

COMMONWEALTH OF PENNSYLVANIA

LEGISLATIVE JOURNAL

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SESSION OF 1989

173RD OF THE GENERAL ASSEMBLY

No. 45

SENATE

WEDNESDAY, June 28, 1989.

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

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

PRAYER

The Chaplain, the Reverend Mr. TIMOTHY HOFFMAN, Pastor of Mt. Zion Evangelical Lutheran Church, Lewisberry, offered the following prayer:

So many times, Lord, we find ourselves caught in difficult situations. Even with our vast store of experience and knowledge, it does not seem to be enough. The problem is that so many times we strive to function without You. We call upon You, Lord, with humble hearts for forgiveness and mercy. We boldly ask Your blessing and sustaining grace to enable us to perform the duties we have been called and challenged to serve. You, alone, are the source of all good things, and You, alone, Lord, shall be given the praise and the glory for it. Humbly we pray, Lord, that You lead, guide and dominate us in body, in mind, in spirit. Amen.

JOURNAL APPROVED

The PRESIDENT. A quorum of the Senate being present, the Clerk will read the Journal of the preceding Session of June 27, 1989.

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

HOUSE MESSAGES

SENATE BILL RETURNED WITH AMENDMENTS

The Clerk of the House of Representatives returned to the Senate **SB 253**, with the information the House has passed the same with amendments in which the concurrence of the Senate is requested.

The PRESIDENT. Pursuant to Senate Rule XV, Section 5, this bill will be referred to the Committee on Rules and Executive Nominations.

HOUSE BILLS FOR CONCURRENCE

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

June 27, 1989

HB 31, 285 and 1373 — Committee on Finance.

June 28, 1989

HB 259 — Committee on Labor and Industry.

HB 1086 — Committee on Education.

HB 1450 — Committee on Intergovernmental Affairs.

HB 1687 — Committee on Appropriations.

DISCHARGE PETITION

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

In the Senate, June 28, 1989.

A PETITION

To place before the Senate the nomination of Lauren K. Baughman as a member of the Pennsylvania Human Relations Commission.

TO: The Presiding Officer of the Senate

WE, The undersigned members of the Senate, pursuant to section 8 (b) of Article IV of the Constitution of Pennsylvania, do hereby request that you place the nomination of Lauren K. Baughman, Erie, Pennsylvania, as a member of the Pennsylvania Human Relations Commission, before the entire Senate body for a vote, the nomination not having been voted upon within 15 legislative days:

Roy W. Wilt
F. Joseph Loeper
Robert C. Jubelirer
Noah W. Wenger
David J. Brightbill

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

BILLS IN PLACE

Senator REIBMAN presented to the Chair two bills.

LEGISLATIVE LEAVES

Senator BRIGHTBILL. Mr. President, I would ask for a temporary legislative leave for Senator Helfrick and a temporary Capitol leave for Senator Loeper.

Senator STEWART. Mr. President, I would like to request temporary Capitol leaves for Senator Regoli, Senator Scanlon and Senator Williams.

Senator MELLOW. Mr. President, I would also like to add Senator Lewis to the list for temporary Capitol leave.

The PRESIDENT. Senator Brightbill requests temporary legislative leave for Senator Helfrick and a temporary Capitol leave for Senator Loeper. Senator Stewart requests temporary Capitol leaves for Senator Regoli, Senator Scanlon and Senator Williams. Senator Mellow requests a temporary Capitol leave for Senator Lewis. The Chair hears no objection. The leaves will be granted.

CALENDAR

SB 577 CALLED UP OUT OF ORDER

SB 577 (Pr. No. 841) — Without objection, the bill was called up out of order, from page 4 of the Third Consideration Calendar, by Senator BRIGHTBILL, as a Special Order of Business.

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

SB 577 (Pr. No. 841) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of June 3, 1937 (P. L. 1333, No. 320), entitled "Pennsylvania Election Code," further providing for Commonwealth reimbursement for certain election expenses, for the form of absentee ballots for qualified electors, for the mailing of absentee ballots, and for the number of signers required for nomination petitions.

Considered the third time,

On the question,

Will the Senate agree to the bill on third consideration?

Senator MELLOW. Mr. President, since we have just received the Calendar and it is still actually hot off the printer, may we be at ease for a moment, so that we at least have the opportunity of looking over Senate Bill No. 577 before you take the roll.

The PRESIDENT. The Senate will be at ease.

(The Senate was at ease.)

Senator MELLOW. Mr. President, Senate Bill No. 577, the way it is, is fine as far as we are concerned.

LEGISLATIVE LEAVES

Senator MELLOW. Mr. President, I ask for temporary Capitol leaves for Senator Andrezeski, Senator Fumo and Senator Lincoln.

The PRESIDENT. Senator Mellow asks for temporary Capitol leaves for Senator Andrezeski, Senator Fumo and Senator Lincoln. The Chair hears no objection. Those temporary Capitol leaves will be granted.

And the question recurring,

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?

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

YEAS—50

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

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.

LEGISLATIVE LEAVES CANCELLED

The PRESIDENT. The Chair recognizes the presence on the floor of Senator Lincoln and Senator Fumo. Their temporary Capitol leaves will be cancelled.

LEGISLATIVE LEAVES

Senator BRIGHTBILL. Mr. President, could I have temporary Capitol leaves for Senator Armstrong, Senator Tilghman, Senator Rhoades and Senator Jubelirer.

The PRESIDENT. Senator Brightbill requests temporary Capitol leaves for Senator Armstrong, Senator Tilghman, Senator Rhoades and Senator Jubelirer. The Chair hears no objection. Those temporary Capitol leaves will be granted.

CONSIDERATION OF CALENDAR RESUMED

SB 405 CALLED UP OUT OF ORDER

SB 405 (Pr. No. 1366) — Without objection, the bill was called up out of order, from page 3 of the Third Consideration Calendar, by Senator BRIGHTBILL, as a Special Order of Business.

BILL ON THIRD CONSIDERATION AMENDED

SB 405 (Pr. No. 1366) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of March 10, 1949 (P. L. 30, No. 14), entitled "Public School Code of 1949," further providing for background checks of prospective employees; providing for termination of the employment of employees convicted of certain offenses; and further providing for condemnation.

Considered the third time,

On the question,

Will the Senate agree to the bill on third consideration?

Senator WENGER, by unanimous consent, offered the following amendment No. A2482:

Amend Sec. 2 (Sec. 721), page 6, line 30, by striking out "CODE." and inserting:

Code": Provided, however, That nothing contained herein shall relieve a school board desiring to condemn any land within an "agricultural area" as defined by the act of June 30, 1981 (P.L.128, No.43), known as the "Agricultural Area Security Law," from adhering to the requirements of section 13 of that act.

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 WENGER.

SPECIAL ORDER OF BUSINESS

PIAA STATE CLASS AAA BASEBALL CHAMPIONS PRESENTED TO SENATE

Senator LINCOLN. Mr. President, I do rise with a great deal of pleasure and pride today for a very special announcement. Joining us just in the last few minutes in the Senate balcony is a group of young men and adults who are here today being honored for winning the Class AAA State Baseball Championship. There are twenty-five or so young men, along with their coaches, who have had the opportunity to be introduced in the House and have been through different portions of this building. I would like to read a citation that we have had prepared for them.

The resolution was read as follows:

In the Senate, June 28, 1989.

WHEREAS, The Connellsville Area High School Baseball Team holds the distinction of winning the 1988-1989 PIAA State Class AAA Championship; and

WHEREAS, The Falcons, under the expert guidance of Head Coach Tom Sankovich and assistant coaches, Bob Renzl and Mike Edwards, defeated the Williamsport Millionaires by a score of six to one, to become the first state champions in the school's nineteen-year history of the sport. The team, which accumulated a season record of twenty-six wins and one loss, also was co-champion of Section 2 and won the WPIAL Championship on the road to the state tournament; and

WHEREAS, The team is comprised of Joe Bonadio, Earl Lechlitter, Robert Shaffer, Danny Soisson, Mike Swink, Jason Tyska, Andre Brown, Todd Hileman, James Lechlitter, Reid Richter, Duane Rodgers, John Shirley, Steve Soisson, John Walker, Mike Wilson, Scott Beal, Jeff Bigam, Tye Denny, John Dillinger, Rob Fada, Brett Forejt, Dennis Halfhill, Richie Orndorff, John Warrick, Jayme White, Matthew Anderson, Robert Butts, Mark Ernesty, Greg Lincoln, Doug Petrowski, Arthur Pritts, Brian Staines and staff member Garry Feniello videotaped the action.

NOW THEREFORE, the Senate of the Commonwealth of Pennsylvania congratulates the Connellsville Area High School Baseball Team on winning the PIAA State Class AAA Cham-

pionship; recognizes the hard work and dedication required of each player for the team to succeed at this level of competition; offers best wishes for future successful seasons.

Senator LINCOLN. I want to say to the Members of the Senate that the senior members of this baseball team, in the four years that they played together, had a combined total record of ninety wins and twelve losses. I think it is an outstanding record. Coach Sankovich has brought this team along, in particular, from early in the season until now. I think he, along with Coaches Renzl and Edwards, should be congratulated for the outstanding job they have done in bringing this young and very green talent into a championship team by the end of the season. I want to personally congratulate these boys because I think this is something they probably will not realize until much later on in life. Those of us who have walked the trail of life know that as you leave your youth, you leave behind a lot of your good friends because we tend to go in different directions due to different reasons—such as job, profession, or whatever. What they are celebrating here today will be with them forever. There will always be something to bind this group of young men together even when they are 50, 60 and 70 years old. Winning a state championship is so unique that they will be part of something that will stay with them as individuals and as a group for many, many years to come. I personally want to add my congratulations—and the thrills that they have given me watching them—and I look forward to maybe a repeat of that over the next couple of years. I think there is enough talent on that team that they could be a force to contend with the next few years. Tom Sankovich, who I have been friends with for as many years as he and I would like to forget, I congratulate you, and Bob Renzl, who I grew up with, I can tell you I am proud of you.

The PRESIDENT. Would the members of the championship Connellsville High School Baseball Team, their coaches and the guests of Senator Lincoln please rise so we can welcome you to the Senate of Pennsylvania.

(Applause.)

SPECIAL ORDER OF BUSINESS

ANNOUNCEMENTS BY THE SECRETARY

The SECRETARY. The Majority and Minority Leaders have given their permission for the following committee meetings to occur during today's Session: The Committee on Intergovernmental Affairs to consider House Bill No. 1450, the Committee on Education to consider House Bill No. 1086, the Committee on Environmental Resources and Energy to consider House Bill No. 139 and House Bill No. 1529, and the Committee on Rules and Executive Nominations to consider House Resolution No. 128 and certain nominations.

SON OF SENATOR J. WILLIAM LINCOLN PRESENTED TO SENATE

Senator MELLOW. Mr. President, I think it is great that Senator Lincoln has had the opportunity today to introduce the AAA championship baseball team that basically does represent the state as the true state champion, but the one thing he did not state, other than reading the names, is that his son is also a member of that championship team. I think we should have Greg Lincoln, who is the son of Senator Bill Lincoln, stand up and take a special little bow. Would you kindly stand.

