

COMMONWEALTH OF PENNSYLVANIA

Legislative Journal

MONDAY, OCTOBER 17, 1983

SESSION OF 1983

167TH OF THE GENERAL ASSEMBLY

No. 76

SENATE

MONDAY, October 17, 1983.

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

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

PRAYER

The Chaplain, Sr. MIRIAM CLAIRE, President of Manor Junior College, Jenkintown, offered the following prayer:

Honorable Lieutenant Governor Scranton and Honorable Senators:

It is an honor for me to be present with you today and to pray with you as you seek God's guidance in the deliberations of this day.

With the eyes of our minds and hearts focused upon the person of God our Father, let us pray.

O Heavenly King, Divine Ruler of heaven and earth, gift us with Your own qualities of truth and justice, love and mercy.

You have called each of us by name to serve Your people, the people of this Commonwealth. In this, our service, support us with wisdom to see the truth clearly so that judgments and decisions may be made fairly. May Your unconditional love for us be the inspiration of our love for each other and for those whom we serve in Your name.

May the decisions we render this day reflect Your mercy, love and justice.

May the poor be honored and cared for and may the rich be moved to share their blessings which come from You, O gracious Lord.

Grant that truth be the light which guides us and Your word be the strength which supports the work of our minds and hearts.

We are Your instruments O God, and we choose to be instruments for good so that You may continue Your work of love for Your people in and through us. All we ask, O Lord, is the grace to be true to the good You have endowed us with and Your blessing upon the work that we do so that we may bring honor and glory to Your name and peace and prosperity to the people whom we serve. Amen.

The PRESIDENT. The Chair thanks Sr. Miriam Claire who is the guest this week of Senator Greenleaf.

JOURNAL APPROVED

The PRESIDENT. A quorum of the Senate being present, the Clerk will read the Journal of the preceding Session of October 12, 1983.

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.

LEGISLATIVE LEAVES

Senator JUBELIRER. Mr. President, I request a legislative leave of absence for Senator Snyder who is attending an education meeting in Dr. Wilburn's office.

I request a temporary legislative leave of absence for Senator Street who while attending to legislative business is on his way to the Capitol.

I request a temporary legislative leave of absence for Senator Wilt who is attending a workshop on health care in his capacity as Chairman of the Committee on Public Health and Welfare.

I request a temporary legislative leave of absence for Senator Howard for the beginning of today's Session. I also request temporary legislative leaves of absence for Senator Holl and Senator Fisher.

Senator SCANLON. Mr. President, I request legislative leaves of absence for Senator Hankins for the entire week and for Senator Lynch for today's Session.

I request temporary legislative leaves of absence for Senator Mellow, Senator Lincoln, Senator Lloyd and Senator Reibman who are attending a meeting in the Department of Education.

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

LEAVE OF ABSENCE

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

HOUSE MESSAGES

HOUSE CONCURS IN SENATE CONCURRENT RESOLUTION

The Clerk of the House of Representatives informed the Senate that the House has concurred in resolution from the Senate, entitled:

Senate Concurrent Resolution No. 62.

SENATE BILL RETURNED WITH AMENDMENTS

The Clerk of the House of Representatives returned to the Senate **SB 21**, with the information that the House has passed the same with amendments in which the concurrence of the Senate is requested.

The PRESIDENT. The bill, as amended, will be placed on the Calendar.

HOUSE BILLS FOR CONCURRENCE

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

October 12, 1983

HB 223 — Committee on Law and Justice.

HB 501 and **1004** — Committee on Urban Affairs and Housing.

HB 539 — Committee on Public Health and Welfare.

HB 947 — Committee on Education.

HB 1156 — Committee on Local Government.

October 17, 1983

HB 707 — Committee on Finance.

HB 1177 — Committee on State Government.

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:

October 12, 1983

House Concurrent Resolution No. 112 — Committee on Transportation.

GENERAL COMMUNICATIONS

BILLS INTRODUCED AND REFERRED

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

October 12, 1983

Senator WILT presented to the Chair **SB 1065**, entitled:

An Act amending the act of April 9, 1929 (P. L. 177, No. 175), entitled "The Administrative Code of 1929," providing for designees for members of the State Board of Public Welfare.

Which was committed to the Committee on PUBLIC HEALTH AND WELFARE, October 12, 1983.

Senators MELLOW and MUSTO presented to the Chair **SB 1066**, entitled:

An Act amending the act of July 11, 1983 (No. 2A), entitled "General Appropriation Act for Fiscal Year 1983-1984," increasing the appropriation to the Scranton State School for the Deaf.

Which was committed to the Committee on APPROPRIATIONS, October 12, 1983.

Senator BELL presented to the Chair **SB 1067**, entitled:

An Act amending the act of September 30, 1983 (No. 39), entitled "Public Official Compensation Law," increasing the per capita rate for the salaries of district justices.

Which was committed to the Committee on JUDICIARY, October 12, 1983.

Senator BELL presented to the Chair **SB 1068**, entitled:

An Act providing for the manufacture, assembly and sale of certain mechanical, electronic and coin-operated gaming machines in the Commonwealth of Pennsylvania.

Which was committed to the Committee on STATE GOVERNMENT, October 12, 1983.

Senators HOLL, HAGER, FISHER, WILT, HELFRICK, WENGER, HOPPER, CORMAN, MOORE and FUMO presented to the Chair **SB 1069**, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, making it illegal to defraud insurance companies and to solicit tort claims; and providing penalties.

Which was committed to the Committee on BANKING AND INSURANCE, October 12, 1983.

Senators GREENLEAF, HELFRICK and SHUMAKER presented to the Chair **SB 1070**, entitled:

An Act relating to rent control for residential real property rented or leased by certain senior citizens; establishing a Rent Control Board and providing for its powers and duties; and prescribing penalties.

Which was committed to the Committee on JUDICIARY, October 12, 1983.

Senators GREENLEAF, HELFRICK, SNYDER, CORMAN and O'CONNELL presented to the Chair **SB 1071**, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, making it illegal to furnish intoxicating beverages to a person under 21.

Which was committed to the Committee on LAW AND JUSTICE, October 12, 1983.

Senators GREENLEAF, HELFRICK, SNYDER and O'CONNELL presented to the Chair **SB 1072**, entitled:

An Act amending the act of April 12, 1951 (P. L. 90, No. 21), entitled "Liquor Code," making it unlawful for a licensee to permit or encourage disorderly conduct.

Which was committed to the Committee on LAW AND JUSTICE, October 12, 1983.

Senators ROMANELLI, ANDREZESKI, HELFRICK, STAPLETON, RHOADES and PECORA presented to the Chair **SB 1073**, entitled:

An Act amending the act of August 26, 1971 (P. L. 351, No. 91), entitled "State Lottery Law," further providing for payments from the State Lottery Fund to support an optical and aural assistance program; and making editorial changes.

Which was committed to the Committee on AGING AND YOUTH, October 12, 1983.

Senators ROMANELLI, ANDREZESKI, HELFRICK, STAPLETON, RHOADES and PECORA presented to the Chair **SB 1074**, entitled:

An Act establishing a program providing for medical assistance to the aged to pay for eye examinations, eyeglasses, hearing examinations and hearing devices with lottery fund moneys.

Which was committed to the Committee on AGING AND YOUTH, October 12, 1983.

Senators BRIGHTBILL, TILGHMAN and MOORE presented to the Chair **SB 1075**, entitled:

A Joint Resolution proposing an amendment to the Constitution of the Commonwealth of Pennsylvania, providing for a Judicial Nomination Commission and judicial appointments to the Superior Court and the Commonwealth Court by the Governor.

Which was committed to the Committee on JUDICIARY, October 12, 1983.

Senators RHOADES, LOEPER, STAPLETON, ANDREZESKI, CORMAN, REIBMAN, HESS, LINCOLN, WENGER and MOORE presented to the Chair **SB 1076**, entitled:

A Supplement to the act of July 21, 1983 (No. 7A), entitled "An act to further provide from the General Fund for the expenses of the Executive, Legislative and Judicial Departments of the Commonwealth, the public debt and for the public schools for the fiscal year July 1, 1983 to June 30, 1984, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 1983;....," providing additional funds to the State System of Higher Education.

Which was committed to the Committee on APPROPRIATIONS, October 12, 1983.

Senators RHOADES and FISHER presented to the Chair **SB 1077**, entitled:

An Act amending Title 66 (Public Utilities) of the Pennsylvania Consolidated Statutes, providing for the transportation of commodities, other than liquids, in dump-type motor vehicles.

Which was committed to the Committee on CONSUMER PROTECTION AND PROFESSIONAL LICENSURE, October 12, 1983.

Senators RHOADES, FISHER, LINCOLN, SINGEL, O'CONNELL, LOEPER, MUSTO, STAPLETON, HELFRICK, ANDREZESKI, CORMAN, KELLEY, SHUMAKER, KUSSE, WILT and SHAFFER presented to the Chair **SB 1078**, entitled:

An Act amending the act of May 31, 1945 (P. L. 1198, No. 418), entitled, as amended, "Surface Mining Conservation and Reclamation Act," providing for a separation of requirements for license issuance and permit issuance; affecting the license application requirement of liability insurance for water supply restoration or replacement; establishing content requirements of landowner consent forms; providing for public hearings and publication of notice; providing for conservation of reclaimed land; requiring advertisement for bids for reclamation of bond forfeiture areas; creating a Reclamation Advisory Board and establishing its duties; prohibiting certain contracts; requiring contractors to pay workers at a particular rate; and requiring publication of contracts awarded.

Which was committed to the Committee on ENVIRONMENTAL RESOURCES AND ENERGY, October 12, 1983.

Senators SNYDER, REIBMAN, KELLEY, SHAFFER and WILLIAMS presented to the Chair **SB 1079**, entitled:

An Act amending Title 20 (Decedents, Estates and Fiduciaries) of the Pennsylvania Consolidated Statutes, adding a provision relating to the transfer of property to fiduciaries; changing provisions relating to investments by fiduciaries; providing account forms for multiple-party bank accounts; clarifying the method of payment when the Commonwealth is intestate heir; authorizing acknowledgments of self-proved wills to be taken before an attorney and then certified by him to a notary; modifying the duty of a personal representative regarding inventories; authorizing the annexation of a copy of certain other accounts to an account of the administration of the estate; making the time for advertisement of accounts four weeks in all cases; providing that the account of the personal representative be filed with the clerk; adding a rule of will interpretation regarding nonademption and attorneys-in-fact; providing that a personal representative is not liable for continued distribution in the same pattern after a change in law; amending provisions relating to disclaimers; and making technical changes and repeals.

Which was committed to the Committee on JUDICIARY, October 12, 1983.

Senators SNYDER, REIBMAN, KELLEY, SHAFFER and WILLIAMS presented to the Chair **SB 1080**, entitled:

An Act amending the act of November 30, 1965 (P. L. 847, No. 356), entitled "Banking Code of 1965," providing clarification that affiliated banks may invest trust funds in each other's common trust or collective investment funds.

Which was committed to the Committee on JUDICIARY, October 12, 1983.

Senators FISHER, BRIGHTBILL, SHAFFER, SINGEL, O'CONNELL and REIBMAN presented to the Chair **SB 1081**, entitled:

An Act amending Title 66 (Public Utilities) of the Pennsylvania Consolidated Statutes, providing for the appointment, terms and qualifications of commission members.

Which was committed to the Committee on STATE GOVERNMENT, October 12, 1983.

Senators REIBMAN, LEWIS, SINGEL, HELFRICK, O'PAKE, FISHER, STOUT, WENGER, LLOYD, ANDREZESKI and SHUMAKER presented to the Chair **SB 1082**, entitled:

An Act providing for tax credits to corporations donating computer equipment to libraries.

Which was committed to the Committee on FINANCE, October 12, 1983.

Senators PECORA, STAPLETON, BELL, SHAFFER, ANDREZESKI, HELFRICK, BRIGHTBILL, O'PAKE, ROMANELLI, RHOADES, GREENLEAF, EARLY and O'CONNELL presented to the Chair **SB 1083**, entitled:

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

Which was committed to the Committee on JUDICIARY, October 12, 1983.

Senators PECORA, O'PAKE, SHAFFER and ANDREZESKI presented to the Chair **SB 1084**, entitled:

An Act amending the act of September 20, 1961 (P. L. 1548, No. 658), entitled "Credit Union Act," further providing for corporate or central credit unions.

Which was committed to the Committee on BANKING AND INSURANCE, October 12, 1983.

Senators PECORA, O'PAKE, SHAFFER and ANDREZESKI presented to the Chair **SB 1085**, entitled:

An Act amending the act of September 20, 1961 (P. L. 1548, No. 658), entitled "Credit Union Act," further providing for credit unions.

Which was committed to the Committee on BANKING AND INSURANCE, October 12, 1983.

