vote would be to nonconcur in part and then to concur in part. All those in favor of nonconcurrence with Section 3 on page 7 of

Senate Bill No. 171 will vote "aye," those opposed vote "no."

On the question,

Will the Senate agree to the motion?

Senator ZEMPRELLI. Mr. President, I desire to interrogate the gentleman from Allegheny, Senator Fisher.

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

Senator FISHER. I will, Mr. President.

Senator ZEMPRELLI. Mr. President, by bifurcating the effect of Senate Bill No. 171 as is obvious would be the intent if the wishes of the gentleman from Allegheny, Senator Fisher, were adhered to on his motion, can the gentleman tell us whether or not the funds that would be provided for Farview would be denied to Farview while concurring in the remainder of the bill?

Senator FISHER. Mr. President, to the extent that the funds presently provided in Senate Bill No. 171 are covered by Section 3, a vote to nonconcur would then delete that part of the funding from the bill. But to the extent that people found guilty but mentally ill under remaining provisions of the bill were committed to Farview, the remaining provisions in the bill which I am asking the Senate to concur in would carry with it Commonwealth funds.

Senator ZEMPRELLI. Mr. President, if I understand Section 3, it would now divide the cost between the Commonwealth and the counties for all persons permanently undergoing treatment pursuant to Section 408, known as the Mental Health Procedures Act. By eliminating Section 3, Mr. President, can the gentleman tell me who then would absorb the cost and where those funds would be coming from?

Senator FISHER. Mr. President, funds to treat those people presently being treated under Section 408, the first \$120 per day would be paid for by the counties in which the person originally resided, the remaining dollars above \$120 a day would be paid for by the Commonwealth.

Senator ZEMPRELLI. Mr. President, is it not a fact that the principal burden for the payment for the mental patients is presently borne by the counties of the Commonwealth?

Senator FISHER. Mr. President, as I understand it, the daily cost is approximately \$200 a day at the present time, so since the counties are paying \$120, the statement of the gentleman is correct.

Senator ZEMPRELLI. Mr. President, is it not also a fact that if Section 3 were to remain in the bill, to a great extent the cost of maintenance would be transferred to the Commonwealth from the counties?

Senator FISHER. Mr. President, that statement is essentially correct.

Senator ZEMPRELLI. Mr. President, it then follows that by the elimination of Section 3, we would be returning to the principal party being responsible for this care, being the counties of the Commonwealth?

Senator FISHER. That is correct, Mr. President. Basically we would be returning to the status quo of the law as it is at the present time.

Senator ZEMPRELLI. Mr. President, I would like to speak as to the advisability of the gentleman's motion on concurrence if I may be recognized for that purpose.

Mr. President, basically what we are speaking about here is how we are going to pay for the cost of those citizens of our Commonwealth that have a problem with mental health and need this kind of institutional care. It would seem to me that on the broad spectrum of where these costs should come from, that they should properly come from the Commonwealth rather than from the counties. There is a recognition in all other aspects of the care of institutional people of the movement away from the county concept to the State concept. I believe that is proper and that is where it belongs. We should not be burdening counties with the responsibility for these kinds of institutional care and we should recognize that the proper jurisdiction for that is the Commonwealth of Pennsylvania rather than put the burden upon the individual counties. In operation, we are penalizing the counties of the Commonwealth based on the numbers of persons that require this institutional care and I believe that is wrong.

Therefore, I would ask, Mr. President, that we vote in the negative with respect to the gentleman's motion purely on the basis of the recognition that the need is to move towards the Commonwealth concept of institutional care for all of our citizens that require that kind of care.

The PRESIDENT pro tempore. At this point, as a point of parliamentary procedure, with your permission Senator Fisher, I would like to restate the motion in the affirmative. Senator Fisher's motion actually is that we concur with Section 3 on page 7 but he solicits a negative vote for his position. Senator Zempirelli's position would require an affirmative vote.

Senator FISHER. Just to confirm that, Mr. President, I intended to restate my motion and I have moved to concur but I am, in fact, asking for a negative vote on that part of the amendments which are presently before the Senate.

The PRESIDENT pro tempore. The question before the Senate is, will the Senate concur in that portion of the amendment which is on page 7, marked Section 3? It is Amendment No. 8761. Those who are sustaining Senator Fisher's position, that is opposed to it, will vote "no." Those who are supporting Senator Zempirelli's position, that is to keep the amendment in the bill, will vote "aye."

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—23

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

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, and Amendment No. 8761 is stricken from the bill.

Senator FISHER. Mr. President, I now move that the Senate do concur in the remainder of the amendments inserted by the House in Senate Bill No. 171 and ask for an affirmative vote on that motion.

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—49

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

NAYS—0

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

The PRESIDENT pro tempore. The bill will be returned to the House with the information the Senate has concurred in the amendments in part and has nonconcurred in the amendments in part to the bill.

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

SENATE CONCURS IN HOUSE AMENDMENTS

SB 739 (Pr. No. 2053) — Senator JUBELIRER. Mr. President, I move that the Senate do concur in the amendments made by the House to Senate Bill No. 739.

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—47

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

NAYS—2

Hess Snyder

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.

BILL OVER IN ORDER

SB 1019 — Without objection, the bill was passed over in its order at the request of Senator JUBELIRER.

SENATE NONCONCURS IN HOUSE AMENDMENTS

SB 1091 (Pr. No. 2140) — Senator JUBELIRER. Mr. President, I move that the Senate do nonconcur in the amendments made by the House to Senate Bill No. 1091, 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.

GUEST OF SENATOR J. DOYLE
CORMAN PRESENTED TO SENATE

Senator CORMAN. Mr. President, it is my honor to introduce to the Senate today a friend of mine from McAllisterville in Juniata County, who was quite helpful in my recent election. I think maybe he might be here today to make sure I am on the job working. I would ask the President pro tempore to extend to him the usual warm welcome of the Senate of Pennsylvania. His name is Mr. Lowell "Pete" Burriss.

The PRESIDENT pro tempore. If Senator Corman's guest will please stand, the Senate would like to extend to Mr. Burriss a very warm welcome.

(Applause.)

CONSIDERATION OF CALENDAR RESUMED

FINAL PASSAGE CALENDAR

BILLS OVER IN ORDER

HB 1652 and **1671** — Without objection, the bills were passed over in their order at the request of Senator JUBELIRER.

THIRD CONSIDERATION CALENDAR

BILL REREPORTED FROM COMMITTEE
AS AMENDED OVER IN ORDER

HB 675 — Without objection, the bill was passed over in its order at the request of Senator JUBELIRER.

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

HB 1655 (Pr. No. 3672) — 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—49

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

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 REREPORTED FROM COMMITTEE
AS AMENDED OVER IN ORDER

HB 1656 — Without objection, the bill was passed over in its order at the request of Senator JUBELIRER.

PREFERRED APPROPRIATION BILL
OVER IN ORDER

SB 1499 — Without objection, the bill was passed over in its order at the request of Senator JUBELIRER.

PREFERRED APPROPRIATION BILL
OVER IN ORDER TEMPORARILY

SB 1500 (Pr. No. 1998) — Considered the third time,

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

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

Amend Title, page 1, line 1, by striking out "an appropriation" and inserting: appropriations

Amend Title, page 1, line 2, by striking out "repair." and inserting: repairs

Amend Bill, page 1, by inserting between lines 10 and 11:

Section 2. The sum of \$750,000, or as much thereof as may be necessary, is hereby specifically appropriated to the Department of Environmental Resources for the fiscal year 1982-1983 for the repair or replacement of a portion of a flood wall on the bank of the Conemaugh River in the City of Johnstown, Cambria County.

Amend Sec. 2, page 1, line 11, by striking out "2" and inserting: 3

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

Senator SINGEL. Mr. President, I simply plead the case of the City of Johnstown. We are somewhat known for the flooding conditions that have occurred throughout several periods in our history. We do have some flood walls that have been damaged and we have an emergency situation in one particular location. These amendments would address that emergency situation and I would ask for an affirmative vote on the amendments.

Senator TILGHMAN. Mr. President, I would ask for a negative vote on these amendments. The bill we are discussing came out of the Committee on Appropriations this week. We have not had a chance to study the cost factors in the amendments and we have not had an opportunity to talk to DER relative to the work on the flood wall. I would request a negative vote on the amendments.

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

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

YEAS—22

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

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 pro tempore. Amendments to be offered by Senator Romanelli are not ready.

Without objection, the bill will go over in its order temporarily.

PREFERRED APPROPRIATION BILL
OVER IN ORDER

HB 1595 — Without objection, the bill was passed over in its order at the request of Senator JUBELIRER.

NONPREFERRED APPROPRIATION BILL
OVER IN ORDER

SB 1498 — Without objection, the bill was passed over in its order at the request of Senator JUBELIRER.

BILL ON THIRD CONSIDERATION
AND FINAL PASSAGE

HB 353 (Pr. No. 1883) — Considered the third time and agreed to,

On the question,
Shall the bill pass finally?

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

YEAS—48

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

NAYS—0

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

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

BILL OVER IN ORDER

SB 711 — Without objection, the bill was passed over in its order at the request of Senator JUBELIRER.

BILLS ON THIRD CONSIDERATION
AND FINAL PASSAGE

SB 1366 (Pr. No. 2166) — 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—45

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

NAYS—3

Hager	Kusse	Snyder
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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.