The PRESIDENT. Would Greg Lincoln please rise so we can welcome you.

(Applause.)

The PRESIDENT. Congratulations.

Senator BRIGHTBILL. Mr. President, we would extend congratulations to Coach Sankovich, the Connellsville area team and to Greg Lincoln. I would say this to Greg; Knowing his father, you certainly get your competitiveness naturally.

RECESS

Senator BRIGHTBILL. At this time, Mr. President, I would ask for a recess of the Senate for the purpose of a Republican caucus.

Senator LINCOLN. Mr. President, I would request that the Members of the Democratic caucus report to the caucus room immediately.

The PRESIDENT. For purposes of Democratic and Republican 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.

CONSIDERATION OF CALENDAR RESUMED

FINAL PASSAGE CALENDAR

BILL OVER IN ORDER TEMPORARILY

SB 972 — Without objection, the bill was passed over in its order temporarily at the request of Senator BRIGHTBILL.

THIRD CONSIDERATION CALENDAR

BILLS REREPORTED FROM COMMITTEE AS AMENDED OVER IN ORDER TEMPORARILY

SB 1055 and **1106** — Without objection, the bills were passed over in their order temporarily at the request of Senator BRIGHTBILL.

PREFERRED APPROPRIATION BILL OVER IN ORDER TEMPORARILY

HB 537 — Without objection, the bill was passed over in its order temporarily at the request of Senator BRIGHTBILL.

LEGISLATIVE LEAVES

Senator MELLOW. Mr. President, I request temporary Capitol leaves for Senator Fattah, Senator Fumo and Senator Lincoln.

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

LEGISLATIVE LEAVE CANCELLED

Senator BRIGHTBILL. Mr. President, would you remove Senator Armstrong from leave, please.

The PRESIDENT. Without objection, Senator Armstrong's temporary Capitol leave will be cancelled.

THIRD CONSIDERATION CALENDAR RESUMED

PREFERRED APPROPRIATION BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

SB 1095 (Pr. No. 1351) — The Senate proceeded to consideration of the bill, entitled:

An Act itemizing appropriations required from the Motor License Fund for the fiscal year July 1, 1989, to June 30, 1990, for the proper operation of the several departments of the Commonwealth and the Pennsylvania State Police authorized to spend Motor License Fund moneys.

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—50

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

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.

LEGISLATIVE LEAVES CANCELLED

The PRESIDENT. The Chair would recognize the presence on the floor of Senator Williams, Senator Scanlon, Senator Regoli, Senator Andrezeski, Senator Fattah and Senator Rhoades. Their temporary Capitol leaves will be cancelled.

THIRD CONSIDERATION CALENDAR RESUMED

BILL OVER IN ORDER TEMPORARILY

SB 34 — Without objection, the bill was passed over in its order temporarily at the request of Senator BRIGHTBILL.

BILL ON THIRD CONSIDERATION AMENDED

HB 52 (Pr. No. 2079) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of January 24, 1966 (1965 P. L. 1535, No. 537), known as the "Pennsylvania Sewage Facilities Act," further providing for the Advisory Committee; further providing for the approval of certain plans, for permits, for the powers and duties of local agencies, the certification board, the Environmental Quality Board and the department; and reestablishing the State Board for Certification of Sewage Enforcement Officers pursuant to the Sunset Act.

Considered the third time,

On the question,

Will the Senate agree to the bill on third consideration?

Senator MUSTO, by unanimous consent, offered the following amendment No. A2353:

Amend Sec. 8, page 15, line 25, by striking out all of said line and inserting:

Section 8. This act shall take effect as follows:

(1) The amendment to section 5(e) of the act shall take effect in 90 days.

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

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 MUSTO.

BILLS OVER IN ORDER TEMPORARILY

SB 104 and **HB 168** — Without objection, the bills were passed over in their order temporarily at the request of Senator BRIGHTBILL.

BILL OVER IN ORDER

HB 439 — Without objection, the bill was passed over in its order at the request of Senator BRIGHTBILL.

BILLS ON THIRD CONSIDERATION AND FINAL PASSAGE

SB 621 (Pr. No. 1293) — The Senate proceeded to consideration of the bill, entitled:

An Act establishing a drug treatment and rehabilitation and academic and vocational program for youthful and juvenile offenders in the Department of Corrections; and making an appropriation.

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—50

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

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 622 (Pr. No. 1236) — The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, providing for drug treatment and rehabilitation for certain persons involved in drug-related offenses.

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—50

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

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 625 (Pr. No. 1312) — The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, providing for reporting of persons convicted of drug offenses to the Department of Revenue.

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—50

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

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 633 (Pr. No. 676) — The Senate proceeded to consideration of the bill, entitled:

An Act providing for the creation of a Statewide program to support and guide public schools in this Commonwealth in the establishment of extended school day-care programs for latchkey children; defining eligibility; further providing for the powers and duties of the Department of Public Welfare; and making an allocation.

Considered the third time,

On the question,

Will the Senate agree to the bill on third consideration?

Senator REIBMAN, by unanimous consent, offered the following amendment No. A1531:

Amend Title, page 1, lines 3 and 4, by striking out "extended school day-care programs for latchkey children" and inserting: child-care programs

Amend Title, page 1, lines 5 and 6, by striking out "Public" in line 5 and all of line 6 and inserting: Education; establishing the Office of Child Care and conferring powers and duties upon it; and making an appropriation.

Amend Sec. 1, page 1, line 10, by striking out "Latchkey" and inserting: School Child-Care

Amend Sec. 2, page 1, lines 13 through 19; page 2, lines 1 through 5, by striking out all of said lines on said pages and inserting:

The purpose of this act is to encourage and support child-care services in public schools. School districts shall be encouraged to make available as many components of a comprehensive child-care program as practicable, including all of the following:

- (1) Intergenerational and infant-toddler care for children under the age of three.
- (2) Care for children three and four years of age.
- (3) Care for children aged five through 12.
- (4) Early identification and intervention for children with special needs.
- (5) Head Start.
- (6) Pregnancy and parenting instructions for teenagers.
- (7) Child care for children of students.
- (8) Title XX child care under Title XX of the Social Security Act (Public Law 74-271, 42 U.S.C. § 1397 et seq.).

Amend Sec. 3, page 2, line 10, by striking out "Public Welfare" and inserting: Education

Amend Bill, page 2, lines 12 through 24, by striking out all of said lines and inserting:

Section 4. Office of Child Care.

There is established in the department, under the Office of Basic Education, the Office of Child Care. The Office of Child Care has the following powers and duties:

- (1) To review and insure that the regulations and programs of the department encourage and promote the establishment of child-care programs in public schools.
- (2) To review regulations and policies of other administrative agencies and to coordinate those regulations and policies in order to avoid the impairment of the development of child-care programs in public schools.
- (3) To develop and sustain interagency agreements on child care among the Department of Public Welfare, the Department of Labor and Industry, the Department of Aging and other agencies.
- (4) To administer child care in the schools except for infant-toddler care for children under the age of three. This paragraph includes rulemaking authority.
- (5) To facilitate the establishment of child-care programs by school boards, school superintendents, parents' groups and others.

Amend Sec. 4, page 2, line 25, by striking out "4" and inserting: 5

Amend Sec. 5, page 3, line 21, by striking out "5" and inserting: 6

Amend Sec. 5, page 3, line 25, by inserting a comma after "agency"

Amend Sec. 5, page 3, line 25, by striking out "department" and inserting: Department of Public Welfare

Amend Sec. 5, page 3, lines 26 and 27, by striking out "before or after the regular school day"

Amend Sec. 5, page 4, lines 4 and 5, by striking out "before or after the regular school day, during the regular school year,"

Amend Sec. 5, page 4, line 13, by striking out "extended"

Amend Sec. 5, page 4, line 30, by striking out "department" and inserting: Department of Public Welfare

Amend Sec. 6, page 5, lines 8 through 13, by striking out all of said lines and inserting:

Section 7. Appropriation.

The sum of \$1,500,000, or as much thereof as may be necessary, is hereby appropriated to the Department of Education for the fiscal year July 1, 1989, to June 30, 1990, to carry out the provisions of this act.

Amend Sec. 7, page 5, line 14, by striking out "7" and inserting: 8

Amend Sec. 8, page 5, line 20, by striking out "8" and inserting: 9

On the question,

Will the Senate agree to the amendment?

Senator REIBMAN. Mr. President, I have a few floor remarks that I would like to extend for the interest of my colleagues. Senate Bill No. 633 is a bill that provides for latchkey children and changes the appropriation from the Department of Public Welfare to the Department of Education. I have offered an amendment for the reason that a real and urgent need exists for additional latchkey programs across the state for children of working parents. Tens of thousands of children go home each day to an empty house. Some of them fall prey to the influence of street gangs and drug dealers. Latchkey is only one of eight identified components of providing comprehensive child care services, and the key here is "comprehensive." These components go far beyond latchkey to include Head Start, early intervention for children at risk, teen pregnancy counseling and child care for infants of students, programs critical to providing well-rounded care for Pennsylvania's children and necessary to give our children the guidance and help they need to grow into productive adults. My amendment to Senate Bill No. 633 would include all these components and use the Department of Education, rather than DPW, to work with the public schools to promote these programs. A bureau of child care would be established in the Department of Education to coordinate and facilitate the provision of these programs.

School is the common denominator in children's lives regardless of personal or family factors. The schools which have seen themselves not exclusively as educators, but rather as part of a system of service providers, have made a commitment to the total existence of the child and the family. A case in point is the Farrell Area School District in the district of the gentleman from Mercer, Senator Wilt. The Farrell area shares in many of the economic difficulties experienced throughout western Pennsylvania with the decline of the heavy manufacturing sector. The Farrell Area School District has made a long-standing commitment to its children by participating in cooperative and comprehensive child and family oriented programs. The district participates in more child care components than any other district in the state, and the results are amazing. This area, where unemployment and underemployment remain a stark reality, has a school drop-out rate of 1.7 percent. That compares to a 22 percent rate statewide. Imagine what could be done in other areas in other parts of our state if we gave local school districts the help they need to replicate Farrell's achievements. Making such an investment now, in our school-age children of today, will certainly reap untold benefits for our state in the years ahead and give many of these children the direction they need for a successful future. The schools are the logical leaders in providing child care programs, and the Department of Education should be given the resources to assist local school districts. That is what

my amendment would accomplish. The Department of Education has pilot projects in a number of school districts across Pennsylvania. Lancaster City School District in the district of the gentleman from Lancaster, Senator Armstrong, received over \$100,000 to create an infant child care center to serve teenage parents' children. Berks County Intermediate Unit 14 is creating latchkey programs in two districts and expanding five other sites with a \$133,000 grant through the Department of Education. Pittsburgh city schools are expanding early childhood intervention programs as well as teenage parenting, latchkey and other child care components with a \$222,000 grant.