Senators SINGEL, LEWIS and ROMANELLI presented to the Chair **SB 1086**, entitled:

An Act imposing a temporary surcharge by the Commonwealth on all residential mortgages; imposing a duty on mortgagees to pay the surcharge to the Commonwealth; providing for the collection of this surcharge by the Department of Revenue; providing for financing of the State Homeowners' Emergency Mortgage Assistance Fund with surcharges collected; and imposing a penalty for failure of mortgagees to pay the surcharge.

Which was committed to the Committee on FINANCE, October 12, 1983.

Senators FUMO, ROCKS, LLOYD, ZEMPRELLI, SCANLON, ROSS, LEWIS, BODACK, MUSTO, HANKINS, MELLOW, LYNCH, SINGEL and WILLIAMS presented to the Chair **SB 1087**, entitled:

An Act amending the act of June 3, 1937 (P. L. 1333, No. 320), entitled "Pennsylvania Election Code," further providing for a form of official primary ballot.

Which was committed to the Committee on STATE GOVERNMENT, October 12, 1983.

Senators FUMO, O'PAKE, ROCKS, LLOYD, ZEMPRELLI, SCANLON, ROSS, LEWIS, BODACK, MUSTO, HANKINS, MELLOW, LYNCH, SINGEL, STAPLETON and WILLIAMS presented to the Chair **SB 1088**, entitled:

An Act amending the act of June 3, 1937 (P. L. 1333, No. 320), entitled "Pennsylvania Election Code," excluding candidates for justice or judge from the casting of lots and providing for election in its stead; and providing for positions of candidates' names for justices and judges.

Which was committed to the Committee on STATE GOVERNMENT, October 12, 1983.

Senators FUMO, O'PAKE, ROCKS, ZEMPRELLI, SCANLON, ROSS, LEWIS, KELLEY, BODACK, MUSTO, HANKINS, MELLOW, LYNCH, SINGEL and STAPLETON presented to the Chair **SB 1089**, entitled:

An Act amending the act of June 3, 1937 (P. L. 1333, No. 320), entitled "Pennsylvania Election Code," providing requirements for nomination petitions of candidates for judicial office.

Which was committed to the Committee on STATE GOVERNMENT, October 12, 1983.

Senators FUMO, O'PAKE, ROCKS, ZEMPRELLI, SCANLON, ROSS, LEWIS, KELLEY, BODACK, MUSTO, HANKINS, MELLOW and LYNCH presented to the Chair **SB 1090**, entitled:

An Act amending the act of June 3, 1937 (P. L. 1333, No. 320), entitled "Pennsylvania Election Code," further providing for the election of judges.

Which was committed to the Committee on STATE GOVERNMENT, October 12, 1983.

October 14, 1983

Senators HOLL, HAGER, FISHER, WILT, HELFRICK, WENGER, HOPPER, CORMAN, MOORE and FUMO presented to the Chair **SB 1091**, entitled:

An Act amending the act of June 5, 1968 (P. L. 140, No. 78), entitled "An act regulating the writing, cancellation of or refusal to renew policies of automobile insurance; and imposing powers and duties on the Insurance Commissioner therefor," requiring insurers to offer policies which provide for first party medical payments.

Which was committed to the Committee on BANKING AND INSURANCE, October 14, 1983.

RESOLUTION INTRODUCED AND REFERRED

The President laid before the Senate the following Senate Resolution numbered, entitled and referred as follows, which was read by the Clerk:

October 12, 1983

PROCLAIMING RECOGNITION OF THE AWARD OF THE 1983 NOBEL PEACE PRIZE TO LECH WALES

Senators BODACK, SINGEL, O'PAKE, ANDREZESKI, BELL, BRIGHTBILL, EARLY, FUMO, GREENLEAF, HANKINS, HELFRICK, HESS, HOWARD, KRATZER, KUSSE, LEWIS, LINCOLN, LLOYD, LYNCH, MELLOW, MOORE, O'CONNELL, REIBMAN, ROCKS, ROMANELLI, ROSS, SCANLON, SHUMAKER, SNYDER, STAPLETON, STAUFFER, STOUT, STREET, WENGER, ZEMPRELLI, RHOADES, FISHER, HAGER, JUBELIRER, LOEPER, CORMAN, HOPPER, WILLIAMS, PECORA, SHAFFER, MUSTO, WILT, TILGHMAN, HOLL and KELLEY offered the following resolution (**Senate Resolution No. 87**), which was read and referred to the Committee on Rules and Executive Nominations:

In the Senate, October 12, 1983.

A RESOLUTION

Proclaiming recognition of the award of the 1983 Nobel Peace Prize to Lech Walesa.

WHEREAS, The Nobel Committee has honored Lech Walesa, "as an exponent of the active longing for peace and freedom which exists, in spite of unequal conditions, unconquered in all the peoples of the world"; and

WHEREAS, This Polish born son of a carpenter was first concerned for his fellow workers during the time he was an electrician in the Lenin Shipyard in Gdansk; and

WHEREAS, Lech Walesa emerged in 1980 as the organizer and chairman of Solidarity Independent Trade Union, the only independent trade union in the Communist world; and

WHEREAS, Serving as the leader of Solidarnosc, he signed an accord, the Gdansk Agreement, which granted workers for the first time in a Soviet Bloc country, the right to form independent unions and to strike; and

WHEREAS, Lech Walesa faced imprisonment and death to follow his convictions, to fight for the dignity of the individual worker and peasant in Poland, and to oppose any system that, "makes people forget they are human beings;" without exerting any kind of violence; therefore be it

RESOLVED, That the Senate of the Commonwealth of Pennsylvania recognize the outstanding contributions of Lech Walesa to the pursuit of peace in Poland and the world; and be it further

RESOLVED, That a duly authenticated copy of this resolution be transmitted to Lech Walesa, the Polish Ambassador, and President Ronald Reagan.

BUILDING ENERGY CONSERVATION ACT 30 MONTH REPORT TO THE GENERAL ASSEMBLY

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

COMMONWEALTH OF PENNSYLVANIA
Department of Labor and Industry
Harrisburg, Pennsylvania

Mr. Mark Corrigan, Secretary
Senate of Pennsylvania
462 Main Capitol Building
Harrisburg, Pennsylvania 17120

Dear Mr. Corrigan:

In accordance with Section 601 of the Building Energy Conservation Act (No. 1980-222) the Department of Labor and Industry is submitting the Thirty (30) Month Report mandated by this Act. As required, this report includes the results of inspections the Department has conducted, a report on public compliance with the Act, the amount of money the Department has received pursuant to the Act, the dispensation of funds and a Twenty-four (24) Month Report from every municipality electing to enforce the provisions of Act 222.

Please do not hesitate to contact Rick Neu of my staff at 787-7880 if you have any questions or need any additional information.

Sincerely,
BARRY H. STERN
Secretary

The PRESIDENT. This report will be filed in the Library.

ANNUAL REPORT OF THE MUNICIPAL POLICE OFFICERS' EDUCATION AND TRAINING COMMISSION

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

COMMONWEALTH OF PENNSYLVANIA
Municipal Police Officers'
Education & Training Commission
P. O. Box AA
Hershey, PA 17033

October 6, 1983

The Honorable Henry G. Hager
President Pro Tempore of the Senate
Room 292, Capitol Building

Harrisburg, PA 17120

Dear Senator Hager:

The Municipal Police Officers' Education and Training Act mandates the submission of an annual report by the Commission each year. Attached is the report for the 1982-83 fiscal year which identifies the accomplishments of the Commission.

A large portion of the report relates to the In-service Training Program which achieved momentum for the first time, during the past year. Its utilization by police agencies throughout the Commonwealth confirmed its need by a high degree of acceptance.

It is the Commission's intention to further emphasize the in-service and other programs in the forthcoming year, and continue to aid law enforcement through training.

Very truly yours,
DANIEL F. DUNN
Chairman

The PRESIDENT. This report will be filed in the Library.

ANNUAL REPORT OF THE PENNSYLVANIA LABOR RELATIONS BOARD

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

COMMONWEALTH OF PENNSYLVANIA
Pennsylvania Labor Relations Board
Harrisburg 17120

October 14, 1983

The Honorable Henry G. Hager
Pennsylvania Senate
Senate Leadership Committee
292 Main Capitol Building
Harrisburg, PA 17120

Dear Senator Hager:

As Chairman of the Pennsylvania Labor Relations Board, I am pleased to transmit to you on behalf of the Board the enclosed copy of the 1982 Pennsylvania Labor Relations Board Report. This volume summarizes the Board's major activities and significant cases during the past calendar year.

I hope that you will find this a valuable and informative overview of the Board's role in Pennsylvania labor relations.

Sincerely,
RALPH F. SCALERA
Chairman

The PRESIDENT. This report will be filed in the Library.

BILLS SIGNED

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

SB 199, 526 and 879.

REPORTS FROM COMMITTEES

Senator BELL, from the Committee on Consumer Protection and Professional Licensure, reported the following bill:

SB 457 (Pr. No. 1382) (Amended)

An Act providing for the enforcement of automobile warranties; and imposing rights and liabilities on consumers and automobile manufacturers and dealers.

Senator KUSSE, from the Committee on Transportation, reported the following bills:

SB 73 (Pr. No. 1383) (Amended)

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, adding provisions relating to operation of and safety requirements for frozen dessert trucks; and providing penalties.

SB 791 (Pr. No. 920)

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for the assignment of three points for failing to stop at a red light before turning into an intersection where turn-on-red is permitted.

SB 1008 (Pr. No. 1263)

An Act amending the act of May 29, 1945 (P. L. 1108, No. 402), entitled "Limited Access Highway Law," further providing for commercial enterprises on limited access highways.

SB 1045 (Pr. No. 1384) (Amended)

An Act amending the act of February 11, 1976 (P. L. 14, No. 10), entitled "Pennsylvania Rural and Intercity Common Carrier Surface Transportation Assistance Act," granting additional power to the department to dispose of certain lands.

SB 1046 (Pr. No. 1330)

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for the use of lighted lamps.

HB 573 (Pr. No. 1121)

An Act designating the bridge on L.R. 37089 in Lawrence County as the Lieutenant Colonel John B. Brettell Bridge.

APPROVAL OF PUC REGULATION

Senator BELL, from the Committee on Consumer Protection and Professional Licensure, reported the following PUC regulation has been approved for submission to the Independent Regulatory Review Commission: #L830087, as revised by pages 6 and 8.

SENATE CONCURRENT RESOLUTION

WEEKLY ADJOURNMENT

Senator MOORE offered the following resolution, which was read as follows:

In the Senate, October 17, 1983.

RESOLVED, (the House of Representatives concurring), That when the Senate adjourns this week it reconvene on Monday, October 24, 1983 unless sooner recalled by the President Pro Tempore and when the House of Representatives adjourns this week it reconvene on Monday, October 24, 1983 unless sooner recalled by the Speaker.

Senator MOORE asked and obtained unanimous consent for the immediate consideration of this resolution.

On the question,

Will the Senate adopt the resolution?

SENATE CONCURRENT RESOLUTION ADOPTED

Senator MOORE. Mr. President, I move that the Senate do adopt this resolution.

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—48

Andrezeski	Hopper	Moore	Shumaker
Bell	Howard	Musto	Singel
Bodack	Jubelirer	O'Connell	Snyder
Brightbill	Kelley	O'Pake	Stapleton
Corman	Kratzer	Pecora	Stauffer
Early	Kusse	Reibman	Stout
Fisher	Lewis	Rhoades	Street
Greenleaf	Lincoln	Rocks	Tilghman
Hager	Lloyd	Romanelli	Wenger
Hankins	Loeper	Ross	Williams
Hess	Lynch	Scanlon	Wilt
Holl	Mellow	Shaffer	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 the same to the House of Representatives for concurrence.

RECESS

Senator JUBELIRER. Mr. President, at this time I request a recess of the Senate and ask all Members of the Committee on Rules and Executive Nominations to report immediately to the Rules Committee room at the rear of the Senate Chamber. On behalf of the Chairman of the Committee on Appropriations, Senator Tilghman, I ask all Members of that committee to report to the fourth floor meeting room immediately following the meeting of the Committee on Rules and Executive Nominations. I then ask all Republican Members of the Senate to report to the first floor caucus room promptly at 3:00 p.m. for a Republican caucus. I expect and hope we will return to the floor by approximately 4:15 p.m. to consider the remaining bills on today's Calendar.

Senator ROSS. Mr. President, we ask our side of the aisle to report to our caucus room at 3:00 p.m. sharp.

The PRESIDENT. For the purposes of a meeting of the Committee on Rules and Executive Nominations, to be followed by a meeting of the Committee on Appropriations, to be followed by a Republican caucus and a Democratic caucus at 3:00 p.m., the Chair declares the Senate in recess.

AFTER RECESS

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

SB 408 TAKEN FROM THE TABLE

Senator JUBELIRER. Mr. President, I move that Senate Bill No. 408, Printer's No. 446, be taken from the table and placed on the Calendar.

The motion was agreed to.

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

CALENDAR**BILL ON CONCURRENCE IN
HOUSE AMENDMENTS****SENATE NONCONCURS IN HOUSE AMENDMENTS**

SB 206 (Pr. No. 1238) — The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for prohibited offensive weapons; permitting the use and possession of black-jacks by certain police officers, sheriffs and deputy sheriffs; further providing for an exception relating to antique firearms; and further providing for institutional vandalism.

