

which will convene immediately in the first floor caucus room, to be followed by a meeting of the Committee on Rules and Executive Nominations, which will be announced, and I would ask this recess to be at the call of the Chair.

Senator ZEMPRELLI. Mr. President, I would ask that the Democratic Members of the Senate return to the caucus room immediately for the purpose of a short caucus, but nonetheless an important caucus.

The PRESIDENT. For the purpose of Republican and Democratic caucuses, which will convene immediately in their respective caucus rooms, and with the intention of convening a meeting of the Committee on Rules and Executive Nominations to be announced at a later time, the Chair declares the Senate in recess.

AFTER RECESS

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

CALENDAR

THIRD CONSIDERATION CALENDAR

BILL OVER IN ORDER

SB 62 — Without objection, the bill was passed over in its order at the request of Senator MOORE.

BILL ON THIRD CONSIDERATION AMENDED

SB 299 (Pr. No. 321) — The Senate proceeded to consideration of the bill, entitled:

A Joint Resolution proposing an amendment to the Constitution of the Commonwealth of Pennsylvania, permitting the use of suppressed voluntary admissions or confessions to impeach a defendant's credibility.

Considered the third time,

On the question,

Will the Senate agree to the bill on third consideration?

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

Amend Bill, page 2, by inserting after line 5:

Section 2. This proposed amendment shall be submitted by the Secretary of the Commonwealth to the qualified electors throughout the Commonwealth at the primary, municipal or general election next held after the advertising requirements of Article XI, section 1, of the Constitution of the Commonwealth of Pennsylvania have been satisfied.

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?

Senator ZEMPELLI. Mr. President, I ask unanimous consent to offer an amendment to Senate Bill No. 299.

Senator GREENLEAF. Mr. President, I do oppose this amendment. I think it is really not necessary, if I understand

what the amendment does. What it will do is effectively kill the bill. I understand that last year the gentleman from Allegheny, Senator Zemprelli, was very much opposed to this legislation and by changing the wording now it will effectively delay this legislation, possibly indefinitely.

The PRESIDENT. Does the gentleman object to the consideration of the amendment or merely object to the amendment?

Senator GREENLEAF. Mr. President, I do not object to the consideration of the amendment.

The PRESIDENT. For the gentleman's information, Senator Zemprelli requires unanimous consent for the amendment to be considered. The gentleman, I assume, is not objecting to the consideration, but is objecting to the adoption of the amendment.

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

Amend Sec. 1 (Sec. 9), page 2, line 3, by striking out "a person" and inserting: an accused

Amend Sec. 1 (Sec. 9), page 2, line 4, by striking out "a person" and inserting: an accused

On the question,

Will the Senate agree to the amendment?

Senator ZEMPRELLI. Mr. President, first of all, I want to express my deep resentment to the statements made by the last gentleman, with the implication that because I may be theoretically opposed to the merits of Senate Bill No. 299 and argued about it, that I would do something purposely to destroy it. I think that implication places a rather bad feeling that the gentleman may have as against my motivation in dealing with legislative matters.

The fact is, Mr. President, my staff called to my attention there is, in fact, a gross misstatement of language. Referring specifically to the bill, page 1, line 10, Section 9, it recites in its title, the pivotal language, "Rights of accused in criminal prosecutions." Then on page 2, with respect to the language in the last sentence, lines 1 through 5, "The use of a suppressed voluntary admission or voluntary confession to impeach the credibility of a person..." I do not think that any person here would argue with the fact that the language should be consistent. If we are talking about "accused" in this important legislation, that word should also be "accused." That is the full purpose and intent of the amendment that is offered. It is offered in trying to have the clear and concise understanding as to what the bill does, since it is, in fact, a constitutional amendment and there is no motivation here by implications having been opposed to the bill before that I now would try to destroy this bill.

It is interesting to note that some of the sidebar conversation was if, in fact, this prevented the bill from being considered now as a constitutional amendment that it would be voted against regardless of how horrendous the form of the bill is. I resent that implication.

Mr. President, I would submit to you in all the purity that I can that this amendment, if offered for precisely what it is intended to do, corrects defective language in the bill, having been called to my attention by my staff.

Senator MOORE. Mr. President, I would simply request that all the Members on this side of the aisle vote against the amendment.

Senator GREENLEAF. Mr. President, just very briefly, the distinction is without point. There is no difference between "accused" and "persons." This legislation passed both houses last Session with a very substantial majority in the Senate and the House. It is not a fatal defect. It is not even a defect. By changing the word it will effectively kill this legislation because it will not be in the same form that it passed last Session. I would urge a negative vote on the amendment.

Senator ZEMPRELLI. Mr. President, I am not sure and, as a matter of fact, it would be my opinion that the passage of this amendment would not have any affect upon its ability to proceed in this Session. I do not think it is a substantive change. I believe it is a matter of change, of explanation. The confusion arises and it is consistent to say by the language that has been added on page 2, that we may very well ask a witness, because a witness is a person, as to a statement that was made by the accused which is absolutely an inconsistency in what the intent of the act is. This is clarifying language, nonsubstantive, except to bring a great deal of sense to what otherwise is going to lead to a great deal of confusion as to the application of privilege or the statement and its ultimate use in the criminal process.

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

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

YEAS—18

Andrezeski	Lincoln	Reibman	Stapleton
Bodack	Lloyd	Rocks	Stout
Early	Lynch	Ross	Williams
Hankins	Mellow	Scanlon	Zemprelli
Kelley	Musto		

NAYS—27

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

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

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

The PRESIDENT. Senate Bill No. 299 will go over, as amended.

UNFINISHED BUSINESS

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:

SECRETARY OF AGING

January 18, 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 The Honorable Gorham L. Black, Jr., 521 Shield Street, Harrisburg 17109, Dauphin County, Fifteenth Senatorial District, for reappointment as Secretary of Aging, to serve until the third Tuesday of January, 1987, and until his successor shall have been appointed and qualified.

DICK THORNBURGH.

SECRETARY OF AGRICULTURE

January 18, 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 The Honorable Penrose Hollowell, Route 611, Ottsville 18942, Bucks County, Tenth Senatorial District, for reappointment as Secretary of Agriculture, to serve until the third Tuesday of January, 1987, and until his successor shall have been appointed and qualified.

DICK THORNBURGH.

SECRETARY OF BANKING

January 18, 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 The Honorable Ben McEnteer, 814 North Monroe Street, Titusville 16354, Crawford County, Fiftieth Senatorial District, for reappointment as Secretary of Banking, to serve until the third Tuesday of January, 1987, and until his successor shall have been appointed and qualified.

DICK THORNBURGH.

SECRETARY OF COMMERCE

January 18, 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 O. Pickard, Sr., 1263 Wheatland Avenue, Lancaster 17603, Lancaster County, Thirteenth Senatorial District, for appointment as Secretary of Commerce, to serve until the third Tuesday of January, 1987, and until his successor shall have been appointed and qualified, vice The Honorable Geoffrey Stengel, Haverford, resigned.

DICK THORNBURGH.

SECRETARY OF COMMUNITY AFFAIRS

January 18, 1983.

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