The Department of Education wants to expand these successful programs across Pennsylvania, but that does take money. My amendment includes a \$1.5 million appropriation for the department to expand its school child care assistance program, money that would be wisely invested in the next generation, while Senate Bill No. 633 as written forces a reallocation of \$1.5 million from existing Department of Public Welfare child care funding to expand latchkey and send it over to the Department of Education for just that program. My amendment would appropriate \$1.5 million to the Department of Education to further expand these eight child care components without jeopardizing the latchkey programs currently funded by the Department of Public Welfare. The Department of Public Welfare has already stretched its budget for child care. Much of the DPW child care funding is used for subsidized child care to enable low income parents to maintain their self-sufficiency without jeopardizing the well-being of their children. DPW also has the latchkey program funded with this \$1.6 million, \$1.4 million of that in state money and the other \$200,000 in federal funds.

The department has contracted with consultants to establish latchkey programs which are generally operated through other providers such as the YWCAs and the YMHAs. There are 2,300 children in the central Pennsylvania region who use the DPW pilot latchkey programs. If DPW under Senate Bill No. 633 as written is forced to hand this money over to the Department of Education, these 2,300 children may be left out in the streets after school without supervision and direction. I am asking you to pass my amendment to save the DPW program that does serve thousands of school-age children in Pennsylvania, particularly low income, and to allocate the \$1.5 million to the Department of Education to expand other child care components in schools across the Commonwealth, including the latchkey children program. We are gaining ground here in Pennsylvania in providing quality services for our youth. We cannot afford to step backwards by jeopardizing existing child care programs. Rather, we must look ahead and provide these much needed services for Pennsylvania's children. For the children of our state and the generations yet to come, I urge you to invest in their futures. It will be money well spent. I ask support for this amendment.

LEGISLATIVE LEAVE CANCELLED

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

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

Senator HOPPER. Mr. President, I am asking for a "no" vote on the amendment of the lady from Northampton, Senator Reibman. The purpose of Senate Bill No. 633 is to encourage and support child care services and latchkey services in particular. It is not to develop a comprehensive child care program. The latchkey problem nationally is estimated to be about six million youngsters between the ages of five and twelve, who, while their mother and dad are working, are running the streets and are being subjected to unscrupulous people. They are subjected to pornography and all sorts of not so very nice things. In the southeast region alone, Montgomery, Chester, Bucks, Delaware and Philadelphia Counties, it is estimated there are 118,000 youngsters in this category who have no supervision after school hours or are not in school, from the ages of five to twelve, until their mother or their father gets home and can exercise proper supervision. As far as the funding is concerned, there is money in the Department of Welfare. There is at least \$1,500,000 now to fund this the first time, and the reason we cannot put a specific figure on the situation is we do not know how many children in Pennsylvania will be subject to the latchkey program. This bill, as I said, is not to develop a comprehensive child care program which includes Head Start and all of the things that Senator Reibman has referred to. Therefore, I ask for a "no" vote on the amendment and a "yes" vote on Senate Bill No. 633.

Senator REIBMAN. Mr. President, in no way does my amendment jeopardize the Department of Welfare in their program for latchkey children. The department now, under the appropriation which they have, \$1.4 million, plus money from federal funds is used now to have programs for latchkey children to provide for consultants to help them with their contracts. For the most part, most of those programs are provided under the auspices of private agencies. What I am asking for is, do not touch that, let the DPW run their program. We set it up in the Department of Education so that there can be a coordination of both programs to include a comprehensive child care program that would expand latchkey children and provide for the other kind of programs that will keep children off the streets and away from the hands of drug dealers and all of the horrible things that we find children doing when their parents are at work. As a matter of fact, my amendment strengthens the latchkey program as well as providing a comprehensive program that this state ought to be in the forefront of providing at a very minimal cost of an additional \$1.5 million.

LEGISLATIVE LEAVES

Senator BRIGHTBILL. Mr. President, I would ask for Capitol leaves for Senator Hess and Senator Corman.

The PRESIDENT. Senator Brightbill requests temporary Capitol leaves for Senator Hess and Senator Corman. The Chair hears no objection. Those temporary Capitol leaves will be granted.

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

Senator BRIGHTBILL. Mr. President, the goals and objectives of the lady from Northampton, Senator Reibman, are certainly goals and objectives that we share and are important objectives. We would ask for a negative vote on the amendment, however, because the impact of the amendment is to give new powers and duties to the Department of Education, a department that is already under fire for not doing some of the things that it is already legislatively mandated to do. We would note that the programs here would be carried out through the schools, and we would also note that there is a \$1.5 million appropriation. We are in the budget time, and without that money being appropriated, we would indicate that the program would not be able to move forward. We would ask for a negative vote.

Senator REIBMAN. Mr. President, while the department may be under fire for a variety of reasons, it should have no bearing whatsoever on this amendment. In the first place, the department has some model programs—and I think I outlined them—the Farrell School District, Pittsburgh City School Districts, the Lancaster School District. Those are not under fire. Those are programs that are successful. Why should we take out upon the children of Pennsylvania our displeasure because there has been some controversy with respect to, perhaps, the former Secretary of Education. It is a very poor excuse to deny the children of Pennsylvania what my esteemed colleague on the other side of the aisle has called a very good program, and those are the objectives. We do not expect this program to be in place very soon. I would suggest that we pass this legislation. Let it go over to the House, let it take its natural course, and in the meantime, give this encouragement and this signal not only to the Department of Education but also to the parents of at-risk children, knowing that we are going to do something about this and then fund this later on in the year.

Senator HOPPER. Mr. President, I would like to make the observation that this amendment was considered by the Senate Committee on Education on May 23rd and defeated, and now it is being presented on the floor. I agree that the lady from Northampton, Senator Reibman, has some good points, but the purpose of latchkey is not to develop a comprehensive child care program. I think that concept should be introduced separately from latchkey since latchkey is a national problem in addition to being a Pennsylvania problem. As I said before, in the southeastern region there are over 118,000 youngsters who suffer from lack of latchkey. I urge a "no" vote on the amendment and a "yes" vote on Senate Bill No. 633.

LEGISLATIVE LEAVE

Senator MELLOW. Mr. President, I ask for temporary Capitol leave for Senator Scanlon.

The PRESIDENT. Senator Mellow requests temporary Capitol leave for Senator Scanlon. The Chair hears no objection. The leave will be granted.

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

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

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

The PRESIDENT. The gentleman will be so recorded.

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

YEAS—23

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

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.

LEGISLATIVE LEAVE

Senator BRIGHTBILL. Mr. President, could we have a temporary Capitol leave for Senator Greenleaf.

The PRESIDENT. Senator Brightbill requests temporary Capitol leave for Senator Greenleaf. The Chair hears no objection. The leave will be granted.

LEGISLATIVE LEAVES CANCELLED

The PRESIDENT. The Chair recognizes the presence on the floor of Senator Loeper, Senator Tilghman, Senator Fumo and Senator Lincoln. Their temporary Capitol leaves will be cancelled.

And the question recurring,
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?

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

YEAS—50

Afflerbach	Greenleaf	Madigan	Ross
Andrezeski	Greenwood	Mellow	Salvatore
Armstrong	Helfrick	Musto	Scanlon
Baker	Hess	O'Pake	Shaffer
Belan	Holl	Pecora	Shumaker
Bell	Hopper	Peterson	Stapleton
Bodack	Jones	Porterfield	Stewart
Brightbill	Jubelirer	Punt	Stout
Corman	Lemmond	Regoli	Tilghman

Dawida	Lewis	Reibman	Wenger
Fattah	Lincoln	Rhoades	Williams
Fisher	Loeper	Rocks	Wilt
Fumo	Lynch		

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.

BILLS OVER IN ORDER

SB 682 and HB 691 — Without objection, the bills were passed over in their order at the request of Senator BRIGHTBILL.

HB 168 CALLED UP

HB 168 (Pr. No. 2145) — Without objection, the bill, which previously went over in its order temporarily, was called up, from page 3 of the Third Consideration Calendar, by Senator BRIGHTBILL.

BILL ON THIRD CONSIDERATION REVERTED TO PRIOR PRINTER'S NUMBER AND OVER IN ORDER TEMPORARILY

HB 168 (Pr. No. 2145) — The Senate proceeded to consideration of the bill, entitled:

An Act prohibiting the sale, manufacture, distribution or use of certain cleaning agents containing phosphates; conferring powers and duties on the Environmental Quality Board and the Department of Environmental Resources; and providing penalties.

Considered the third time,

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

MOTION TO REVERT TO PRIOR PRINTER'S NUMBER

Senator TILGHMAN. Mr. President, on House Bill No. 168, I move that we revert to the prior Printer's Number, which would be Printer's No. 553.

The PRESIDENT. Senator Tilghman moves that we revert to prior Printer's No. 553 on House Bill No. 168.

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

Senator BODACK. Mr. President, I would remind the Members of our caucus that we are asking for a "no" vote on this bill.

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

The yeas and nays were required by Senator TILGHMAN 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 Greenleaf	Jubelirer Lemmond	Rhoades Rocks	Wilt
NAYS—22			
Afflerbach	Fumo	O'Pake	Scanlon
Andrezeski	Jones	Porterfield	Stapleton
Belan	Lewis	Regoli	Stewart
Bodack	Lynch	Reibman	Stout
Dawida	Mellow	Ross	Williams
Fattah	Musto		

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

The PRESIDENT. The Senate now has before it House Bill No. 168, Printer's No. 553.

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

LEGISLATIVE LEAVES

Senator BODACK. Mr. President, I request temporary Capitol leaves for Senator Fumo and Senator Lincoln.

The PRESIDENT. Senator Bodack requests temporary Capitol leaves for Senator Fumo and Senator Lincoln. The Chair hears no objection. Those leaves will be granted.

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

Senator PUNT. Mr. President, I rise today to urge my colleagues to support House Bill No. 168, which will at long last ban phosphate detergents that are polluting the Chesapeake Bay, one of the nation's most beautiful natural resources. Although we have passed our own bill here in the Senate that attacks the phosphate problem, pride of authorship must take a back seat to preserving the fragile environment of the Chesapeake. Let us examine a few important facts that demonstrate the urgency of getting the phosphate ban enacted into law. Fifty percent of the fresh water that enters the Chesapeake comes from Pennsylvania. Water from more than half of Pennsylvania counties drain into the bay. Phosphates contained in water that enters the bay reduce the oxygen levels in the Chesapeake which threatens fish and other aquatic life. Maryland and Virginia, the two other Chesapeake Bay states, have already enacted phosphate bans and have demonstrated their commitment to preserving the Chesapeake Bay. Now we have our chance to demonstrate our commitment to the bay, which thousands of Pennsylvanians visit and enjoy each year, including myself. Two weeks ago I went sailing and had a few catches—fish. House Bill No. 168, which stands on the brink of passage, represents an important first step in preserving the pristine beauty of the Chesapeake Bay. Waiting for the Senate bill to work its way through the remainder of the legislative process will only serve to threaten the chance that the phosphate ban will go into effect on March 1, 1990. That is a chance that the wildlife of the bay cannot afford.

