

Legislative Journal

TUESDAY, NOVEMBER 15, 1983

SESSION OF 1983

167TH OF THE GENERAL ASSEMBLY

No. 83

SENATE

TUESDAY, November 15, 1983.

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

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

PRAYER

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

O God, direct these Senators in their deliberations with the sights of their horizons and so enable them to carry out their responsibilities that at the close of this Session they shall have an inner glow of satisfaction in work well done. Amen.

JOURNAL APPROVED

The PRESIDING OFFICER. A quorum of the Senate being present, the Clerk will read the Journal of the preceding Session of November 14, 1983.

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

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

LEGISLATIVE LEAVES

Senator STAUFFER. Mr. President, I request temporary legislative leaves of absence for Senator Fisher and Senator Corman for part of today's Session. They are in the Capitol and will be in meetings with various department heads. I also reiterate the request for a legislative leave of absence for the entire week for Senator Jubelirer.

I just received a call that Senator Helfrick has been detained in a legislative meeting and I request he also be accorded a temporary legislative leave of absence.

Senator SCANLON. Mr. President, I, too, reiterate the legislative leave of absence for the entire week for Senator Hankins.

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

GENERAL COMMUNICATION

SUNSET REVIEW OF THE CRIME
VICTIM'S COMPENSATION BOARD

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

COMMONWEALTH OF PENNSYLVANIA
House of Representatives
Harrisburg

November 15, 1983

MEMO TO: Mr. Mark Corrigan
Secretary of the Senate

FROM: Samuel Rappaport, Chairman
House Judiciary Committee

SUBJECT: Sunset Review of the Crime
Victim's Compensation Board

Attached please find the Report of the House Judiciary Committee on the Sunset Evaluation and Review of the Crime Victim's Compensation Board and the Legislative Budget and Finance Committee's Sunset Performance Audit of the Pennsylvania Crime Victim's Compensation Board which I am officially filing with your office.

I am also forwarding one complimentary copy for each Senator and would appreciate your assistance in distributing the copies. Thank you.

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

REPORTS FROM COMMITTEE

Senator HOLL, from the Committee on Banking and Insurance, reported the following bills:

SB 823 (Pr. No. 1472) (Amended)

An Act providing for indemnification of the costs of legal defense to health care providers for health care reporting requirements.

SB 1084 (Pr. No. 1373)

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.

SB 1085 (Pr. No. 1374)

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

SB 1119 (Pr. No. 1461)

An Act amending the act of November 30, 1965 (P. L. 847, No. 356), entitled "Banking Code of 1965," further providing for the date of Dr. Martin Luther King, Jr. Day.

GUESTS OF SENATOR MICHAEL A. O'PAKE PRESENTED TO SENATE

Senator O'PAKE. Mr. President, during the noon hour we were entertained by a very delightful and talented group of musicians from the Reading Senior Citizens Symphony Orchestra. They put on a very entertaining and professional fifty minute concert. That group is in the gallery, Mr. President, and they have a 1:00 o'clock bus. I would appreciate it if the Chair would extend the thanks of the Senate, as well as its usual warm welcome, to the Reading Senior Citizens Symphony Orchestra under the able leadership of J. Carl Borelli. They are also accompanied by Mrs. Mary Brennan from the Horizon Senior Citizens Center in Reading. They are in the gallery and I would appreciate the Chair recognizing them.

The PRESIDENT. The Chair, on behalf of the Senate, would like to thank the Reading Senior Citizens Symphony Orchestra for the very fine performance put on in the Rotunda at noon today. If they would please rise, the Senate will give them its traditional warm welcome.

(Applause.)

CALENDAR

SPECIAL ORDER OF BUSINESS

HB 327 CALLED UP OUT OF ORDER

HB 327 (Pr. No. 2128) — Without objection, the bill was called up out of order, from page 2 of the Third Consideration Calendar, by Senator STAUFFER, as a Special Order of Business.

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

HB 327 (Pr. No. 2128) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the "Pennsylvania Minority Business Development Authority Act," approved July 22, 1974 (P. L. 598, No. 206), authorizing proxies of legislative and cabinet members to vote on certain matters before the board of directors.

Considered the third time and agreed to,

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

On the question,
Shall the bill pass finally?

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

YEAS—46

Andrezeski	Holl	Moore	Shumaker
Bell	Hopper	Musto	Singel
Bodack	Howard	O'Pake	Snyder
Brightbill	Jubelirer	Pecora	Stapleton
Corman	Kratzer	Reibman	Stauffer

Early	Kusse	Rhoades	Stout
Fisher	Lewis	Rocks	Street
Greenleaf	Lincoln	Romanelli	Tilghman
Hager	Lloyd	Ross	Wenger
Hankins	Loeper	Scanlon	Williams
Helfrick	Lynch	Shaffer	Wilt
Hess	Mellow		

NAYS—0

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

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

SB 432 AND HB 258 TAKEN FROM THE TABLE

Senator STAUFFER. Mr. President, I move that Senate Bill No. 432, Printer's No. 1450, and House Bill No. 258, Printer's No. 2127, be taken from the table.

The motion was agreed to.

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

RECESS

Senator STAUFFER. Mr. President, at this time I request a recess of the Senate for purposes of a meeting of the Committee on Rules and Executive Nominations and a Republican caucus. I ask the Committee on Rules and Executive Nominations to convene immediately in the Rules Committee room, for what should be a short meeting. This will then be followed by a Republican caucus. It is our expectation that we will return to the floor at approximately 2:30 p.m.

Senator SCANLON. Mr. President, I request the Members of the Democratic caucus to immediately report to the Minority caucus room for the purpose of a very short caucus.

The PRESIDENT. For the purpose of a meeting of the Committee on Rules and Executive Nominations, to be followed by Republican and Democratic caucuses, the Chair declares the Senate in recess.

AFTER RECESS

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

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

COMMUNICATION FROM THE GOVERNOR

RECALL COMMUNICATION LAID ON THE TABLE

The PRESIDENT pro tempore laid before the Senate the following communication in writing from His Excellency, the Governor of the Commonwealth, which was read as follows, and laid on the table:

MEMBER OF THE WASHINGTON COUNTY BOARD OF ASSISTANCE

November 15, 1983.

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated July 12, 1983 for the appointment of Arthur M. Wilson (Republican), 1211 Park Avenue, Washington 15301, Washington County, Forty-sixth Senatorial District, as a member of the Washington County Board of Assistance, to serve until December 31, 1984, and until his successor is duly appointed and qualified, vice Richard L. Patton, West Middletown, resigned.

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

DICK THORNBURGH.

