

# COMMONWEALTH OF PENNSYLVANIA

## LEGISLATIVE JOURNAL

TUESDAY, FEBRUARY 14, 1989

SESSION OF 1989 173RD OF THE GENERAL ASSEMBLY

No. 12

### SENATE

TUESDAY, February 14, 1989.

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

The PRESIDENT (Lieutenant Governor Mark S. Singel) in the Chair.

### PRAYER

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

Eternal and gracious God, we pause at the beginning of this Session of the Senate to receive Your blessing. Look deep into the heart and mind of each of us, renew us and grant us the wisdom to represent adequately every constituent of this great Commonwealth. Amen.

### JOURNAL APPROVED

The PRESIDENT. A quorum of the Senate being present, the Clerk will read the Journal of the preceding Session of February 13, 1989.

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

### HOUSE MESSAGE

#### 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:

Recess Adjournment.

### 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:

February 13, 1989

Senators SHUMAKER, GREENWOOD, PORTERFIELD, SALVATORE and LYNCH presented to the Chair **SB 511**, entitled:

An Act amending the act of December 15, 1986 (P. L. 1610, No. 181), entitled "Rabies Prevention and Control in Domestic Animals and Wildlife Act," further providing for the vaccination of animals received by nonprofit kennels.

Which was committed to the Committee on AGRICULTURE AND RURAL AFFAIRS, February 13, 1989.

Senators SHUMAKER, SALVATORE, REIBMAN and MADIGAN presented to the Chair **SB 512**, entitled:

An Act amending the act of July 8, 1986 (P. L. 437, No. 92), entitled "Pennsylvania Agricultural Fair Act," further providing for the advisory committee.

Which was committed to the Committee on AGRICULTURE AND RURAL AFFAIRS, February 13, 1989.

Senators SHUMAKER, SALVATORE, SCANLON, ANDREZESKI, AFFLERBACH and FISHER presented to the Chair **SB 513**, entitled:

An Act requiring the filing of municipal ordinances in certain municipal offices or in the county law library or courthouse.

Which was committed to the Committee on LOCAL GOVERNMENT, February 13, 1989.

Senators FISHER, CORMAN, REIBMAN, ANDREZESKI, STAPLETON, SALVATORE, LYNCH, SHAFFER, STOUT, WILT and PETERSON presented to the Chair **SB 514**, entitled:

An Act establishing the Oil and Gas Conservation Commission and conferring powers and duties upon it; and making a repeal.

Which was committed to the Committee on ENVIRONMENTAL RESOURCES AND ENERGY, February 13, 1989.

Senators SHAFFER, WENGER, PETERSON, HOPPER, CORMAN, GREENWOOD, MUSTO, JUBELIRER, SHUMAKER, FATTAH, O'PAKE, LOEPER, AFFLERBACH, ANDREZESKI, REGOLI, SALVATORE, ARMSTRONG, WILT, LEMMOND and RHOADES presented to the Chair **SB 515**, entitled:

An Act providing for loans as an incentive to foreign exports; conferring powers and duties on the Department of Commerce; establishing a fund; providing penalties; and making an appropriation.

Which was committed to the Committee on COMMUNITY AND ECONOMIC DEVELOPMENT, February 13, 1989.

Senators SHAFFER, CORMAN, HOPPER, PETERSON, WENGER, GREENWOOD, JUBELIRER, SHUMAKER, FATTAH, O'PAKE, LOEPER, AFFLERBACH, HELFRICK, ANDREZESKI, REGOLI, SALVATORE, ARMSTRONG, WILT and LEMMOND presented to the Chair **SB 516**, entitled:

An Act providing grants to Pennsylvania businesses participating in international trade fairs; and making an appropriation.

Which was committed to the Committee on COMMUNITY AND ECONOMIC DEVELOPMENT, February 13, 1989.

Senators SHAFFER, PETERSON, CORMAN, HOPPER, WENGER, GREENWOOD, MUSTO, JUBELIRER, SHUMAKER, FATTAH, O'PAKE, LOEPER, AFFLERBACH, HELFRICK, ANDREZESKI, REGOLI, SALVATORE, ARMSTRONG, WILT and LEMMOND presented to the Chair **SB 517**, entitled:

An Act establishing the Pennsylvania International Trade Council and conferring powers and duties upon it.

Which was committed to the Committee on COMMUNITY AND ECONOMIC DEVELOPMENT, February 13, 1989.

Senators SHAFFER, HOPPER, CORMAN, PETERSON, WENGER, GREENWOOD, MUSTO, JUBELIRER, SHUMAKER, FATTAH, O'PAKE, LOEPER, AFFLERBACH, HELFRICK, ANDREZESKI, REGOLI, SALVATORE, ARMSTRONG, WILT and LEMMOND presented to the Chair **SB 518**, entitled:

An Act providing for the development of shared foreign sales corporations; providing tax exemptions for these corporations; and conferring powers and duties on the Department of Commerce and the Department of Revenue.

Which was committed to the Committee on COMMUNITY AND ECONOMIC DEVELOPMENT, February 13, 1989.

Senators SHAFFER, HOPPER, CORMAN, PETERSON, WENGER, GREENWOOD, MUSTO, JUBELIRER, SHUMAKER, FATTAH, O'PAKE, LOEPER, AFFLERBACH, HELFRICK, ANDREZESKI, REGOLI, SALVATORE, ARMSTRONG, WILT and LEMMOND presented to the Chair **SB 519**, entitled:

An Act amending the act of July 2, 1984 (P. L. 545, No. 109), entitled "Capital Loan Fund Act," further defining "small business enterprise"; and further providing for loan eligibility, terms, conditions, applications and administration.

Which was committed to the Committee on COMMUNITY AND ECONOMIC DEVELOPMENT, February 13, 1989.