Mr. President, we must move and move expeditiously to get the phosphate ban on the Governor's desk. The best chance we have is House Bill No. 168, and a "yes" vote for this bill is a vote for a clean and healthy Chesapeake Bay.

Senator BODACK. Mr. President, may we be at ease for a moment.

The PRESIDENT. The Senate will be at ease.
(The Senate was at ease.)

Senator BRIGHTBILL. Mr. President, could we go over House Bill No. 168 temporarily?

The PRESIDENT. The Senate will be at ease.
(The Senate was at ease.)

The PRESIDENT. Senator Brightbill has asked that this bill go over temporarily. Without objection, this bill will go over in its order temporarily.

LEGISLATIVE LEAVE CANCELLED

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

THIRD CONSIDERATION CALENDAR RESUMED

**BILLS ON THIRD CONSIDERATION
AND FINAL PASSAGE**

SB 873 (Pr. No. 994) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of July 3, 1985 (P. L. 164, No. 45), entitled "Emergency Medical Services Act," limiting the use of money from the Emergency Medical Services Operating Fund.

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—50

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

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

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for determination of certain suspensions of operating privileges.

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—50

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

NAYS—0

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

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

BILL OVER IN ORDER

HB 1392 — Without objection, the bill was passed over in its order at the request of Senator BRIGHTBILL.

SECOND CONSIDERATION CALENDAR

PREFERRED APPROPRIATION BILLS ON SECOND CONSIDERATION AND RECOMMITTED

HB 538 (Pr. No. 600) — The Senate proceeded to consideration of the bill, entitled:

An Act making an appropriation from a restricted revenue account within the General Fund to the Office of Consumer Advocate.

Considered the second time and agreed to,

Ordered, To be printed for third consideration.

Upon motion of Senator BRIGHTBILL, and agreed to, the bill just considered was recommitted to the Committee on Appropriations.

HB 954 (Pr. No. 2221) — The Senate proceeded to consideration of the bill, entitled:

An Act making an appropriation from a restricted revenue account within the General Fund to the Office of Small Business Advocate in the Department of Commerce; and providing for the initial assessment.

Considered the second time and agreed to,

Ordered, To be printed for third consideration.

Upon motion of Senator BRIGHTBILL, and agreed to, the bill just considered was recommitted to the Committee on Appropriations.

PREFERRED APPROPRIATION BILLS ON SECOND CONSIDERATION

HB 1517 (Pr. No. 2225) — The Senate proceeded to consideration of the bill, entitled:

An Act itemizing appropriations required from the Motor License Fund for the fiscal year July 1, 1989, to June 30, 1990, for the proper operation of the several departments of the Commonwealth and the Pennsylvania State Police authorized to spend Motor License Fund moneys.

Considered the second time and agreed to,

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

HB 1518 (Pr. No. 1772) — The Senate proceeded to consideration of the bill, entitled:

An Act making appropriations from the Professional Licensure Augmentation Account and from restricted revenue accounts within the General Fund to the Department of State for use by the Bureau of Professional and Occupational Affairs in support of the professional licensure boards assigned thereto.

Considered the second time and agreed to,

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

HB 1519 (Pr. No. 2228) — The Senate proceeded to consideration of the bill, entitled:

An Act making an appropriation from the State Employees' Retirement Fund to provide for expenses of the State Employees' Retirement Board for the fiscal year July 1, 1989, to June 30, 1990, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 1989.

Considered the second time and agreed to,

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

HB 1520 (Pr. No. 1774) — The Senate proceeded to consideration of the bill, entitled:

An Act making an appropriation from the Public School Employees' Retirement Fund to provide for expenses of the Public School Employees' Retirement Board for the fiscal year July 1, 1989, to June 30, 1990, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 1989.

Considered the second time and agreed to,

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

HB 1521 (Pr. No. 1775) — The Senate proceeded to consideration of the bill, entitled:

An Act making appropriations from the Workmen's Compensation Administration Fund to the Department of Labor and Industry to provide for the expenses of administering The Pennsylvania Workmen's Compensation Act and The Pennsylvania Occupational Disease Act for the fiscal year July 1, 1989, to June 30, 1990, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 1989.

Considered the second time and agreed to,

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

HB 1522 (Pr. No. 1776) — The Senate proceeded to consideration of the bill, entitled:

An Act making appropriations to the Treasury Department out of various funds for payment of general obligation debt service.

Considered the second time and agreed to,

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

HB 1731 (Pr. No. 2108) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of March 4, 1988 (P. L. 1925, No. 1A), entitled "An act appropriating money from the Sunny Day Fund to the Department of Commerce for various projects throughout this Commonwealth for fiscal year 1987-1988," further providing for the award and expenditure of funds for certain projects.

Considered the second time and agreed to,

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

HB 1732 (Pr. No. 2109) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of December 17, 1988 (P. L. 2242, No. 69A), entitled "An act appropriating money from the Sunny Day Fund to the Department of Commerce for various projects throughout this Commonwealth for fiscal year 1988-1989," further providing for the award of funds for certain projects.

Considered the second time and agreed to,

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

NONPREFERRED APPROPRIATION BILLS ON SECOND CONSIDERATION

HB 1469 (Pr. No. 2174) — The Senate proceeded to consideration of the bill, entitled:

A Supplement to the act of April 1, 1863 (P. L. 213, No. 227), entitled "An act to accept the grant of Public Lands, by the United States, to the several states, for the endowment of Agricultural Colleges," making appropriations for carrying the same into effect; providing for a basis for payments of such appropriations; and providing a method of accounting for the funds appropriated.

Considered the second time and agreed to,

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

HB 1470 (Pr. No. 2175) — The Senate proceeded to consideration of the bill, entitled:

A Supplement to the act of July 28, 1966 (3rd Sp. Sess., P. L. 87, No. 3), entitled "An act providing for the establishment and operation of the University of Pittsburgh as an instrumentality of the Commonwealth to serve as a State-related university in the higher education system of the Commonwealth; providing for change of name; providing for the composition of the board of trustees; terms of trustees, and the power and duties of such trustees; authorizing appropriations in amounts to be fixed annually by the General Assembly; providing for the auditing of accounts of expenditures from said appropriations; providing for public support and capital improvements; authorizing the issuance of bonds exempt from taxation within the Commonwealth; requir-

ing the chancellor to make an annual report of the operations of the University of Pittsburgh," making appropriations for carrying the same into effect; providing for a basis for payments of such appropriations; and providing a method of accounting for the funds appropriated.

Considered the second time and agreed to,

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

HB 1471 (Pr. No. 2176) — The Senate proceeded to consideration of the bill, entitled:

A Supplement to the act of November 30, 1965 (P. L. 843, No. 355), entitled "An act providing for the establishment and operation of Temple University as an instrumentality of the Commonwealth to serve as a State-related university in the higher education system of the Commonwealth; providing for change of name; providing for the composition of the board of trustees; terms of trustees, and the power and duties of such trustees; providing for preference to Pennsylvania residents in tuition; providing for public support and capital improvements; authorizing appropriations in amounts to be fixed annually by the General Assembly; providing for the auditing of accounts of expenditures from said appropriations; authorizing the issuance of bonds exempt from taxation within the Commonwealth; requiring the President to make an annual report of the operations of Temple University," making appropriations for carrying the same into effect; providing for a basis for payments of such appropriations; and providing a method of accounting for the funds appropriated.

Considered the second time and agreed to,

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

HB 1472 (Pr. No. 2177) — The Senate proceeded to consideration of the bill, entitled:

A Supplement to the act of July 7, 1972 (P. L. 743, No. 176), entitled "An act providing for the establishment and operation of Lincoln University as an instrumentality of the Commonwealth to serve as a State-related institution in the higher education system of the Commonwealth; providing for change of name; providing for the composition of the board of trustees; terms of trustees; and the power and duties of such trustees; providing for preference to Pennsylvania residents in tuition; authorizing appropriations in amounts to be fixed annually by the General Assembly; providing for the auditing of accounts of expenditures from said appropriations; providing for public support and capital improvements; authorizing the issuance of bonds exempt from taxation within the Commonwealth; requiring the President to make an annual report of the operations of Lincoln University," making appropriations for carrying the same into effect; providing for a basis for payments of such appropriations; and providing a method of accounting for the funds appropriated.

Considered the second time and agreed to,

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

HB 1473 (Pr. No. 2178) — The Senate proceeded to consideration of the bill, entitled:

An Act making appropriations to the Trustees of the University of Pennsylvania.

Considered the second time and agreed to,

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

HB 1474 (Pr. No. 2179) — The Senate proceeded to consideration of the bill, entitled:

An Act making appropriations to the Hahnemann University, Philadelphia.

Considered the second time and agreed to,

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

HB 1475 (Pr. No. 2180) — The Senate proceeded to consideration of the bill, entitled:

An Act making appropriations to the Thomas Jefferson University, Philadelphia.

Considered the second time and agreed to,

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

HB 1476 (Pr. No. 2181) — The Senate proceeded to consideration of the bill, entitled:

An Act making appropriations to The Medical College of Pennsylvania, East Falls, Philadelphia.

Considered the second time and agreed to,

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

HB 1477 (Pr. No. 2182) — The Senate proceeded to consideration of the bill, entitled:

An Act making an appropriation to the Philadelphia College of Osteopathic Medicine, Philadelphia.

Considered the second time and agreed to,

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

HB 1478 (Pr. No. 2183) — The Senate proceeded to consideration of the bill, entitled:

An Act making an appropriation to the Trustees of Drexel University, Philadelphia.

Considered the second time and agreed to,

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

HB 1479 (Pr. No. 2184) — The Senate proceeded to consideration of the bill, entitled:

An Act making an appropriation to the Delaware Valley College of Science and Agriculture at Doylestown.

Considered the second time and agreed to,

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

HB 1480 (Pr. No. 2185) — The Senate proceeded to consideration of the bill, entitled:

An Act making an appropriation to the Philadelphia University of the Arts, Philadelphia.

Considered the second time and agreed to,

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

HB 1481 (Pr. No. 2186) — The Senate proceeded to consideration of the bill, entitled:

An Act making an appropriation to the Philadelphia College of Textiles and Science.

Considered the second time and agreed to,

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

HB 1482 (Pr. No. 2187) — The Senate proceeded to consideration of the bill, entitled:

An Act making appropriations to the Trustees of the Berean Training and Industrial School at Philadelphia.

Considered the second time and agreed to,

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

HB 1483 (Pr. No. 2188) — The Senate proceeded to consideration of the bill, entitled:

An Act making appropriations to the Downingtown Industrial and Agricultural School, Downingtown.

Considered the second time and agreed to,

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

HB 1484 (Pr. No. 2189) — The Senate proceeded to consideration of the bill, entitled:

An Act making an appropriation to the Johnson Technical Institute of Scranton.

Considered the second time and agreed to,

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

HB 1485 (Pr. No. 2190) — The Senate proceeded to consideration of the bill, entitled:

An Act making an appropriation to the Williamson Free School of Mechanical Trades in Delaware County.

Considered the second time and agreed to,

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

HB 1486 (Pr. No. 2191) — The Senate proceeded to consideration of the bill, entitled:

An Act making an appropriation to the Pennsylvania College of Optometry, Philadelphia.