CONSIDERATION OF CALENDAR RESUMED

BILLS ON CONCURRENCE IN HOUSE AMENDMENTS

BILL OVER IN ORDER

SB 11 — Without objection, the bill was passed over in its order at the request of Senator STAUFFER.

SENATE CONCURS IN HOUSE AMENDMENTS

SB 279 (Pr. No. 1394) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of June 3, 1937 (P. L. 1225, No. 316), entitled "The Game Law," further providing for applications and permits for menageries; further providing for permits to deal in and possess wildlife; providing for refunds of certain fees; and further providing for penalties.

Senator STAUFFER. Mr. President, I move that the Senate do concur in the amendments made by the House to Senate Bill No. 279.

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

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

YEAS—49

Table with 4 columns of names: Andrezeski, Bell, Bodack, Brightbill, Corman, Early, Fisher, Fumo, Greenleaf, Hager, Hankins, Helfrick, Hess, Holl, Hopper, Howard, Jubelirer, Kelley, Kratzer, Kusse, Lewis, Lincoln, Lloyd, Loeper, Lynch, Mellow, Moore, Musto, O'Pake, Pecora, Reibman, Rhoades, Rocks, Romanelli, Ross, Scanlon, Shaffer, Shumaker, Singel, Snyder, Stapleton, Stauffer, Stout, Street, Tilghman, Wenger, Williams, Wilt, Zemprelli.

NAYS—0

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

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

LEGISLATIVE LEAVES

Senator ZEMPRELLI. Mr. President, I request a temporary legislative leave of absence for Senator Lincoln who has left the floor for a constituent meeting.

Senator STAUFFER. Mr. President, both Senator Street and Senator Wilt have temporarily gone into legislative meetings and I request temporary legislative leaves of absence for them.

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

LEGISLATIVE LEAVES CANCELLED

Senator STAUFFER. Mr. President, Senator Corman, Senator Fisher and Senator Helfrick have returned to the floor and will be voting for themselves. I request that their temporary legislative leaves of absence be cancelled.

The PRESIDENT pro tempore. The record will so indicate.

CONSIDERATION OF CALENDAR RESUMED

THIRD CONSIDERATION CALENDAR

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

SB 25 (Pr. No. 25) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of May 13, 1915 (P. L. 286, No. 177), entitled, as amended, "Child Labor Law," reducing minimum age requirements of minors who sell newspapers.

Considered the third time and agreed to,

On the question, Shall the bill pass finally?

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

YEAS—48

Table with 4 columns of names: Andrezeski, Bodack, Brightbill, Corman, Early, Fisher, Fumo, Greenleaf, Hager, Hankins, Helfrick, Hess, Holl, Hopper, Howard, Jubelirer, Kelley, Kratzer, Kusse, Lewis, Lincoln, Lloyd, Loeper, Lynch, Mellow, Moore, Musto, O'Pake, Pecora, Reibman, Rhoades, Rocks, Romanelli, Ross, Scanlon, Shaffer, Shumaker, Singel, Snyder, Stapleton, Stauffer, Stout, Street, Tilghman, Wenger, Williams, Wilt, Zemprelli.

NAYS—1

Bell

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

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

BILL OVER IN ORDER

HB 92 — Without objection, the bill was passed over in its order at the request of Senator STAUFFER.

BILL OVER IN ORDER TEMPORARILY

SB 985 — Without objection, the bill was passed over in its order temporarily at the request of Senator STAUFFER.

BILL OVER IN ORDER

HB 1004 — Without objection, the bill was passed over in its order at the request of Senator STAUFFER.

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

SB 1060 (Pr. No. 1344) — The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for exemptions from registration.

Considered the third time and agreed to,

On the question, Shall the bill pass finally?

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

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

YEAS—49

Andrezeski	Holl	Mellow	Shumaker
Bell	Hopper	Moore	Singel
Bodack	Howard	Musto	Snyder
Brightbill	Jubelirer	O'Pake	Stapleton
Corman	Kelley	Pecora	Stauffer
Early	Kratzer	Reibman	Stout
Fisher	Kusse	Rhoades	Street
Fumo	Lewis	Rocks	Tilghman
Greenleaf	Lincoln	Romanelli	Wenger
Hager	Lloyd	Ross	Williams
Hankins	Loeper	Scanlon	Wilt
Helfrick	Lynch	Shaffer	Zemprelli
Hess			

NAYS—0

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

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

SECOND CONSIDERATION CALENDAR

BILL REREPORTED FROM COMMITTEE AS AMENDED OVER IN ORDER

HB 574 — Without objection, the bill was passed over in its order at the request of Senator STAUFFER.

BILL ON SECOND CONSIDERATION

HB 256 (Pr. No. 2072) — The Senate proceeded to consideration of the bill, entitled:

An Act prohibiting the cutting, digging, removal, transportation or sale within this Commonwealth for any purpose of Christmas trees, without a bill of sale or other proof of ownership from the owner of the land on which the same are grown; and providing a penalty.

Considered the second time and agreed to,

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

BILL OVER IN ORDER

SB 277 — Without objection, the bill was passed over in its order at the request of Senator STAUFFER.

BILL OVER IN ORDER TEMPORARILY

SB 408 — Without objection, the bill was passed over in its order temporarily at the request of Senator STAUFFER.

BILLS OVER IN ORDER

SB 442, 450 and 698 — Without objection, the bills were passed over in their order at the request of Senator STAUFFER.

BILL ON SECOND CONSIDERATION AMENDED

SB 729 (Pr. No. 1447) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of December 8, 1982 (P. L. 848, No. 235), entitled "Highway-Railroad and Highway Bridge Capital Budget Act for 1982-1983," increasing the total authorization for bridge projects; adding projects in Luzerne and McKean Counties; and increasing debt authorization and appropriation.

The bill was considered.

On the question, Will the Senate agree to the bill on second consideration? Senator KUSSE offered the following amendment:

Amend Sec. 2, page 1, line 20, by striking out all of said line and inserting: \$979,921,000.

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?

Senator STOUT offered the following amendment:

Amend Title, page 1, line 9, by inserting after "Luzerne": , Washington

Amend Sec. 2, page 2, lines 15 and 16, by striking out all of said lines and inserting:

Section 2. Section 3(62)(i)(A) of the act is amended and projects are added in section 3(39)(ii), (41)(ii) and (62)(i) to read:

Amend Sec. 2 (Sec. 3), page 3, by inserting between lines 17 and 18:

(62) Washington County			
(i) Local Bridges			
(A) East Washing- ton Boro., Lemoyne Ave., [Bridge Rehabilitation, M-820312] Pedestrian Bridge.....			
	[275,000]	[31,000]	[306,000]
	<u>75,000</u>	<u>5,000</u>	<u>80,000</u>
* * *			
(G) Van Emman Bridge, Cecil and North Stra- bane Twps., Bridge Replace- ment.....			
	200,000	26,000	226,000

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 STOUT.