SB 1370 (Pr. No. 1783) — Considered the third time and agreed to,

On the question,

Shall the bill pass finally?

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

YEAS—48

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

NAYS—0

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

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

SB 711 CALLED UP

SB 711 (Pr. No. 747) — Without objection, the bill, which previously went over in its order, was called up, from page 4 of the Third Consideration Calendar, by Senator ZEMPRELLI.

BILL OVER IN ORDER TEMPORARILY

SB 711 — Without objection, the bill was passed over in its order temporarily at the request of Senator ZEMPRELLI.

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

SB 1533 (Pr. No. 2059) — Considered the third time and agreed to,

On the question,
Shall the bill pass finally?

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

YEAS—48

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

NAYS—0

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

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

BILL OVER IN ORDER

HB 2066 — Without objection, the bill was passed over in its order at the request of Senator JUBELIRER.

BILL OVER IN ORDER TEMPORARILY

HB 2304 — Without objection, the bill was passed over in its order temporarily at the request of Senator JUBELIRER.

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

HB 2341 (Pr. No. 3043) — Considered the third time and agreed to,

On the question,
Shall the bill pass finally?

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

YEAS—48

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

NAYS—0

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

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

SECOND CONSIDERATION CALENDAR

BILL REREPORTED FROM COMMITTEE AS AMENDED OVER IN ORDER

SB 579 — Without objection, the bill was passed over in its order at the request of Senator JUBELIRER.

PERMISSION GRANTED COMMITTEE TO MEET DURING SESSION

Senator O'CONNELL. Mr. President, I announce a recessed meeting of the Committee on State Government to be held immediately, during which time the Senate can proceed with its business.

The PRESIDENT pro tempore. There being no objection, the Committee on State Government will proceed with its meeting.

SECOND CONSIDERATION CALENDAR RESUMED

BILL REREPORTED FROM COMMITTEE AS AMENDED ON SECOND CONSIDERATION

SB 1047 (Pr. No. 2169) — Considered the second time and agreed to,

Ordered, To be printed on the Calendar for third consideration.

BILLS REREPORTED FROM COMMITTEE
AS AMENDED OVER IN ORDER

SB 1210 and **HB 1300** — Without objection, the bills were passed over in their order at the request of Senator JUBELIRER.

BILL ON SECOND CONSIDERATION

HB 682 (Pr. No. 3442) — Considered the second time and agreed to,

Ordered, To be printed on the Calendar for third consideration.

BILLS OVER IN ORDER

SB 935 and **HB 1079** — Without objection, the bills were passed over in their order at the request of Senator JUBELIRER.

BILL ON SECOND CONSIDERATION

HB 1207 (Pr. No. 3665) — Considered the second time and agreed to,

Ordered, To be printed on the Calendar for third consideration.

BILL OVER IN ORDER TEMPORARILY

SB 1266 — Without objection, the bill was passed over in its order temporarily at the request of Senator JUBELIRER.

BILLS OVER IN ORDER

HB 1276, 1277, 1349, 1459, 1578, 1647, 1657 and **1801** — Without objection, the bills were passed over in their order at the request of Senator JUBELIRER.

BILL ON SECOND CONSIDERATION

HB 2000 (Pr. No. 3664) — Considered the second time and agreed to,

Ordered, To be printed on the Calendar for third consideration.

BILL OVER IN ORDER

HB 2046 — Without objection, the bill was passed over in its order at the request of Senator JUBELIRER.

BILL OVER IN ORDER TEMPORARILY

HB 2088 — Without objection, the bill was passed over in its order temporarily at the request of Senator JUBELIRER.

BILLS OVER IN ORDER

HB 2127 and **2178** — Without objection, the bills were passed over in their order at the request of Senator JUBELIRER.

BILLS ON SECOND CONSIDERATION

HB 2263 (Pr. No. 3234) and **HB 2351 (Pr. No. 3068)** — Considered the second time and agreed to,

Ordered, To be printed on the Calendar for third consideration.

BILLS OVER IN ORDER

HB 2386 and **2420** — Without objection, the bills were passed over in their order at the request of Senator JUBELIRER.

BILLS ON SECOND CONSIDERATION

HB 2461 (Pr. No. 3269), HB 2462 (Pr. No. 3270), HB 2463 (Pr. No. 3271), HB 2464 (Pr. No. 3272), HB 2465 (Pr. No. 3273), HB 2466 (Pr. No. 3274), HB 2467 (Pr. No. 3275) and HB 2487 (Pr. No. 3320) — Considered the second time and agreed to,

Ordered, To be printed on the Calendar for third consideration.

HB 2533 (Pr. No. 3663) — The bill was considered.

On the question,

Will the Senate agree to the bill on second consideration?

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

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

Senator JUBELIRER. I will, Mr. President.

Senator EARLY. Mr. President, is it possible to handle all amendments on this bill on Monday so we would have plenty of time to argue the legislation on Tuesday and get it back to the House, or would that interfere with the timetable?

Senator JUBELIRER. Mr. President, considering the schedule we have, it was our intention to schedule the amendments for Tuesday and if amendments go in, I guess we would be running it then on Wednesday morning. It is my understanding the House will be in the following week and we, I know, will be in the following week. Having talked with the Speaker of the House and the House Majority Leader, they will be in the following week. I will assure the gentleman that it is our intention to deal with this bill. I have said that publicly and I will repeat it again. We think this bill is the most important bill we are going to deal with in this post-election Session.

Senator EARLY. Mr. President, could I then request that all Members who have amendments to this piece of legislation have them ready on Tuesday so that on Wednesday we could run the bill without further amendments?

Senator JUBELIRER. I would agree with the gentleman's request, Mr. President. In fact, I think they ought to have them by Monday so they can be reviewed on Monday in caucus and have the time to deal with them then on Tuesday so we can have an expeditious Session on Tuesday on this.

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

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

Senator JUBELIRER. I will, Mr. President.

Senator ANDREZESKI. Mr. President, would the Majority Leader indicate approximately, if he does know, how many hearings were held on drunk driving legislation in Pennsylvania?

Senator JUBELIRER. Mr. President, I would have to yield to the Chairman of the Committee on Judiciary for that. I was involved in one but I am sure the gentleman from Dauphin, Senator Gekas, could respond. Congressman-elect Gekas is on the phone?

Senator ANDREZESKI. Mr. President, would the Majority Leader agree that there were many hearings held throughout the State on a variety of bills?

Senator JUBELIRER. Mr. President, I would rather yield to the Chairman of the Committee on Judiciary who held the hearings.

Senator GEKAS. Mr. President, would the gentleman repeat the question?

The PRESIDENT pro tempore. The question was how many hearings were held by the Committee on Judiciary on the question of drunk driving on this bill or the House bill or the Senate bill?

Senator GEKAS. At least five to six hearings, Mr. President. I would say at least five hearings and there may have been more.

Senator ANDREZESKI. Mr. President, would the gentleman from Dauphin, Senator Gekas, have any idea how many press releases were released concerning drunk driving legislation in Pennsylvania?

Senator GEKAS. Mr. President, if I were in a courtroom, I would object on the question of relevancy, but since we are not in that type of forum I would have to answer the gentleman I am aware of none.

The PRESIDENT pro tempore. If this were a courtroom, I would sustain your objection.

Senator ANDREZESKI. Mr. President, it is not a courtroom. Mr. President, would the gentleman from Dauphin, Senator Gekas, have any idea how many separate pieces of legislation there are dealing with drunken driving in Pennsylvania?

Senator GEKAS. Mr. President, does the gentleman mean since 1865?

Senator ANDREZESKI. No, Mr. President, since this legislative Session started.

Senator GEKAS. I have no idea, Mr. President.

Senator ANDREZESKI. Mr. President, I would like to inform the gentleman from Dauphin, Senator Gekas, there are a minimum of ten separate items.

Senator GEKAS. Mr. President, let me be more specific. Only one set of legislative initiatives grew out of the task force that was appointed by the Governor to look specifically into this subject. So, the final product which comes before us is as a direct result of that thrust in which so many people and interested groups and agencies participated. All the other bills may not have gained the momentum and the wide and broad backing that the present legislation enjoys.

Senator ANDREZESKI. Mr. President, could I ask the gentleman from Dauphin, Senator Gekas, if he has any statistics on how many people have been killed without any stronger legislation on drunken driving?

Senator GEKAS. Yes, Mr. President, and I would invite the gentleman to come to my office for a three-hour conference

following the end of the Session so we can review those statistics. There are volumes.

Senator ANDREZESKI. Mr. President, I would like to ask the gentleman from Dauphin, Senator Gekas, and perhaps the Majority Leader would like to respond, if this legislation is of such paramount importance, why were we at recess for five months while everyone campaigned?

Senator GEKAS. I object on the same grounds, but I will still answer the question. The bill that was reported as a result of the task force recommendations was first introduced in June of 1982. As a result of the introduction of the bill and because so many questions immediately arose as to the various contents and because so many requests came from so many corners of the Commonwealth for hearings on the matter, in the discretion of the leadership of the Committee on Judiciary in the Senate and in the House, these various committee hearings had to be held and were held. I might add, Mr. President, the final version of this bill which is now before us with the amendments which were inserted both in the House and in the Senate and in the final version that is before us now, came about as a direct result of the hearings which brought out so many important considerations and concerns on the part of the public that we would have been at a loss to have a good bill without such hearings. Those hearings that were held between June 7th when this bill first was introduced and the time today on which we are finally acting on it were absolutely necessary for the final formulation of the legislation before us.