Senators SHAFFER, CORMAN, HOPPER, PETERSON, WENGER, GREENWOOD, MUSTO, JUBELIRER, SHUMAKER, FATTAH, O'PAKE, LOEPER, AFFLERBACH, HELFRICK, ANDREZESKI, REGOLI, SALVATORE, ARMSTRONG, WILT and LEMMOND presented to the Chair **SB 520**, entitled:

An Act providing matching grants to public or private regional entities to promote exports; and making an appropriation.

Which was committed to the Committee on COMMUNITY AND ECONOMIC DEVELOPMENT, February 13, 1989.

Senators WILT, ANDREZESKI, HELFRICK, REGOLI and ROSS presented to the Chair **SB 521**, entitled:

An Act amending the act of November 24, 1976 (P. L. 1182, No. 262), entitled "Hearing Aid Sales Registration Law," providing for duties of the advisory council; and requiring continuing education.

Which was committed to the Committee on CONSUMER PROTECTION AND PROFESSIONAL LICENSURE, February 13, 1989.

Senators GREENLEAF, PECORA, ANDREZESKI, SHUMAKER, WILT, GREENWOOD, PORTERFIELD, LEWIS, LYNCH and SALVATORE presented to the Chair **SB 522**, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, prohibiting unsolicited commercial telephone calls during certain hours.

Which was committed to the Committee on CONSUMER PROTECTION AND PROFESSIONAL LICENSURE, February 13, 1989.

Senator GREENLEAF presented to the Chair **SB 523**, entitled:

A Joint Resolution proposing an amendment to the Constitution of the Commonwealth of Pennsylvania, further providing for appropriations to and expenditures of funds by the judiciary.

Which was committed to the Committee on JUDICIARY, February 13, 1989.

Senators GREENLEAF, PECORA, HELFRICK, ANDREZESKI, SALVATORE and AFFLERBACH presented to the Chair **SB 524**, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for the compensation and expenses of witnesses.

Which was committed to the Committee on JUDICIARY, February 13, 1989.

Senators GREENLEAF, PECORA, HELFRICK, LEMMOND, ANDREZESKI, SHUMAKER, WILT, PORTERFIELD, SALVATORE and AFFLERBACH presented to the Chair **SB 525**, entitled:

An Act providing for determination and notification of acquired immune deficiency syndrome (AIDS), AIDS-related complex, hepatitis or other contagious diseases; and providing penalties.

Which was committed to the Committee on PUBLIC HEALTH AND WELFARE, February 13, 1989.

Senators GREENLEAF, HELFRICK, ANDREZESKI and AFFLERBACH presented to the Chair **SB 526**, entitled:

An Act amending the act of June 11, 1947 (P. L. 551, No. 247), entitled "The Fire, Marine and Inland Marine Rate Regulatory Act," removing authorization for cooperation among rating

organizations, or among rating organizations and insurers, and concert of action among certain insurers in ratemaking and other matters.

Which was committed to the Committee on BANKING AND INSURANCE, February 13, 1989.

Senators GREENLEAF, HELFRICK, ANDREZESKI and SALVATORE presented to the Chair **SB 527**, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for construction projects.

Which was committed to the Committee on JUDICIARY, February 13, 1989.

Senators GREENLEAF, BELL, AFFLERBACH, RHOADES, ANDREZESKI, SHAFFER, REGOLI, LYNCH and PORTERFIELD presented to the Chair **SB 528**, entitled:

An Act amending the act of March 28, 1984 (P. L. 150, No. 28), entitled "Automobile Lemon Law," creating State vehicle arbitration procedures within the Office of Attorney General; adding definitions; imposing obligations, duties of refund and replacement; and providing for penalties and appeals.

Which was committed to the Committee on CONSUMER PROTECTION AND PROFESSIONAL LICENSURE, February 13, 1989.

Senators SHAFFER, O'PAKE, ROSS, WENGER, LYNCH, BRIGHTBILL, SALVATORE, FISHER, WILT, FATTAH, REIBMAN, REGOLI, FUMO, MADIGAN, STAPLETON, ANDREZESKI, DAWIDA, PETERSON, RHOADES and STOUT presented to the Chair **SB 529**, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for disposition of delinquent children; conferring powers and duties on the Division of Correction Education of the Department of Education; and making an appropriation.

Which was committed to the Committee on JUDICIARY, February 13, 1989.

### REPORTS FROM COMMITTEES

Senator PETERSON, from the Committee on Public Health and Welfare, reported the following bills:

**SB 315 (Pr. No. 326)**

An Act providing for inpatient residential treatment services for mentally ill children and youth.

**SB 316 (Pr. No. 327)**

An Act providing for the establishment of a Family Preservation Program by the Department of Public Welfare; providing for grants to counties for programs enabling children who would otherwise be subject to out-of-home placement to remain at home; and making an appropriation.

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

**SB 134 (Pr. No. 134)**

An Act providing for the regulation of health club contracts; and providing for further duties of the Bureau of Consumer Protection, the Attorney General and district attorneys.

**HB 6 (Pr. No. 472) (Amended)**

An Act amending Title 66 (Public Utilities) of the Pennsylvania Consolidated Statutes, requiring the commission to make certain recordings available and to release certain reports.

**HB 7 (Pr. No. 473) (Amended)**

An Act amending Title 66 (Public Utilities) of the Pennsylvania Consolidated Statutes, providing protection for public utility employees who report a violation or suspected violation of Federal, State or local law; providing protection for such employees who participate in investigations, hearings, inquiries or court actions; and prescribing remedies and penalties.

Senator PECORA, from the Committee on Local Government, reported the following bills:

**SB 308 (Pr. No. 558) (Amended)**

An Act amending the act of May 1, 1933 (P. L. 103, No. 69), entitled "The Second Class Township Code," further providing for certain fiscal training for managers or certain employees.