BILLS OVER IN ORDER

HB 743, SB 907 and 994 — Without objection, the bills were passed over in their order at the request of Senator STAUFFER.

BILL ON SECOND CONSIDERATION

SB 995 (Pr. No. 1446) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of June 24, 1937 (P. L. 2017, No. 396), entitled "County Institution District Law," providing for annual salaries for treasurers in counties of the second class for services as officers of the institution district; and making editorial changes.

Considered the second time and agreed to,
Ordered, To be printed on the Calendar for third consideration.

BILLS OVER IN ORDER

SB 1015, 1045 and 1053 — Without objection, the bills were passed over in their order at the request of Senator STAUFFER.

BILL ON SECOND CONSIDERATION

SB 1091 (Pr. No. 1456) — The Senate proceeded to consideration of the bill, entitled:

An Act amending Titles 40 (Insurance), 42 (Judiciary and Judicial Procedure) and 75 (Vehicles) of the Pennsylvania Consolidated Statutes, providing freedom of choice in the purchase of motor vehicle insurance; providing for first party benefits; providing for an Assigned Claims Plan and Assigned Risk Plan; providing for uninsured and underinsured motorist coverage; providing for certain fraudulent practices and related immunity; prohibiting certain practices of attorneys at law; further providing for financial responsibility; and making a repeal.

Considered the second time and agreed to,
Ordered, To be printed on the Calendar for third consideration.

SUPPLEMENTAL CALENDAR

THIRD CONSIDERATION CALENDAR

**BILL ON THIRD CONSIDERATION
AND FINAL PASSAGE**

HB 258 (Pr. No. 2127) — The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, providing for computer-related offenses; and extending the sunset provision relating to wiretapping and electronic surveillance.

Considered the third time and agreed to,
And the amendments made thereto having been printed as required by the Constitution,

On the question,
Shall the bill pass finally?

Senator KELLEY. Mr. President, I desire to interrogate the gentleman from Cumberland, Senator Hopper.

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

Senator HOPPER. I will, Mr. President.

Senator KELLEY. Mr. President, yesterday on third consideration of House Bill No. 258, the gentleman offered an amendment which was adopted and agreed to by the Senate. It now appears on page 3, Printer's No. 2127. Is it the clear construction of this amendment as is now incorporated in this bill that the Sunset provision continues to be applicable as now provided in this bill until December 4, 1988 regarding the wiretapping authority?

Senator HOPPER. Yes, Mr. President.
Senator KELLEY. Mr. President, yesterday I spoke against the amendment that was offered and subsequently adopted.

What we have done here is to admit by this consideration that the extension of wiretapping cannot stand alone. What I am suggesting is we are now, and I used the term yesterday of bastardization, using improper means or illegitimate means to try to force the extension of the wiretapping authority. I think that is such a critical and crucial consideration that we should think very, very seriously about the combination that now appears in House Bill No. 258. I believe nothing is so imminent that we could not improve on the extension of theft of services. That is a growing area of concern. I think that should be treated separately and not be commingled, so to speak, with the wiretapping authority.

Senator HOPPER. Mr. President, the reason for inserting this amendment in House Bill No. 258 is that there are only four more legislative days before the sun would set on the wiretapping legislation. This would be December 4th. That is the reason for inserting it in this legislation. In my judgment, time is of the essence.

Senator ROCKS. Mr. President, I rise firmly in support of all the provisions of this bill, a number of which have been debated on this floor. For the purpose of a number of the gentlemen in this Chamber, I would like to make a subtle but

maybe interesting observation. While for very legitimate purposes the Majority Party has again proposed the capability of eavesdropping on conversations of citizens of the State of Pennsylvania, we continue as a Body to disallow any electronic coverage of our own proceedings in this Chamber. I thought that was a rather subtle if not interesting point as we go about passing this bill today.

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

And the question recurring,
Shall the bill pass finally?

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

YEAS—47

Andrezeski	Holl	Mellow	Shumaker
Bell	Hopper	Moore	Singel
Bodack	Howard	Musto	Snyder
Brightbill	Jubelirer	O'Pake	Stapleton
Corman	Kelley	Pecora	Stauffer
Early	Kratzer	Reibman	Stout
Fisher	Kusse	Rhoades	Street
Greenleaf	Lewis	Rocks	Tilghman
Hager	Lincoln	Romanelli	Wenger
Hankins	Lloyd	Ross	Wilt
Helfrick	Loeper	Scanlon	Zemprelli
Hess	Lynch	Shaffer	

NAYS—1

Fumo

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

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

**COMMUNICATIONS FROM THE GOVERNOR
REPORTED FROM COMMITTEE ON RULES
AND EXECUTIVE NOMINATIONS**

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

**MEMBER OF THE COUNCIL OF TRUSTEES OF
WEST CHESTER UNIVERSITY OF
PENNSYLVANIA OF THE STATE SYSTEM
OF HIGHER EDUCATION**

October 27, 1983.

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated August 1, 1983, for the reappointment of Constance E. Clayton, 430 East Sedgwick Street, Philadelphia 19119, Philadelphia County, Fourth Senatorial District, as a member of the Council of Trustees of West Chester University of Pennsyl-

vania of the State System of Higher Education, to serve until the third Tuesday of January, 1989, and until her successor is appointed and qualified.

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

DICK THORNBURGH.

**MEMBER OF THE COUNCIL OF TRUSTEES OF
WEST CHESTER UNIVERSITY OF
PENNSYLVANIA OF THE STATE SYSTEM
OF HIGHER EDUCATION**

October 27, 1983.

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated September 28, 1983, for the appointment of David W. Woods, 232 Sedgewood Road, Springfield 19064, Delaware County, Twenty-sixth Senatorial District, as a member of the Council of Trustees of West Chester University of Pennsylvania of the State System of Higher Education, to serve until the third Tuesday of January, 1989, and until his successor is appointed and qualified, to fill a new position, pursuant to Act 188, approved November 12, 1982.

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

DICK THORNBURGH.

NOMINATIONS LAID ON THE TABLE

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

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

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

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

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

DISTRICT JUSTICE

October 27, 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 W. Stack, 1515 Locust Street, Jersey Shore 17740, Lycoming County, Twenty-third Senatorial District, for appointment as District Justice in and for the County of Lycoming, Magisterial District 3-01, to serve until the first Monday of January, 1986, vice Dean E. Dawes, resigned.