Senator JUBELIRER. Mr. President, I move that the Senate do nonconcur in the amendments made by the House to Senate Bill No. 206, 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.

LEGISLATIVE LEAVES CANCELLED

Senator JUBELIRER. Mr. President, I note for the record the presence of Senator Howard and ask that his temporary legislative leave of absence be cancelled. I also request the temporary legislative leaves of absence for Senator Fisher and Senator Holl be cancelled.

I request the legislative leave of absence for Senator Snyder be cancelled.

The PRESIDENT. The presence of those Members on the floor is noted and those leaves will be cancelled.

CONSIDERATION OF CALENDAR RESUMED**BILL ON CONCURRENCE IN
HOUSE AMENDMENTS****SENATE CONCURS IN HOUSE AMENDMENTS**

SB 421 (Pr. No. 1114) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of June 3, 1937 (P. L. 1333, No. 320), entitled "Pennsylvania Election Code," providing for political activities by district justices; and eliminating cross-filing by candidates for the offices of judge, justice of the peace and school directors.

Senator JUBELIRER. Mr. President, I move that the Senate do concur in the amendments made by the House to Senate Bill No. 421.

On the question,

Will the Senate agree to the motion?

Senator BELL. Mr. President, I am going to vote "no" on concurrence because one part of the House amendment would permit district justices of the peace to solicit political contributions. It does not say for their own reelection; it says, "solicit political contributions." I do not think district justices of the peace should become bagmen.

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—32

Andrezski	Jubelirer	O'Connell	Snyder
Brightbill	Kelley	Rhoades	Stauffer
Corman	Kusse	Rocks	Street
Fumo	Lewis	Ross	Tilghman
Greenleaf	Lincoln	Scanlon	Wenger
Hager	Lynch	Shaffer	Williams
Hankins	Mellow	Shumaker	Wilt
Hopper	Moore	Singel	Zemprelli

NAYS—17

Bell	Holl	Loeper	Reibman
Bodack	Howard	Musto	Romanelli
Early	Kratzer	O'Pake	Stapleton
Fisher	Lloyd	Pecora	Stout
Hess			

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

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

THIRD CONSIDERATION CALENDAR**BILL ON THIRD CONSIDERATION AMENDED**

SB 98 (Pr. No. 1293) — The Senate proceeded to consideration of the bill, entitled:

An Act creating the Vietnam Veteran's Memorial Commission, prescribing duties, establishing a fund and making a general repeal.

Considered the third time,

On the question,

Will the Senate agree to the bill on third consideration?

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

Amend Sec. 7, page 6, line 15, by inserting a period after "Memorial"

Amend Sec. 7, page 6, lines 15 through 17, by striking out "except that" in line 15, and all of lines 16 and 17

On the question,

Will the Senate agree to the amendment?

Senator SCANLON. Mr. President, I desire to interrogate the gentleman from Butler, Senator Shaffer.

The PRESIDENT. Will the gentleman from Butler, Senator Shaffer, permit himself to be interrogated?

Senator SHAFFER. I will, Mr. President.

Senator SCANLON. Mr. President, as I understand the amendment of the gentleman, he would strike the language on page 6, which states, "except that reasonable office space, utilities and secretarial services may be provided by the Commonwealth."

Mr. President, is that the thrust of his amendment?

Senator SHAFFER. It is, Mr. President.

Senator SCANLON. With that in mind, Mr. President, throughout the bill there are provisions for certain expenditures of money. For example, the Commissioners are to be reimbursed for their travel and other necessary expenses. From which fund would this matter be paid?

Senator SHAFFER. Mr. President, only those funds that are raised by the commission, not from taxpayer dollars collected as per Pennsylvania Law.

Senator SCANLON. Mr. President, calling the attention of the gentleman to page 5, Section 7, subsection (a), "There is hereby established a separate fund in the State Treasury to be known as the Vietnam Veteran's Memorial Trust Fund. The fund shall be administered by the commission and all moneys in the fund are hereby appropriated to the commission on a continuing basis." What source will these monies come from?

Senator SHAFFER. Mr. President, they will be raised from private initiative and private endeavor.

Senator SCANLON. Mr. President, so the thrust of the amendment of the gentleman is to keep the public treasury from being involved in any way in the selection, design, purchase, procurement and construction of this memorial?

Senator SHAFFER. That is correct, Mr. President, except for the fact that the Senate, the House, the Governor and several other Cabinet Officers are members of the commission.

Senator SCANLON. Mr. President, will they be paid from their regular sources?

Senator SHAFFER. Mr. President, are we talking about payments or are we talking about who is in charge of the design and construction?

Senator SCANLON. Mr. President, I am talking about the use of public funds for the design and the construction.

Senator SHAFFER. It is anticipated, Mr. President, that for no purpose whatsoever created in this bill shall taxpayer dollars be used.

Senator SCANLON. Mr. President, are we to take it then that the office space, utilities and secretarial services will be provided from the funds which have been solicited by this commission?

Senator SHAFFER. That is correct, Mr. President.

Senator LINCOLN. Mr. President, I desire to interrogate the gentleman from Butler, Senator Shaffer.

The PRESIDENT. Will the gentleman from Butler, Senator Shaffer, permit himself to be interrogated?

Senator SHAFFER. I will, Mr. President.

Senator LINCOLN. Mr. President, I was a little confused about this bill prior to the interrogation that just took place. Now I am totally confused.

Why would we, as a State governmental Body, be bringing about this type of an effort without having some input into it other than saying who is going to be on the commission? I am just wondering if this is something that could be done without this bill, especially with this amendment? I would like to have the offerer of the amendment explain to me a little further just why this is necessary and why it is not necessary to have a few State dollars involved in it?

Senator SHAFFER. Mr. President, I think that is a two-part question. It was felt by myself and the other cosponsors that regarding the involvement of State dollars—and the same question was raised in committee—that individuals believe in these tough economic circumstances we may not be able to afford from taxpayer funds the cost of erection, design and all of the foregoing work of any memorial. Therefore, the amendment attempted to make it clear—I am sorry it apparently did not—that no taxpayer dollars are to be expended for the design of this project.

I believe the gentleman had a second question and I forgot what it is.

Senator LINCOLN. I do, Mr. President, but I would like to follow up on that answer first and then I will ask the second part of my question.

Why would we concern ourselves with establishing something that we all, I think, will agree is a good thing and be fearful of spending a limited amount of State dollars which would have to be so small in comparison to the total State budget that it would not even be noticeable? There is probably more than that that falls through the cracks in some of the departments. I am just a little concerned as to why there would be such an emphasis on pointing out and, by amendment, making sure these very small amounts of State dollars are used on such a good project.

Senator SHAFFER. I think I have answered that, Mr. President, as best as I can.

Senator LINCOLN. Mr. President, the concern about the use of State taxpayer dollars is a little bit confusing to me because somewhere along the line we are going to pay taxes. Not all of the same people will pay taxes, but some of the same people will pay taxes. What method does this bill set up for collecting of private funds?

Senator SHAFFER. Mr. President, a separate fund has been established as, I believe, has been done on many occasions. I do not believe this particular type of commission is terribly unusual. The money will certainly be audited and in all ways accounted for by the State Treasurer. I believe I recall the first part of one of the questions of the gentleman and that is why does the General Assembly not authorize a memorial on its own? All I can tell the gentleman is that the Vietnam War has ended some ten years ago and, to my knowledge, no such bill has ever been introduced.

Senator LINCOLN. Mr. President, every day I drive by a beautiful Honor Roll in my hometown that was built at the end of World War II. I have always considered that to be a memorial to people who fought in every conflict this country has had. I am not really sure whether I have been all around

my area, but especially in some of the other areas of the State I visited where there are select memorials to people who fought in World War I, the Korean War, World War II or whatever. I am just a little unsure as to just what we are trying to accomplish here today.

Senator SHAFFER. Mr. President, what is the question?

Senator LINCOLN. Mr. President, what is the specific reason for a Vietnam Veteran's Memorial versus one for World War I, World War II, Spanish American War, Civil War or Korean War? I am not so sure why the emphasis is on this particular war and, particularly, why we are so squeamish about spending a few bucks to do it.

Senator SHAFFER. Mr. President, the only thing that I could really respond to is that it is my belief that there has been substantial time that has passed since World War I, World War II and the Korean War and those monuments which various people intend to erect either have been already accomplished or a bill certainly could be introduced for that purpose. I do believe there is at least a modicum of difference between the Vietnam War and other conflicts. I note to the gentleman that the G.I. Bill, in terms of real dollars available, particularly in the educational benefits for Vietnam veterans, is woefully lacking in comparison to previous conflicts and the benefits accrued to those individuals who served their country.

Additionally, Mr. President, I believe it is fairly common knowledge the Vietnam War, being within my understanding and reading, was the most unpopular war back home and caused many of the Vietnam veterans to feel that not only had they not served their country well but they, in fact, had served their country ill. I am clearly in disagreement with that statement, as I am sure the gentleman is, and I believe this is one tangible and inexpensive way that we can allow the Vietnam veterans and the Vietnam veteran organizations to, on their own, raise funds for a memorial to that conflict and those who served.

The PRESIDENT. The Chair would like to remind both of the gentlemen involved in the question that the comments about the appropriateness of a memorial itself are not germane to the amendment. In the Chair's opinion the amendment merely discusses the funding mechanism. If the questions and answers would remain within that regard we could expedite the business of the Senate this afternoon.

Senator LINCOLN. Mr. President, I accept that statement as being fact, that we are getting on to the bill. I did not intend to do that and I apologize.

I think though, on the amendment, the mere fact that we are talking about walking away from a very small appropriation for a worthwhile project probably points out more clearly what the gentleman from Butler, Senator Shaffer, has said about this being a different kind of war and being separated from the other wars that took place. I think what we are doing here today is probably a step away from having the Vietnam War veteran accepted in the same light that the Korean War people, the World War II people and the World War I people were. The gentleman made a statement relative

to G.I. benefits. That is because the Legislatures and the Congress—

The PRESIDENT. The gentleman will yield. The amendment is not on the subject of the memorial itself or its appropriateness, it is merely on the funding of that section of this bill. If the gentleman would keep his comments to that, he would be in order.

Senator LINCOLN. Mr. President, that is exactly what I am doing. I am speaking to the fact that the gentleman wants to remove an appropriation from this bill to fund a good idea. The amendment, as I said, clearly points out maybe why we have that attitude toward the Vietnam War veteran. I see nothing wrong with spending a few State dollars for something like this. If it was a good idea when it was put in the bill, I have no idea why it would be a bad idea now. I think we would do more harm to the Vietnam veteran by saying we do not think there should be a few State dollars spent in his behalf. The people he represents and I represent could put together their resources and their time and form a committee and do this now without any legislative action.

Senator REIBMAN. Mr. President, I desire to interrogate the gentleman from Butler, Senator Shaffer.

The PRESIDENT. Will the gentleman from Butler, Senator Shaffer, permit himself to be interrogated?

Senator SHAFFER. I will, Mr. President.

Senator REIBMAN. Mr. President, I am not sure and I do not understand, perhaps I am confused, about what the amendment does. Would the gentleman please explain it?

Senator SHAFFER. Yes, Mr. President. The amendment deletes on page 6, Section 7, approximately lines 13 or 14 through 17, the provision, which was obviously in the bill prior to that, which authorized the Commonwealth to provide certain space, reasonable office expense, utilities and secretarial services for the operation of the commission. A number of my colleagues expressed the desire to have it clearly stated. Now we are hearing the opposite side of the coin. Previous to this discussion here on the floor today, Mr. President, there was a clear intention by some of my colleagues to not have State dollars involved. I might add that upon checking with the many Vietnam veteran groups who I have been in contact with in the formation of this bill and the Vietnam veteran groups, who I can assure the Members support this bill 101 percent, they do not mind at all having this bill be devoid of taxpayer funds. We are raising, in various counties around the State, adequate and sufficient funds without government assistance for the erection of memorials in a number of counties and I believe it can be done at the State level.

Senator REIBMAN. Mr. President, do I understand the amendment of the gentleman would delete lines 13, 14, 15, 16 and 17, which says, "No taxpayer funds shall be expended for the design, selection or erection of the Vietnam Veteran's Memorial, except that reasonable office space, utilities and secretarial services may be provided by the Commonwealth." Is the gentleman deleting that whole section?

Senator SHAFFER. Yes, Mr. President, I am at the request of others. However, in subsequent or supplemental legisla-

tion, if someone else would want to introduce that and tell us where the money is coming from for this project, I suspect that other things being equal I would be happy to support it.

Senator REIBMAN. Mr. President, I think I am getting a little more confused. On the one hand, from what I understand, the gentleman is saying there should be no taxpayer funds involved in the erection of this memorial. Is that correct?

Senator SHAFFER. Mr. President, I have no personal desire or wish that that be true. All I can tell the lady is a number of my other colleagues wish that to be the case and the Vietnam veteran groups with which I am involved have no particular objection to that.