**SB 309 (Pr. No. 559) (Amended)**

An Act amending the act of May 1, 1933 (P. L. 103, No. 69), entitled "The Second Class Township Code," providing for appointed accountants and for the appointment of independent auditors in lieu of elected auditors; and further providing for expenses of non-employee supervisors.

**SB 313 (Pr. No. 321)**

An Act amending the act of May 1, 1933 (P. L. 103, No. 69), entitled "The Second Class Township Code," authorizing the establishment of boards of health; providing for their powers and duties; and making repeals.

**SB 321 (Pr. No. 332)**

An Act amending the act of May 25, 1945 (P. L. 1050, No. 394), entitled "Local Tax Collection Law," extending the time period from receipt of tax duplicates to mailing of the duplicates to the respective taxpayers.

### RESOLUTION REPORTED FROM COMMITTEE

Senator PECORA, from the Committee on Local Government, reported the following resolution:

**SR 13 (Pr. No. 469)**

A Resolution memorializing the Governor to proclaim April 9 through 15, 1989, as "Local Government Week"; and thanking and commending local officials within this Commonwealth.

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

### APPROVAL OF REGULATIONS

Senator BELL, from the Committee on Consumer Protection and Professional Licensure, reported the following regulations have been approved for submission to the Independent Regulatory Review Commission:

State Board of Dentistry, Regulation 16A-204, as approved.

State Board of Nursing Home Administrators, Regulation 16A-201, as approved.

State Board of Medicine, Regulation 16A-163, with the indication that no position was taken, although comments will be sent to the Independent Regulatory Review Commission.

### DISAPPROVAL OF REGULATION

Senator BELL, from the Committee on Consumer Protection and Professional Licensure, reported the following regulation has been recommended for disapproval by the Independent Regulatory Review Commission:

State Board of Nursing 16A-155.

### SENATE RESOLUTIONS

#### DESIGNATING MARCH 1 AS "ST. DAVID'S DAY"; AND HONORING THE MANY PENNSYLVANIANS OF WELSH HERITAGE

Senators LEMMOND, HESS, HELFRICK, SHUMAKER, PECORA, STOUT, REIBMAN, MELLOW, WENGER, WILT, LEWIS, BELL, SCANLON, REGOLI, AFFLERBACH, BODACK and STAPLETON offered the following resolution (*Senate Resolution No. 20*), which was read, considered and adopted:

In the Senate, February 14, 1989.

#### A RESOLUTION

Designating March 1 as "St. David's Day"; and honoring the many Pennsylvanians of Welsh heritage.

WHEREAS, St. David is the patron saint of Wales, and March 1, St. David's feast day, is the Welsh National Holiday, celebrated by Welshmen throughout the world; and

WHEREAS, William Penn was the first of many from Wales to settle in Pennsylvania; and

WHEREAS, During the 19th Century, thousands of people moved from Wales to Pennsylvania seeking employment; and

WHEREAS, Since Pennsylvania and Wales both include rare anthracite coal among their natural resources, many of the settlers from Wales settled in Pennsylvania's coal regions; and

WHEREAS, Pennsylvania now has the highest concentration of Welsh people anywhere outside of Great Britain; and

WHEREAS, The rich Welsh traditions and heritage have had a tremendous impact on Pennsylvania; therefore be it

RESOLVED, That the Senate designate March 1 as "St. David's Day" and honor the many Pennsylvanians of Welsh heritage.

#### DESIGNATING THE MONTH OF FEBRUARY 1989 AS "CHILDREN'S DENTAL HEALTH MONTH" IN PENNSYLVANIA

Senators SHUMAKER, HESS, CORMAN, REIBMAN, O'PAKE, SALVATORE, MADIGAN, PORTERFIELD, WILT, BODACK and MUSTO offered the following resolution (*Senate Resolution No. 21*), which was read, considered and adopted:

In the Senate, February 14, 1989.

#### A RESOLUTION

Designating the month of February 1989 as "Children's Dental Health Month" in Pennsylvania.

WHEREAS, The future is, to a large measure, dependent upon the good health of the children of this Commonwealth; and

WHEREAS, Good health can be achieved, in part, through good dental health habits learned early and reinforced throughout life; and

WHEREAS, Developing good dental hygiene habits at an early age is an important aspect of overall healthy living; therefore be it

RESOLVED, That the Senate of Pennsylvania designate the month of February 1989 as "Children's Dental Health Month" in Pennsylvania.

### LEGISLATIVE LEAVES

Senator BRIGHTBILL. Mr. President, I believe that Senator Armstrong is on a legislative leave. Is that correct?

The PRESIDENT. The gentleman is correct.

Senator LINCOLN. Mr. President, I would request temporary Capitol leaves for Senator Andrezeski and Senator Regoli.

The PRESIDENT. Senator Lincoln requests temporary Capitol leaves for Senator Regoli and Senator Andrezeski. The Chair would also point out that Senator Armstrong remains on legislative leave. There being no objections to the leave requests, the leaves will be granted.

### LEAVES OF ABSENCE

Senator LINCOLN asked and obtained leaves of absence for Senator AFFLERBACH and Senator O'PAKE, for today's Session, for personal reasons.

### LEGISLATIVE LEAVE CANCELLED

The PRESIDENT. The Chair recognizes the presence on the floor of Senator Andrezeski, his temporary Capitol leave thereby being rendered moot.

### CALENDAR

#### SENATE RESOLUTION NO. 14, CALLED UP OUT OF ORDER

Senator LOEPER, without objection, called up out of order from page 3 of the Calendar, as a Special Order of Business, *Senate Resolution No. 14*, entitled:

A Resolution recognizing February 16, 1989, as "Lithuanian Independence Day" in Pennsylvania.

On the question,

Will the Senate adopt the resolution?