Senator ANDREZESKI. Mr. President, I would like to ask the gentleman from Dauphin, Senator Gekas, if he feels that two years is a proper time frame to adopt legislation that affects innocent victims?

The PRESIDENT pro tempore. Senator Andrezeski, the Chair has been lenient. The only matter before the Senate today is the subject matter of the bill, not time frames or discretion or length of Senate recesses or anything else. If the Senator will confine his questions to the subject matter of the bill, then the Senator may proceed, otherwise, his questions are out of order.

And the question recurring,

Will the Senate agree to the bill on second consideration?

It was agreed to.

Ordered, To be printed on the Calendar for third consideration.

HB 2559 (Pr. No. 3457), HB 2560 (Pr. No. 3527), HB 2561 (Pr. No. 3459), HB 2562 (Pr. No. 3460), HB 2563 (Pr. No. 3461), HB 2564 (Pr. No. 3603) and HB 2565 (Pr. No. 3463) — Considered the second time and agreed to,

Ordered, To be printed on the Calendar for third consideration.

ADMINISTRATIVE RULES REPORT NO. 5, RESOLUTION A, CALLED UP

Senator JUBELIRER, without objection, called up from page 13 of the Calendar, Administrative Rules Report No. 5, Resolution A, entitled:

Resolved That Administrative Rules Report No. 5 of 1982 transmitted by the Department of Public Welfare under section 405.2 of the Public Welfare Code to the General Assembly under date of June 7, 1982 which is incorporated herein by reference be approved.

On the question,

Will the Senate adopt the resolution?

ADMINISTRATIVE RULES REPORT NO. 5,
RESOLUTION A, ADOPTED

Senator JUBELIRER. Mr. President, I move that the Senate do adopt Administrative Rules Report No. 5, Resolution A.

On the question,

Will the Senate agree to the motion?

The motion was agreed to.

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

SB 711 CALLED UP

SB 711 (Pr. No. 747) — Without objection, the bill, which previously went over in its order temporarily, was called up, from page 4 of the Third Consideration Calendar, by Senator JUBELIRER.

BILL ON THIRD CONSIDERATION AMENDED

SB 711 (Pr. No. 747) — Considered the third time,

On the question,

Will the Senate agree to the bill on third consideration?

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

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

To provide for the reasonable standardization and minimum loss ratios of coverage and simplification of terms and benefits of group medicare supplement accident and health insurance policies or group subscriber contracts of health plan corporations and nonprofit health service plans; to facilitate public understanding and comparison of such policies; to eliminate provisions contained in such policies which may be misleading or confusing in connection with the purchase thereof or with the settlement of claims; and to provide for full disclosure in the sale of such coverages to persons eligible for medicare by reason of age.

Amend Bill, page 1, lines 15 through 23; pages 2 through 8, lines 1 through 30 page 9, lines 1 through 9, by striking out all of said lines on said pages and inserting:

Section 1. Short title.

This act shall be known and may be cited as the "Medicare Supplement Insurance Act."

Section 2. Definitions.

The following words and phrases when used in this act shall have, unless the context clearly indicates otherwise, the meanings given to them in this section:

"Applicant." The proposed certificate holder under a group medicare supplement policy or subscriber contract.

"Certificate." A certificate issued under a group medicare supplement policy, which policy has been delivered, or issued for delivery, in this Commonwealth.

"Medicare." The Health Insurance for the Aged Act, Title XVIII of the Social Security Amendments of 1965, as amended.

"Medicare supplement policy." A group policy of accident and health insurance or group subscriber contract of health plan corporations and nonprofit health service plans delivered or issued for delivery in this Commonwealth which is advertised, marketed or designed primarily to supplement coverage for the hospital, medical or surgical expenses of persons eligible for medicare by reason of age. This term does not include:

(1) a policy or contract of one or more employers or labor organizations, or of the trustees of a fund established by one or more employers or labor organizations, or combination thereof, for employees or former employees, or combination thereof, or for members or former members, or combination thereof, of the labor organizations; or

(2) a policy or contract of any professional, trade or occupational association for its members or former or retired members, or combination thereof, if such association:

(i) is composed of individuals all of whom are actively engaged in the same profession, trade or occupation;

(ii) has been maintained in good faith for purposes other than obtaining insurance; and

(iii) has been in existence for at least two years prior to the date of its initial offering of such policy or plan to its members.

Section 3. Definitions in medicare supplement policies.

As used in any medicare supplement policy issued under this act:

(1) "Accident," "accidental injury," "accidental means" shall be defined to employ "result" language and shall not include words which establish an accidental means test or use words such as "external, violent, visible wounds" or similar words of description or characterization. The definition shall not be more restrictive than the following: injury or injuries, for which benefits are provided, means accidental bodily injury sustained by the insured person which is the direct result of an accident, independent of disease or bodily infirmity or any other cause and occurrence while the insurance is in force. Such definition may provide that injuries shall not include injuries for which benefits are provided under any workers' compensation, employer's liability or similar law, motor vehicle no-fault plan, unless prohibited by law, or injuries occurring while the insured person is engaged in any activity pertaining to any trade, business, employment or occupation for wage or profit.

(2) "Convalescent nursing home," "extended care facility" or "skilled nursing facility" shall be defined in relation to its status, facilities and available services; and:

(i) a definition of such home or facility shall not be more restrictive than one requiring that it:

(A) be operated pursuant to law;

(B) be primarily engaged in providing, in addition to room and board accommodations, skilled nursing care under the supervision of a duly licensed physician;

(C) provide continuous 24-hour a day nursing service by or under the supervision of a registered graduate professional nurse; and

(D) maintain a daily medical record of each patient.

(ii) the definition of such home or facility may provide that such term shall not include:

(A) any home, facility or part thereof used primarily for rest;

(B) a home or facility for the aged or for the care of drug addicts or alcoholics; or

(C) a home or facility primarily used for the care and treatment of mental diseases or disorders or custodial or educational care.

(3) "Hospital" may be defined in relation to its status, facilities and available services or to reflect its accreditation by the Joint Commission on Accreditation of Hospitals or the American Osteopathic Association: Provided, That:

(i) the definition of the term "hospital" shall not be more restrictive than one requiring that the hospital:

- (A) be an institution operated pursuant to law;
- (B) be primarily and continuously engaged in providing the medical care and treatment of sick or injured persons on an inpatient basis for which a charge is made; and
- (C) provide 24-hour nursing service by or under the supervision of registered graduate professional nurses.

(ii) the definition of the term "hospital" may state that such term shall not include:

- (A) convalescent homes, convalescent, rest or nursing facilities;
- (B) facilities primarily affording custodial, educational care;
- (C) facilities for the aged, drug addicts or alcoholics; or
- (D) any military or veterans hospital or soldiers home or any hospital contracted for or operated by any national government or agency thereof for the treatment of members or ex-members of the armed forces, except for services rendered on an emergency basis where a legal liability exists for charges made to the individual for such services.

(4) "Mental or nervous disorders" shall not be defined more restrictively than a definition including neurosis, psychoneurosis, psychopathy, psychosis or mental or emotional disease or disorder of any kind.

(5) "Nurses" may be defined so that the description of nurse is restricted to a type of nurse, such as a registered graduate professional nurse, a licensed practical nurse or a licensed vocational nurse. If the words "nurse," "trained nurse" or "registered nurse" are used without specific instruction, then the use of such terms requires the insurer to recognize the services of any individual who qualified under such terminology in accordance with the applicable statutes or administrative rules of the licensing or registry board of the Commonwealth.

(6) "Physician" may be defined by including words such as "duly qualified physician" or "duly licensed physician." The use of such terms requires an insurer to recognize and to accept, to the extent of its obligation under the contract, all providers of medical care and treatment when such services are within the scope of the provider's licensed authority and are provided pursuant to applicable laws.

(7) "Sickness" shall not be defined to be more restrictive than the following: sickness means sickness or disease of an insured person which is diagnosed or treated after the effective date of insurance and while the insurance is in force. The definition may be further modified to exclude sickness or disease for which benefits are provided under any workers' compensation, occupational disease, employer's liability or similar law.

Section 4. Prohibited policy provisions.

No medicare supplement policy shall limit or exclude coverage by type of illness, accident, treatment or medical condition except to the extent they are excluded or limited by medicare. Such policies may exclude coverage for any expense to the extent of any benefit available to the insured under medicare.

Section 5. Minimum benefit standards.

No policy shall be filed with the department as a medicare supplement policy unless the policy meets or exceeds, either in a single policy or, in the case of health plan corporations and non-profit health service plans, in one or more policies issued in conjunction with one another, the requirements of the NAIC Model Regulation to Implement the Individual Accident and Sickness Insurance Minimum Standards Act, as adopted by the National Association of Insurance Commissioners on June 6, 1979, as it applies to medicare supplement policies. At least the following provisions and benefits shall be provided in such policy:

(1) A medicare supplement policy may not exclude losses incurred more than six months from the effective date of coverage for a preexisting condition. The policy may not define a preexisting condition more restrictively than a condition for which medical advice was given or treatment was recommended by or received from a physician within six months prior to the effective date of coverage.