DICK THORNBURGH.

NOMINATION LAID ON THE TABLE

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

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

**COMMUNICATIONS FROM THE GOVERNOR
TAKEN FROM THE TABLE**

Senator LOEPER called from the table communications from His Excellency, the Governor of the Commonwealth, recalling the following nominations, which were read by the Clerk as follows:

**MEMBER OF THE COUNCIL OF TRUSTEES OF
WEST CHESTER UNIVERSITY OF
PENNSYLVANIA OF THE STATE SYSTEM
OF HIGHER EDUCATION**

October 27, 1983.

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated August 1, 1983, for the reappointment of Constance E. Clayton, 430 East Sedgwick Street, Philadelphia 19119, Philadelphia County, Fourth Senatorial District, as a member of the Council of Trustees of West Chester University of Pennsylvania of the State System of Higher Education, to serve until the third Tuesday of January, 1989, and until her successor is appointed and qualified.

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

DICK THORNBURGH.

**MEMBER OF THE COUNCIL OF TRUSTEES OF
WEST CHESTER UNIVERSITY OF
PENNSYLVANIA OF THE STATE SYSTEM
OF HIGHER EDUCATION**

October 27, 1983.

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated September 28, 1983, for the appointment of David W. Woods, 232 Sedgewood Road, Springfield 19064, Delaware County, Twenty-sixth Senatorial District, as a member of the Council of Trustees of West Chester University of Pennsylvania of the State System of Higher Education, to serve until the third Tuesday of January, 1989, and until his successor is appointed and qualified, to fill a new position, pursuant to Act 188, approved November 12, 1982.

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

DICK THORNBURGH.

**MEMBER OF THE POTTER COUNTY
BOARD OF ASSISTANCE**

October 31, 1983.

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated July 18, 1983 for the appointment of William Stavisky (Republican), 14 Second Street, Shinglehouse 16748, Potter

County, Twenty-fifth Senatorial District, as a member of the Potter County Board of Assistance, to serve until December 31, 1984, and until his successor is duly appointed and qualified.

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

DICK THORNBURGH.

**MEMBER OF THE WASHINGTON COUNTY
BOARD OF ASSISTANCE**

November 15, 1983.

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated July 12, 1983 for the appointment of Arthur M. Wilson (Republican), 1211 Park Avenue, Washington 15301, Washington County, Forty-sixth Senatorial District, as a member of the Washington County Board of Assistance, to serve until December 31, 1984, and until his successor is duly appointed and qualified, vice Richard L. Patton, West Middletown, resigned.

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

DICK THORNBURGH.

NOMINATIONS RETURNED TO THE GOVERNOR

Senator LOEPER. Mr. President, I move that the nominations just read by the Clerk be returned to His Excellency, the Governor.

The motion was agreed to.

The PRESIDENT. The nominations will be returned to the Governor.

EXECUTIVE NOMINATIONS

EXECUTIVE SESSION

Motion was made by Senator LOEPER,

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

Which was agreed to.

NOMINATIONS TAKEN FROM THE TABLE

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

The Clerk read the nominations as follows:

**MEMBER OF THE COUNCIL OF TRUSTEES OF
BLOOMSBURG UNIVERSITY OF PENNSYLVANIA
OF THE STATE SYSTEM OF
HIGHER EDUCATION**

September 28, 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 F. Wesner, R. D. 4, Box 279, Danville 17821, Montour County, Twenty-seventh Senatorial District, for appointment as a member of the Council of Trustees of Bloomsburg University of Pennsylvania of the State System of Higher Education, to serve until the third Tuesday of January, 1989, and until his successor is appointed and qualified, to fill a new position, pursuant to Act 188, approved November 12, 1982.

DICK THORNBURGH.

MEMBER OF THE COUNCIL OF TRUSTEES OF
CALIFORNIA UNIVERSITY OF PENNSYLVANIA
OF THE STATE SYSTEM OF
HIGHER EDUCATION

September 28, 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 Gail G. Lese, 5435 Library Road, Bethel Park 15102, Allegheny County, Thirty-seventh Senatorial District, for appointment as a member of the Council of Trustees of California University of Pennsylvania of the State System of Higher Education, to serve until the third Tuesday of January, 1989, and until her successor is appointed and qualified, to fill a new position, pursuant to Act 188, approved November 12, 1982.

DICK THORNBURGH.

MEMBER OF THE COUNCIL OF TRUSTEES OF
CALIFORNIA UNIVERSITY OF PENNSYLVANIA
OF THE STATE SYSTEM OF
HIGHER EDUCATION

September 28, 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 Gwendolyn G. Simmons, 700 Meade Street, Monongahela 15063, Washington County, Forty-fifth Senatorial District, for appointment as a member of the Council of Trustees of California University of Pennsylvania of the State System of Higher Education, to serve until the third Tuesday of January, 1989, and until her successor is appointed and qualified, to fill a new position, pursuant to Act 188, approved November 12, 1982.

DICK THORNBURGH.

MEMBER OF THE BOARD OF TRUSTEES OF
EASTERN STATE SCHOOL AND HOSPITAL

October 21, 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 Jane D. Eves, Pine Run Road, R. D. 1, Doylestown 18901, Bucks County, Tenth Senatorial District, for appointment as a member of the Board of Trustees of Eastern State School and Hospital, to serve until the third Tuesday of January, 1985, and until her successor is appointed and qualified, vice Victor S. Jaczun, Perkasio, deceased.

DICK THORNBURGH.

MEMBER OF THE COUNCIL OF TRUSTEES OF
EAST STROUDSBURG UNIVERSITY OF
PENNSYLVANIA OF THE STATE SYSTEM
OF HIGHER EDUCATION

September 28, 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 R. Dale Hughes, R. D. 5, East Stroudsburg 18301, Monroe County, Twentieth Senatorial District, for appointment as a member of the Council of Trustees of East Stroudsburg University of Pennsylvania of the State System of Higher Education, to serve until the third Tuesday of January, 1989, and until his successor is appointed and qualified, to fill a new position, pursuant to Act 188, approved November 12, 1982.

DICK THORNBURGH.

MEMBER OF THE COUNCIL OF TRUSTEES OF
EDINBORO UNIVERSITY OF PENNSYLVANIA
OF THE STATE SYSTEM OF
HIGHER EDUCATION

September 28, 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 R. Benjamin Wiley, 3945 Holly Rue Drive, Erie 16506, Erie County, Forty-ninth Senatorial District, for appointment as a member of the Council of Trustees of Edinboro University of Pennsylvania of the State System of Higher Education, to serve until the third Tuesday of January, 1989, and until his successor is appointed and qualified, to fill a new position, pursuant to Act 188, approved November 12, 1982.