Senator REIBMAN. Mr. President, if this section were eliminated then that means the money would come from taxpayers' funds, is that not correct?

Senator SHAFFER. Mr. President, if I understand the question correctly, the answer is "no."

Senator REIBMAN. Mr. President, where would the money come from if the gentleman is eliminating the section which prohibits the taxpayers' funds from being used? Where is the money then coming from?

Senator SHAFFER. Mr. President, the money will be raised strictly by donation from individuals and whatever other private sources are available. It is very similar in theory to the National Vietnam Veterans Memorial.

Senator REIBMAN. Mr. President, I do understand what the gentleman is trying to do and that the money would come from private foundations or donations. It seems to me that keeping Section 7 in the bill underlies the fact that there will be no taxpayer funds to be expended for this and the money will be coming from private sources. What I am concerned about is that if this section were eliminated, it could very well be construed that taxpayers' money could be involved in this. Secondly, in the main section of the bill a commission is set up and some of the people on the commission are members of the State government, as I understand it. If this section were deleted, line 15, which says they could not use any reasonable office space, utilities and secretarial services to be provided by the Commonwealth, where in the world would this commission meet, where would they be able to have a record of where the money is coming from and how it is to be expended? It would seem to me if this money is to be deposited with the State Treasurer, the State Treasurer at least should be able to use a secretary in that office to at least keep an account of that money. It certainly does not cost very much for a government secretary to be involved in just these kinds of secretarial duties.

Mr. President, I am so confused by this amendment, because on the one hand the gentleman is saying there should not be any State money involved at all and then he is eliminating the section that prohibits it.

Senator SHAFFER. Mr. President, is that a question?

Senator REIBMAN. Yes, Mr. President, it was a question. I mean why would the gentleman prohibit the State Treasurer, for example, from setting aside a portion of the day for a sec-

retary to keep an account of the money that is being donated from private sources for this very worthwhile effort?

Senator SHAFFER. Mr. President, it would only prohibit it from being at taxpayers' expense. The bookkeeping work and the paper work must be done as part of the donation process.

Senator BELL. Mr. President, perhaps to clarify what my colleague, the gentleman from Butler, Senator Shaffer, is giving us as a message: The Vietnam veteran does not desire tax money to be spent to erect this monument. It does have to have some consent to have it erected on the Capitol grounds and I think that is the purpose of the gentleman's amendment. When he appeared before the Committee on Military and Veterans Affairs, he made that very, very clear. The Vietnam veteran does not seek tax money for the erection of this monument, but he would rather have it be done by public subscription. I am sorry about the confusion that has been raised here.

And the question recurring,

Will the Senate agree to the amendment?

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

YEAS—26

Bell	Holl	Moore	Snyder
Brightbill	Hopper	O'Connell	Stauffer
Corman	Howard	Pecora	Street
Fisher	Jubelirer	Rhoades	Tilghman
Greenleaf	Kratzer	Shaffer	Wenger
Hager	Kusse	Shumaker	Wilt
Hess	Loeper		

NAYS—23

Andrezeski	Lewis	O'Pake	Singel
Bodack	Lincoln	Reibman	Stapleton
Early	Lloyd	Rocks	Stout
Fumo	Lynch	Romanelli	Williams
Hankins	Mellow	Ross	Zemprelli
Kelley	Musto	Scanlon	

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

The PRESIDENT. Senate Bill No. 98 will go over, as amended.

LEGISLATIVE LEAVES CANCELLED

Senator JUBELIRER. Mr. President, I would like the record to note the presence on the floor of Senator Wilt and Senator Street and ask that their temporary legislative leaves of absence be cancelled.

The PRESIDENT. The record will so indicate.

THIRD CONSIDERATION CALENDAR RESUMED

BILL RECOMMITTED

SB 264 (Pr. No. 283)— The Senate proceeded to consideration of the bill, entitled:

A Joint Resolution proposing an amendment to the Constitution of the Commonwealth of Pennsylvania, changing the disqualifications for service as an election officer.

Considered the third time.

On the question,

Will the Senate agree to the bill on third consideration?

Senator JUBELIRER. Mr. President, I request that Senate Bill No. 264 go over in its order.

Senator EARLY. Mr. President, I object to Senate Bill No. 264 going over.

LEGISLATIVE LEAVE

Senator JUBELIRER. Mr. President, I request a legislative leave of absence for Senator Hager who was just called off the floor.

The PRESIDENT. The Chair hears no objection and the leave will be granted.

And the question recurring,

Will the Senate agree to the bill on third consideration?

PARLIAMENTARY INQUIRY

Senator O'CONNELL. Mr. President, I rise to a question of parliamentary inquiry.

The PRESIDENT. The gentleman from Luzerne, Senator O'Connell, will state it.

Senator O'CONNELL. Mr. President, does a recommittal motion have precedence over the discussion and debate about going over being considered on the floor at the moment?

The PRESIDENT. There is no motion on the floor. The question on the floor is on Senate Bill No. 264, will the Senate agree to the bill?

MOTION TO RECOMMIT

Senator O'CONNELL. Mr. President, I move that Senate Bill No. 264 be recommitted to the Committee on State Government.

On the question,

Will the Senate agree to the motion?

Senator EARLY. Mr. President, I desire to interrogate the gentleman from Luzerne, Senator O'Connell.

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

Senator O'CONNELL. No, Mr. President.

Senator EARLY. Mr. President, it is obvious the reason the bill is being recommitted is to prevent senior citizens from having an opportunity—

PARLIAMENTARY INQUIRY

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

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

Senator BELL. Mr. President, are the gentleman's remarks permitted under a motion to recommit?

The PRESIDENT. The Chair finds the gentleman's point well taken. The gentleman will confine his remarks to the appropriateness of the referral.

Senator EARLY. Mr. President, I did not say anything yet. Already the gentleman is objecting and I have not said anything.

The PRESIDENT. The gentleman may proceed.

Senator EARLY. Mr. President, the reason the motion was made to recommit the bill is obvious to me. It is obvious because if the bill is recommitted, I said recommitted, Mr. President, and we are talking about recommitting a bill, individuals like bills to be recommitted—in every sentence I will say recommitment and that way I will be in order—if a bill is recommitted, it would be impossible to offer an amendment.

The PRESIDENT. The gentleman will confine his remarks to the propriety of the referral.

Senator EARLY. Mr. President, the propriety is recommitting the bill. If I deviate from that, I am called out of order. I am going to emphasize the motion is offered to recommit the bill. I assume there is a reason this bill is to be recommitted. Unfortunately, the gentleman who made the motion to recommit the bill refuses to be interrogated on why he wants the bill to be recommitted. I assume the bill is to be recommitted to prevent me from offering amendments before the bill is recommitted.

POINT OF ORDER

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

The PRESIDENT. The gentleman from Blair, Senator Jubelirer, will state it.

Senator JUBELIRER. Mr. President, I tried to give the gentleman leeway, but I suggest the gentleman is out of order with this debate. I do not think it is appropriate for him to assume anything. If the author of the motion does not choose to be interrogated on recommitting his own bill, I do not think it is in the Senate Rules that he has to do it. I do not think any assumptions can be taken from it. I think the only thing in order is whether it is appropriate under our Rules for a recommitment motion. I think clearly it is. Anything other than that I would suggest is debate which is not appropriate for such a motion.

The PRESIDENT. The Chair finds the gentleman's point is not well taken, but the gentleman will confine his remarks to the appropriateness of the referral and will not debate hypothetical amendments that might or might not have come up. In the meantime the gentleman may proceed.

Senator EARLY. Mr. President, I only made that statement because of the fact that the gentleman did not choose to be interrogated. If he did, we would not have had that problem.

POINT OF ORDER

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

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

Senator BELL. Mr. President, the only question before the Senate when a motion to recommit is made is whether there are sufficient votes to recommit.

The PRESIDENT. The Chair finds the gentleman's point is not well taken.

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

The PRESIDENT. Senator Zempirelli, Senator Early has the floor at the moment. Is the gentleman from Allegheny willing to yield the floor?

Senator EARLY. Yes, Mr. President.

Senator ZEMPRELLI. Mr. President, would the gentleman state why he believes the bill is being recommitted?

POINT OF ORDER

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

The PRESIDENT. The gentleman from Blair, Senator Jubelirer, will state it.

Senator JUBELIRER. Mr. President, I think the interrogation by the Minority Leader is highly improper and out of order. I ask the Chair to consider my request to rule him out of order.

The PRESIDENT. The gentleman's point is well taken. Senator Early will confine his remarks as so specified by the Chair and may continue.

Senator EARLY. Mr. President, in answer to the gentleman, I personally believe the motion was made to recommit—

Senator JUBELIRER. Point of order, Mr. President.

Senator EARLY. Mr. President, all I said was recommit. That is what we are talking about.

The PRESIDENT. The Senate will be at ease. Will the Majority Leader come to the rostrum, please?

(The Senate was at ease.)

Senator EARLY. Mr. President, in answer to the gentleman from Allegheny County, I personally believe the motion was made to recommit this particular bill because I had offered to offer an amendment on Wednesday. I was told at that time if we did not do it on Wednesday, I would have an opportunity to do it on Monday. Knowing I had an amendment, I am sure this is the reason the gentleman from Luzerne, Senator O'Connell, made the motion to recommit the bill. It is obvious the motion was made because an amendment is ready to be offered.

Mr. President, I am not going to make a mockery out of the Senate but I do get disturbed when, bill after bill, time after time, motions are made to recommit legislation. Again, Mr. President, I am referring to recommitment. I think it is done so amendments cannot be offered.

The PRESIDENT. The gentleman will confine his remarks to the issue at hand and not speculate about generalized principles.

Senator EARLY. Mr. President, I will not speculate. I am certain the motion was made to prevent an amendment to be offered. The motion to recommit the bill is what I am referring to. This is done religiously. Again, as I say, I am not going to make a mockery out of this Senate, but I do think it is extremely unfair that motions are made to recommit—

The PRESIDENT. The gentleman will confine his remarks to this motion.

Senator EARLY. Mr. President, I think it is awfully unfair that motions are made to recommit—

The PRESIDENT. The gentleman will confine his remarks to the motion at hand.

Senator EARLY. To recommit, Mr. President. I am saying recommit and we are talking about recommitment.

The PRESIDENT. The gentleman will confine his remarks to the motion at hand.

Senator EARLY. Mr. President, the motion at hand is to recommit this particular bill. I am indicating I think it is unfair when a motion is made to recommit this particular bill. I will continue no further, Mr. President, I think my point is made. We all understand what is going on. I will say this will not continue forever. I am waiting for a bill to come by—

The PRESIDENT. The gentleman will confine his remarks to this particular motion.

PARLIAMENTARY INQUIRY

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

The PRESIDENT. The gentleman from Fayette, Senator Lincoln, will state it.

Senator LINCOLN. Mr. President, can the Chair state to me why this motion to recommit would take precedence over a motion to go over the bill which had already been made by the Majority Leader?

The PRESIDENT. There was not a motion on the floor at the time nor is there now for the bill to go over in its order. There was a request by Senator Jubelirer which was objected to by Senator Early. The question recurred, will the Senate agree to the bill? The motion has been placed by Senator O'Connell for the bill to be recommitted.

Senator LINCOLN. Mr. President, would the Chair further define for me the difference between a request from the Majority Leader to go over and a motion to go over?

The PRESIDENT. A request does not have the status of a motion. A motion requires a vote. A request merely requires no objection.

Senator LINCOLN. Mr. President, is a request defined further some place other than in our Rules?

The PRESIDENT. It is not defined formally parliamentarily because it is not a formal parliamentary procedure. It is merely a procedure used to expedite the business of the Senate.

And the question recurring,

Will the Senate agree to the motion?

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

YEAS—25

Bell	Hopper	Moore	Snyder
Brightbill	Howard	O'Connell	Stauffer
Corman	Jubelirer	Pecora	Street
Greenleaf	Kratzer	Rhoades	Tilghman
Hager	Kusse	Shaffer	Wenger
Hess	Loeper	Shumaker	Wilt
Holl			

NAYS—24

Andrezeski	Kelley	Musto	Scanlon
Bodack	Lewis	O'Pake	Singel
Early	Lincoln	Reibman	Stapleton
Fisher	Lloyd	Rocks	Stout
Fumo	Lynch	Romanelli	Williams
Hankins	Mellow	Ross	Zemprelli

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

The PRESIDENT. Senate Bill No. 264 will be recommitted to the Committee on State Government.

BILLS OVER IN ORDER

SB 281, 432 and 453 — Without objection, the bills were passed over in their order at the request of Senator JUBELIRER.

BILL ON THIRD CONSIDERATION AMENDED

SB 642 (Pr. No. 715) — The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, providing for offenses relating to theft, fraudulent use and forgery of financial transaction cards; and making a repeal.

Considered the third time,

On the question,

Will the Senate agree to the bill on third consideration?