#### SENATE RESOLUTION NO. 14, ADOPTED

Senator LOEPER. Mr. President, I move that the Senate do adopt Senate Resolution No. 14.

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

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

**YEAS—48**

Andrezski	Greenleaf	Lynch	Ross
Armstrong	Greenwood	Madigan	Salvatore
Baker	Helfrick	Mellow	Scanlon
Belan	Hess	Musto	Shaffer
Bell	Holl	Pecora	Shumaker
Bodack	Hopper	Peterson	Stapleton
Brightbill	Jones	Porterfield	Stewart
Corman	Jubelirer	Punt	Stout
Dawida	Lemmond	Regoli	Tilghman
Fattah	Lewis	Reibman	Wenger
Fisher	Lincoln	Rhoades	Williams
Fumo	Loeper	Rocks	Wilt

**NAYS—0**

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

**LEGISLATIVE LEAVES**

Senator LINCOLN. Mr. President, I request temporary Capitol leaves for Senator Scanlon and Senator Lewis.

The PRESIDENT. Senator Lincoln requests temporary Capitol leaves for Senator Scanlon and Senator Lewis. The Chair hears no objection. The leaves will be granted.

Senator BRIGHTBILL. I would ask for temporary Capitol leaves for Senator Hopper and Senator Salvatore.

The PRESIDENT. Senator Brightbill requests temporary Capitol leaves for Senator Hopper and Senator Salvatore. The Chair hears no objection. The leaves will be granted.

**LEGISLATIVE LEAVE CANCELLED**

The PRESIDENT. The Chair recognizes the presence on the floor of Senator Lewis. His temporary Capitol leave will be cancelled.

**CONSIDERATION OF CALENDAR RESUMED**

**SB 145 CALLED UP OUT OF ORDER**

**SB 145 (Pr. No. 493)** — Without objection, the bill was called up out of order, from page 1 of the Third Consideration Calendar, by Senator LOEPER, as a Special Order of Business.

**BILL ON THIRD CONSIDERATION AMENDED**

**SB 145 (Pr. No. 493)** — The Senate proceeded to consideration of the bill, 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;....," further providing for refusal to renew policies; and providing for rescission of insurance policies.

Considered the third time,

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

Senator DAWIDA, by unanimous consent, offered the following amendment No. A0220:

Amend Sec. 1 (Sec. 3), page 6, line 1, by striking out the bracket before "(e)"

Amend Sec. 1 (Sec. 3), page 6, line 27, by striking out "](e)"

On the question,

Will the Senate agree to the amendment?

Senator DAWIDA. Mr. President, as we did last week, we missed the point in the current law. We deleted an element in current law which protected, basically, drivers who have been driving properly, what I call people who were not at fault, who could be cancelled, and there is one particular bracket dealing with drivers in a twenty-four month period who have had two or fewer accidents. I believe this point will be agreed to by the opposite side.

Senator HOLL. Mr. President, we on this side of the aisle do agree with the Dawida amendment, and as the case happened last week, the gentleman from Allegheny, Senator Dawida is being very helpful in helping us get this bill in proper shape.

And the question recurring,

Will the Senate agree to the amendment?

It was agreed to.

The PRESIDENT. Senate Bill No. 145 will go over in its order, as amended.

**LEGISLATIVE LEAVE CANCELLED**

The PRESIDENT. The Chair recognizes the presence on the floor of Senator Hopper. His temporary Capitol leave will be cancelled.

**RECESS**

Senator LOEPER. Mr. President, at this time I believe the Minority has made a request that they are interested in a recess for the purpose of a caucus. We also would ask for a recess for a very brief caucus of our Members in the Rules Committee room at the rear of the Senate Chamber.

Senator MELLOW. Mr. President, I would, likewise, request that the Members of the Democratic caucus report immediately to our caucus room. We hope it will be a very brief caucus.

The PRESIDENT. For the purpose of Republican and Democratic caucuses to begin immediately, the Senate will stand in recess.

**AFTER RECESS**

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

**LEGISLATIVE LEAVES**

Senator MELLOW. Mr. President, I request temporary Capitol leaves for Senator Lynch and Senator Fumo, both of whom have been called to their offices.

The PRESIDENT. Senator Mellow requests temporary Capitol leaves for Senator Lynch and Senator Fumo. The Chair hears no objection. The leaves will be granted.

**CONSIDERATION OF CALENDAR RESUMED****THIRD CONSIDERATION CALENDAR RESUMED****BILL ON THIRD CONSIDERATION  
AND FINAL PASSAGE**

**SB 144 (Pr. No. 556)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending Titles 18 (Crimes and Offenses) and 75 (Vehicles) of the Pennsylvania Consolidated Statutes, providing for insurance fraud; further providing for suspension of registration and drivers' licenses, for motor vehicle insurance, for financial responsibility, for reinstatement of registration and drivers' licenses; conferring powers and duties on the Department of Transportation and the Insurance Department; and making repeals.

**REQUEST TO HAVE QUESTION DIVIDED**

Senator MELLOW. Mr. President, since Senate Bill No. 144 deals basically with two titles and two issues, one being Title 18, the other being Title 75, I move to divide the question so we can vote on the two issues separately. I would ask, Mr. President, that the division of the question take place with Sections 1 and 2, ending on page 6, line 13, and in Section 3 through Section 10, beginning on line 14, page 6, through line 12, page 15, that we divide the question and have two separate votes.

The PRESIDENT. The Chair would remind the gentleman that the request to divide is, in fact, a request, and the question then before the Chair is whether or not it is divisible.

**POINT OF ORDER**

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

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

Senator LOEPER. Mr. President, I would raise a point of order, whether, in fact, a bill on final consideration is divisible?