(2) The term "medicare benefit period" shall mean the unit of time used in the medicare program to measure use of services and availability of benefits under Part A, medical hospital insurance.

(3) The term "medicare eligible expenses" shall mean health care expenses of the kinds covered by medicare to the extent recognized as reasonable by medicare. Payment of benefits by insurers for medicare eligible expenses may be conditioned upon the same or less restrictive payment conditions, including determinations of medical necessity as are applicable to medicare claims.

(4) (i) Coverage shall not indemnify against losses resulting from sickness on a different basis than losses resulting from accidents.

(ii) Coverage shall provide that benefits designed to cover cost sharing amounts under medicare shall be changed automatically to coincide with any changes in the applicable medicare deductible amount and copayment percentage factors. Premiums may be changed to correspond with such changes.

(5) The medicare supplement policy must include:

(i) Coverage of Part A medicare eligible expenses for hospitalization to the extent not covered by medicare from the 61st day through the 90th day in any medicare benefit period.

(ii) Coverage of Part A medicare eligible expenses incurred as daily hospital charges during use of medicare's lifetime hospital inpatient reserve days.

(iii) Upon exhaustion of all medicare hospital inpatient coverage including the lifetime reserve days, coverage of 90% of all medicare Part A eligible expenses for hospitalization not covered by medicare subject to a lifetime maximum benefit of an additional 365 days.

(iv) Coverage of 20% of the amount of medicare eligible expenses under Part B regardless of hospital confinement, subject to a maximum calendar year out-of-pocket deductible of \$200 of such expenses and to a maximum benefit of at least \$5,000 per calendar year.

(6) (i) Insurers which made available within the Commonwealth of Pennsylvania any medicare supplement policy subject to this act shall also simultaneously offer to the same prospective insured persons an additional benefit plan medicare supplement coverage which both conforms to the terms and conditions of section 4 and which also provides at least the following coverages:

- (A) the initial Part A deductible;
- (B) skilled nursing home charges incurred in addition to those covered by medicare, and
- (C) coverage of 20% of eligible expenses incurred under Part B of medicare in excess of the deductible amount applied to such expenses by medicare.

(ii) Such offer shall be given prominence in any solicitation of the medicare supplement policy benefits described in section 5 and shall provide the prospective insured the opportunity to simultaneously enroll or apply for the additional benefit plan medicare supplement coverage. The description of the additional benefit plan medicare supplement coverage shall include a statement of the coverages, the premium charges, and any additional applicable exclusions and limitations permitted for the additional benefit plan medicare supplement coverage.

(iii) Such additional benefit plan coverage, if elected by the prospective insured person, shall take effect no later than 15 days following the effective date which applies to medicare supplement coverage described in section 5.

Section 6. Loss ratio standards.

Medicare supplement policies shall be expected to return to policyholders in the form of aggregate benefits under the policy, as estimated for the entire period for which rates are computed to provide coverage, on the basis of incurred claims experience and earned premiums for such period, and in accordance with accepted actuarial principles and practices:

(1) at least 75% of the aggregate amount of premiums collected; and

(2) at least 60% of the aggregate amount of premiums collected in the case of certificates issued as a result of solicitations of individuals through the mail or mass media advertising, including both print and broadcast advertising.

Section 7. Required disclosure provisions.

(a) Each medicare supplement policy shall include a renewal, continuation, or nonrenewal provision. The language or specifications of such provision must be consistent with the type of contract to be issued. Such provision shall be appropriately captioned, shall appear on the first page of the certificate, and shall clearly state the duration, where limited, of renewability and the duration of the term of coverage for which the policy is issued and for which it may be renewed.

(b) A medicare supplement policy which provides for the payment of benefits based on standards described as "usual and customary," "reasonable and customary," or words of similar import, shall include a definition of such terms and an explanation of such terms in its accompanying outline of coverage.

(c) If a medicare supplement policy contains any limitations with respect to preexisting conditions, such limitations shall appear as a separate paragraph of the certificate and be labeled as "Preexisting Condition Limitations."

(d) Certificates, other than those issued pursuant to direct response solicitation, shall have a notice prominently printed on the first page of the certificate or attached thereto stating in substance that the certificate holder shall have the right to return the certificate within ten days of its delivery and to have the premium refunded if, after examination of the certificate, the insured person is not satisfied for any reason. Medicare supplement certificates issued pursuant to a direct response solicitation to persons eligible for medicare by reason of age shall have a notice prominently printed on the first page, or attached thereto, stating in substance that the certificate holder shall have the right to return the certificate within 30 days of its delivery and to have the premium refunded if after examination the insured person is not satisfied for any reason.

(e) Insurers issuing accident and health certificates under group policies delivered or issued for delivery in this Commonwealth which provide hospital or medical expense coverage on an expense incurred or indemnity basis other than incidentally, to a person eligible for medicare by reason of age, shall provide to the certificate holder a medicare supplement buyer's guide in the form consistent with the then current edition of the model jointly developed by the National Association of Insurance Commissioners and the Health Care Financing Administration of the United States Department of Health and Human Services. Delivery of the buyer's guide shall be made whether or not such group policy qualifies as a medicare supplement policy as defined in this act. Except in the case of direct response insurers, delivery of the buyer's guide shall be made at the time of application, and acknowledgment of receipt of certification of delivery of the buyer's guide shall be provided to the insurer. Direct response insurers issuing medicare supplement policies shall deliver the buyer's guide upon request, but not later than at the time the certificate is delivered.

(f) The terms "medicare supplement," "medigap" and words of similar import shall not be used unless the policy is issued in compliance with section 5.

(g)(1) Insurers issuing medicare supplement policies subject to this act shall deliver an outline of coverage to the applicant at the time application is made and, except for the direct response policy, acknowledgment of receipt or certification of delivery of such outline of coverage shall be provided to the insurer.

(2) If an outline of coverage was delivered at the time of application and the certificate is issued on a basis which would require revision of the outline, a substitute outline of coverage properly describing the certificate shall accompany such certificate when it is delivered and shall contain the following statement, in no less than 12-point type, immediately above the company name: "NOTICE: Read this outline of coverage carefully. It is not identical to the outline of coverage provided upon application and the coverage originally applied for has not been issued."

(3) The outline of coverage required under this subsection shall be in a form consistent with the then current model adopted by the National Association of Insurance Commissioners and amended to reflect changes in the medicare program.

Section 8. Requirements for replacement.

(a) Application or enrollment forms shall include a question designed to elicit information as to whether a certificate to be issued under a medicare supplement policy is intended to replace any other accident and health insurance presently in force. A supplementary application or other form to be signed by the applicant containing such a question may be used.

(b) Upon determining that a sale will involve replacement, an insurer, other than a direct response insurer, or its agent, shall furnish the applicant, prior to issuance or delivery of the certificate, a notice designed to inform the applicant of the essential differences in coverage on a form consistent with the then current model notification form adopted by the National Association of Insurance Commissioners. One copy of such notice shall be retained by the applicant and an additional copy signed by the applicant shall be retained by the insurer. A direct response insurer shall deliver the notice to the applicant upon issuance of the certificate.

Section 9. Regulations.

The Insurance Commissioner may promulgate regulations changing the requirements of sections 1 through 8 to the extent necessary within the judgment of the Insurance Commissioner, to comply with changes made by the Congress of the United States as to the requirements contained in Section 1882 of Section 507(a) Title XVIII of the Social Security Act, as such requirements were in effect on the effective date of this act. Such regulations shall take effect within 60 days after their adoption or promulgation. All regulations promulgated pursuant to this act shall be made in accordance with the applicable provisions of 45 Pa.C.S. Part II (relating to publication and effectiveness of Commonwealth documents). Public hearings shall be held prior to the promulgating of any such regulation unless such regulation is insubstantial. The order promulgating any such regulation shall contain findings and reasons for the regulation: Provided, That this section shall not create or permit any right of action at law or equity not otherwise authorized or permitted under the law of the Commonwealth.

Section 10. Mandated coverages inapplicable to medicare supplement policies unless specifically made applicable.

No coverage which, by any law of this Commonwealth enacted on or after the effective date of this act, is required to be included in any group, or blanket accident and health policy, must be included in any medicare supplement policy, as defined herein, unless inclusion thereof in such medicare supplement policy is specifically required by the terms of such law.

Section 11. Application.

This act shall apply to all group accident and health policies and group subscriber contracts issued or renewed in this Commonwealth on or after July 1, 1982.

Section 12. Effective date.

This act shall take effect July 1, 1982.

On the question,

Will the Senate agree to the amendments?

Senator ZEMPRELLI. Mr. President, there is a great deal of consternation over the proposed amendments to Senate Bill No. 711. I would be less than frank if I did not speak about it.

Mr. President, here is an eight-page amendment to a bill and it has on it the date of June 4, 1982. It relates to a very, very serious matter dealing with Medicare supplemental insurance on an individual basis and on a group basis. This matter came before us for the first time in caucus. The reason it came to us for the first time is that we were not here this summer to deal with this issue. Now we find out that we are under a deadline to conform with the Bacus Act and these amendments appear to be extremely beneficial as well as the importance of us passing it at this time. I resent the fact that we did not have this matter before us prior to now and I am asking Members of the caucus to support it because I firmly believe that in a quick perusal of it that it is in the interest of the consumer and it is good legislation necessary to conform with the Bacus Act. Mr. President, that is my preliminary determination after talking to anybody.