ROCKS AMENDMENT I

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

Amend Sec. 3 (Sec. 4131), page 3, line 16, by striking out "or device," and inserting: , device, writing or number

Amend Sec. 3 (Sec. 4131), page 3, line 17, by inserting after "card," : calling card,

Amend Sec. 3 (Sec. 4131), page 4, line 7, by striking out "or show" and inserting: , show or give the number of

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

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

ROCKS AMENDMENT II

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

Amend Sec. 3 (Sec. 4134), page 9, line 1, by inserting after "cardholder," : or

Amend Sec. 3 (Sec. 4134), page 9, lines 3 through 11, by striking out "or" in line 3 and all of lines 4 through 11

On the question,

Will the Senate agree to the amendment?

It was agreed to.

And the question recurring,

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

ROCKS AMENDMENT III

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

Amend Sec. 3 (Subchapter Analysis), page 2, by inserting between lines 12 and 13:

4142. Unlawful disclosure of financial transaction payment device number.

Amend Sec. 3 (Sec. 4131), page 3, by inserting between lines 29 and 30:

"Payment device number." Any card, plate, code, account number or other means of account access that can be used, alone or in conjunction with another payment device to obtain money, goods, services or any other thing of value, or for the purpose of initiating a transfer of funds (other than a transfer originated solely by paper instrument).

Amend Sec. 3, page 14, by inserting between lines 25 and 26:

§ 4142. Unlawful disclosure of financial transaction payment device number.

(a) Offense defined.—A person commits the crime of unlawful disclosure of a financial transaction payment device number if he discloses such number and is not:

(1) The cardholder involved or any person authorized by such cardholder to use such payment device number.

(2) Disclosing a payment device number in order to:

(i) process or collect any amount which was authorized to be charged against such payment device number; or

(ii) collect any debt for which the cardholder, or any person authorized by the cardholder to use such payment device number, gave such payment device number for purposes of identification.

(3) A consumer reporting agency as defined by the Federal Fair Credit Reporting Act.

(b) Grading of offenses.—A person who violates this section commits a:

(1) felony of the third degree if the value involved was greater than \$500;

(2) misdemeanor of the second degree if the value involved was more than the \$50 but less than \$500; or

(3) summary offense if the value involved was \$50 or less.

(c) Aggregation of amounts.—Amounts involved in the unlawful disclosure of a financial transaction payment device number pursuant to one scheme or course of conduct, whether involving one or more numbers, may be aggregated in determining the classification of the offense.

(d) Defense.—It is a defense to a prosecution under subsection (a) if such person reveals the payment device number to the cardholder involved.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

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

SECOND CONSIDERATION CALENDAR

PREFERRED APPROPRIATION BILL
OVER IN ORDER

SB 983 — Without objection, the bill was passed over in its order at the request of Senator JUBELIRER.

BILLS OVER IN ORDER

HB 6, 7 and SB 42 — Without objection, the bills were passed over in their order at the request of Senator JUBELIRER.

BILL ON SECOND CONSIDERATION AMENDED

SB 201 (Pr. No. 1291) — The Senate proceeded to consideration of the bill, entitled:

An Act providing for safe drinking water; imposing powers and duties on the Department of Environmental Resources in relation thereto; and appropriating certain Federal funds.

The bill was considered.

On the question,

Will the Senate agree to the bill on second consideration?
Senator REIBMAN offered the following amendment:

Amend Table of Contents, page 2, by inserting between lines 3 and 4:

Section 17. Administration of grants.

Amend Table of Contents, page 2, line 4, by striking out "17" and inserting: 18

Amend Table of Contents, page 2, line 5, by striking out "18" and inserting: 19

Amend Sec. 3, page 3, by inserting between lines 10 and 11:

"Community water system." A public water system which serves at least 15 service connections used by year-round residents or regularly serves at least 25 year-round residents.

Amend Sec. 3, page 4, by inserting between lines 5 and 6:

"Noncommunity water system." A public water system that is not a community water system.

Amend Sec. 3, page 4, line 12, by striking out "directors,"

Amend Sec. 3, page 4, line 25, by striking out "handing" and inserting: hauling

Amend Sec. 4, page 5, line 27, by striking out "cost of administering this act" and inserting: actual cost of providing a service

Amend Sec. 5, page 8, line 6, by inserting after "premise": under the control of the public water system

Amend Sec. 5, page 9, line 6, by striking out "county" and inserting: local

Amend Sec. 5, page 9, line 9, by inserting after "standards.":

The department shall monitor and supervise activities of each local health department conducted pursuant to such an agreement, for consistency with the department's rules, regulations and policies. A local health department may request that the department initiate an agreement or contract with that local health department for the delegation of one or more of the department's regulatory functions under this act.

Amend Sec. 6, page 10, line 13, by inserting after "requirement": or, for a system that was not in operation by that date, only if no reasonable alternative source of drinking water is available to such a new system

Amend Sec. 7, page 10, lines 28 through 30; page 11, line 1, by striking out all of said lines on said pages and inserting:

(a) Community water systems permits required.—It shall be unlawful for any person to construct, operate or substantially modify a community water system without first having received a written permit from the department.

(b) Noncommunity water systems permits required.—It shall be unlawful for any person to construct, operate or substantially modify a noncommunity water system without first having received a written permit from the department, unless the construction, operation or modification is otherwise authorized under regulations adopted pursuant to this act.

(c) No permit required for water line extensions.—Nothing in this section shall be

Amend Sec. 7, page 11, lines 5 and 6, by striking out "and the department shall modify the" in line 5, all of line 6 and inserting:

The public water system shall maintain records of waterline extensions and shall make such records available to the department upon request.

Amend Sec. 7, page 11, line 7, by striking out "(b)" and inserting: (d)

Amend Sec. 7, page 11, line 13, by striking out "(c)" and inserting: (e)

Amend Sec. 7, page 11, line 15, by striking out "(d)" and inserting: (f)

Amend Sec. 7, page 11, line 22, by striking out "(e)" and inserting: (g)

Amend Sec. 7, page 11, line 26, by striking out "(f)" and inserting: (h)

Amend Sec. 7, page 11, line 28, by striking out "(g)" and inserting: (i)

Amend Sec. 8, page 12, line 15, by inserting after "prescribe": as being necessary to demonstrate that the supplier is complying with the requirements of this act and with the terms and conditions of its water supply permit

Amend Sec. 13, page 17, line 21, by striking out "cause through the" and inserting: constitute a

Amend Bill, page 18, by inserting between lines 22 and 23:

Section 17. Administration of grants.

For purposes of the administration of grants to local health departments for environmental services pursuant to the act of August 24, 1951 (P.L.1304, No.315), known as the Local Health Administration Law, this act shall be deemed to be the successor to the act of April 22, 1905 (P.L.260, No.182), entitled "An act to preserve the purity of the waters of the State, for the protection of the public health." A local health department shall be deemed to have satisfied the minimum program activities for water supply programs if it undertakes those activities with reference to this act and any regulations adopted hereunder. The Department of Health shall amend the regulations relating to standards for environmental health services to reflect the provisions of this act, including the repeals made hereunder. To the extent that public water supply program responsibilities delegated by the department pursuant to an agreement with a local health department exceed those activities required for eligibility for the local health department grant programs, the department is authorized to expend funds appropriated to this program for the purpose of assisting local health departments to carry out those additional activities.

Amend Sec. 17, page 18, line 23, by striking out "17" and inserting: 18

Amend Sec. 18, page 19, line 4, by striking out "18" and inserting: 19

Amend Sec. 18, page 19, line 8, by striking out :17" and inserting: 18

On the question,

Will the Senate agree to the amendment?

It was agreed to.

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

BILL RECOMMITTED

SB 215 (Pr. No. 229) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of June 3, 1937 (P. L. 1333, No. 320), entitled "Pennsylvania Election Code," providing for the ballot identification of the party of registration of every candidate including candidates for judge of a court of record, school director and justice of the peace.

Upon motion of Senator JUBELIRER, and agreed to, the bill was recommitted to the Committee on State Government.

BILLS OVER IN ORDER

HB 256 and 258 — Without objection, the bills were passed over in their order at the request of Senator JUBELIRER.

BILL ON SECOND CONSIDERATION AMENDED

SB 266 (Pr. No. 1324) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of June 3, 1937 (P. L. 1333, No. 320), entitled "Pennsylvania Election Code," further providing for the appointment of watchers.

The bill was considered.

On the question,

Will the Senate agree to the bill on second consideration?

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

Amend Sec. 1 (Sec. 417), page 1, line 21, by striking out "except as hereinafter provided,"

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

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

It was agreed to.

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

BILL OVER IN ORDER

SB 373 — Without objection, the bill was passed over in its order at the request of Senator JUBELIRER.

BILL ON SECOND CONSIDERATION AMENDED

SB 456 (Pr. No. 725) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of December 17, 1968 (P. L. 1224, No. 387), entitled "Unfair Trade Practices and Consumer Protection Law," further regulating advertising schemes offering prizes as inducements for certain sales promotions.

The bill was considered.

On the question,

Will the Senate agree to the bill on second consideration?

Senator GREENLEAF offered the following amendment:

Amend Sec. 1 (Sec. 2), page 4, line 30, by inserting after "scheme": promoting the sale, lease or acquisition of any interest in, or right to use, vacation land, vacation facilities, a second or leisure home

Amend Sec. 1 (Sec. 2), page 5, line 1, by striking out: "do any act,"

Amend Sec. 1 (Sec. 2), page 5, line 2, by removing the semicolon after "effort" and inserting:

unless the person is provided with not less than thirty days within which to respond to the prize offer and is given written notice, in not less than eight-point type, in clear and conspicuous terms, of the following: the time period to respond to the prize offer; a disclosure of the prize or prizes awarded; a statement of the fair market value of each prize; a description of the odds applicable to the awarding of each prize; the identity, including the business name and address, of the sponsor of the advertising plan or scheme; and a description of the merchandise, real property or other items being promoted by the sponsor;

(xviii) Failing to include in a contract signed during the sales promotion effort referred to in clause (xvii) a cancellation clause in bold print which will allow the consumer to cancel the contract in writing within seventy-two hours and provide for a refund of any payment made within thirty days of the cancellation, a copy of which shall be given to the consumer at the time of signing.

Amend Sec. 1 (Sec. 2), page 5, line 3, by striking out "(xviii)" and inserting: (xix)

On the question,

Will the Senate agree to the amendment?

QUESTION DIVIDED

Senator O'CONNELL. Mr. President, I would like to inquire as to the possibility of the amendment being divisible.

The PRESIDENT. How would the gentleman divide the question?

Senator O'CONNELL. Mr. President, I would like to strike out the section "Amend Sec. 1 (Sec. 2), page 4, line 30..." all the way down to but not including "Amend Sec. 1 (Sec. 2)..."

The PRESIDENT. Between "Amend Sec. 1...and second or leisure home?"

Senator O'CONNELL. Yes, Mr. President.

The PRESIDENT. The Senate will be at ease.

(The Senate was at ease.)

The PRESIDENT. At the request of the gentleman from Luzerne, the question before the Senate will be divided. There will be two parts to the amendment.

The first part will be the first two paragraphs ending in "...any act," and the second part will begin from "Amend Sec. 1 (Sec. 2), page 5,..." to the bottom of the amendment.

The Chair requests of the gentleman from Luzerne if there is a section he prefers to be considered first?

Senator O'CONNELL. Mr. President, I move the first part of the amendment be considered.

The Clerk read the amendment as follows:

Amend Sec. 1 (Sec. 2), page 4, line 30, by inserting after "scheme": promoting the sale, lease or acquisition of any interest in, or right to use, vacation land, vacation facilities, a second or leisure home

Amend Sec. 1 (Sec. 2), page 5, line 1, by striking out: "do any act,"

On the question,

Will the Senate agree to the amendment, as divided?

Senator O'CONNELL. Mr. President, I ask for a negative vote on this particular section of the amendment. I have taken a look at it and I believe it is absolutely and totally unnecessary. I believe it is selecting one particular section of business and industry in the Commonwealth to be highlighted. I honestly believe all of that embodied there, in fact, gives the consumer the protection in the second paragraph. I believe it is superfluous, not necessary and highlighting a situation that does not necessarily have to be dealt with at this time.

Everyone knows there were some problems in the time sharing industry. The Attorney General took the appropriate action. Those who were found in violation paid some pretty substantial fines. They are now under a decree from the Attorney General. It is working well. They are able to compete with the industries in other States without an excessive overburden.

In the second section of this amendment, I want to repeat, all of the protection a consumer needs is set out and provided for. Mr. President, I request a negative vote on the first part of the amendment.

Senator GREENLEAF. Mr. President, I urge an affirmative vote on the first part of the amendment.

There are basically two sections to this amendment. This bill is particularly addressed to the land sale promotions which send out mail solicitations to individuals throughout the State offering them prizes and awards if they come to their establishment to purchase a vacation home or leisure time home. All too often what will happen is there is a fraud committed on that individual who goes there. For example, a constituent told me he was offered a color television set and a lounge chair. He went up there and got a lounge chair, but it was an aluminum beach chair worth about \$5.00. What this amendment does is change the bill which now basically makes it illegal to engage in this activity at all. This amendment is an attempt to modify that and add certain conditions which will protect the consumers, so if they go up to this area they know what they are getting involved in. At least that will prevent the fraud from being committed.