DICK THORNBURGH.

MEMBER OF THE COUNCIL OF TRUSTEES OF
INDIANA UNIVERSITY OF PENNSYLVANIA

September 28, 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 James A. Kimbrough, Ph.D., 830 Library Avenue, Apartment 2D, Carnegie 15106, Allegheny County, Thirty-seventh Senatorial District, for appointment as a member of the Council of Trustees of Indiana University of Pennsylvania, to serve until the third Tuesday of January, 1989, and until his successor is appointed and qualified, to fill a new position, pursuant to Act 188, approved November 12, 1982.

DICK THORNBURGH.

MEMBER OF THE COUNCIL OF TRUSTEES OF
KUTZTOWN UNIVERSITY OF PENNSYLVANIA
OF THE STATE SYSTEM OF
HIGHER EDUCATION

September 28, 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 Sara R. Mack, 44A South Elm Street, Kutztown 19530, Berks County, Forty-eighth Senatorial District, for appointment as a member of the Council of Trustees of Kutztown University of Pennsylvania of the State System of Higher Education, to serve until the third Tuesday of January, 1989, and until her successor is appointed and qualified, to fill a new position, pursuant to Act 188, approved November 12, 1982.

DICK THORNBURGH.

MEMBER OF THE COUNCIL OF TRUSTEES OF
KUTZTOWN UNIVERSITY OF PENNSYLVANIA
OF THE STATE SYSTEM OF
HIGHER EDUCATION

September 28, 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 Frank McCracken, 1716 North Third Street, Reading 19601, Berks County, Eleventh Senatorial District, for appointment as a member of the Council of Trustees of Kutztown University of Pennsylvania of the State System of Higher Education, to serve until the third Tuesday of January, 1989, and until his successor is appointed and qualified, to fill a new position, pursuant to Act 188, approved November 12, 1982.

DICK THORNBURGH.

MEMBER OF THE COUNCIL OF TRUSTEES OF
MILLERSVILLE UNIVERSITY OF
PENNSYLVANIA OF THE STATE SYSTEM
OF HIGHER EDUCATION

September 28, 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 William J. VanPelt, 1581 Hiemenz Road, Lancaster 17601, Lancaster County, Thirteenth Senatorial District, for appointment as a member of the Council of Trustees of Millersville University of Pennsylvania of the State System of Higher Education, to serve until the third Tuesday of January, 1989, and until his successor is appointed and qualified, to fill a new position, pursuant to Act 188, approved November 12, 1982.

DICK THORNBURGH.

MEMBER OF THE COUNCIL OF TRUSTEES OF
SHIPPENSBURG UNIVERSITY OF
PENNSYLVANIA OF THE STATE SYSTEM
OF HIGHER EDUCATION

September 28, 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 J. Beard, Sr., 265 Overhill Drive, Chambersburg 17201, Franklin County, Thirty-third Senatorial District, for appointment as a member of the Council of Trustees of Shippensburg University of Pennsylvania of the State System of Higher Education, to serve until the third Tuesday of January, 1989, and until his successor is appointed and qualified, to fill a new position, pursuant to Act 188, approved November 12, 1982.

DICK THORNBURGH.

MEMBER OF THE COUNCIL OF TRUSTEES OF
SHIPPENSBURG UNIVERSITY OF
PENNSYLVANIA OF THE STATE SYSTEM
OF HIGHER EDUCATION

September 28, 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 James E. Kroh, 7701 Sunset Drive, Harrisburg 17112, Dauphin County, Fifteenth Senatorial District, for appointment as a member of the Council of Trustees of Shippensburg University of Pennsylvania of the State System of Higher Education, to serve until the third Tuesday of January, 1989, and until his successor is appointed and qualified, to fill a new position, pursuant to Act 188, approved November 12, 1982.

DICK THORNBURGH.

MEMBER OF THE POTTER COUNTY
BOARD OF ASSISTANCE

October 3, 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 Lowell Carpenter (Democrat), Ulysses 16948, Potter County, Twenty-fifth Senatorial District, for reappointment as a member of the Potter County Board of Assistance, to serve until December 31, 1983.

DICK THORNBURGH.

MEMBER OF THE POTTER COUNTY
BOARD OF ASSISTANCE

October 3, 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 Virginia Goodnoe (Republican), 21 Woodlawn Avenue, Coudersport 16915, Potter County, Twenty-fifth Senatorial District, for appointment as a member of the Potter County Board of Assistance, to serve until December 31, 1985, and until her successor is duly appointed and qualified, vice Lefa Hennigh, Shinglehouse, whose term expired.

DICK THORNBURGH.

On the question,

Will the Senate advise and consent to the nominations?

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

YEAS—48

Andrezeski	Hess	Lynch	Shaffer
Bell	Holl	Mellow	Shumaker
Bodack	Hopper	Moore	Singel
Brightbill	Howard	Musto	Snyder
Corman	Jubelirer	O'Pake	Stapleton
Early	Kelley	Pecora	Stauffer
Fisher	Kratzer	Reibman	Stout
Fumo	Kusse	Rhoades	Street
Greenleaf	Lewis	Rocks	Tilghman
Hager	Lincoln	Romanelli	Wenger
Hankins	Lloyd	Ross	Wilt
Helfrick	Loeper	Scanlon	Zemprelli

NAYS—0

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

Ordered, That the Governor be informed accordingly.

EXECUTIVE SESSION RISES

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

The motion was agreed to.

CONSIDERATION OF CALENDAR RESUMED

SB 408 CALLED UP

SB 408 (Pr. No. 446) — Without objection, the bill, which previously went over in its order temporarily, was called up, from page 3 of the Second Consideration Calendar, by Senator STAUFFER.

BILL ON SECOND CONSIDERATION AMENDED

SB 408 (Pr. No. 446) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of December 5, 1972 (P. L. 1280, No. 284), entitled "Pennsylvania Securities Act of 1972," reducing the waiting period prior to offering certain investments; exempting certain registered promoters; limiting the forfeit of certain mutual fund fees; reducing the time period for certain registration statements to be on file with the commission; further providing for the effectiveness of certain registration statements and amendments thereto; and eliminating certain withdrawals for mutual funds.

The bill was considered.

On the question,

Will the Senate agree to the bill on second consideration?

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

Amend Title, page 1, line 12, by striking out "and"

Amend Title, page 1, line 13, by removing the period after "funds?" and inserting: ; and further providing for fees to be assessed by the Pennsylvania Securities Commission.