Mr. President, my remarks are not directed in opposition to the amendments per se, although these amendments could conceivably go down. The point I am making, Mr. President, very clearly and concisely is that this issue should not have been handled as it was today.

And the question recurring,

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 LOEPER.

HB 2088 CALLED UP

HB 2088 (Pr. No. 3221) — Without objection, the bill, which previously went over in its order temporarily, was called up, from page 9 of the Second Consideration Calendar, by Senator JUBELIRER.

BILL ON SECOND CONSIDERATION AMENDED

HB 2088 (Pr. No. 3221) — The bill was considered.

On the question,

Will the Senate agree to the bill on second consideration?

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

Amend Title, page 1, line 17, by inserting after "providing": for the approval of secondary service areas and

Amend Bill, page 1, by inserting between lines 20 and 21:

Section 1. The act of April 12, 1951 (P.L.90, No.21), known as the "Liquor Code," is amended by adding a section to read:

Section 406.1. Secondary Service Area.—Upon application of any restaurant, hotel, club or municipal golf course liquor licensee, the board may approve a secondary service area by

extending the licensed premises to include one additional permanent structure with dimensions of at least one hundred seventy-five square feet, enclosed on three sides and having adequate seating. Such secondary service area must be located on the same deeded property as the original licensed premises and must be on land which is immediate, abutting, adjacent or contiguous to the licensed premises with no intervening public thoroughfare. There shall be no requirement that the secondary service area be physically connected to the original licensed premises. Further, the licensee shall be permitted to dispense food, liquor and malt or brewed beverages at the board approved secondary service area, notwithstanding the regulations of the board.

Amend Sec. 1, page 1, line 21, by striking out "1" and inserting: 2

Amend Sec. 1, page 1, lines 21 and 22, by striking out " , act of April 12, 1951 (P.L.90, No.21), known as the "Liquor Code,"" and inserting: of the act,

Amend Sec. 2, page 2, line 15, by striking out "2" and inserting: 3

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?

It was agreed to.

Ordered, To be printed on the Calendar for a third consideration.

SB 1266 CALLED UP

SB 1266 (Pr. No. 2167) — Without objection, the bill, which previously went over in its order temporarily, was called up, from page 7 of the Second Consideration Calendar, by Senator JUBELIRER.

BILL ON SECOND CONSIDERATION AMENDED

SB 1266 (Pr. No. 2167) — The bill was considered.

On the question,

Will the Senate agree to the bill on second consideration?

MANBECK AMENDMENTS

Senator MANBECK offered the following amendments:

Amend Title, page 1, line 1, by striking out "and" and inserting a comma

Amend Title, page 1, line 2, by removing the period after "stations" and inserting:

, providing for the regulation of gasoline advertising by requiring the posting of price per gallon at retail outlets and providing penalties.

Amend Sec. 2, page 2, by inserting between lines 19 and 20:

"Low octane unleaded grade of gasoline." A grade of gasoline which has .05 grams of lead per gallon or less and for which the average of the Research Octane Number and the Motor Octane Number ((RON + MON)/2) equals less than 87.

Amend Sec. 2, page 3, by inserting between lines 9 and 10:

"Premium grade of gasoline." A grade of gasoline for which the average of the Research Octane Number and the Motor Octane Number ((RON + MON)/2) equals at least 91.

"Regular grade of gasoline." A grade of gasoline for which the average of the Research Octane Number and the Motor Octane Number ((RON + MON)/2) equals at least 89.

Amend Sec. 2, page 3, by inserting between lines 23 and 24:

“Subregular grade of gasoline.” A grade of leaded gasoline for which the average of the Research Octane Number and the Motor Octane Number ((RON + MON)/2) is less than 89.

Amend Sec. 2, page 3, by inserting between lines 27 and 28:

“Unleaded premium grade of gasoline.” A grade of gasoline which has .05 grams of lead per gallon or less and for which the average of the Research Octane Number and the Motor Octane Number ((RON + MON)/2) equals at least 91.

“Unleaded regular grade of gasoline.” A grade of gasoline which has .05 grams of lead per gallon or less and for which the average of the Research Octane Number and the Motor Octane Number ((RON + MON)/2) equals at least 87.

Amend Bill, page 11, by inserting between lines 25 and 26:

Section 14. Posting requirements.

(a) Price per gallon.—The owner or operator of a retail gasoline outlet shall post on the property of the business, a sign or signs displaying the price per gallon currently being charged for its regular grade of gasoline and unleaded regular grade of gasoline. If an unleaded regular grade of gasoline is not offered for sale, the price for the unleaded premium grade of gasoline shall be posted. Nothing in this subsection shall preclude the posting of prices for other grades of gasoline offered for sale.

(b) Size and display of numerals.—The numerals on such signs together with the words “Regular,” “Unleaded Regular” or “Unleaded Premium” for each such grade of gasoline shall be displayed in bold block lettering at least three inches in height on a sign or signs clearly visible from the primary roadway bordering the business property.

(c) Self-service.—If the prices displayed refer to the price charged on condition that the customer operate the pump, then the sign or signs displaying such prices shall bear the words “self-service” in bold block lettering at least three inches in height.

(d) Price posted shall be identified.—If the owner or operator of a retail gasoline outlet chooses to display the price of grades of gasoline other than as required by subsection (a) on a sign visible from a public highway, the sign shall identify the grade and prices of the gasoline in bold block lettering at least three inches in height. If the prices displayed refer to the price charged on condition that the customer operate the pump, then the sign shall also bear the words “self-service” in the same size bold block lettering.

Section 15. Compliance with octane ratings.

No person shall sell or offer for sale gasoline represented as a particular grade of gasoline unless such gasoline is in conformance with the standard octane ratings established in section 2.

Section 16. Penalties.

Any owner or operator of a retail gasoline outlet who violates any provision of this act shall be guilty of a summary offense and, upon conviction thereof, shall, for the first offense be sentenced to pay a fine not exceeding \$150, and for a second and each subsequent offense, be sentenced to pay a fine not exceeding \$300.

Amend Sec. 14, page 11, line 26, by striking out “14” and inserting: 17

Amend Sec. 15, page 12, line 3, by striking out “15” and inserting: 18

On the question,

Will the Senate agree to the amendments?

Senator MANBECK. Mr. President, it is my opinion that the amendments have been agreed to by the Democratic side. If the amendments pass I ask that Senate Bill No. 1266 go up.

Senator LOEPER. Mr. President, I desire to interrogate the gentleman from Lebanon, Senator Manbeck.

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

Senator MANBECK. I will, Mr. President.

Senator LOEPER. Mr. President, I was wondering if the gentleman from Lebanon, Senator Manbeck, could tell me whether these amendments are similar to House Bill No. 198 which passed the House of Representatives?

Senator MANBECK: Mr. President, they are similar to House Bill No. 198.

Senator LOEPER. Mr. President, are they, in fact, the exact language as House Bill No. 198?

Senator MANBECK. Approximately, Mr. President.

Senator LOEPER. Mr. President, could the gentleman tell me what the differences in language might be?

Senator MANBECK. Mr. President, I cannot tell the gentleman that.

Senator LOEPER. Mr. President, I noticed on the amendments that they were ordered yesterday, November 9th, and yet on the agenda of the Committee on Transportation for today was House Bill No. 198. I was wondering if the gentleman from Lebanon, Senator Manbeck, could explain why it was not considered?

Senator MANBECK. Mr. President, why House Bill No. 198 was not considered? Mr. President, we did not have any particular reason to consider House Bill No. 198.

Senator LOEPER. Mr. President, I think the amendments certainly have merit and that was reflected by the vote in the House of Representatives and I would ask for an affirmative vote on the amendments.

And the question recurring,

Will the Senate agree to the amendments?

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

YEAS—47

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

NAYS—1

Tilghman

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

On the question,

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

KUSSE AMENDMENT I

Senator KUSSE offered the following amendment:

Amend Sec. 2, page 2, line 25, by removing the period after "fuels" and inserting:

The term "refiner" shall not include nor shall this act apply to any refiner who produces or processes less than 175,000 barrels of crude oil per day.

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

Senator KUSSE. Mr. President, this amendment amends the definition of "refiner." It says that the term "refiner" shall not include, nor shall this act apply to any refiner who produces or processes less than 175,000 barrels of crude oil per day.

Senator LOEPER. Mr. President, I was just made aware of this amendment this afternoon. We certainly are not sure of the implications the amendment may have on the significant content of the bill and, therefore, I would oppose the amendment, Mr. President.

Senator ZEMPRELLI. Mr. President, I would remind the Members of the Democratic caucus that after discussion we have agreed to join the gentleman from Delaware, Senator Loeper, in opposition to the amendment.