Considered the second time and agreed to,

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

HB 1487 (Pr. No. 2192) — The Senate proceeded to consideration of the bill, entitled:

An Act making an appropriation to the Pennsylvania College of Podiatric Medicine, Philadelphia.

Considered the second time and agreed to,

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

HB 1491 (Pr. No. 1745) — The Senate proceeded to consideration of the bill, entitled:

An Act making an appropriation to the Fox Chase Institute for Cancer Research, Philadelphia, for the operation and maintenance of the cancer research program.

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

HB 1492 (Pr. No. 1746) — The Senate proceeded to consideration of the bill, entitled:

An Act making appropriations to the Wistar Institute-Research, Philadelphia.

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

HB 1493 (Pr. No. 1747) — The Senate proceeded to consideration of the bill, entitled:

An Act making an appropriation to the Central Penn Oncology Group.

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

HB 1494 (Pr. No. 1748) — The Senate proceeded to consideration of the bill, entitled:

An Act making an appropriation to the Trustees of the University of Pennsylvania for cardiovascular studies.

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

HB 1495 (Pr. No. 1749) — The Senate proceeded to consideration of the bill, entitled:

An Act making an appropriation to the St. Francis Hospital, Pittsburgh.

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

HB 1496 (Pr. No. 1750) — The Senate proceeded to consideration of the bill, entitled:

An Act making appropriations to the St. Christopher's Hospital, Philadelphia.

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

HB 1497 (Pr. No. 1751) — The Senate proceeded to consideration of the bill, entitled:

An Act making an appropriation to the Lancaster Cleft Palate.
Considered the second time and agreed to,

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

HB 1498 (Pr. No. 1752) — The Senate proceeded to consideration of the bill, entitled:

An Act making an appropriation to the Pittsburgh Cleft Palate.

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

HB 1499 (Pr. No. 1753) — The Senate proceeded to consideration of the bill, entitled:

An Act making an appropriation to the Trustees of Jefferson Medical College and Hospital of Philadelphia for a comprehensive program relating to Tay-Sachs Disease.

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

HB 1500 (Pr. No. 1754) — The Senate proceeded to consideration of the bill, entitled:

An Act making an appropriation to the Burn Foundation of Greater Delaware Valley.

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

HB 1501 (Pr. No. 1755) — The Senate proceeded to consideration of the bill, entitled:

An Act making an appropriation to the Home for Crippled Children, Pittsburgh.

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

HB 1503 (Pr. No. 1757) — The Senate proceeded to consideration of the bill, entitled:

An Act making an appropriation to the Arsenal Family and Children's Center.

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

HB 1505 (Pr. No. 1759) — The Senate proceeded to consideration of the bill, entitled:

An Act making an appropriation to the Beacon Lodge Camp.

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

HB 1508 (Pr. No. 1762) — The Senate proceeded to consideration of the bill, entitled:

An Act making an appropriation to the Trustees of the University of Pennsylvania for the general maintenance and operation of the University of Pennsylvania Museum.

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

HB 1509 (Pr. No. 1763) — The Senate proceeded to consideration of the bill, entitled:

An Act making an appropriation to the Carnegie Museum of Natural History for maintenance and the purchase of apparatus, supplies and equipment.

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

HB 1510 (Pr. No. 1764) — The Senate proceeded to consideration of the bill, entitled:

An Act making an appropriation to the Franklin Institute Science Museum.

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

HB 1511 (Pr. No. 1765) — The Senate proceeded to consideration of the bill, entitled:

An Act making an appropriation to the Academy of Natural Sciences.

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

HB 1512 (Pr. No. 1766) — The Senate proceeded to consideration of the bill, entitled:

An Act making an appropriation to the Trustees of the Buhl Science Center.

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

HB 1513 (Pr. No. 1767) — The Senate proceeded to consideration of the bill, entitled:

An Act making an appropriation to the Museum of the Philadelphia Civic Center for maintenance and the purchase of apparatus, supplies and equipment.

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

HB 1514 (Pr. No. 1768) — The Senate proceeded to consideration of the bill, entitled:

An Act making an appropriation to the Afro-American Historical and Cultural Museum for operating expenses.

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

HB 1515 (Pr. No. 1769) — The Senate proceeded to consideration of the bill, entitled:

An Act making an appropriation to the Everhart Museum in Scranton.

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

BILL ON SECOND CONSIDERATION AND RECOMMITTED

HB 22 (Pr. No. 1978) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of July 2, 1984 (P. L. 561, No. 112), known as the "Pennsylvania Conservation Corps Act," further providing for educational opportunities, ability assessments, and terms of employment for corpsmembers; for the wages of corpsmembers and crewleaders; for corpsmember exchanges, annual reports, coordination with Job Training Partnership Act, and local conservation corps incubators; for program funding; and deleting the expiration of the act.

Considered the second time and agreed to,
Ordered, To be printed for third consideration.
Upon motion of Senator BRIGHTBILL, and agreed to, the bill just considered was recommitted to the Committee on Appropriations.

BILL OVER IN ORDER

HB 71 — Without objection, the bill was passed over in its order at the request of Senator BRIGHTBILL.

BILL OVER IN ORDER TEMPORARILY

HB 121 — Without objection, the bill was passed over in its order temporarily at the request of Senator BRIGHTBILL.

BILL OVER IN ORDER

HB 200 — Without objection, the bill was passed over in its order at the request of Senator BRIGHTBILL.

BILL ON SECOND CONSIDERATION

SB 257 (Pr. No. 264) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of March 10, 1949 (P. L. 30, No. 14), entitled "Public School Code of 1949," providing partial State reimbursement for mobile classroom facilities.

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

BILL OVER IN ORDER

HB 331 — Without objection, the bill was passed over in its order at the request of Senator BRIGHTBILL.

BILL ON SECOND CONSIDERATION

SB 332 (Pr. No. 343) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of March 4, 1971 (P. L. 6, No. 2), entitled "Tax Reform Code of 1971," excluding certain transactions from the realty transfer tax.

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

BILLS OVER IN ORDER

SB 355 and 401 — Without objection, the bills were passed over in their order at the request of Senator BRIGHTBILL.

BILL ON SECOND CONSIDERATION

SB 451 (Pr. No. 1244) — The Senate proceeded to consideration of the bill, entitled:

An Act providing for control and treatment of Lyme disease; and making appropriations.

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

BILLS OVER IN ORDER

SB 473, 474 and 559 — Without objection, the bills were passed over in their order at the request of Senator BRIGHTBILL.

BILL OVER IN ORDER TEMPORARILY

HB 756 — Without objection, the bill was passed over in its order temporarily at the request of Senator BRIGHTBILL.

BILLS ON SECOND CONSIDERATION

SB 867 (Pr. No. 1329) — The Senate proceeded to consideration of the bill, entitled:

An Act prohibiting certain conduct with respect to caves; prohibiting the sale of certain minerals; and imposing penalties.

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

SB 868 (Pr. No. 989) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of February 2, 1966 (1965 P. L. 1860, No. 586), entitled "An act encouraging landowners to make land and water areas available to the public for recreational purposes by limiting liability in connection therewith, and repealing certain acts;....," further defining "recreational purpose" to include cave exploration.

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

BILLS OVER IN ORDER

SB 902, 1001 and 1008 — Without objection, the bills were passed over in their order at the request of Senator BRIGHTBILL.

BILLS ON SECOND CONSIDERATION AND REREFERRED

SB 1065 (Pr. No. 1361) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of May 6, 1968 (P. L. 117, No. 61), entitled, as amended, "Site Development Act," providing for grants to be made for industrial site development projects.

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

Upon motion of Senator BRIGHTBILL, and agreed to, the bill just considered was rereferred to the Committee on Appropriations.

HB 1069 (Pr. No. 1217) — The Senate proceeded to consideration of the bill, entitled:

An Act amending Titles 24 (Education) and 71 (State Government) of the Pennsylvania Consolidated Statutes, further providing for the compensation and classification of persons appointed by the Public School Employees' Retirement Board and the State Employees' Retirement Board.

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

Upon motion of Senator BRIGHTBILL, and agreed to, the bill just considered was rereferred to the Committee on Appropriations.

HB 1293 (Pr. No. 2132) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of July 2, 1984 (P. L. 568, No. 113), known as the "Employee-Ownership Assistance Program Act," defining employee-owned enterprises; regulating technical assistance, financial assistance and program administration; further providing for the final date for approvals; and making repeals.

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

Upon motion of Senator BRIGHTBILL, and agreed to, the bill just considered was rereferred to the Committee on Appropriations.

BILL OVER IN ORDER

HB 1299 — Without objection, the bill was passed over in its order at the request of Senator BRIGHTBILL.

BILLS ON SECOND CONSIDERATION AND REREFERRED

HB 1301 (Pr. No. 2215) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of July 2, 1984 (P. L. 545, No. 109), known as the "Capital Loan Fund Act," extending the time limit for Class III and apparel industry loans or aid; and further providing for apparel industry loans.

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

Upon motion of Senator BRIGHTBILL, and agreed to, the bill just considered was rereferred to the Committee on Appropriations.

HB 1302 (Pr. No. 1505) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of July 2, 1984 (P. L. 553, No. 110), known as the "Engineering School Equipment Act," further providing for acquisition and upgrading of equipment and for the expiration of the act.

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

Upon motion of Senator BRIGHTBILL, and agreed to, the bill just considered was rereferred to the Committee on Appropriations.

HB 1429 (Pr. No. 2056) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of April 9, 1929 (P. L. 177, No. 175), known as "The Administrative Code of 1929," further providing for increased fees and additional fees for the Department of Labor and Industry.

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

Upon motion of Senator BRIGHTBILL, and agreed to, the bill just considered was rereferred to the Committee on Appropriations.

BILL OVER IN ORDER

HB 1573 — Without objection, the bill was passed over in its order at the request of Senator BRIGHTBILL.

BILL ON SECOND CONSIDERATION AND REREFERRED

HB 1694 (Pr. No. 2226) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of December 15, 1986 (P. L. 1585, No. 174), known as the "Private Licensed Schools Act," creating a special fund to serve as repository for license fees authorized by the act.

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

Upon motion of Senator BRIGHTBILL, and agreed to, the bill just considered was rereferred to the Committee on Appropriations.

SB 972 CALLED UP

SB 972 (Pr. No. 1118) — Without objection, the bill, which previously went over in its order temporarily, was called up, from page 1 of the Final Passage Calendar, by Senator BRIGHTBILL.

BILL ON THIRD CONSIDERATION AMENDED

SB 972 (Pr. No. 1118) — The Senate proceeded to consideration of the bill, entitled:

An Act designating the Province of Taiwan, Republic of China, as a "sister state."

On the question,
Shall the bill pass finally?

Senator BAKER. Mr. President, I offer the following amendment and ask for its adoption.

The PRESIDENT. The Chair would advise the gentleman that the bill is on final passage. It will be necessary for the Chair to entertain a motion to reconsider the vote by which it was agreed to on third consideration.