Amend Bill, page 1, lines 16 through 23; page 2, lines 1 through 9, by striking out all of said lines on said pages and inserting:

Section 1. Section 202(f) and (g) of the act of December 5, 1972 (P.L.1280, No.284), known as the Pennsylvania Securities Act of 1972, are amended to read:

Amend Sec. 2 (Sec. 202), page 3, lines 7 through 9, by striking out "615-A(2)(ii) of the act of April 9," in line 7, all of lines 8 and 9 and inserting: 602(b)(vii) is paid.

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

Amend Sec. 3, page 3, line 11, by striking out "and (n)" and inserting: , (n) and (o)

Amend Sec. 3 (Sec. 203), page 3, lines 29 and 30; page 4, line 1, by striking out "615-A(2)(iii) of the act of" in line 29, all of line 30 on page 3 and "Code of 1929," in line 1 on page 4 and inserting: 602(b)(viii)

Amend Sec. 3 (Sec. 203), page 5, lines 6 and 7, by striking out "615-A(1)(iv) of "The Administrative Code of 1929"" and inserting: 602(b)(i)

Amend Sec. 3 (Sec. 203), page 5, lines 27 and 28, by striking out "615-A(1)(iv) of "The Administrative Code of 1929"" and inserting: 602(b)(iv)

Amend Sec. 3 (Sec. 203), page 6, line 6, by striking out "615-A(1)(iv) of "The Administrative Code of 1929."" and inserting: 602(b)(iv).

Amend Sec. 3 (Sec. 203), page 7, by inserting between lines 6 and 7:

(o) Any transaction incident to a vote by security holders (or written consent of some or all security holders in lieu of such vote) pursuant to the articles of incorporation or the applicable corporation statute or other statute governing such person, or pursuant to a partnership agreement, a declaration of trust, trust indenture or any agreement among security holders on a merger, consolidation, sale of assets in consideration, in whole or part, of the issuance of securities of another person, reclassification of securities, or reorganization involving the exchange of securities, in whole or in part, for the securities of any other person if, but only if: (i) one party to such transactions is required or permitted to file proxy materials pursuant to section 14(a) of the Securities Exchange Act of 1934 or section 20 of the Investment Company Act of 1940 and does file such materials with the commission at least ten days prior to a meeting of security holders called for the purpose of approving such transaction; and such proxy materials are distributed to the security holders of each party to such transactions; or (ii) such materials as may be specified by regulation of the commission are prepared in connection with the proposed transaction and, after review by the commission, distributed to the security holders of each party to the transaction; provided, however, that clause (i) and (ii) of this subsection and section 602(c) (b)(v) shall not be applicable to any party to a transaction where not more than twenty-five percent of the security holders of such party are residents of this State.

Amend Sec. 4, page 7, line 8, by striking out "4" and inserting: 3

Amend Sec. 4 (Sec. 205), page 8, lines 3 through 5, by striking out "615-A(1)(iv) of the act of" in line 3, all of lines 4 and 5 and inserting: 602(b)(iv) has been paid.

Amend Sec. 5, page 8, line 18, by striking out "5" and inserting: 4

Amend Sec. 5 (Sec. 207), page 10, lines 20 through 22, by striking out "615-A(1)(iv) of the act of" in line 20, all of lines 21 and 22 and inserting: 602(b)(iv) has been paid.

Amend Sec. 6, page 11, line 21, by striking out "6" and inserting: 5

Amend Bill, page 12, lines 16 through 18, by striking out all of said lines and inserting:

Section 6. Section 602 of the act, amended March 25, 1981 (P.L.1, No.1), is amended to read:

Section 602. Fees.—(a) The commission shall charge and collect the fees fixed in this section and remit them to the General Fund.

(b) [The filing fees for sales of securities under this act shall be as follows:

(1) one hundred dollars (\$100) for exemption filings under section 203 (i), except as provided in clause (4) below;

(2) two hundred fifty dollars (\$250) for every registration statement filed under section 205, except as provided in clause (4) below;

(3) one hundred dollars (\$100) plus one-twentieth of one per cent of the maximum aggregate offering price at which such securities are offered in this State for every registration statement filed under section 206, except that the maximum filing fee shall be one thousand dollars (\$1,000);

(4) in the case of an offering of securities by an open-end or closed-end investment company, face amount certificate company or unit investment trust, as such terms are defined in the Investment Company Act of 1940, the filing fee shall be the same as specified in clause (3) above; and

(5) when a registration statement is withdrawn before the effective date or a pre-effective stop order is entered under section 208, the commission shall retain one hundred dollars (\$100) from the filing fee.] Filing fees for sales of securities:

(i) Exemption filings under section 203(i), except as provided for in subclause (iv).....\$100

(ii) Registration statement filings under section 205, except as provided in subclause (iv).....500

(iii) Registration statement filings under section 206 except as provided in subclause (iv).....350

Plus 1/20 of 1% of the maximum aggregate offering price at which such securities are to be offered in this State, during the effective period of the registration up to a maximum filing fee of 2,150.

(iv) In the case of registration statement filings under section 205 or 206 or exemption filings under section 203(i) by an open-end or closed-end investment company, face amount certificate company or unit investment trust, as such persons are classified in the Investment Company Act of 1940.

Based upon the maximum aggregate offering price at which such securities are to be offered in this State during the effective period of the registration, exemption or renewal of the exemption, the fee for (A) \$4,000,000 or less is 1/20 of 1% with a minimum fee of \$350; (B) more than \$4,000,000 but less than \$100,000,000 is the maximum fee payable under (A) plus \$500; (C) \$100,000,000 or more is the maximum fee payable under (A) plus the additional amount due under (B) plus \$500; except that, in the case of a registration statement in which the issuer, pursuant to its articles of incorporation or other governing instruments, is restricted to holding exclusively debt securities of other persons

having fixed final maturity dates occurring within 200 days from the initial effective date of the registration statement for the issuer's securities filed under the Securities Act of 1933, the maximum fee payable under the above schedule shall not exceed \$1,250.

If an open-end or closed-end investment company, face amount certificate company or unit investment trust, as such persons are classified in the Investment Company Act of 1940, which has an effective registration under section 205 or 206 elects to convert to an exemption under section 203(i) without extending the effective period of the exemption under section 203(i) beyond the date upon which the registration under section 205 or 206 would have otherwise terminated, there shall be no additional filing fee required.