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

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

YEAS—17

Corman	Hess	Moore	Snyder
Fisher	Hopper	O'Connell	Stauffer
Gekas	Howard	Rhoades	Tilghman
Hager	Kusse	Shaffer	Wilt
Helfrick			

NAYS—31

Andrezeski	Lewis	Messinger	Scanlon
Bell	Lincoln	Murray	Singel
Bodack	Lloyd	O'Pake	Stampone
Early	Loeper	Pecora	Stapleton
Fumo	Lynch	Price	Stout
Greenleaf	McKinney	Reibman	Street
Holl	Manbeck	Romanelli	Zemprelli
Jubelirer	Mellow	Ross	

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

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

KUSSE AMENDMENT II

Senator KUSSE offered the following amendment:

Amend Sec. 2, page 2, line 25, by removing the period after "fuels" and inserting:

The term "refiner" shall not include nor shall this act apply to any refiner who produces or processes less than 75,000 barrels of crude oil per day.

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

Senator KUSSE. Mr. President, this is an amendment that will be very easy to vote for. It is similar to the previous

amendment except that it changes the number of barrels to the figure of 75,000 barrels. In other words, refiners who process less than the 75,000 barrels a day would be exempt from the act.

I would point out that in my district are two refineries, and I suppose there are some in other districts, and these two refineries probably employ a total of at least 2,000 people. We worry about jobs in Pennsylvania. These refineries market their own product and if they are not permitted to do it I think it is highly likely that they will go under or have to move out of Pennsylvania.

I would hope that my colleagues would agree with me and give me an "aye" vote on this amendment.

Senator LOEPER. Mr. President, I believe this amendment just echoes the concern I had with the first amendment offered by the gentleman, that if all of a sudden we can go from 175,000 barrels a day to 75,000 barrels a day it can significantly alter the content and intent of the legislation and, therefore, I would oppose the amendment.

Senator ZEMPRELLI. Mr. President, I would again remind the Members of the Democratic caucus that we have also discussed the so-called "Kusse amendment," and we do join the gentleman from Delaware, Senator Loeper, in opposition to the amendment as offered. It puts us in somewhat of an awkward position. We are not used to having the ability to either support or oppose the inner workings of the Republican caucus.

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

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

YEAS—17

Corman	Hess	Moore	Snyder
Fisher	Hopper	O'Connell	Stauffer
Gekas	Howard	Rhoades	Tilghman
Hager	Kusse	Shaffer	Wilt
Helfrick			

NAYS—31

Andrezeski	Lewis	Messinger	Scanlon
Bell	Lincoln	Murray	Singel
Bodack	Lloyd	O'Pake	Stampone
Early	Loeper	Pecora	Stapleton
Fumo	Lynch	Price	Stout
Greenleaf	McKinney	Reibman	Street
Holl	Manbeck	Romanelli	Zemprelli
Jubelirer	Mellow	Ross	

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

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

O'CONNELL AMENDMENTS

Senator O'CONNELL offered the following amendments:

Amend Sec. 2, page 2, line 10, by striking out "holds at least 30% voting control." and inserting: has more than a 50% beneficial interest.

Amend Sec. 8, page 10, line 1, by removing the comma after "company" and inserting: in which a manufacturer or refiner has more than a 50% beneficial interest,

Amend Sec. 8, page 10, line 10, by removing the comma after "company" and inserting: in which a manufacturer or a refiner has more than a 50% beneficial interest,

On the question,

Will the Senate agree to the amendments?

Senator O'CONNELL. Mr. President, this is an attempt to clarify by amendments a definition. It clarifies the definition of "subsidiary." By so doing they set forth very clearly in the bill those that would be impacted upon by the balance of that bill. These deal with a corporation—and the bill now says 30 per cent, and this would indicate 50 per cent—which really does not exercise influence or control over the management decisions or policies directly. The bill is applicable to subsidiaries of manufacturers and refiners but in the bill it fails to define that and this is an attempt to do it so that it is clear. The bill as it is now written impacts adversely on three or four Pennsylvania corporations and this would be an attempt to alleviate that.

Senator LOEPER. Mr. President, in regard to the gentleman's amendments, I believe that possibly the percentage factor, raising it from 30 to 50 per cent, may have some merit. However, I am very concerned about the changes of definitions such as are outlined in Senate Bill No. 1266, particularly the definition of that of the "distributor" and the definition of "subsidiary." The "subsidiary" definition in the divorce section could very possibly alter the entire intent of the bill and, therefore, I would also oppose these amendments.

Senator ZEMPRELLI. Mr. President, I would only reiterate our support for the position of the gentleman from Delaware, Senator Loeper.

And the question recurring,

Will the Senate agree to the amendments?

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

YEAS—14

Corman	Hess	O'Connell	Snyder
Fisher	Hopper	Price	Stauffer
Gekas	Kusse	Shaffer	Wilt
Hager	Moore		

NAYS—33

Andrezeski	Jubelirer	Mellow	Ross
Bell	Lewis	Messinger	Scanlon
Bodack	Lincoln	Murray	Singel
Early	Lloyd	O'Pake	Stampone
Fumo	Loeper	Pecora	Stapleton
Greenleaf	Lynch	Reibman	Stout
Helfrick	McKinney	Rhoades	Street
Holl	Manbeck	Romanelli	Zemprelli
Howard			

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

And the question recurring,

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

It was agreed to.

Ordered, To be printed on the Calendar for third consideration.

SB 1500 CALLED UP

SB 1500 (Pr. No. 1998) — Without objection, the bill, which previously went over in its order temporarily, was called up, from page 3 of the Third Consideration Calendar, by Senator JUBELIRER.

PREFERRED APPROPRIATION BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

SB 1500 (Pr. No. 1998) — Considered the third time,

On the question,

Will the Senate agree to the bill on third consideration?

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

Amend Title, page 1, line 2 by removing the period after "repair" and inserting: and utility relocation costs.

Amend Bill, page 1, by inserting between lines 10 and 11:

Section 2. The sum of \$75,000, or as much thereof as may be necessary, is hereby specifically appropriated to the Department of Environmental Resources for the fiscal year 1982-1983 for utility relocation costs associated with the rechannalization of Saw Mill Run in the vicinity of Brown Avenue, Turtle Creek Borough, Allegheny County.

Amend Sec. 2, page 1, line 11 by striking out "2" and inserting: 3

On the question,

Will the Senate agree to the amendments?

Senator ROMANELLI. Mr. President, these amendments are amendments which essentially do the same thing as the gentleman from Northumberland, Senator Helfrick, is trying to do. It is in the Borough of Turtle Creek in Allegheny County and there is a flood control project there that necessitates a \$75,000 appropriation.

Mr. President, I would ask my colleagues to support these amendments for the \$75,000 to alleviate a very dangerous condition in the Borough of Turtle Creek.

Senator TILGHMAN. Mr. President, I would ask for a negative vote on these amendments, not to say that the project may not be needed, but it should go through a careful study. It should be in the Committee on Appropriations. We should also get the environmental resources cost for the estimate of this. I would also ask for a negative vote on the other amendments of the gentleman from Allegheny, Senator Romanelli, for \$750,000. I believe it would be in his next amendments and for the same reason that we have no background material whatsoever on either one of these projects, I would ask for a negative vote.

And the question recurring,

Will the Senate agree to the amendments?

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

YEAS—22

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

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 the Senators having voted "aye," the question was determined in the negative.

And the question recurring,

Will the Senate agree to the bill on third consideration?

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

Amend Title, page 1, line 2, by removing the period after "repair" and inserting: and culvert construction.

Amend Bill, page 1, by inserting between lines 10 and 11:

Section 2. The sum of \$750,000, or as much thereof as may be necessary, is hereby specifically appropriated to the Department of Environmental Resources for the fiscal year 1982-1983 for the construction of a culvert at a point in the West Run Creek in the vicinity of Forest Avenue connecting the West Homestead Borough and Munhall Borough sections of the creek, in Allegheny County.

Amend Sec. 2, page 1, line 11, by striking out "2" where it appears the first time and inserting: 3

On the question,

Will the Senate agree to the amendments?

Senator ROMANELLI. Mr. President, this is for an appropriation to the Department of Environmental Resources for a project in connection with the Borough of West Homestead and the Borough of Munhall over West Run Creek. It also is a flooding situation and a very dangerous situation as far as the community is concerned. The Department of Environmental Resources has made the inspection. They feel it would cost this amount of money to repair the project and complete the project, however, they do not have the money in their current budget and have asked for an appropriation, and I am offering the amendments at this time.

And the question recurring,

Will the Senate agree to the amendments?

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

YEAS—22

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

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 the Senators having voted "aye," the question was determined in the negative.

And the question recurring,

Will the Senate agree to the bill on third consideration?

It was agreed to.

On the question,

Shall the bill pass finally?

REQUEST FOR BILL OVER IN ORDER

Senator ROMANELLI. Mr. President, as I have already stated, when I voted on the bill to get it out of the Committee on Appropriations yesterday, it was with the intent that I would be able to amend it on the floor. However, I have the same problems as the gentleman from Montgomery, Senator Tilghman, has. I have no background information on how the \$50,000 will be spent. However, if we would go over the bill until next week or recommit it to the Committee on Appropriations so I can get the support material to the gentleman from Montgomery, Senator Tilghman, so he knows what the two projects are all about, I would ask this Body to go over Senate Bill No. 1500 or to recommit it to the Committee on Appropriations.

The PRESIDENT pro tempore. Senator Romanelli requests that Senate Bill No. 1500 go over. Is there objection to Senate Bill No. 1500 going over?