RECONSIDERATION OF SB 972

Senator BRIGHTBILL. Mr. President, I would move that we reconsider the vote by which the bill was passed on third consideration.

The PRESIDENT. Senator Brightbill moves that the vote by which Senate Bill No. 972 was agreed to on third consideration be reconsidered.

The motion was agreed to.

And the question recurring,

Will the Senate agree to the bill on third consideration?

Senator BAKER, by unanimous consent, offered the following amendment No. A2396:

Amend Sec. 3, page 1, line 15, by striking out "(a)"
Amend Sec. 3, page 2, lines 1 through 4, by striking out all of said lines

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 BAKER.

SPECIAL ORDER OF BUSINESS EXECUTIVE NOMINATIONS

EXECUTIVE SESSION

Motion was made by Senator WILT,
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 WILT. Mr. President, I call from the table certain nominations and ask for their consideration.

The Clerk read the nominations as follows:

MEMBER OF THE STATE BOARD OF BARBER EXAMINERS

June 15, 1989.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Thomas C. Bigler, 1049 East Brandon Drive, Chambersburg 17201, Franklin County, Thirty-third Senatorial District, for appointment as a member of the State Board of Barber Examiners, to serve for a term of three years and until his successor is appointed and qualified, but not longer than six months beyond that period, vice Vincent S. Grimaldi, Morton, whose term expired.

ROBERT P. CASEY.

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

April 28, 1989.

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, Julia A. Ansell, 217 Fourth Street, California 15419, Washington County, Forty-sixth Senatorial District, for reappointment 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, 1995, and until her successor is appointed and qualified.

ROBERT P. CASEY.

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

April 28, 1989.

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 R. Mascara, 831 Lincoln Avenue, Charleroi 15022, Washington County, Forty-sixth Senatorial District, for reappointment 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, 1995, and until his successor is appointed and qualified.

ROBERT P. CASEY.

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

April 28, 1989.

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 reappointment 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, 1995, and until her successor is appointed and qualified.

ROBERT P. CASEY.

MEMBER OF THE PENNSYLVANIA CANCER
CONTROL, PREVENTION AND RESEARCH
ADVISORY BOARD

May 10, 1989.

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, Nancy L. Bohnet, 42 Easton Road, Pittsburgh 15238, Allegheny County, Forty-fourth Senatorial District, for appointment as a member of the Pennsylvania Cancer Control, Prevention and Research Advisory Board, to serve for a term of four years and until her successor is appointed and qualified, vice Joyce M. Yasko, Sewickley, whose term expired.

ROBERT P. CASEY.

MEMBER OF THE PENNSYLVANIA CANCER
CONTROL, PREVENTION AND RESEARCH
ADVISORY BOARD

May 10, 1989.

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, Patricia M. Morley, 305 Brookway Road, Merion 19066, Montgomery County, Seventeenth Senatorial District, for reappointment as a member of the Pennsylvania Cancer Control, Prevention and Research Advisory Board, to serve for a term of four years and until her successor is appointed and qualified.

ROBERT P. CASEY.

MEMBER OF THE PENNSYLVANIA CANCER
CONTROL, PREVENTION AND RESEARCH
ADVISORY BOARD

May 10, 1989.

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, Rose S. Tucker, 295 State Street, Nanticoke 18634, Luzerne County, Fourteenth Senatorial District, for appointment as a member of the Pennsylvania Cancer Control, Prevention and Research Advisory Board, to serve for a term of four years and until her successor is appointed and qualified, vice Mary E. Wright, West Chester, whose term expired.

ROBERT P. CASEY.

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

May 2, 1989.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Thomas Tuffey, Ph.D., 1213 Youngs Lane, West Chester 19380, Chester County, Nineteenth Senatorial District, for appointment as a member of the Council of Trustees of Cheyney University of Pennsylvania of the State System of Higher Education, to serve until the third Tuesday of January, 1995, and until his successor is appointed and qualified, vice Kenneth D. Hill, Wayne, whose term expired.

ROBERT P. CASEY.

MEMBER OF THE BOARD OF TRUSTEES
OF EMBREEVILLE CENTER

May 31, 1989.

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, Rachel Cochlin Mullin, 1074 Forrest Road, West Chester 19382, Chester County, Nineteenth Senatorial District, for appointment as a member of the Board of Trustees of Embreeville Center, to serve until the third Tuesday of January, 1995, and until her successor is appointed and qualified, vice Alice E. Fling, Oxford, whose term expired.

ROBERT P. CASEY.

MEMBER OF THE STATE FARM
PRODUCTS SHOW COMMISSION

May 22, 1989.

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, C. Guy Rudy, R. D. #1, Box 570, Centre Hall 16828, Centre County, Thirty-fourth Senatorial District, for appointment as a member of the State Farm Products Show Commission, to serve for a term of four years and until his successor is appointed and qualified, vice Carolyn A. Rutter, Dover, whose term expired.

ROBERT P. CASEY.

MEMBER OF THE COUNCIL OF TRUSTEES OF
INDIANA UNIVERSITY OF PENNSYLVANIA

April 28, 1989.

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, Miriam K. Bradley, Apartment 606, Washington Plaza, 1420 Centre Avenue, Pittsburgh 15219, Allegheny County, Forty-third Senatorial District, for reappointment as a member of the Council of Trustees of Indiana University of Pennsylvania, to serve until the third Tuesday of January, 1995, and until her successor is appointed and qualified.

ROBERT P. CASEY.

MEMBER OF THE COUNCIL OF TRUSTEES OF
INDIANA UNIVERSITY OF PENNSYLVANIA

April 28, 1989.

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, Roy R. Fairman, 303 Highland Avenue, Punxsutawney 15767, Jefferson County, Forty-first 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, 1995, and until his successor is appointed and qualified, vice Ralph F. Roberts, Punxsutawney, whose term expired.

ROBERT P. CASEY.

MEMBER OF THE COUNCIL OF TRUSTEES OF
INDIANA UNIVERSITY OF PENNSYLVANIA

April 28, 1989.

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, Kim E. Lyttle, 319 West Walnut Street, Titusville 16354, Crawford County Fiftieth Senatorial District, for reappointment as a member of the Council of Trustees of Indiana University of Pennsylvania, to serve until the third Tuesday of January, 1995, and until his successor is appointed and qualified.

ROBERT P. CASEY.

MEMBER OF THE COUNCIL OF TRUSTEES OF
INDIANA UNIVERSITY OF PENNSYLVANIA

April 28, 1989.

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, Patrick J. Stapleton, Jr., 710 Croyland Avenue, Indiana 15701, Indiana County, Forty-first Senatorial District, for reappointment as a member of the Council of Trustees of Indiana University of Pennsylvania, to serve until the third Tuesday of January, 1995, and until his successor is appointed and qualified.

ROBERT P. CASEY.

MEMBER OF THE BOARD OF TRUSTEES OF
SHAMOKIN STATE GENERAL HOSPITAL

May 22, 1989.

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, Lois Little, 918 Chestnut Street, Kulpmont 17834, Northumberland County, Twenty-seventh Senatorial District, for reappointment as a member of the Board of Trustees of Shamokin State General Hospital, to serve until the third Tuesday of January, 1991, and until her successor is appointed and qualified.

ROBERT P. CASEY.

MEMBER OF THE BOARD OF TRUSTEES OF
SHAMOKIN STATE GENERAL HOSPITAL

May 22, 1989.

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, Daniel L. Venn, 1600 Fern Street, Shamokin 17872, Northumberland County, Twenty-seventh Senatorial District, for reappointment as a member of the Board of Trustees of Shamokin State General Hospital, to serve until the third Tuesday of January, 1995, and until his successor is appointed and qualified.

ROBERT P. CASEY.

MEMBER OF THE BOARD OF TRUSTEES OF
SHAMOKIN STATE GENERAL HOSPITAL

May 22, 1989.

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, Malcom C. Farrow, IV, 159 North Grant Street, Shamokin 17872, Northumberland County, Twenty-seventh Senatorial District, for reappointment as a member of the Board of Trustees of Shamokin State General Hospital, to serve until the third Tuesday of January, 1995, and until his successor is appointed and qualified.

ROBERT P. CASEY.

On the question,
Will the Senate advise and consent to the nominations?

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

YEAS—50

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

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.

NOMINATION TAKEN FROM THE TABLE

Senator WILT. Mr. President, I call from the table certain nomination and ask for its consideration.

The Clerk read the nomination as follows:

MEMBER OF THE STATE BOARD OF OPTOMETRY

April 11, 1989.

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 Cullinan, O.D., 100 Woodshire Drive, Pittsburgh 15215, Allegheny County, Forty-fourth Senatorial District, for appointment as a member of the State Board of Optometry, to serve for a term of four years and until his successor is appointed and qualified, but not longer than six months beyond that period, vice Robert A. Ginsburg, O.D., Hatboro, whose term expired.

ROBERT P. CASEY.

On the question,
Will the Senate advise and consent to the nomination?

Senator BODACK. Mr. President, may we be at ease for a moment.

The PRESIDENT. The Senate will be at ease.
(The Senate was at ease.)

MOTION WITHDRAWN AND NOMINATION LAID ON THE TABLE

Senator WILT. Mr. President, I withdraw my motion for consideration of this nomination and request that it be returned to the table.

The PRESIDENT. Senator Wilt withdraws his motion and requests that the nomination of Richard Cullinan be laid on the table. Without objection, the nomination will lie on the table.

EXECUTIVE SESSION RISES

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

The motion was agreed to.

SENATE RESOLUTION

MEMORIALIZING THE PRESIDENT AND UNITED STATES CONGRESS TO REQUEST THE CANADIAN GOVERNMENT TO REOPEN THE INVESTIGATION OF THE DECEMBER 12, 1985, AIRPLANE CRASH IN GANDER, NEWFOUNDLAND

Senators BELAN, PORTERFIELD, REGOLI, AFFLERBACH, STOUT, FISHER, PECORA and MELLOW offered the following resolution (Senate Resolution No. 91), which was read, considered and adopted:

In the Senate, June 28, 1989.

A RESOLUTION

Memorializing the President and United States Congress to request the Canadian Government to reopen the investigation of the December 12, 1985, airplane crash in Gander, Newfoundland.

WHEREAS, On December 12, 1985, an airplane crashed in Gander, Newfoundland, Canada, killing 256 people, including 248 members of the 101st Airborne Division of the United States Army; and

WHEREAS, An investigation took place in which the majority believed that ice on the wings caused the crash, while a minority believed that a bomb was the cause of the crash; and

WHEREAS, The investigatory board refuses to review any new evidence; therefore be it

RESOLVED, That the Senate of Pennsylvania memorialize the President and United States Congress to request the Canadian Government to reopen the investigation to include new evidence relating to the December 12, 1985, airplane crash at Gander, Newfoundland, Canada; and be it further

RESOLVED, That copies of this resolution be transmitted to the presiding officers of each house of Congress and to each member of Congress from Pennsylvania.