The PRESIDENT. The Chair thanks the gentleman for raising the point of order and will confess to the Members that he has been giving this matter some thought. The fact of the matter is there is a constitutional requirement that all bills deal with one subject, and logic, therefore, would dictate, that being the case, that it would be difficult to divide a bill. Yet, before us is Senate Bill No. 144, which clearly deals with two separate titles and two separate subjects within the same bill. Therefore, the Chair would rule that the bill is, in fact, divisible and would allow the Clerk to proceed with the consideration of a bill as outlined by Senator Mellow from Lackawanna County.

**RULING OF CHAIR APPEALED**

Senator LOEPER. Mr. President, I would appeal the ruling of the Chair.

The PRESIDENT. There being an appeal of the ruling of the Chair, the Chair would point out that the motion is debatable to the substance of the issue at hand and not to the substance of Senate Bill No. 144.

On that, the question is whether Senate Bill No. 144 is divisible, the Chair having ruled that it is, in fact, divisible.

On the question,

Shall the ruling of the Chair be sustained?

Senator WILLIAMS. Mr. President, in support of the Chair's ruling and the clear statement that it clearly does contain two subjects, on the one hand the subject of criminal penalties for fraud and raising that under criminal statute, and on the other hand, the subject of benefits related to insurance and covering another title. Just to add a little common sense to that in our search for that, this dictionary here, Webster's New Collegiate Dictionary, does clearly state and define "subject," at least in this context, as "the term of a logical proposition that denotes the entity of which something is affirmed or denied." Clearly, it is logical that we affirm or deny, vote up or down, on the question of the criminal penalties issue and as to where that fits, and on the other hand, a vote up or down in terms of a logical subject which has to do with the benefits of insurance under the Vehicle Code. To support the ruling, Mr. President, it is clearly stated here and supported by an erudite document, that is, the plain common sense of a dictionary, and the Chair's approach to this is patently obvious, that we are talking about two separate subjects and in two separate titles, as they really should be. I thought I would just offer probably our most fundamental observation, and that is what are we talking about. Webster's Dictionary does support the Chair, and I think common sense supports the Chair.

Senator LOEPER. Mr. President, I would just simply indicate to the Members that past practice in this Chamber has indicated that a bill has not been divided. The question has not been divided on final passage and, therefore, my appeal of the ruling of the Chair.

Senator WILLIAMS. Mr. President, just a comment in response. I think, Mr. President, that is the very issue. Whatever the past practices have been, I will not go into that, but we are here and now, and I guess we are trying to approach the issue at hand in a basic, straight-up, logical, commonsensical manner. And that is to say that if our practices have been in the past not to understand and observe that we are dealing with apples and oranges, then, indeed, we ought to recognize that and change that. Again, I do refer to dictionary sources, as we probably have made mistakes in the past, and tradition, of course, does not always augur the most productivity. And so, just in response to the gentleman, I do not know the rationale of tradition, but if the issue is tradition, then I think that can and should be met with here and now, and an enlightened approach to whether or not this august

and very learned Body could come to grips with common sense and say we should not do that. As the Chair has said, we do have two clear titles, two clear subjects on a major issue.

As a distinguished gentleman said yesterday, Lincoln advised us to rise to the occasion when the occasion comes, and the occasion is here and now and tradition should fall.

Senator MELLOW. Mr. President, I rise to vote in favor of the ruling of the Chair. I do so, Mr. President, knowing full well that this has been discussed on sidebar conversations for the past day and a half, and I am totally aware of the final vote and the outcome, what the final vote is going to represent. But I think, Mr. President, it is very important that we try to frame the question properly and the reason why we think it very important that we divide the questions so that we have a separate vote on insurance fraud and a separate vote on a reduction of coverage of insurance as currently offered here in Pennsylvania. I think for us to try to explain that past practices are important and that we should maintain what we have done in the past in a discussion dealing with, probably, the number one consumer issue facing people in Pennsylvania today, and that is the issue of insurance reform, is an argument, Mr. President, that I do not think has much merit. What we are basically dealing with is very simple in this case. We are trying to establish on the floor of the Senate here today the fact that we are dealing with Senate Bill No. 144, which in principle, at least in one part in principle, that the Members on this side of the aisle agree with, is dealing with the amendment of Title 18 which deals with insurance fraud, and the fact that those individuals who were involved in insurance fraud in Pennsylvania will be punishable by a third degree felony. If we look at the bill it talks about what insurance fraud means and what the offense is as defined as insurance fraud. In here it talks about any individual who submits an insurance claim or an application where there may be false or incomplete or misleading information on that application, that individual would be punishable under this proposal by a third degree felony of insurance fraud. A third degree felony, Mr. President, to the best that we can research it, would mean a maximum of seven years in jail, the possibility of a \$10,000 fine, plus the judge that is responsible for the trial or the adjudication of the case could ask for restitution for whatever monies have been spent. On the other side, we are dealing here with the amendment of Title 75. Title 75 is a title that deals with insurance coverage, and we are talking about the reduction of benefits and the reduction of coverage in this particular aspect of the bill. Mr. President, we do not think it is a good, prudent way in trying to reduce premium by taking away benefits.

#### POINT OF ORDER

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

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

Senator LOEPER. Mr. President, I believe the debate is getting more astray from the question at hand, which is an appeal of the division of the question and not on the merits of this proposed division.

The PRESIDENT. The gentleman's point is well taken, and the Chair must admonish the gentleman that he should restrict his comments to the appeal itself.

Senator MELLOW. Mr. President, I thank the Majority Leader because he is probably correct, and I was probably discussing the merits of the proposal and we can do that later. However, it is very, very important for us to show on the record that the reason for the division of the question is because we think it is very important that we do pass insurance fraud very similar to Senate Bill No. 9 that was passed in our last Session, that we should have a separate vote, Mr. President, on whether, in fact, we should vote for the reduction of benefits, and the reason for the division of the question is so we can have those two separate votes. I ask for an affirmative vote on the ruling of the Chair.