(v) Exemption filings under section 203(o)(ii) shall be:.....250

(vi) When a registration statement is withdrawn before the effective date of a pre-effective stop order is entered under section 208 the amount that the commission shall retain from the filing fee shall be:

(A) Under section 205.....250

(B) Under section 206.....175

(vii) Filing an application for exemption from registration under section 202(g).....25

(viii) Filing an application for exemption from registration for an offering of securities to be sold under section 203(d):

(A) Where the maximum aggregate offering price at which such securities are offered in this State is less than \$100,000.....25

(B) Where the maximum aggregate offering price at which such securities are offered in this State is \$100,000 or more but less than \$1,000,000.....100

(C) Where the maximum aggregate offering price at which such securities are being offered in this State is \$1,000,000 or more.....400

(ix) Filing an application for exemption from registration under section 203(n).....25

(x) Filing an application for exemption from registration under section 203(p).....100

(xi) The fee for filing with the commission any amendment to a registration under section 205 or 206 unless a fee is otherwise required for such filing under this section.....10

(c) [The fee for filing an application for exemption from registration under section 203 (o) (ii) shall be two hundred fifty dollars (\$250). There shall be no filing fee for an application under section 203 (o) (i).] A registrant, applicant for registration, issuer or other person upon whom the commission has conducted an examination, audit, investigation or prosecution and who has been found guilty of a violation of the provisions of this act shall pay for all the costs incurred in the conduct of such examination, audit, investigation or prosecution. These costs shall include, but are not limited to, the salaries and other compensation paid to clerical, administrative, investigative and legal personnel, plus the actual amount of expenses reasonably incurred by such personnel or the commission in the conduct of such examination, audit, investigation or prosecution.

(d) Every applicant for an initial or renewal license under section 301 shall pay a filing fee of one hundred twenty-five dollars (\$125) in the case of a broker-dealer, twenty-five dollars (\$25) in the case of an agent and one hundred dollars (\$100) in the case of an investment adviser. The term of an agent's registration

hereunder shall be concurrent with that of his employer, if a broker-dealer. When an agent changes employers, a [ten dollar (\$10)] twenty-five dollar (\$25) fee shall be paid. A broker-dealer maintaining any office within this State shall pay an additional filing fee of forty dollars (\$40) for each office. When an application is denied or withdrawn or a registration revoked, the filing fee shall be retained.

(e) The fee for the commission's acting as an escrow holder for securities under section 207 is seventy-five dollars (\$75).

[(f) The fee for any examination, audit, or investigation is the actual amount of all salary costs and other compensation paid to the persons making the examination, audit, or investigation, plus the actual amount of expenses reasonably incurred in the performance of the work. Such fee shall only be payable by a registrant, applicant for registration, issuer or other person in connection with an investigation by the commission where such person has been found guilty of a violation of the provisions of this act.]

[(g)] (f) The commission may fix by regulation a reasonable charge for any publication issued under its authority.

[(h)] (g) The commission may fix by regulation reasonable charges for the cost of administering examinations required for registration under this act by section 301.

Section 7. Section 615-A(1) and (2) of the act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929, are repealed.

Section 8. (a) The provisions of section 1 which amends section 202(f) of the act shall take effect in 90 days.

(b) The remainder of this act shall take effect immediately.

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.

SB 985 CALLED UP

SB 985 (Pr. No. 1444) — Without objection, the bill, which previously went over in its order temporarily, was called up, from page 2 of the Third Consideration Calendar, by Senator STAUFFER.

BILL ON THIRD CONSIDERATION AMENDED

SB 985 (Pr. No. 1444) — The Senate proceeded to consideration of the bill, entitled:

A Supplement to the act of (P. L. No.), entitled "An act providing for the capital budget for the fiscal year 1983-1984," itemizing public improvement projects, furniture and equipment projects and highway safety and improvement projects to be constructed or acquired by the Department of General Services or the Department of Transportation, together with their estimated financial cost; authorizing the incurring of debt without the approval of the electors for the purpose of financing the projects to be constructed or acquired by the Department of General Services or the Department of Transportation; stating the estimated useful life of the projects; and making an appropriation.

Considered the third time,

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

HELFRICK AMENDMENT

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

Amend Sec. 1, page 2, line 6, by striking out "\$4,032,000" and inserting: \$5,423,000

Amend Sec. 3, page 25, line 16, by striking out "\$4,032,000" and inserting: \$5,423,000

Amend Sec. 3, page 25, by inserting between lines 16 and 17:

(i) Bloomsburg University
(A) Human Resources Building Furniture and Equipment \$1,391,000

Amend Sec. 3, page 25, line 17, by striking out "(I)" and inserting: (II)

Amend Sec. 5, page 27, line 2, by striking out "\$4,032,000" and inserting: \$5,423,000

Amend Sec. 8, page 28, line 20, by striking out "\$4,032,000" and inserting: \$5,423,000

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?

KUSSE AMENDMENT

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

Amend Sec. 1, page 1, line 21, by striking out "\$339,329,270" and inserting: \$345,039,270

Amend Sec. 2, page 6, line 30, by striking out all of said line and inserting:

Education \$164,156,550 \$33,441,720 \$197,598,270

Amend Sec. 2, page 12, by inserting between lines 12 and 13:

(C) Titusville Campus:
(i) Land Acquisition for Science Building 500,000 50,000 550,000
(ii) Construction of Science Building 4,300,000 860,000 5,160,000

Amend Sec. 5, page 26, line 23, by striking out "\$339,329,270" and inserting: \$345,039,270

Amend Sec. 8, page 28, line 10, by striking out "\$339,329,270" and inserting: \$345,039,270

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?

WILT AMENDMENT

Senator STAUFFER, on behalf of Senator WILT, by unanimous consent, offered the following amendment:

Amend Sec. 1, page 1, line 21, by striking out "\$339,329,270" and inserting: \$340,889,270

Amend Sec. 2, page 14, line 17, by striking out all of said line and inserting:

sources	\$16,002,000	\$2,921,000	\$18,923,000
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Amend Sec. 2, page 18, by inserting between lines 20 and 21:

(xxiii) Goddard

State Park

(A) Improve

Beach Area

and Facilities

1,300,000	260,000	1,560,000
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Amend Sec. 5, page 26, line 23, by striking out "\$339,329,270" and inserting: \$340,889,270

Amend Sec. 8, page 28, line 10, by striking out "\$339,329,270" and inserting: \$340,889,270

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?

HAGER AMENDMENT

Senator STAUFFER, on behalf of Senator HAGER, by unanimous consent, offered the following amendment:

Amend Sec. 1, page 1, line 21, by striking out all of said line and inserting: \$339,629,270.