Senator TILGHMAN. I object, Mr. President.

The PRESIDENT pro tempore. There being an objection, Senator, do you wish to move that this bill go over.

MOTION FOR BILL OVER IN ORDER

Senator ROMANELLI. Mr. President, I move that the bill go over in its order.

On the question,

Will the Senate agree to the motion?

Senator JUBELIRER. Mr. President, would the gentleman accept the same roll call on the previous amendment on his motion to go over?

The PRESIDENT pro tempore. The gentleman indicates he will.

And the question recurring,

Will the Senate agree to the motion?

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

YEAS—22

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

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 the Senators having voted "aye," the question was determined in the negative.

And the question recurring,
Shall the bill pass finally?

Senator ROSS. Mr. President, due to the fact that our colleagues did not receive the same consideration that the gentleman from Northumberland, Senator Helfrick, did, we would ask our Members on this side of the aisle to vote "no."

Senator TILGHMAN. Mr. President, it is late and I will not belabor the issue. Senate Bill No. 1500 is a piece of legislation that has been properly handled in the legislative process. It did come up before the Committee on Appropriations. It has been investigated by the staff of the Committee on Appropriations. There is a fiscal note on it. There is a great deal of difference between this legislation and the amendments previously offered on the floor. I ask for an affirmative vote on the bill, Mr. President.

And the question recurring,
Shall the bill pass finally?

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

YEAS—31

Corman	Hopper	Moore	Shaffer
Fisher	Howard	O'Connell	Singel
Gekas	Jubelirer	O'Pake	Snyder
Greenleaf	Kusse	Pecora	Stauffer
Hager	Lloyd	Price	Street
Helfrick	Loeper	Reibman	Tilghman
Hess	Manbeck	Rhoades	Wilt
Holl	Mellow	Scanlon	

NAYS—16

Andrezski	Lewis	Messinger	Stampone
Bodack	Lincoln	Murray	Stapleton
Early	Lynch	Romanelli	Stout
Fumo	McKinney	Ross	Zemprelli

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 2304 CALLED UP

HB 2304 (Pr. No. 3668) — Without objection, the bill, which previously went over in its order temporarily, was called up, from page 5 of the Third Consideration Calendar, by Senator JUBELIRER.

BILL OVER IN ORDER

HB 2304 — Without objection, the bill was passed over in its order at the request of Senator JUBELIRER.

MEETING OF THE COMMITTEE ON URBAN AFFAIRS AND HOUSING

The PRESIDENT pro tempore. Senator Price has requested that the Committee on Urban Affairs and Housing immediately come to the Rules Committee room at the rear of the Senate Chamber for purposes of a committee meeting.

Senator Jubelirer, are there any more votes to come before the Senate?

Senator JUBELIRER. Mr. President, there are no more roll call votes.

The PRESIDENT pro tempore. Will those Members of the Committee on Urban Affairs and Housing please go to the Rules Committee room?

The Chair has been informed that there are no further roll call votes; the only matters remaining before the Senate are Reports of Committees. Will those Members of the Committee on Urban Affairs and Housing please go immediately to the Rules Committee room?

PERSONAL PRIVILEGE

Senator BELL. Mr. President, I rise to a point of personal privilege.

The PRESIDENT pro tempore. The gentleman from Delaware, Senator Bell, will state it.

Senator BELL. Mr. President, on the last roll call, Senate Bill No. 1500, I was in the hall of the Senate during the roll call and I missed it when my name was called first. It was not called the second time. I would have voted "yes" if it had been called the second time.

UNFINISHED BUSINESS

BILL REREFERRED

Senator O'CONNELL, from the Committee on State Government, returned to the Senate **HB 27**, which was rereferred to the Committee on Rules and Executive Nominations.

REPORTS FROM COMMITTEES

Senator O'CONNELL, from the Committee on State Government, reported, as committed, **SB 1538, 1570, HB 2087, 2343 and 2577**; as amended, **SB 488, 1307, HB 2073, 2344 and 2644**.

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:

JUDGE OF COMMONWEALTH COURT

August 31, 1982.

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 Madaline Palladino, Esquire, 226 North Twenty-seventh Street, Allentown 18101, Lehigh County, Sixteenth Senatorial District, for appointment as Judge of Commonwealth Court, to serve until the first Monday of January, 1984, vice The Honorable Roy Wilkinson, Jr., State College, confirmed as Justice, Supreme Court of Pennsylvania.

DICK THORNBURGH.

JUDGE, COURT OF COMMON PLEAS
BERKS COUNTY

September 29, 1982.

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 David E. Turner, R. D. 1, 202A, Birdsboro 19508, Berks County, Eleventh Senatorial District, for appointment as Judge of the Court of Common Pleas of Berks County, to serve until the first Monday of January, 1984, vice The Honorable Frederick Edenharter, resigned.

DICK THORNBURGH.

JUDGE, COURT OF COMMON PLEAS,
DAUPHIN COUNTY

July 26, 1982.

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 Herbert A. Schaffner, Esquire, 145 Park Avenue, Hummelstown 17036, Dauphin County, Fifteenth Senatorial District, for appointment as Judge of the Court of Common Pleas of the Twelfth Judicial District of Pennsylvania, composed of the County of Dauphin, to serve until the first Monday of January, 1984, vice The Honorable William Caldwell, resigned.

DICK THORNBURGH.

JUDGE, COURT OF COMMON PLEAS,
PHILADELPHIA COUNTY

July 7, 1982.

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 John Joseph Poserina, Jr., Esquire, 4600 Convent Lane, Philadelphia 19114, Philadelphia County, Fourth Senatorial District, for appointment as Judge of the Court of Common Pleas of the First Judicial District of Pennsylvania, composed of the County of Philadelphia, to serve until the first Monday of January, 1984, vice The Honorable James T. McDermott, elected to the Supreme Court.

DICK THORNBURGH.

JUDGE, COURT OF COMMON PLEAS,
PHILADELPHIA COUNTY

October 25, 1982.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Michael Rankin Stiles, 3436 Warden Drive, Philadelphia 19129, Philadelphia County, Sixth Senatorial District, for appointment as Judge of the Court of Common Pleas of the First Judicial District of Pennsylvania, composed of the County of Philadelphia, to serve until the first Monday of January, 1984, vice Gregory G. Lagakos, deceased.

DICK THORNBURGH.

MEMBER OF THE MILK MARKETING BOARD

May 10, 1982.

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 J. Robert Derry, R. D. 1, Box 7-C, Penn Run 15765, Indiana County, Forty-first Senatorial District, for appointment as a member of the Milk Marketing Board, to serve until May 1, 1987, and until his successor shall have been appointed and qualified, vice Donald E. Lanius, York, whose term expired.

DICK THORNBURGH.

MEMBER OF THE BOARD OF TRUSTEES
OF PENNSYLVANIA STATE UNIVERSITY

October 20, 1982.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate William K. Ulerich, 724 South Second Street, Clearfield 16830, Clearfield County, Thirty-fourth Senatorial District, for reappointment as a member of the Board of Trustees of The Pennsylvania State University, to serve until July 1, 1985, and until his successor is appointed and qualified.

DICK THORNBURGH.

MEMBER OF THE PENNSYLVANIA
TURNPIKE COMMISSION

September 3, 1982.

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 Allan C. Myers, Merrybrook Road, Worcester 19490, Montgomery County, Twenty-fourth Senatorial District, for appointment as a member of the Pennsylvania Turnpike Commission, to serve until June 4, 1983, and until his successor is appointed and qualified, vice Egidio Cerilli, Greensburg, resigned.

DICK THORNBURGH.

MEMBER OF THE PENNSYLVANIA
TURNPIKE COMMISSION

September 3, 1982.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Robert B. Pease, 326 Dewey Street, Pittsburgh 15218, Allegheny County, Forty-fourth Senatorial District, for appointment as a member of the Pennsylvania Turnpike Commission, to serve until June 4, 1987, and until his successor is appointed and qualified, vice Ray M. Bollinger, Richland, resigned.

DICK THORNBURGH.

MEMBER OF THE PENNSYLVANIA
TURNPIKE COMMISSION

September 3, 1982.

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 James J. Ustynoski, 710 West Diamond Avenue, Hazleton 18201, Luzerne County, Fourteenth Senatorial District, for appointment as a member of the Pennsylvania Turnpike Commission, to serve until June 4, 1991, and until his successor is appointed and qualified, vice Jack I. Greenblat, Allentown 18104, whose term expired.

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

CONGRATULATORY RESOLUTIONS

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

Congratulations of the Senate were extended to Mr. and Mrs. Frank Bator and to Mrs. Bridget Makowski by Senator O'Connell.

Congratulations of the Senate were extended to Ray Shore by Senator Reibman.

Congratulations of the Senate were extended to Mr. and Mrs. Sam Radovich by Senator Ross.

Congratulations of the Senate were extended to Mr. and Mrs. Frank T. Adams and to Mr. and Mrs. Gerald C. Wiser by Senator Stapleton.

Congratulations of the Senate were extended to Mr. and Mrs. Glen R. Holmes, Mr. and Mrs. Hayward E. Ribbett, Mr. and Mrs. Joseph Slowaitis, Mr. and Mrs. E. Fremont Watkins, Mr. and Mrs. Wendell W. Williams and to Mrs. Electa Cox by Senator Stout.