The PRESIDENT. On the appeal, in the interest of clarification, the Chair would suggest that an "aye" vote would sustain the ruling of the Chair, and a "no" vote would vote to overturn the ruling of the Chair.

#### LEGISLATIVE LEAVE CANCELLED

The PRESIDENT. The Chair recognizes the presence on the floor of Senator Regoli. His temporary Capitol leave will be cancelled.

On the appeal, again, an "aye" vote supports dividing the question and the ruling of the Chair, a "no" vote is a vote against the Chair's ruling and against dividing the bill.

And the question recurring,

Shall the ruling of the Chair be sustained?

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

#### YEAS—21

Andrezeski	Jones	Musto	Scanlon
Belan	Lewis	Porterfield	Stapleton
Bodack	Lincoln	Regoli	Stewart
Dawida	Lynch	Reibman	Stout
Fattah	Mellow	Ross	Williams
Fumo			

#### NAYS—27

Armstrong	Greenwood	Loeper	Salvatore
Baker	Helfrick	Madigan	Shaffer
Bell	Hess	Pecora	Shumaker
Brightbill	Holl	Peterson	Tilghman
Corman	Hopper	Punt	Wenger
Fisher	Jubelirer	Rhoades	Wilt
Greenleaf	Lemmond	Rocks	

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

The PRESIDENT. The ruling of the Chair is, therefore, overturned. The bill shall be deemed not divisible.

On the question,

Will the Senate agree to the bill on third consideration?

It was agreed to.

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



On the question,  
Shall the bill pass finally?

Senator MELLOW. Mr. President, for the reasons that were stated previously with regard to the division of the question asking that we are able to vote for the insurance fraud as a separate proposal, such as was done in the 1987-88 Session in Senate Bill No. 9, at this point, Mr. President, I would like to ask the Members, at least on this side of the aisle, to vote "no" on final passage of Senate Bill No. 144.

Senator LOEPER. Mr. President, I believe one of the overriding major issues that we are faced with from the public in this particular Session is the whole issue of automobile insurance, certainly, the ever increasing rate structure that each one of us throughout this state is subject to, and I believe what we see is a responsible attempt in Senate Bill No. 144 to try and address many of the issues that are causing rates to be driven up throughout this state. Many of these provisions were embodied in legislation that passed this Senate in the last Session, and the bills resided over in the House of Representatives with no action taken. It is my view, Mr. President, that these bills, very significantly, will work toward and help reduce the burden of auto insurance premiums to the motor-ing public of Pennsylvania, and I would ask for an affirmative vote.

Senator ANDREZESKI. Mr. President, I have sat and listened over the years to the debate that comes up every once in a while on bills that involve reform, bills that involve fraud, bills that involve making it better for the consumers of Pennsylvania in terms of insurance, rate increases, amounts and percentages, and what is covered and what is not. We have gone through a variety of forms of insurance in Pennsylvania, most recently the CAT Fund which replaced no fault as the most hated word in the vocabulary of many of our constituents. We are faced here with a Senate bill that purports to deal with insurance fraud, that purports to deal with various and sundry problems that will supposedly make things better for the consumers of Pennsylvania. It would be my contention that this bill will, perhaps, perceptually make things better for us to go back and tell our constituents, look at this bill, look at what we have for you and look at what it does. In the whole context of this bill, it does not say that if we pass this bill, it does not say that if we enact this into law, that the insurance companies will say to the consumers, why, thank you for this consideration, thank you for allowing us to do this, we are now going to lower your rates. No, Mr. President, there is nothing in this legislation that would mandate a break for the consumers, while there is everything in this legislation that would say, do this and do that. There are stipulations on one side, but no requirements on the other. I would like to stand here and say, oh, this is the best thing to come down the block since the last new car. But it is not. Mr. President, this bill should have been divided, should have been dealt with as two separate issues and, more importantly, this bill does not address all of the issues that have to be confronted in insurance reform in terms of automobile insurance reform and in terms of giving the consumers in Pennsylvania a real break. It

would be my contention that this bill is an attempt to say, look at what we are doing for you with nothing ever getting done. I would rather stand here today and vote "no" on this bill, knowing full well that I am part of a process that is now assimilating information. It is now gathering testimony from around the state, that is now saying that we can present to the consumers, to the buying public of Pennsylvania, a plan that will not only protect their rights to buy insurance, protect their rights to be covered by insurance, but also protect their rights not to have their rates increase anywhere from 9 percent to 13 percent a year. Unless we face that problem, unless we face the fact that people are going to have to make some major adjustments—and the people I am talking about are the industries involved in this—these things are not going to happen. We sit here and say, look at what we are doing for you. We can spend the next two years of this legislative Session passing similar bills and not having any effect on the consumers of Pennsylvania. It would be my contention that we do not do our constituents any service except that of perceptually showing, look at what we have done, without in any way affecting their economic well-being.

Senator MELLOW. Mr. President, I think there is a little more that really has to be said here. I realize this is an issue that has been before us for quite some time, in some form or another. I think, Mr. President, we have to look and we have to see what actually has happened in this Body or in this General Assembly with regard to insurance and/or insurance reform. We, today, Mr. President, are dealing in haste. We are acting entirely too quickly on trying to come up with some type of a proposal, and in this case it is Senate Bill No. 144, that was mentioned by the previous speaker, that perceptually may look to our constituents as if, in fact, we are doing something, but when it really comes down to it, in reality, we, in fact, are doing very little except reducing benefits and reducing coverage and trying to reduce premiums in making those two reductions. Mr. President, all we have to do is take a look at what we did when we hastily enacted, several years ago, the CAT Fund. We enacted the CAT Fund at a charge of \$5.00 per motorist, and we found out very shortly that particular \$5.00 and that CAT Fund we enacted, in fact, did nothing for the people financially that we are out there trying to help. The benefit in itself was great. The way we enacted the CAT Fund, Mr. President, is the reason why today over in the House of Representatives they are trying to pass legislation to reenact the CAT Fund, and unless some type of action takes place, it will go out of business come March 1st.