The first part of the amendment which the gentleman from Luzerne, Senator O'Connell, wants to delete is the provision that limits it to this particular industry. I think this is the only industry with which we are having this problem. To expand it and to apply it to every industry in the State which is engaging in this activity or in this type of misleading advertisement, I think is unreasonable and, quite frankly, in a political sense it would probably kill the bill.

The second part of the amendment—

The PRESIDENT. The gentleman will confine his remarks to the first part of the amendment because it is the question at hand.

Senator GREENLEAF. Mr. President, I urge the Senate to vote in favor of the first part of the amendment. I believe to do otherwise would expand it to the rest of the industries in the State.

Senator ZEMPRELLI. Mr. President, I have a great deal of difficulty understanding the logic of the argument of the gentleman from Montgomery, Senator Greenleaf. It is as if to say that if something happened in Pittsburgh tomorrow where the same issue is involved with respect to notifying persons as to an advertising plan or scheme which was somewhat different than promoting the sale, lease or acquisition of any interest in vacation land, then we would have to come in here and pass special legislation dealing with that particular restricted subject matter. I question whether or not this matter is even constitutional. However, giving it the benefit of being constitutional, I, quite frankly, think it casts a black eye on every person who lives in the area of the Poconos. It directly suggests they are the only ones who would be prohibited from conducting this type of activity, but anywhere else in the State it is not only authorized but sanctioned. Quite frankly, I feel it would be horrendous for us to get into this kind of restricted and class legislation directed, not to the kind of offense, but a geographic area where it would be suspected the offense would be taking place. That is how it becomes offensive.

I ask for a negative vote in the interest of what purports to be a singling out of a geographic area as opposed to laws that affect the Commonwealth of Pennsylvania generally.

Senator BELL. Mr. President, the wrong that is being done is not the sale of vacation land or a leisure home. The wrong is bilking the public and I do not care whether it is a vacation land or, as some of these sharpshooters say, "Oh, we are not selling vacation land, we are selling investment land." So that makes it legal? The fraud is telling people, "You come up and we are going to give you a tremendous prize." Whether it is buying this land or cemetery lots—I remember when they would say, "You buy cemetery lots and we will give you a ham." We would get over there and they would give us a piece of the ham. What the gentleman from Allegheny, Senator Zempirelli, said, and what the gentleman from the Poconos has moved on this issue, which is to vote "no," strikes at the very heart. It is a fraud on the people to promise them a prize when the prize is not there.

Senator O'CONNELL. Mr. President, I support the findings of the gentleman from Allegheny, Senator Zempirelli, and I respectfully disagree with my colleagues, the gentleman from Montgomery, Senator Greenleaf, and the gentleman from Delaware, Senator Bell.

I repeat that this particular section of the amendment does not deal with the fraud. A later section does. I will support that and ask all the other Members to support it. This does not—and I repeat again—does not deal with fraud or any fraudulent acts of the past or anything which pertains to the future. This specifically highlights one section of our industry

and business in this Commonwealth to be set forth. This very situation exists in many, many other areas across the Commonwealth. The consumer needs as much or more protection in other areas as they need in this. This singles it out.

Mr. President, again I ask for an affirmative vote in deletion of that portion of the amendment.

Senator GREENLEAF. Mr. President, just as a brief comment, this legislation, as any legislation does, zeros in on a specific problem as we do day after day and bill after bill. We do not have this problem in most of the other industries. This is a particular industry in which we have this problem. This legislation, rather than using a shotgun approach, is an attempt to zero in and narrow in on that particular problem. The Attorney General has filed a lawsuit responding to these types of ads, zeroing in on that particular industry. This legislation does the same. As a result, I ask for an affirmative vote.

Senator O'CONNELL. Mr. President, I have one final comment. I cannot let that be part of the record without a statement or a challenge. I stand here and admit to this Senate and to the public that there was a problem in the Poconos. I commend the Attorney General for the appropriate actions he has taken. They were found in disregard of the public's interest and were substantially fined. They are now under his decree. Since that incident there have been attempts by this industry to keep that very situation from recurring again. In fact, if the matter is known, they have presented legislation to me that deals with the concept of time share that has a broad scope of changes in the law that will not only protect the industry but will also protect the people as well. This does not deal with that problem and, I, again, ask for an affirmative vote and deletion of the amendment.

Senator BELL. Mr. President, I also very strongly support the gentleman from Luzerne, Senator O'Connell, after hearing what the gentleman from Montgomery, Senator Greenleaf, said. By implication, what he has put forth is a message for every bilker and soft-soap salesman who comes into Pennsylvania. They promise prizes for everything and will sell anything, and it is not going to be illegal unless it is vacation land. I do not think by implication that we should invite those frauds into this State. I strongly urge the support of the voting position of the gentleman from Luzerne, Senator O'Connell.

The PRESIDENT. For the information of the Members, those voting to support the position of the gentleman from Luzerne, Senator O'Connell, will vote in the negative, not the affirmative as he has implied in his remarks. Those voting to support the amendment itself will vote in the affirmative.

Once again, for the information of the Members, a vote "aye" is to adopt the first half of this amendment. A vote "no" is to support Senator O'Connell's position, which is not to adopt the first half of this amendment.

And the question recurring,

Will the Senate agree to the amendment, as divided?

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

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

The PRESIDENT. There is nothing in order at this time but the calling of the roll.

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

The PRESIDENT. The gentleman will be so recorded.

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

The PRESIDENT. The gentleman will be so recorded.

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

The PRESIDENT. The gentleman will be so recorded.

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

The PRESIDENT. The gentleman will be so recorded.

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

The PRESIDENT. The gentleman will be so recorded.

VERIFICATION OF THE ROLL

Senator ZEMPRELLI. Mr. President, I may have added to some of the confusion on the floor during the roll call. My purpose in rising is to ask for verification of the roll.

The PRESIDENT. Senator Zemprelli requests the verification of the roll. The Clerk will read the affirmative votes.

The Clerk read the names of those recorded as having voted in the affirmative as follows:

Bell	Hankins	Kusse	Snyder
Brightbill	Holl	Moore	Stauffer
Corman	Hopper	Pecora	Tilghman
Greenleaf	Jubelirer	Shaffer	Wenger
Hager	Kratzer	Shumaker	Wilt

The PRESIDENT. Are there any additions or deletions to the affirmative vote?

Senator ZEMPRELLI. Mr. President, it is my understanding the gentleman from Philadelphia, Senator Hankins, wishes to be voted "no" on this issue. I ask his vote be changed from "aye" to "no."

The PRESIDENT. The vote will be so recorded.

Are there any other additions or deletions? There being none, the affirmative roll stands as verified.

The Clerk will read the negative votes.

The Clerk read the names of those recorded as having voted in the negative as follows:

Andrezeski	Lewis	O'Connell	Scanlon
Bodack	Lincoln	O'Pake	Singel
Early	Lloyd	Reibman	Stapleton
Fisher	Loeper	Rhoades	Stout
Fumo	Lynch	Rocks	Street
Hankins	Mellow	Romanelli	Williams
Hess	Musto	Ross	Zemprelli
Kelley			

The PRESIDENT. Are there any additions or deletions? The Chair hears none. The negative roll will stand as verified.

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

YEAS—19

Bell	Holl	Moore	Stauffer
Brightbill	Hopper	Pecora	Tilghman
Corman	Jubelirer	Shaffer	Wenger
Greenleaf	Kratzer	Shumaker	Wilt
Hager	Kusse	Snyder	

NAYS—29

Andrezeski	Lewis	O'Connell	Scanlon
Bodack	Lincoln	O'Pake	Singel
Early	Lloyd	Reibman	Stapleton
Fisher	Loeper	Rhoades	Stout
Fumo	Lynch	Rocks	Street
Hankins	Mellow	Romanelli	Williams
Hess	Musto	Ross	Zemprelli
Kelley			

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

The PRESIDENT. The Senate now has before it the second part of the amendment offered by Senator Greenleaf.

The Clerk read the amendment as follows:

Amend Sec. 1 (Sec. 2), page 5, line 2, by removing the semicolon after "effort" and inserting:

unless the person is provided with not less than thirty days within which to respond to the prize offer and is given written notice, in not less than eight-point type, in clear and conspicuous terms, of the following: the time period to respond to the prize offer; a disclosure of the prize or prizes awarded; a statement of the fair market value of each prize; a description of the odds applicable to the awarding of each prize; the identity, including the business name and address, of the sponsor of the advertising plan or scheme; and a description of the merchandise, real property or other items being promoted by the sponsor;

(xviii) Failing to include in a contract signed during the sales promotion effort referred to in clause (xvii) a cancellation clause in bold print which will allow the consumer to cancel the contract in writing within seventy-two hours and provide for a refund of any payment made within thirty days of the cancellation, a copy of which shall be given to the consumer at the time of signing.

Amend Sec. 1 (Sec. 2), page 5, line 3, by striking out "(xviii)" and inserting: (xix)

On the question,

Will the Senate agree to the amendment, as divided?

Senator O'CONNELL. Mr. President, I request an affirmative vote on the second portion of the amendment.

And the question recurring,

Will the Senate agree to the amendment, as divided?

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

YEAS—48

Andrezeski	Holl	Moore	Shumaker
Bell	Hopper	Musto	Singel
Bodack	Jubelirer	O'Connell	Snyder
Brightbill	Kelley	O'Pake	Stapleton
Corman	Kratzer	Pecora	Stauffer
Early	Kusse	Reibman	Stout
Fisher	Lewis	Rhoades	Street
Fumo	Lincoln	Rocks	Tilghman

Greenleaf	Lloyd	Romanelli	Wenger
Hager	Loeper	Ross	Williams
Hankins	Lynch	Scanlon	Wilt
Hess	Mellow	Shaffer	Zemprelli

NAYS—0

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

The PRESIDENT. Senate Bill No. 456 will go over, as amended.

BILL OVER IN ORDER

SB 525 — Without objection, the bill was passed over in its order at the request of Senator JUBELIRER.

BILL ON SECOND CONSIDERATION

SB 761 (Pr. No. 884) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of February 1, 1966 (1965 P. L. 1656, No. 581), entitled "The Borough Code," providing the power to appropriate funds for drug and alcohol programs.

Considered the second time and agreed to,

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

BILLS OVER IN ORDER

SB 835, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 1049 and **HB 1357** — Without objection, the bills were passed over in their order at the request of Senator JUBELIRER.

SENATE RESOLUTION NO. 75,
CALLED UP

Senator JUBELIRER, without objection, called up from page 8 of the Calendar, **Senate Resolution No. 75**, entitled:

Urging the Governor and President to approve drought relief to Pennsylvania farmers.

On the question,

Will the Senate adopt the resolution?

SENATE RESOLUTION NO. 75, ADOPTED

Senator JUBELIRER. Mr. President, I move that the Senate do adopt Senate Resolution No. 75.

On the question,

Will the Senate agree to the motion?

Senator O'PAKE. Mr. President, very briefly, I urge support for this resolution. I think the reason for the resolution was well put by a thirty-three year old Franklin County father of three who said, "I'll be lucky if I'll be farming a year from now. I'm a fifth generation farmer. I don't want to lose it, but there is nobody out there trying to help me."

What this resolution does, Mr. President, is to call upon the Governor to invoke powers under the Emergency Management Services Code, declare twenty counties disaster areas in Pennsylvania as a result of the drought, transfer \$5 million of unused funds and make them available in the form of outright grants or interest free loans to the farmers devastated by the

drought in these areas of the State. Last week the Federal government decided to make loans available to farmers in Pennsylvania, but the problem is those loans will not solve the problem. As a matter of fact, as one of the members of the Farmers Home Administration from Berks County said, "There is really not much to it. The farmer must almost be bankrupt before he gets anything."

The problem is the condition of that money is that the farmer does qualify for the Farmers Home Administration loan only if the farmer does not qualify for a commercial loan. I understand the going rate there is 13.75 percent. As the head of the PFA was quoted over the weekend, "The last thing some farmers need is another loan hanging over their heads."

Mr. President, I ask the Senate to express its unanimous support for this very badly needed relief. If we do not do something now, I am afraid many of our family farmers will be forced into bankruptcy. It is not a condition we want to see and it is not a condition the consumers want to see because, in the long run, they are going to pay higher prices for the lack of attention we give to the needs of the farmers in Pennsylvania now. I urge support for this resolution and I urge immediate consideration by the Governor to do something to help this problem.

The PRESIDING OFFICER (William J. Moore) in the Chair.