Amend Sec. 2, page 21, line 15, by striking out all of said line and inserting:

Military Affairs	\$1,364,000	\$223,000	\$1,587,000
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Amend Sec. 2, page 22, by inserting between lines 13 and 14:

(iv) Mansfield

National Guard

Armory

(A) Addition

and Renovation

of Armory

250,000	50,000	300,000
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Amend Sec. 5, page 26, line 23, by striking out "\$339,329,270" and inserting: \$339,629,270

Amend Sec. 8, page 28, line 10, by striking out "\$339,329,270" and inserting: \$339,629,270

On the question,

Will the Senate agree to the amendment?

It was agreed to.

The PRESIDENT. Senate Bill No. 985 will go over, as amended.

UNFINISHED BUSINESS

REPORTS FROM COMMITTEE

Senator HESS, from the Committee on Education, reported the following bills:

SB 519 (Pr. No. 569)

An Act amending the act of March 10, 1949 (P. L. 30, No. 14), entitled "Public School Code of 1949," further providing for appointment, dismissal and hearings for principals, teachers, professional employes and employees.

SB 928 (Pr. No. 1127)

An Act amending the act of March 10, 1949 (P. L. 30, No. 14), entitled "Public School Code of 1949," providing for a means to resolve compensation matters affecting school administrators through good faith negotiation sessions between school employers and school administrators.

SB 960 (Pr. No. 1183)

An Act providing for the creation of a multipurpose program for displaced homemakers; further providing for powers and duties of the Department of Education; and making an appropriation.

HB 726 (Pr. No. 2143) (Amended)

An Act amending the "Public School Code of 1949," approved March 10, 1949 (P. L. 30, No. 14), further providing for the construction of certain collective bargaining agreements relating to the termination of professional employees.

HB 947 (Pr. No. 2144) (Amended)

An Act amending the "Public School Code of 1949," approved March 10, 1949 (P. L. 30, No. 14), further providing for the duties of the school director district reapportionment commission and clarification of the number of school director districts within a first class A school district; and providing for the transfer of certain funds; and conforming provisions on school subsidies to existing law.

BILLS IN PLACE

Senator FUMO presented to the Chair two bills.

CONGRATULATORY RESOLUTIONS

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

Congratulations of the Senate were extended to the Mt. Lebanon Girls' Soccer Team by Senator Fisher.

Congratulations of the Senate were extended to Donald Voorhees by Senator Kratzer.

Congratulations of the Senate were extended to Peter J. Papsun by Senator Mellow.

Congratulations of the Senate were extended to Mr. and Mrs. Joseph Sakach by Senator Stapleton.

Congratulations of the Senate were extended to Mr. and Mrs. Philip Wilson Alexander by Senator Wilt.

BILLS ON FIRST CONSIDERATION

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

The motion was agreed to.

The bills were as follows:

SB 519, 823, 928, 960, 1084, 1085, 1119, HB 726 and 947.

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

ANNOUNCEMENTS BY THE SECRETARY

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

SENATE OF PENNSYLVANIA

COMMITTEE MEETINGS

WEDNESDAY, NOVEMBER 16, 1983

9:00 A.M.	PUBLIC HEALTH AND WELFARE (to consider the problems with Nursing Homes with regards to State regulations and reimbursement; Personal Care Boarding Homes and their problems with State regulations and reimbursement)	Room 461, 4th Floor Conference Rm., North Wing
9:30 A.M.	Conference Committee on Senate Bill No. 206	Room 460, 4th Floor Conference Rm., North Wing
9:30 A.M.	Joint Senate and House AGRICULTURE AND RURAL AFFAIRS Committees (to view the film "Pennsylvania Milk Story")	Senate Majority Caucus Room
11:00 A.M.	Public Employee Retirement Study Commission	Room 459, 4th Floor Conference Rm., North Wing
11:00 A.M.	EDUCATION (to consider Senate Bill No. 198)	Room 460, 4th Floor Conference Rm., North Wing

THURSDAY, NOVEMBER 17, 1983

9:00 A.M.	Joint Legislative Air to and Water Pollution	Holiday Inn, Brookville
4:30 P.M.	Control and Conservation Committee (Public Hearing to determine the extent of the State's surface mining reclamation needs)	
3:00 P.M.	Independent Regulatory Review Commission (regulations to be discussed: PennDOT 18-170 - Messenger Services Dept. of Health 10-47 -	Heritage Rm. A, 333 Market St.

Proposed General and Special Hospital Regulations
Dept. of Health 10-48 -
Birth Center Regulations
PA State Police 17-46 -
State Fire Marshal Law
PHEAA 58-4- Act creating PHEAA and Student Guaranty Loan Program; Act granting scholarships
Public School Employees Retirement System 43-1 -
PSER Code
Governor's Office of Administration and Budget 9-2 - Awards of Fees and Expenses)

FRIDAY, NOVEMBER 18, 1983

9:00 A.M.	Joint Legislative Air and Water Pollution	Sheraton Inn, Milesburg
4:30 P.M.	Control and Conservation Committee (Public Hearing to determine the extent of the State's surface mining reclamation needs)	

MONDAY, NOVEMBER 28, 1983

1:00 P.M.	Task Force on Act 195 (to consider Act No. 195)	Room 461, 4th Floor Conference Rm., North Wing
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WEDNESDAY, NOVEMBER 30, 1983

10:00 A.M.	JUDICIARY (Public Hearing to receive testimony on merit selection and other related matters (Senate Bills No. 792, 831, 947 and 1100))	Senate Majority Caucus Room
3:00 P.M.	Independent Regulatory Review Commission (to consider State Board of Education regulation 6-64, Curriculum Requirements Chapter 5)	Heritage Rm. A, 333 Market St.

THURSDAY, DECEMBER 1, 1983

1:00 P.M.	Independent Regulatory Review Commission	Heritage Rm. A, 333 Market St.
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TUESDAY, DECEMBER 6, 1983

9:30 A.M.	ENVIRONMENTAL RESOURCES AND ENERGY (to consider Senate Bill No. 1078)	Room 459, 4th Floor Conference Rm., North Wing
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11:00 A.M. AGRICULTURE AND RURAL Room 459,
AFFAIRS (to consider 4th Floor
House Bill No. 350) Conference Rm.,
North Wing

WEDNESDAY, DECEMBER 7, 1983

1:00 P.M. CONSUMER PROTECTION Senate Majority
AND PROFESSIONAL Caucus Room
LICENSURE (to consider
Senate Bill No. 1081)

THURSDAY, DECEMBER 15, 1983

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

ADJOURNMENT

Senator STAUFFER. Mr. President, I move that the Senate do now adjourn until Wednesday, November 16, 1983, at 11:00 a.m., Eastern Standard Time.

The motion was agreed to.

The Senate adjourned at 3:47 p.m., Eastern Standard Time.