Mr. President, I can remember the first few days that I had the opportunity of serving here in the Senate. At that particular time we were dealing with, basically, the same issue, and many of the individuals who are here today dealing with this issue in Senate Bill No. 144 were the same individuals who were dealing with the issue that we had at that time and the new phenomenon that came around that was known as no fault. We discussed no fault, Mr. President, and we held some public hearings and we dealt with no fault, but probably not in the proper fashion and entirely in too hasty a manner.



What do we get a few years later? We found out we are dealing with a very serious issue. As I said, we dealt with the CAT Fund and, in fact, the proposal that was advanced for the CAT Fund did not work. We dealt with no fault back in the early 1970s, only to find ourselves coming back some ten years later and repealing the no fault bill that we had passed, because we acted too hastily and that, in fact, did not work. We are dealing here today with a proposal of Senate Bill No. 144, and soon to follow, Senate Bill No. 145, that is nothing more than a Band-Aid approach to try to resolve a major issue in Pennsylvania and probably the number one consumer issue, and that, in fact, is the issue dealing with insurance reform. Although I guess it is the best issue that is before us, this proposal, because, in fact, it is the only issue that is before us, I think we more prudently should be waiting until we get a proposal from the Administration, we get a proposal from the Insurance Commissioner, that we have the proper opportunity of having the Standing Senate Committee, the Committee on Banking and Insurance here in the Senate, give us a more comprehensive approach to resolve the insurance problem here in our great state, and not necessarily those that are encompassed in Senate Bill No. 144 and Senate Bill No. 145. I submit to you, Mr. President, today that all we are doing is we are dealing with some cosmetic approach to a very serious issue, and because of that, we should be defeating Senate Bill No. 144 and have a more advanced comprehensive proposal submitted to this Body. I ask for a negative vote.

And the question recurring,  
Shall the bill pass finally?

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

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

The PRESIDENT. The gentleman will be so recorded.

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

**YEAS—27**

Armstrong	Greenwood	Loeper	Salvatore
Baker	Helfrick	Madigan	Shaffer
Bell	Hess	Pecora	Shumaker
Brightbill	Holl	Peterson	Tilghman
Corman	Hopper	Punt	Wenger
Fisher	Jubelirer	Rhoades	Wilt
Greenleaf	Lemmond	Rocks	

**NAYS—21**

Andrezeski	Jones	Musto	Scanlon
Belan	Lewis	Porterfield	Stapleton
Bodack	Lincoln	Regoli	Stewart
Dawida	Lynch	Reibman	Stout
Fattah	Mellow	Ross	Williams
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 present said bill to the House of Representatives for concurrence.

**SPECIAL ORDER OF BUSINESS  
SUPPLEMENTAL CALENDAR NO. 1**

**THIRD CONSIDERATION CALENDAR**

**BILL ON THIRD CONSIDERATION  
AND FINAL PASSAGE**

**SB 145 (Pr. No. 562)** — The Senate proceeded to consideration of the bill, 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;....." further providing for refusal to renew policies; and providing for rescission of insurance policies.

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—26**

Armstrong	Greenwood	Madigan	Salvatore
Baker	Helfrick	Pecora	Shaffer
Bell	Holl	Peterson	Shumaker
Brightbill	Hopper	Punt	Tilghman
Corman	Jubelirer	Rhoades	Wenger
Fisher	Lemmond	Rocks	Wilt
Greenleaf	Loeper		

**NAYS—22**

Andrezeski	Hess	Musto	Scanlon
Belan	Jones	Porterfield	Stapleton
Bodack	Lewis	Regoli	Stewart
Dawida	Lincoln	Reibman	Stout
Fattah	Lynch	Ross	Williams
Fumo	Mellow		

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.

**CONSIDERATION OF CALENDAR RESUMED**

**THIRD CONSIDERATION CALENDAR RESUMED**

**BILL OVER IN ORDER**

**SB 160** — Without objection, the bill was passed over in its order at the request of Senator LOEPER.

**BILLS ON THIRD CONSIDERATION  
AND FINAL PASSAGE**

**SB 188 (Pr. No. 188)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, providing for payment to counties of certain costs in driving while under the influence of alcohol or controlled substances cases where a defendant is accepted into an Accelerated Rehabilitative Disposition program.

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

Andrezski	Greenleaf	Lynch	Ross
Armstrong	Greenwood	Madigan	Salvatore
Baker	Helfrick	Mellow	Scanlon
Belan	Hess	Musto	Shaffer
Bell	Holl	Pecora	Shumaker
Bodack	Hopper	Peterson	Stapleton
Brightbill	Jones	Porterfield	Stewart
Corman	Jubelirer	Punt	Stout
Dawida	Lemmond	Regoli	Tilghman
Fattah	Lewis	Reibman	Wenger
Fisher	Lincoln	Rhoades	Williams
Fumo	Loeper	Rocks	Wilt

NAYS—0

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

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

**SB 194 (Pr. No. 194)** — 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 the offense of rape.

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

Andrezski	Greenleaf	Lynch	Ross
Armstrong	Greenwood	Madigan	Salvatore
Baker	Helfrick	Mellow	Scanlon
Belan	Hess	Musto	Shaffer
Bell	Holl	Pecora	Shumaker
Bodack	Hopper	Peterson	Stapleton
Brightbill	Jones	Porterfield	Stewart
Corman	Jubelirer	Punt	Stout
Dawida	Lemmond	Regoli	Tilghman
Fattah	Lewis	Reibman	Wenger
Fisher	Lincoln	Rhoades	Williams
Fumo	Loeper	Rocks	Wilt

NAYS—0

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

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

**SB 280 (Pr. No. 555)** — The Senate proceeded to consideration of the bill, entitled:

An Act providing for the regulation of storage tanks and tank facilities; imposing additional powers and duties on the Department of Environmental Resources and the Environmental Quality Board; and making appropriations.