Senator WENGER. Mr. President, I, too, am supportive of Senate Resolution No. 75 because it is a good gesture. However, I think that is basically what the resolution is and not, in itself, a lot more. I think we realize there are some problems across Pennsylvania in the agricultural community and those problems have been estimated to run something like \$200 million or more. The resolution calls for assistance up to \$5 million. I think we all realize that when we look at a \$200 million problem, or perhaps one even greater than that, \$5 million is just a drop in the bucket. As much as I would like to see the resolution passed, I hope we do not take the attitude that because we passed this resolution, we have done something substantial to help alleviate the problems across the agricultural community in Pennsylvania. I think if we lead farmers to believe that by passage of this resolution we have solved the major problem, we deceive not only those farmers, but we also deceive ourselves as well. The problem is just so much greater than what the resolution addresses. However, I think it is a good symbolic gesture and I shall support the resolution for that reason.

LEGISLATIVE LEAVES CANCELLED

Senator REIBMAN. Mr. President, I would like the record to be clarified. While I was on a temporary legislative leave of absence for the first roll call, I have been here physically, have spoken on some bills and have voted in person.

The PRESIDING OFFICER. The record will so indicate.

Senator ZEMPRELLI. Mr. President, Senator Reibman anticipated my request. For some time Members of the Senate have returned from temporary legislative leaves of absence. I

move nunc pro tunc that those temporary legislative leaves of absence be honored immediately prior to the discussion of the gentleman from Allegheny, Senator Early, with respect to an effort to put aside a motion to reconsider as that was the time at which the parties returned to the floor.

The PRESIDING OFFICER. The gentleman's remarks will be spread upon the record. It does not require special action for those on temporary legislative leaves of absence to be reinstated.

LEGISLATIVE LEAVES

Senator ZEMPRELLI. Mr. President, because of the lateness of the hour and because several of the Members have made commitments on other legislative business in their districts, I request temporary legislative leaves of absence on behalf of Senator Fumo and Senator Rocks.

The PRESIDING OFFICER. The Chair hears no objection and the leaves are granted.

And the question recurring,

Will the Senate agree to the motion?

Senator SHUMAKER. Mr. President, I rise in support of this resolution as I represent Dauphin County, which is one of the very severely drought-stricken counties in this Commonwealth. As the gentleman from Lancaster, Senator Wenger, has said, it is \$5 million when we need \$200 million, so I will vote for anything that can get help to these people who need it so badly.

Senator O'PAKE. Mr. President, very briefly, the reason the figure is set at \$5 million is because that is the maximum allowable under the Emergency Management Services Code. That is why the figure is set at \$5 million.

And the question recurring,

Will the Senate agree to the motion?

A voice vote having been taken, the question was determined in the affirmative, and the resolution was adopted.

SENATE RESOLUTION NO. 82, CALLED UP

Senator JUBELIRER, without objection, called up from page 8 of the Calendar, **Senate Resolution No. 82**, entitled:

Urging the Secretary of General Services to adopt guidelines for the use of public grounds and buildings for demonstrations.

On the question,

Will the Senate adopt the resolution?

SENATE RESOLUTION NO. 82, ADOPTED

Senator JUBELIRER. Mr. President, I move that the Senate do adopt Senate Resolution No. 82.

On the question,

Will the Senate agree to the motion?

Senator SHUMAKER. Mr. President, I rise in support of Senate Resolution No. 82 which proposes to urge the Secretary of General Services to develop guideline rules and procedures relating to the conduct of demonstrations in and around public buildings and grounds owned by the Commonwealth.

At the present time there is a section of the Administrative Code which does cover the exercise of First Amendment rights. However, this section is very general in nature. Without guidelines, it lacks specifics as to how, when and where this exercise is to take place. Therefore, it is the intention of this resolution to clarify and strengthen the Code in regard to the use of the Commonwealth properties in a manner—and I stress this—in a manner not inconsistent with the exercise of First Amendment rights.

Mr. President, I feel this is the proper time to address this very, very important matter. I urge an affirmative vote.

Senator KELLEY. Mr. President, I desire to interrogate the gentleman from Dauphin, Senator Shumaker.

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

Senator SHUMAKER. I will, Mr. President.

Senator KELLEY. Mr. President, I support and cosponsored the resolution with the gentleman. I ask whether the gentleman would be receptive to receipt of the recommendations of the Secretary of General Services to possibly give serious consideration to incorporating in the statutes of the Commonwealth certain language and goals he would possibly have in his recommendations of policy?

Senator SHUMAKER. Mr. President, as a cosponsor of the resolution, I would certainly accept anything for consideration.

Senator KELLEY. Mr. President, I very much urge an affirmative vote for this resolution. A lot of people interpret this as a move to constrain the right of freedom of expression guaranteed by the Constitution. I do not see it that way at all. I think it is more of a protection of a greater good and that is the very inherent responsibility of government for self-preservation in conducting business. I think anybody who would construe it as trying to interfere with any individual's right to freedom of expression is erroneously viewing the situation.

Senator EARLY. Mr. President, I assume this resolution was introduced and voted on because of the incident that happened a few weeks ago in the Rotunda. I see no need for this. Like or dislike what went on in the Rotunda, it was taken care of and they were removed. Apparently it is working under the existing law. I see no point in taking it any further. It is almost like saying it is not broken, but let us fix it anyhow. I urge a negative vote.

Senator LINCOLN. Mr. President, I request a slow roll call vote on this resolution.

Senator ZEMPRELLI. Mr. President, the resolution becomes somewhat of a mixed bag. I call attention to one of the so-called regulations that would be a restraint by the resolution, or to state it another way, a purpose of the resolution. That is on page 2, which has an independent substance to it starting with line 10, after the semicolon, "and to assure that the taxpayers shall not be required to bear the costs of cleanup and repairs because of the conduct of demonstrators."

Mr. President, I wonder if within the definition or the prohibition of that particular provision, we might refer to inau-

gurations. We might refer to any number of events which would be recognized as beneficial to the best interests of the Commonwealth and the freedoms under the Constitution of the United States. For that reason, Mr. President, due to the lack of definition and clarity, I think the benefits to be derived from this resolution are not nearly as great as the apprehensions that arise from the language of the resolution itself. I ask for a negative vote.

And the question recurring,

Will the Senate agree to the motion?

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

YEAS—29

Bell	Jubelirer	Moore	Snyder
Corman	Kelley	O'Connell	Stauffer
Fisher	Kratzer	Pecora	Stout
Greenleaf	Kusse	Reibman	Street
Hager	Lewis	Rhoades	Tilghman
Hess	Lincoln	Shaffer	Wenger
Holl	Loeper	Shumaker	Wilt
Hopper			

NAYS—16

Andrezeski	Hankins	Musto	Scanlon
Bodack	Lloyd	Rocks	Singel
Early	Lynch	Romanelli	Williams
Fumo	Mellow	Ross	Zemprelli

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

UNFINISHED BUSINESS REPORT FROM COMMITTEE

Senator TILGHMAN, from the Committee on Appropriations, reported the following bill:

SB 633 (Pr. No. 1385) (Amended) (Rereported)

An Act amending Title 22 (Detectives and Private Police) of the Pennsylvania Consolidated Statutes, adding provisions relating to detectives and private police; and making repeals.

RESOLUTION REPORTED FROM COMMITTEE

Senator JUBELIRER, from the Committee on Rules and Executive Nominations, reported the following resolution:

HR 58 (Pr. No. 712)

Memorializing the President and Congress to investigate a proposal sale of a United States steel plant to a British company.

The PRESIDING OFFICER. The resolution will be placed on the Calendar.

REPORT FROM COMMITTEE ON RULES AND EXECUTIVE NOMINATIONS

Senator LOEPER, by unanimous consent, from the Committee on Rules and Executive Nominations, reported the fol-

lowing nominations, made by His Excellency, the Governor of the Commonwealth, which were read by the Clerk as follows:

**MEMBER OF THE BOARD OF DIRECTORS
OF THE PENNSYLVANIA ENERGY
DEVELOPMENT AUTHORITY**

September 26, 1983.

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 Werner Fricker, 1226 Lois Road, Ambler 19002, Montgomery County, Twelfth Senatorial District, for appointment as a member of the Board of Directors of the Pennsylvania Energy Development Authority, to serve for a term of two years and until his successor is appointed and qualified, pursuant to Act 280, approved December 14, 1982.

DICK THORNBURGH.

**MEMBER OF THE BOARD OF DIRECTORS
OF THE PENNSYLVANIA ENERGY
DEVELOPMENT AUTHORITY**

September 26, 1983.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Thomas P. Gordon, 1080 Stanford Road, Pittsburgh 15205, Allegheny County, Thirty-seventh Senatorial District, for appointment as a member of the Board of Directors of the Pennsylvania Energy Development Authority, to serve for a term of four years and until his successor is appointed and qualified, pursuant to Act 280, approved December 14, 1982.

DICK THORNBURGH.

**MEMBER OF THE BOARD OF DIRECTORS
OF THE PENNSYLVANIA ENERGY
DEVELOPMENT AUTHORITY**

September 26, 1983.

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 Dr. Nathan K. Mao, 3440 Scotland Road, Chambersburg 17201, Franklin County, Thirty-third Senatorial District, for appointment as a member of the Board of Directors of the Pennsylvania Energy Development Authority, to serve for a term of two years and until his successor is appointed and qualified, pursuant to Act 280, approved December 14, 1982.

DICK THORNBURGH.

**MEMBER OF THE BOARD OF DIRECTORS
OF THE PENNSYLVANIA ENERGY
DEVELOPMENT AUTHORITY**

September 26, 1983.

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 Malcolm B. Petrikin, Esquire, 16 Lakewood Drive, Holly Hill, Media 19063, Delaware County, Ninth Senatorial District, for appointment as a member of the Board of Directors of the Pennsylvania Energy Development Authority, to serve for a term of two years and until his successor is appointed and qualified, pursuant to Act 280, approved December 14, 1982.

DICK THORNBURGH.

**MEMBER OF THE BOARD OF DIRECTORS
OF THE PENNSYLVANIA ENERGY
DEVELOPMENT AUTHORITY**

September 26, 1983.

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 A. Shinn, 35 Eastgate Drive, Camp Hill 17011, Cumberland County, Thirty-first Senatorial District, for appointment as a member of the Board of Directors of the Pennsylvania Energy Development Authority, to serve for a term of four years and until his successor is appointed and qualified, pursuant to Act 280, approved December 14, 1982.

DICK THORNBURGH.

**MEMBER OF THE BOARD OF DIRECTORS
OF THE PENNSYLVANIA ENERGY
DEVELOPMENT AUTHORITY**

September 26, 1983.

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 Richard C. Waybright, 1737 Mason Dixon Road, Gettysburg 17325, Adams County, Thirty-third Senatorial District, for appointment as a member of the Board of Directors of the Pennsylvania Energy Development Authority, to serve for a term of three years and until his successor is appointed and qualified, pursuant to Act 280, approved December 14, 1982.

DICK THORNBURGH.

**MEMBER OF THE BOARD OF DIRECTORS
OF THE PENNSYLVANIA ENERGY
DEVELOPMENT AUTHORITY**

September 26, 1983.

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 Joseph Welch, High Road, Wyomissing 19610, Berks County, Forty-eighth Senatorial District, for appointment as a member of the Board of Directors of the Pennsylvania Energy Development Authority, to serve for a term of four years and until his successor is appointed and qualified, pursuant to Act 280, approved December 14, 1982.

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 PRESIDING OFFICER. The nominations will be laid on the table.

BILL IN PLACE

Senator KRATZER presented to the Chair a bill.

CONGRATULATORY RESOLUTIONS

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

Congratulations of the Senate were extended to Michael J. Dropcho by Senator Andrezeski.

Congratulations of the Senate were extended to Mother of Good Counsel Church in Homewood-Brushton by Senator Bodack.

Congratulations of the Senate were extended to Chuck Lewis by Senator Fisher.

Congratulations of the Senate were extended to Robert L. Smith by Senator Jubelirer.

Congratulations of the Senate were extended to The Reverend William Campbell by Senator Mellow.

Congratulations of the Senate were extended to Clarence J. Waybright by Senator Moore.

Congratulations of the Senate were extended to the Greater Pittston Ambulance Association by Senator Musto.

Congratulations of the Senate were extended to John E. Tyson and to the Citizens of Easton and the Easton Police Department by Senator Reibman.

Congratulations of the Senate were extended to Ashland State General Hospital by Senator Rhoades.

Congratulations of the Senate were extended to Harold Cressman McCuen, Joseph A. McIvor and to John Priest by Senator Rocks.

Congratulations of the Senate were extended to Estelle Block by Senator Shumaker.

Congratulations of the Senate were extended to Mr. and Mrs. Scott Harkins, Mr. and Mrs. Lon A. Miller and to the Student Cooperative Association of Indiana University of Pennsylvania by Senator Stapleton.

Congratulations of the Senate were extended to Armand P. Mori by Senator Zemprelli.

CONDOLENCE RESOLUTION

The PRESIDING OFFICER 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 Martin J. Mullen by Senator Bodack.

BILLS ON FIRST CONSIDERATION

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

The motion was agreed to.

The bills were as follows:

SB 73, 457, 791, 1008, 1045, 1046 and HB 573.