REQUEST FOR RECESS

Senator BRIGHTBILL. Mr. President, we would ask that the Senate be recessed for purposes of a number of committee meetings, including the Committee on Rules and Executive Nominations, the Committee on Appropriations, the Committee on Finance, the Committee on Intergovernmental Affairs and the Committee on State Government, and in

approximately fifteen to thirty minutes, there will be a Republican caucus. We would return at some point thereafter.

The PRESIDENT. Senator Brightbill has asked for a recess of the Senate to conduct a number of committee meetings. Prior to that, without objection, we will attempt to clear the desk so we can put the appropriate legislation into the appropriate committees.

COMMUNICATION FROM THE GOVERNOR

NOMINATION BY THE GOVERNOR REFERRED TO COMMITTEE

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

MEMBER OF THE STATE REGISTRATION BOARD FOR PROFESSIONAL ENGINEERS

June 28, 1989.

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, Florence Thompson (Public Member), 409 Center Street, Bloomsburg 17815, Columbia County, Twenty-seventh Senatorial District, for appointment as a member of the State Board for Professional Engineers, to serve until December 8, 1993 or until her successor is appointed and qualified, but not longer than six months beyond that period, vice Philip D. Rowe, Jr., Reading, resigned.

ROBERT P. CASEY.

HOUSE MESSAGES

HOUSE CONCURS IN SENATE BILL

The Clerk of the House of Representatives returned to the Senate **SB 872**, with the information the House has passed the same without amendments.

HOUSE BILLS FOR CONCURRENCE

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

June 28, 1989

HB 89, 744 and 1412 — Committee on Transportation.

HB 139 — Committee on Environmental Resources and Energy.

HB 183 — Committee on Public Health and Welfare.

HB 317 — Committee on Urban Affairs and Housing.

HB 652 and 682 — Committee on Judiciary.

HB 837, 838, 839 and 1401 — Committee on Local Government.

HB 1020 — Committee on Appropriations.

HB 1688 — Committee on Finance.

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:

June 28, 1989

Senators WILT, STAPLETON, SALVATORE, PETERSON, HELFRICK, PORTERFIELD, ROCKS and ANDREZESKI presented to the Chair **SB 1121**, entitled:

An Act amending the act of March 28, 1984 (P. L. 150, No. 28), entitled "Automobile Lemon Law," further providing for definitions of "new motor vehicle" and "purchaser."

Which was committed to the Committee on CONSUMER PROTECTION AND PROFESSIONAL LICENSURE, June 28, 1989.

Senators DAWIDA, PORTERFIELD, SALVATORE, REIBMAN, O'PAKE, LYNCH, PECORA, SHAFFER, FISHER, STAPLETON, JONES, BELAN, FATTAH and ANDREZESKI presented to the Chair **SB 1122**, entitled:

An Act amending the act of March 4, 1971 (P. L. 6, No. 2), entitled "Tax Reform Code of 1971," further providing for employment incentive payments.

Which was committed to the Committee on FINANCE, June 28, 1989.

Senators REIBMAN, PORTERFIELD, SALVATORE, JONES, BELL, BELAN, AFFLERBACH, O'PAKE, ANDREZESKI and REGOLI presented to the Chair **SB 1123**, entitled:

An Act requiring governmental contracts to require use of apparel products produced in the United States.

Which was committed to the Committee on COMMUNITY AND ECONOMIC DEVELOPMENT, June 28, 1989.

Senators REIBMAN, PORTERFIELD, SALVATORE, AFFLERBACH, RHOADES, O'PAKE and ANDREZESKI presented to the Chair **SB 1124**, entitled:

An Act amending the act of April 9, 1929 (P. L. 177, No. 175), entitled "The Administrative Code of 1929," providing for reporting in conformity with generally accepted accounting principles.

Which was committed to the Committee on FINANCE, June 28, 1989.

Senators REIBMAN, PORTERFIELD, SALVATORE, SHUMAKER, BELL, SHAFFER, JONES, BELAN, AFFLERBACH, ANDREZESKI and WILLIAMS presented to the Chair **SB 1125**, entitled:

An Act amending the act of April 9, 1929 (P. L. 177, No. 175), entitled "The Administrative Code of 1929," providing for equal rights between men and women; and making editorial changes.

Which was committed to the Committee on STATE GOVERNMENT, June 28, 1989.

Senators REIBMAN, PORTERFIELD, SALVATORE, BELAN, AFFLERBACH, FISHER, O'PAKE, ANDREZESKI and WILLIAMS presented to the Chair **SB 1126**, entitled:

An Act providing for an Associates in Education Program; and making an appropriation.

Which was committed to the Committee on EDUCATION, June 28, 1989.

Senators REIBMAN, PORTERFIELD, SALVATORE, JONES, STAPLETON, BELAN, SHAFFER, AFFLERBACH, FISHER, RHOADES, WENGER, O'PAKE, ANDREZESKI, REGOLI and WILLIAMS presented to the Chair **SB 1127**, entitled:

An Act providing a tax credit for donated equipment.

Which was committed to the Committee on FINANCE, June 28, 1989.

Senators REIBMAN, PORTERFIELD, SALVATORE, JONES, STAPLETON, BELAN, SHAFFER, AFFLERBACH, FISHER, RHOADES, WENGER, O'PAKE, ANDREZESKI, REGOLI and WILLIAMS presented to the Chair **SB 1128**, entitled:

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

Which was committed to the Committee on FINANCE, June 28, 1989.

Senators REIBMAN, PORTERFIELD, SALVATORE, JONES, STAPLETON, BELAN, SHAFFER, AFFLERBACH, FISHER, WENGER, O'PAKE, ANDREZESKI, REGOLI and WILLIAMS presented to the Chair **SB 1129**, entitled:

An Act providing a tax credit for donated services.

Which was committed to the Committee on FINANCE, June 28, 1989.

Senators REIBMAN, PORTERFIELD, SALVATORE, JONES, STAPLETON, BELAN, SHAFFER, AFFLERBACH, FISHER, RHOADES, O'PAKE, ANDREZESKI, REGOLI and WILLIAMS presented to the Chair **SB 1130**, entitled:

An Act providing a tax credit for summer internships for teachers.

Which was committed to the Committee on FINANCE, June 28, 1989.

Senator HELFRICK presented to the Chair **SB 1131**, entitled:

An Act authorizing and directing the Department of General Services, with the approval of the Governor and the Department of Agriculture, to convey to Snyder County a tract of land and the buildings erected thereon in Penn Township, Snyder County; and making a repeal.

Which was committed to the Committee on STATE GOVERNMENT, June 28, 1989.

Senator BAKER presented to the Chair **SB 1132**, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for a special license plate for amateur radio operators.

Which was committed to the Committee on TRANSPORTATION, June 28, 1989.

Senator BAKER presented to the Chair **SB 1133**, entitled:

An Act amending the act of August 9, 1955 (P. L. 323, No. 130), entitled "The County Code," further providing for grants or appropriations to historical societies.

Which was committed to the Committee on LOCAL GOVERNMENT, June 28, 1989.

Senators PETERSON, STAPLETON, CORMAN, STEWART, MUSTO, PUNT, STOUT, SHAFFER, GREENWOOD, RHOADES, WENGER, MADIGAN, O'PAKE, ANDREZESKI, WILT and LEMMOND presented to the Chair **SB 1134**, entitled:

An Act providing for municipal waste acceptable for landfills, transfer stations and resource recovery facilities; and providing penalties.

Which was committed to the Committee on ENVIRONMENTAL RESOURCES AND ENERGY, June 28, 1989.

Senators LOEPER, SALVATORE, BRIGHTBILL, ROCKS, JUBELIRER and TILGHMAN presented to the Chair **SB 1135**, entitled:

An Act making an appropriation to the Franklin Institute of Philadelphia.

Which was committed to the Committee on APPROPRIATIONS, June 28, 1989.

Senators PUNT, BRIGHTBILL, LEMMOND, BELL, MADIGAN, WENGER, SHUMAKER, CORMAN, HOPPER, RHOADES, BAKER and WILT presented to the Chair **SB 1136**, entitled:

An Act amending the act of August 26, 1971 (P. L. 351, No. 91), entitled "State Lottery Law," providing that there shall be no drawings or selections of winning tickets on Sundays.

Which was committed to the Committee on FINANCE, June 28, 1989.

Senator BELL presented to the Chair **SB 1137**, entitled:

An Act providing for the establishment of prevailing wages for certain airport employees.

Which was committed to the Committee on LABOR AND INDUSTRY, June 28, 1989.

Senators PUNT, JUBELIRER, FISHER and SHUMAKER presented to the Chair **SB 1138**, entitled:

An Act amending the act of August 11, 1967 (P. L. 205, No. 69), entitled "An act to validate conveyances and other instruments which have been defectively acknowledged," extending its effectiveness.

Which was committed to the Committee on JUDICIARY, June 28, 1989.

Senators STEWART and SHUMAKER presented to the Chair **SB 1139**, entitled:

An Act establishing the State Board of Professional Geologists and prescribing its powers and duties; providing for the certification of professional geologists; and appropriating funds collected.

Which was committed to the Committee on STATE GOVERNMENT, June 28, 1989.

Senators STEWART, LINCOLN, BELAN, BELL, HESS, PUNT, RHOADES, LYNCH, LEWIS, ROSS, STAPLETON, FISHER, PORTERFIELD, MADIGAN, WILT, STOUT, MUSTO, SHAFFER, ANDREZESKI, SHUMAKER, AFFLERBACH, CORMAN, DAWIDA, PECORA, REIBMAN and MELLOW presented to the Chair **SB 1140**, entitled:

An Act amending the act of December 19, 1988 (P. L. 1262, No. 156), entitled "Local Option Small Games of Chance Act," adding a definition of "license"; and further providing for penalties.

Which was committed to the Committee on STATE GOVERNMENT, June 28, 1989.

Senators DAWIDA, PORTERFIELD, REIBMAN, BODACK, STAPLETON, JONES, FISHER, ROCKS, LEWIS, AFFLERBACH, BELAN and ANDREZESKI presented to the Chair **SB 1141**, entitled:

An Act amending the act of May 17, 1921 (P. L. 682, No. 284), entitled "The Insurance Company Law of 1921," providing optional benefits from health care benefit plans.

Which was committed to the Committee on BANKING AND INSURANCE, June 28, 1989.

Senators STOUT, LYNCH, SHAFFER, BELAN and ANDREZESKI presented to the Chair **SB 1142**, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for the weighing and measurement of vehicles.

Which was committed to the Committee on TRANSPORTATION, June 28, 1989.

Senators STOUT, LYNCH, SHAFFER, BELAN and ANDREZESKI presented to the Chair **SB 1143**, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for length of vehicles, maximum gross weight of vehicles, registered gross weight of vehicles and maximum axle weight of vehicles.

Which was committed to the Committee on TRANSPORTATION, June 28, 1989.

Senators STOUT, LYNCH, SHAFFER, BELAN and ANDREZESKI presented to the Chair **SB 1144**, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, prohibiting pedalcycles on interstate or limited access highways.

Which was committed to the Committee on TRANSPORTATION, June 28, 1989.