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 FISHER. Mr. President, last Session this Senate, together with the House and the Governor, enacted landmark pieces of legislation in the environmental field in three separate categories. Last Session, however, this Senate also enacted a very important piece of legislation in a fourth environmental category that, unfortunately, the House and this Administration failed to follow suit on. Back before us today we have another opportunity to, once again, place in the laws of this Commonwealth a bill that would provide for some protection for Pennsylvania's environment from spills emanating from aboveground and underground storage tanks. A little over a year ago, there was a massive oil spill in my Senatorial district as a result of the collapse of the Ashland oil tank at a tank farm in Floreffe, Pennsylvania. Subsequent to that spill, the Committee on Environmental Resources and Energy held extensive public hearings on the cause of the spill and the problems with the state legislation and the state regulation which governs aboveground storage tanks. Through the help of the Members of the committee, particularly the gentleman from Luzerne, Senator Musto, we were able to draft legislation that, as I said, passed this Senate last Session to govern both aboveground and underground storage tanks. Back before us today is that bill. It is a bill that would provide for the first time a means by which the people of Pennsylvania would have some assurance that aboveground storage tanks, whether they range in size from four million gallons, such as the Ashland oil tank, or whether they range down to tanks under twenty-one thousand gallons, that those tanks will be constructed, they will be inspected, and they will be monitored over the years in a safe fashion so that, hopefully, major spills can be prevented. This bill provides for the first time that the Department of Environmental Resources will issue permits and will be the ones who inspect aboveground and underground storage tanks. In addition to solving the problem which resulted, which was brought to light because of the Ashland oil tank incident, we have, in Pennsylvania today, over ninety thousand underground storage tanks. Underground storage tanks in this state are the only tanks east of the Mississippi River that are not subject to some underground storage tank inspection program. Yes, Pennsylvania is the only state east of the Mississippi without a program in place today. This legislation would also give Pennsylvania the opportunity to become a leader in governing how underground storage tanks are regulated. It would also provide some relief for the owners of those small underground storage tanks, our service station dealers and others who have those tanks and who, as a result of federal legislation, will, in October of 1990, be required to have a million dollars worth of insurance. Those service station dealers cannot obtain that insurance today. It is not only not there, but if it was there, they could not afford it. We provide in this legislation for an

underground storage tank indemnification fund, a fund that has been supported by the very people who will be required to pay into that fund so that insurance will be available for them to meet this federal requirement. This legislation is, in my opinion, the most important environmental legislation facing this General Assembly today. For all too long we have gone with an unregulated system for aboveground and belowground storage tanks, but we have an opportunity, through the passage of Senate Bill No. 280 that has had and continues to have strong bipartisan support, to be able to put a program in place in Pennsylvania. I call today for the support of this legislation by my colleagues here in the Senate, but even more so, call upon the House of Representatives to take quick and speedy action on this legislation and send this bill to the Governor so that we can have in place the necessary environmental legislation to truly complete the environmental record that we have all worked on collectively during the past three years. Mr. President, I thank you for the opportunity to make these remarks, and I urge an affirmative vote on Senate Bill No. 280.

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—48**

Andrezeski	Greenleaf	Lynch	Ross
Armstrong	Greenwood	Madigan	Salvatore
Baker	Helfrick	Mellow	Scanlon
Belan	Hess	Musto	Shaffer
Bell	Holl	Pecora	Shumaker
Bodack	Hopper	Peterson	Stapleton
Brightbill	Jones	Porterfield	Stewart
Corman	Jubelirer	Punt	Stout
Dawida	Lemmond	Regoli	Tilghman
Fattah	Lewis	Reibman	Wenger
Fisher	Lincoln	Rhoades	Williams
Fumo	Loeper	Rocks	Wilt

**NAYS—0**

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

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

**BILL OVER IN ORDER**

**SB 283** — Without objection, the bill was passed over in its order at the request of Senator LOEPER.

**SECOND CONSIDERATION CALENDAR**

**BILL ON SECOND CONSIDERATION**

**SB 253 (Pr. No. 260)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of December 12, 1973 (P. L. 397, No. 141), entitled "Teacher Certification Law," further providing for the commission; and providing for the reestablishment of the commission.

Considered the second time and agreed to,

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

**BILLS OVER IN ORDER**

**SB 268, 295 and 335** — Without objection, the bills were passed over in their order at the request of Senator LOEPER.

**UNFINISHED BUSINESS**

**BILLS IN PLACE**

Senator ROCKS presented to the Chair a bill.  
Senator STOUT presented to the Chair a bill.

**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 First Presbyterian Church of Mount Joy by Senator Armstrong.

Congratulations of the Senate were extended to the Clark Memorial Baptist Church of Homestead by Senator Dawida.

Congratulations of the Senate were extended to the Germantown Republican Club of Philadelphia and to Terry Gecys by Senator Rocks.

Congratulations of the Senate were extended to Chief Warrant Officer Four James F. Fitzpatrick by Senator Shumaker.

**BILLS ON FIRST CONSIDERATION**

Senator PORTERFIELD. Mr. President, I move 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 134, 308, 309, 313, 315, 316, 321, HB 6 and 7.**

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

**ADJOURNMENT**

Senator LOEPER. Mr. President, I move the Senate do now adjourn until Monday, March 13, 1989, at 2:00 p.m., Eastern Standard Time, unless sooner recalled by the President pro tempore.

The motion was agreed to.

The Senate adjourned at 2:57 p.m., Eastern Standard Time.