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

PETITIONS AND REMONSTRANCES

Senator SINGEL. Mr. President, on several occasions this year I have risen to discuss a matter of great concern and that is the growing problem of mortgage foreclosures. I use the word "growing" because rosy economic projections to the contrary, the problem is getting worse in Pennsylvania instead of better. Last year the Mortgage Bankers Association said that 170,000 foreclosure actions were taken nationwide and 2,000 of those were in Pennsylvania. They predicted last year that that number would rise to about 3,000 in Pennsylvania in 1983. Regrettably, those predictions have come true. The situation is now much worse. Nationwide the rate of foreclosures has gone from .21 percent to .23 percent of all mortgages entered into. This creates a staggering \$236 million in debt nationwide. There have been some proposals put forth to address the situation in Pennsylvania. Unfortunately, the seven bills that have been proposed have found themselves waylaid in committee.

I, myself, have introduced several proposals that would have set up a loan program through the Pennsylvania Housing Finance Agency and that is still in the Committee on Urban Affairs and Housing. This is a proposal that is similar to one that was introduced by several of my colleagues on the other side of the aisle. I just want to take this opportunity to add that I would welcome and support any action on any of these particular bills. It is noteworthy that House Bill No. 500 has passed the House and was considered very briefly on the floor of the Senate. It is now being reviewed by the Senate Committee on Appropriations.

I think it is important to point out that in the time we have been talking about mortgage foreclosure assistance, hundreds of additional homes have been lost and there is a growing urgency for relief. It is my understanding that House Bill No. 500 is going to undergo serious revision in the Senate Committee on Appropriations and possibly on the floor of the Senate. I welcome these changes and, in fact, have several proposals to offer as amendments of my own. I really think the time for cooperation has arrived and it is about time we really addressed the problem of mortgage foreclosure relief before more people are thrown out in the street.

A final hurdle, however, that must be addressed before effective mortgage foreclosure relief becomes effective is a source of funding for House Bill No. 500. It has yet to be determined what source will be tapped so the program will become operational. Several things have been suggested. The Reality Transfer Tax, for example, could provide some added funds if we would increase that by a slight percentage. This, of course, carries with it the reality that what we are doing there is providing a "disincentive" to the housing, building and realty trades.

It has also been suggested that an appropriation be made directly to the program from the General Fund. While this does spread the burden of payment more evenly among all the taxpayers, I think it also carries with it the political liability that it probably is not acceptable to the Legislature.

I rise today, Mr. President, to offer an alternative that I commend to the attention of my colleagues with the hope that it can be considered in the deliberations on House Bill No. 500 and on other proposals that relate to mortgage foreclosure assistance. I have introduced Senate Bill No. 1086 and, basically, what this would do would be to establish a temporary surcharge on residential first mortgages in the State of Pennsylvania.

The Department of Revenue would be charged with enforcing and regulating the collection of the surcharge and it would be a one half of one percent on all mortgages loaned. The lender or the banker, whatever the case may be, would be required to forward to the Department of Revenue within ninety days of the closing of the mortgage the one half of one percent of the mortgage. He, in turn, would add that to the principal, thereby recovering the surcharge from the borrower in the final instance. The money would be put toward a State homeowners emergency assistance fund and would provide a ready amount of capital so that we could put some teeth into House Bill No. 500 and we could provide the funding necessary to make it an effective program.

I offer Senate Bill No. 1086 in the genuine spirit of compromise and cooperation. My feeling is that, all good intentions aside, if we do not provide the money, we are not going to be providing the relief. Therefore, with the realization that it is in securing the funds that we secure real relief for those people who are suffering, I ask the Senate to consider this as an alternative for funding real and genuine mortgage foreclosure relief assistance.

Senator EARLY. Mr. President, unfortunately, I was not permitted to make my point and there is now no way I can debate the motion to recommit. My remarks are related to the fact I was unable to amend a particular bill when, basically, it was pretty well understood that if I did not do it on Wednesday, I could do it today.

Besides that, Mr. President, in relating to the remarks made by my colleague previous to my taking the microphone, individuals are having a difficult time out there. Individuals are losing their homes. Individuals cannot pay their mortgage and it is no secret a major portion of a mortgage payment is property tax. This issue cannot be ignored forever. It is going to have to be addressed. I have noticed no bills are being released from committee dealing with Act 511 and when they are, they are properly recommitted.

As we saw today when a bill came by to change the Constitution, it was properly recommitted. It must be said that all the Democrats did vote against recommitting and all the Republicans, except one, the gentleman from Butler, Senator Shaffer, voted to recommit the bill. I do not like to come to the floor and talk about a partisan issue. Since I have led the fight in doing away with property tax, I am asked many times

what takes so long for this to happen. It has been thirteen years. Why is it the bill is never discussed? Other legislation passes very quickly, but something to do with property tax just does not pass. Mr. President, we have to lay this at the feet of the Republican Party because they, with the exception of one, voted unanimously to recommit a bill when they knew the amendment I was ready to offer dealt with property tax. I am telling the Members this will not last forever. The people out there are losing their homes. People who are unemployed are losing their homes. The senior citizens are losing their homes.

While they are losing their homes, the Republican Party is saying, "We do not want to address that issue." The Republican Party is making a mockery out of preventing me from even discussing the issue by the remark, "That is out of order."

It will not continue. I guarantee the Members that every bill that comes on this Calendar dealing with Act 511, dealing with the Constitution or anything else I can stretch in my imagination to achieve what I am trying to achieve and that is giving tax relief to those who need it, I can assure the Members there will be an attempt to amend every bill. If the Republican Party wants to go through the whole Session without dealing with Act 511 or without dealing with a Constitutional amendment, fine, but the blame will be on them.

I have to say, with the vote today, it was a clear indication every Republican is saying, "We want no property tax relief for senior citizens; we want no property tax relief for those who are unemployed; we want no property tax relief for people who just cannot afford to pay it." With the exception of one, the Republican Party must be blamed for the problems we are having.

COMMUNICATIONS FROM THE GOVERNOR

NOMINATIONS BY THE GOVERNOR REFERRED TO COMMITTEE

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

MEMBER OF THE PENNSYLVANIA INDUSTRIAL DEVELOPMENT AUTHORITY

October 17, 1983.

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 Nate Smith, 7140 McPherson Boulevard, Pittsburgh 15208, Allegheny County, Forty-third Senatorial District, for appointment as a member of the Pennsylvania Industrial Development Authority, to serve until July 24, 1989, and until his successor shall be duly appointed and qualified, vice Leonard Goldfine, Philadelphia, resigned.

DICK THORNBURGH.

**MEMBER OF THE WORKMEN'S
COMPENSATION APPEAL BOARD**

October 17, 1983.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Thomas Breslin, 4514 Osage Avenue, Philadelphia 19143, Philadelphia County, Eighth Senatorial District, for appointment as a member of the Workmen's Compensation Appeal Board, to serve until the third Tuesday of January, 1987, and until his successor shall have been appointed and qualified, to fill a new position.

DICK THORNBURGH.

**CORRECTION TO NOMINATION BY THE
GOVERNOR REFERRED TO COMMITTEE**

The PRESIDING OFFICER 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 STATE TAX
EQUALIZATION BOARD**

October 17, 1983.

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

Please note the nomination for Martha Bell Schoeninger, 620 Fernfield Circle, Wayne 19087, Delaware County, Seventeenth Senatorial District, for appointment as a member of the State Tax Equalization Board, to serve until November 14, 1983, and until her successor is appointed and qualified, vice Mary Ann Meloy, Fox Chapel, resigned, should be corrected to read:

Martha Bell Schoeninger, 620 Fernfield Circle, Wayne 19087, Chester County, Nineteenth Senatorial District, for appointment as a member of the State Tax Equalization Board, to serve until November 14, 1983, and until her successor is appointed and qualified, vice Mary Ann Meloy, Fox Chapel, resigned.

HOUSE MESSAGE

**HOUSE INSISTS UPON ITS AMENDMENTS
NONCONCURRED IN BY THE SENATE
TO SB 300, AND APPOINTS
COMMITTEE OF CONFERENCE**

The Clerk of the House of Representatives informed the Senate that the House insists upon its amendments nonconcurring in by the Senate to **SB 300**, and has appointed Messrs. D. R. WRIGHT, ZWIKL and PHILLIPS as a Committee of Conference to confer with a similar committee of the Senate (if the Senate shall appoint such committee) to consider the differences existing between the two houses in relation to said bill.

**COMMITTEE OF CONFERENCE
APPOINTED ON HB 682**

The PRESIDING OFFICER. The Chair announces, on behalf of the President pro tempore, the appointment of Senators HESS, FISHER and MELLOW as a Committee of Conference on the part of the Senate to confer with a similar committee of the House (already appointed) to consider the differences existing between the two houses in relation to House Bill No. 682.

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

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

BILLS SIGNED

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

HB 177, 368, 370, 372, 585 and 586.

The **PRESIDING OFFICER** (William J. Moore) in the Chair.

ANNOUNCEMENTS BY THE SECRETARY

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

SENATE OF PENNSYLVANIA

COMMITTEE MEETINGS

TUESDAY, OCTOBER 18, 1983

9:30 A.M.	ENVIRONMENTAL RESOURCES AND ENERGY (Public Hearing on the Hazardous Substance Transportation Board)	Room 459, 4th Floor Conference Rm., North Wing
11:00 A.M.	BANKING AND INSURANCE (to consider Senate Bills No. 823, 907, 956, 1063, 1064, 1069 and 1091)	Room 460, 4th Floor Conference Rm., North Wing
11:30 A.M.	JUDICIARY (to consider Senate Bills No. 965 and 994)	Room 461, 4th Floor Conference Rm., North Wing
12:30 P.M.	URBAN AFFAIRS AND HOUSING (to consider Senate Bill No. 1041; House Bills No. 327, 501, 981 and 1004)	Room 459, 4th Floor Conference Rm., North Wing
off the floor	RULES AND EXECUTIVE NOMINATIONS (to con- sider certain Executive Nominations; and Senate	Rules Committee Conference Room

Resolutions No. 77
and 87)

WEDNESDAY, OCTOBER 19, 1983

- 10:00 A.M. STATE GOVERNMENT Room 459,
(to consider Senate 4th Floor
Bills No. 171, 389, Conference Rm.,
662, 1081; House Bills North Wing
No. 96 and 822)
- 10:30 A.M. TASK FORCE on Act 195 Room 461,
(to consider testimony 4th Floor
on revision of Act 195) Conference Rm.,
North Wing
- 12:30 P.M. CONSUMER PROTECTION Senate Majority
AND PROFESSIONAL Caucus Room
LICENSURE (Public Hearing
on Senate Bill No. 987)

THURSDAY, OCTOBER 20, 1983

- 10:00 A.M. JUDICIARY (Public Court Rm., 7,
Hearing to consider test- (en banc court
imony on merit selection rm.) 2nd Floor
and related matters) Old Federal
Court House,
9th & Chestnut
Sts., Philadelphia
- 11:00 A.M. AGRICULTURE AND RURAL 2nd Floor Court-
AFFAIRS (Public Hearing room, Montour Co.
on Senate Bills No. 303, Courthouse, Mill
392, 738 and House and Market Sts.,
Bill No. 350) Danville
- 3:00 P.M. Independent Regulatory Heritage Rm. A,
Review Commission (regu- 333 Market St.
lations to be considered:
Dept. of State, Bur. of
Prof. & Occup. Affairs,
Optometrical Examiners
16A-95 - Accreditation
of Optometry Schools;
PennDOT 18-167 - Emission
Inspection Program;
Dept. of Revenue 15-121 -
"Holiday Greetings" Instant
Lottery Game;
Dept. of Revenue 15-122 -
PA "Joker's Wild" Instant
Lottery Game;
PennDOT 18-155 - Driver's
License Examination;
PennDOT 18-158 - Hazardous
Substances;
PennDOT 18-164 - Retention
of Records;
Dept. of State Registration
Board for Professional
Engineers 16A-93 - Professional

Engineers Registration Law)

WEDNESDAY, OCTOBER 26, 1983

- 1:00 P.M. JUDICIARY (Public Senate Majority
Hearing to hear testimony Caucus Room
with respect to merit
selection. (Senate Bills
No. 792, 831 and 947))

THURSDAY, NOVEMBER 3, 1983

- 3:00 P.M. Independent Regulatory Heritage Rm. A,
Review Commission 333 Market St.

WEDNESDAY, NOVEMBER 9, 1983

- 11:00 A.M. Public Employee Retire- Room 459,
ment Study Commission 4th Floor
Conference Rm.,
North Wing

THURSDAY, NOVEMBER 17, 1983

- 3:00 P.M. Independent Regulatory Heritage Rm. A,
Review Commission 333 Market St.

ADJOURNMENT

Senator JUBELIRER. Mr. President, I move that the Senate do now adjourn until Tuesday, October 18, 1983, at 1:00 p.m., Eastern Daylight Saving Time.

The motion was agreed to.

The Senate adjourned at 7:08 p.m., Eastern Daylight Saving Time.