Congratulations of the Senate were extended to Harry Block and to Harry Boyer by Senator Zemprelli and others.

CONDOLENCE RESOLUTION

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

Condolences of the Senate were extended to the family of the late Lieutenant Colonel Edward L. Holman by Senator Moore.

BILLS ON FIRST CONSIDERATION

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

The motion was agreed to.

The bills were as follows:

SB 488, 1307, 1538, 1566, 1567, 1570, 1599, HB 521, 738, 1458, 1649, 1903, 1905, 1914, 1918, 2073, 2087, 2264, 2343, 2344, 2519, 2520, 2522, 2577 and 2644.

And said bills having been considered for the first time,
Ordered, To be printed on the Calendar for second consideration.

REPORT FROM COMMITTEE

Senator PRICE, by unanimous consent, from the Committee on Urban Affairs and Housing, reported, as amended, **HB 2603.**

BILL ON FIRST CONSIDERATION

Senator JUBELIRER. 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 2603.

And said bill having been considered for the first time,
Ordered, To be printed on the Calendar for second consideration.

PETITIONS AND REMONSTRANCES

Senator MESSINGER. Mr. President, during the brief period that I was Majority Leader in 1977 and 1978, the Democratic caucus was badgered for months by some influential Members of the Republican caucus about doing things to create good government. During that period the so-called Ethics Act was passed. In fact, at that time there were allegations of misconduct and influence pedaling and all of the other things. One of the primary provisions of that act was that all public officials in Pennsylvania from the township level to the Governor and the Supreme Court file annual financial disclosure statements listing assets and liabilities so the public would know whether or not the officials had any interest financially in the cases before them.

Mr. President, it so happens that in January of 1981 the Supreme Court made two rulings which riddled that so-called honesty-in-government law so thoroughly that it would be laughable if it were not so painful. First the court ruled that judges do not have to make annual disclosures and the second ruling exempted lawyers from filing the same annual statement. There are 400 judges in Pennsylvania. At that time there were fifty-four lawyers in the Legislature and thousands of lawyers who were acting as solicitors in local government.

In other words, lawyers and judges were in such influential decision making that the idea of the Ethics Act might just as well have been thrown out of the window.

On February 2, 1981, when I introduced Senate Bill No. 166, I made a proposal that would force lawyers in public posts to disclose their finances. That bill was committed to a committee where it has rested peacefully ever since. If the Republican caucus was so interested in good government in 1978, what happened to that idea in 1981 and 1982? Evidently they have forgotten that good government was supposed to be their platform and all that harassment of the Democratic caucus at that time and especially of the Democratic leader at that time, was for naught because nothing has happened to Senate Bill No. 166, and I guarantee the Members nothing will happen to it.

Mr. President, I suppose business will continue to go on as usual and all of the bad things that the Democrats did are now being done by the other party because now they are in power. Maybe some day things will change, but it does not look like it.

Senator LEWIS. Mr. President, I intend to be brief, but there are economic circumstances developing in this Commonwealth that I believe cannot go without observation and comment.

I am certain all of my colleagues will recall that during the past few months I and other Democrats who have been concerned about our budget, about the revenues, about the economy of this Commonwealth, have, on a number of occasions, expressed our opinions that the budget, which has been adopted for this current fiscal year, was not a sound one, that the revenues were overestimated and that the expenditures were underestimated and as a result, we would be facing a significant deficit in this Commonwealth's revenues before the end of the year.

Interestingly enough, Mr. President, less than a week after the election was over and notwithstanding all of the protests to the contrary that came from the Governor's office before that time, the revelation was presented that even the Governor's Office now tells us that they anticipate the possibility of as much as a \$200 million deficit in the current fiscal year because the economy has not turned around as quickly as they had expected. What bunk for an excuse. It is about time they finally start acknowledging the reality of where we are going to be. Unfortunately, the \$200 million estimate is still likely to be quite light when all is said and done.

I have also found it interesting that in the two months preceding the election we were treated to reports from the Revenue Department that indicated that revenues were coming in at a rate that exceeded the amount that had been anticipated as if to create the picture again that all was fine with the revenues and the economic situation of this Commonwealth. I will admit that it even had me a little bit confused for a brief period of time. Notwithstanding those rosy projections for two months, we now see again, a week after the election, the admission there will be at least a \$200 million shortfall.

Mr. President, I was very concerned about how we could have had this slip, this flop and this significant change in such a brief period of time with no apparent explanation. I had my staff do a little bit of research on the issue and discovered another way in which this Administration has manipulated the economic figures and the information they have been delivering to the people of this Commonwealth. Again, let me reference for the Members, the reports for the months of August and September, that revenues were coming in at a rate that exceeded those that had been projected. Let us look, then, at what the projections actually were. Interestingly enough we find in going back for the last couple of fiscal years that for the first quarter collections, for the months of July, August and September, in 1980-1981, for example, under the Thornburgh Administration, the anticipation for the revenue for that quarter as a percentage of the total years revenue was 19.06 per cent. For 1981-1982, again, under this Administration, the anticipation of revenue for the first quarter was 19.28 per cent of the total year's anticipated collections.

Well lo and behold, what do we discover for the first quarter for 1982-1983 but that this Administration estimated the revenues would only come in at 17.75 per cent, not 19.28 per cent or 19.06. This is the same Administration that is telling us now that the economic recovery that they had expected has not come through and yet they are the ones who dramatically reduced the expectations for revenue for that period. No wonder it seemed as if by the figures they submitted things were going well. Yes, we did do better than the 17.61 per cent that they anticipated we would collect. We actually collected revenues that are 17.75 per cent of the full year's total expenditures. Keep in mind this is 17.75 per cent now in reality in comparison to 19.25 per cent which was the projection from just the previous year.

What does all of that mean? Exactly the story that they are now finally living up to and beginning to admit. That means in just these sales tax revenue areas alone by the very collections experience that we have had and notwithstanding all of the claims that we are doing better than they thought, we will face a deficiency of at least \$125 million this year in sales tax revenues alone.

Mr. President, it is going to be a very bleak time. I make these comments for two purposes. One is to say that since June and July of last year or of this previous year in the past Session, we as Democrats have been telling the people in this Commonwealth that times are going to be very, very bleak because they have been misled in terms of the state of the economy of this Commonwealth. We have done it with documentation. We are on record and it is more than just rhetoric. We have staked our reputations on these projections and put them in writing. Secondly, I think that as we, in the final few days of this Session, see a succession of bills that call for additional spending above and beyond that which has already been approved, we had better be most mindful of the stark realities that are going to be facing us during the balance of this fiscal year and we had better be very careful about approving any new expenditures because the deficiencies are going to get higher and higher and higher. The reality of

dealing with increased revenues for the Commonwealth is not a situation that any of us look forward to with much glee or anticipation but it is a reality that we will not be able to continue to run from as this Administration has done so successfully for the last eighteen months.

Mr. President, it is an unfortunate situation but let us please be mindful of it now and conduct our legislative activities accordingly.

COMMUNICATIONS FROM THE GOVERNOR

NOMINATIONS BY THE GOVERNOR REFERRED TO COMMITTEE

The PRESIDENT pro tempore 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:

JUDGE, COURT OF COMMON PLEAS, MONTGOMERY COUNTY

November 9, 1982.

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 Albert R. Subers, Esquire, 1168 Kenyon Drive, Fort Washington 19401, Montgomery County, Twelfth Senatorial District, for appointment as Judge of the Court of Common Pleas of the Thirty-eighth Judicial District of Pennsylvania, composed of the County of Montgomery, to serve until the first Monday of January, 1984, vice The Honorable Vincent A. Cirillo, elected as Judge of the Superior Court.

DICK THORNBURGH.

JUDGE, COURT OF COMMON PLEAS, MONTGOMERY COUNTY

November 9, 1982.

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 Paul W. Tressler, Esquire, 390 Souderton-Harleysville Pike, Souderton 18964, Montgomery County, Twenty-fourth Senatorial District, for appointment as Judge of the Court of Common Pleas of the Thirty-eighth Judicial District of Pennsylvania, composed of the County of Montgomery, to serve until the first Monday of January, 1984, vice The Honorable Mason Avrigian, resigned.

DICK THORNBURGH.

ANNOUNCEMENTS BY THE SECRETARY

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

SENATE OF PENNSYLVANIA

COMMITTEE MEETINGS

MONDAY, NOVEMBER 15, 1982

1:00 P.M.	CONSUMER PROTECTION AND PROFESSIONAL LICENSURE (to consider Senate Bills No. 1608, 1615, 1616; House Bill No. 815 and the Adminis- trative Rules Report No. 6)	Room 460, 4th Floor Conference Rm., North Wing
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THURSDAY, NOVEMBER 18, 1982

10:00 A.M.	Joint Committee on Legal Services pursuant to Senate Resolution No. 231	Room 461, 4th Floor Conference Rm., North Wing
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ADJOURNMENT

Senator JUBELIRER. Mr. President, I move that the Senate do now adjourn until Monday, November 15, 1982, at 1:00 p.m., Eastern Standard Time.

The motion was agreed to.

The Senate adjourned at 5:52 p.m., Eastern Standard Time.