Senator GREENLEAF presented to the Chair **SB 1145**, entitled:

An Act amending the act of April 12, 1951 (P. L. 90, No. 21), entitled, as reenacted and amended, "Liquor Code," providing for licenses for certain theaters in first class townships.

Which was committed to the Committee on LAW AND JUSTICE, June 28, 1989.

BILL SIGNED

The PRESIDENT (Lieutenant Governor Mark S. Singel) in the presence of the Senate signed the following bill:

SB 872.

SPECIAL ORDER OF BUSINESS ANNOUNCEMENTS BY THE SECRETARY

The SECRETARY. The Majority and Minority Leaders have given their permission for the following meetings to be held during today's Session: The Committee on Finance in the Rules room to consider House Bills No. 31, 285, 1373 and Senate Bill No. 1136 and the Committee on Appropriations to consider Senate Bill No. 627, House Bills No. 1197, 1198, 1740 and Senate Bills No. 626 and 1020.

RECESS

The PRESIDENT. For the purpose of a number of committee meetings, the first of which will be the Committee on Rules and Executive Nominations now convening in the Rules room at the rear of the Chamber, to be followed by a number of other committee meetings which will be announced by the Clerk, the Senate will stand in recess.

AFTER RECESS

The PRESIDING OFFICER (Noah W. Wenger) in the Chair.

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

SPECIAL ORDER OF BUSINESS ANNOUNCEMENT BY THE SECRETARY

The SECRETARY. The Majority and Minority Leaders have given their permission for the Committee on Community and Economic Development to meet off the floor to consider House Bills No. 110, 1323, 1378, 1700 and 1701.

The PRESIDING OFFICER. The Committee on Community and Economic Development will meet immediately in the Rules Committee room at the rear of the Senate Chamber. Would all Members of the Committee on Community and Economic Development please report to the Rules Committee room immediately.

RECESS

The PRESIDING OFFICER. The Senate will stand in recess.

AFTER RECESS

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

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

**SPECIAL ORDER OF BUSINESS
ANNOUNCEMENT BY THE SECRETARY**

The SECRETARY. The Majority and Minority Leaders have given their permission for the Committee on Appropriations to meet off the floor to consider House Bill No. 1687.

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

Senator BRIGHTBILL, 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:

**JUDGE, COURT OF COMMON PLEAS,
DELAWARE COUNTY**

June 9, 1989.

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, Harry J. Bradley, Esquire, 165 South Rolling Road, Springfield 19064, Delaware County, Twenty-sixth Senatorial District, for appointment as Judge of the Court of Common Pleas of Delaware County, to serve until the first Monday of January, 1992, vice The Honorable John A. Reilly, deceased.

ROBERT P. CASEY.

NOMINATION LAID ON THE TABLE

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

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

REPORTS FROM COMMITTEES

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

SB 626 (Pr. No. 1313) (Rereported)

An Act amending the act of April 9, 1929 (P. L. 343, No. 176), entitled, as amended, "The Fiscal Code," further providing for examination of books, etc., by expert accountants; and making an appropriation.

SB 627 (Pr. No. 1353) (Rereported)

An Act amending Title 51 (Military Affairs) of the Pennsylvania Consolidated Statutes, providing for special State duty; further providing for activation of the Pennsylvania National Guard; and making an appropriation.

HB 1020 (Pr. No. 1162)

An Act amending the act of December 5, 1936 (2nd Sp. Sess., 1937 P. L. 2897, No. 1), known as the "Unemployment Compensation Law," further providing for penalties for failure to file certain reports.

HB 1197 (Pr. No. 2263) (Amended) (Rereported)

An Act reestablishing the State Athletic Commission; providing for an Executive Director and a Medical Advisory Board; permitting and regulating boxing contests and exhibitions; requiring licenses and permits; providing for the granting, suspension and revocation of licenses and permits issued by the State Athletic Commission; preserving the rights of existing licensees and permittees; prescribing penalties, fines, forfeitures and misdemeanors; requiring bonds and insurance; providing for rules and regulations; imposing a tax on certain receipts; establishing a restricted revenue account for receipts; and making an appropriation.

HB 1198 (Pr. No. 2264) (Amended) (Rereported)

An Act providing for the licensing of promoters of professional wrestling exhibitions; imposing a tax on certain receipts; requiring the posting of performance bonds; and providing penalties.

HB 1687 (Pr. No. 2218)

An Act appropriating and transferring amounts from the State Workmen's Insurance Fund to the Treasury Department.

HB 1740 (Pr. No. 2265) (Amended)

An Act providing for the capital budget for the fiscal year 1989-1990.

Senator RHOADES, from the Committee on State Government, reported the following bills:

SB 1140 (Pr. No. 1389)

An Act amending the act of December 19, 1988 (P. L. 1262, No. 156), entitled "Local Option Small Games of Chance Act," adding a definition of "license"; and further providing for penalties.

HB 222 (Pr. No. 2112)

An Act authorizing and directing the Department of General Services and the General State Authority, with the approval of the Governor, to convey to Westmoreland County a tract of land situate in Hempfield Township, Westmoreland County.

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

HB 1086 (Pr. No. 2219)

An Act recognizing the Pennsylvania College of Technology as an affiliate of The Pennsylvania State University; granting to the Pennsylvania College of Technology the benefits and obligations of the status of The Pennsylvania State University as a State-related university and an instrumentality of the Commonwealth; providing for the powers, duties, rights and obligations of the college; and providing for the college to assume the functions of The Williamsport Area Community College.

Senator ARMSTRONG, from the Committee on Finance, reported the following bills:

SB 1136 (Pr. No. 1385)

An Act amending the act of August 26, 1971 (P. L. 351, No. 91), entitled "State Lottery Law," providing that there shall be no drawings or selections of winning tickets on Sundays.

HB 31 (Pr. No. 2173)

An Act amending the act of April 9, 1929 (P. L. 343, No. 176), known as "The Fiscal Code," requiring the Board of Finance and Revenue to issue written opinions to accompany its decisions; and further providing for requisitions out of any fund in the State Treasury.

HB 285 (Pr. No. 317)

An Act amending the act of March 4, 1971 (P. L. 6, No. 2), known as the "Tax Reform Code of 1971," excluding certain transactions from the realty transfer tax.

HB 1373 (Pr. No. 1594)

An Act amending the act of March 4, 1971 (P. L. 6, No. 2), known as the "Tax Reform Code of 1971," further providing for employment incentive payments.

Senator FISHER, from the Committee on Environmental Resources and Energy, reported the following bills:

HB 139 (Pr. No. 2155)

An Act amending the act of July 7, 1980 (P. L. 380, No. 97), known as the "Solid Waste Management Act," further providing for powers and duties of the department; and providing for the beneficial use or reclamation of municipal and residual waste.

HB 1529 (Pr. No. 1790)

An Act authorizing the Commonwealth to participate in the Great Lakes Protection Fund.

Senator SHAFFER, from the Committee on Community and Economic Development, reported the following bills:

HB 110 (Pr. No. 180)

An Act amending the act of July 2, 1984 (P. L. 545, No. 109), known as the "Capital Loan Fund Act," further providing for loans to agricultural processors.

HB 1323 (Pr. No. 1531)

An Act amending the act of July 2, 1984 (P. L. 520, No. 105), known as the "Business Infrastructure Development Act," further providing for conditions for grants and loans; and for the expiration of the act.

HB 1378 (Pr. No. 1605)

An Act amending the act of July 2, 1984 (P. L. 555, No. 111), known as the "Small Business Incubators Act," extending the expiration date.

HB 1700 (Pr. No. 2067)

An act amending the act of May 6, 1968 (P. L. 117, No. 61), known as the "Site Development Act," providing for grants to be made for industrial site development projects.

HB 1701 (Pr. No. 2068)

An Act establishing an industrial communities action program for making grants to industrial communities to complement private investment at industrial sites; and prescribing requirements of and conditions for grants.

Senator ROCKS, from the Committee on Intergovernmental Affairs, reported the following bill:

HB 1450 (Pr. No. 2195)

An Act establishing the Philadelphia Regional Port Authority and providing for its powers and duties.

BILL REREFERRED

Senator RHOADES, from the Committee on State Government, returned to the Senate **SB 1139**, which was rereferred to the Committee on Consumer Protection and Professional Licensure.

RESOLUTION REPORTED FROM COMMITTEE

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

HR 128 (Pr. No. 1946)

A Concurrent Resolution honoring Stefan Banic, a Slovak immigrant, on the 75th anniversary of the patenting of his invention of the parachute.

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

LEGISLATIVE LEAVES

Senator BRIGHTBILL. Mr. President, I would ask for Capitol leaves for Senator Bell, Senator Salvatore, Senator Pecora and Senator Wilt.

Senator STAPLETON. Mr. President, Senator Williams is asking for a temporary Capitol leave.

The PRESIDENT. Senator Brightbill requests temporary Capitol leaves for Senator Bell, Senator Salvatore, Senator Pecora and Senator Wilt. Senator Stapleton requests temporary Capitol leave for Senator Williams. The Chair hears no objection and those leaves will be granted.

LEGISLATIVE LEAVES CANCELLED

The PRESIDENT. The Chair recognizes the presence on the floor of Senator Hess, Senator Corman and Senator Fumo. Their temporary Capitol leaves will be cancelled.

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

THIRD CONSIDERATION CALENDAR

**BILL ON THIRD CONSIDERATION
AND FINAL PASSAGE**

SB 405 (Pr. No. 1395) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of March 10, 1949 (P. L. 30, No. 14), entitled "Public School Code of 1949," further providing for background checks of prospective employees; providing for termination of the employment of employees convicted of certain offenses; and further providing for condemnation.

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?

LEAVE OF ABSENCE

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

The PRESIDENT. Without objection, we will change Senator Helfrick's leave from a temporary Capitol leave to a personal leave.

LEGISLATIVE LEAVE

Senator STAPLETON. Mr. President, I seek a temporary Capitol leave for Senator Andrezeski.

The PRESIDENT. Senator Stapleton asks temporary Capitol leave for Senator Andrezeski. The Chair hears no objection. That leave will be granted.

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

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

NAYS—1

Rhoades

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. 2

THIRD CONSIDERATION CALENDAR BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

SB 627 (Pr. No. 1353) — The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 51 (Military Affairs) of the Pennsylvania Consolidated Statutes, providing for special State duty; further providing for activation of the Pennsylvania National Guard; and making an appropriation.

Considered the third time and agreed to,

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

On the question, Shall the bill pass finally?

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

YEAS—49

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

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.

CONSIDERATION OF CALENDAR RESUMED

HB 756 CALLED UP

HB 756 (Pr. No. 2220) — Without objection, the bill, which previously went over in its order temporarily, was called up, from page 14 of the Second Consideration Calendar, by Senator LOEPER.

BILL ON SECOND CONSIDERATION AMENDED

HB 756 (Pr. No. 2220) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of December 8, 1982 (P. L. 848, No. 235), known as the "Highway-Railroad and Highway Bridge Capital Budget Act for 1982-1983," adding or changing projects.

The bill was considered.

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

ROCKS AMENDMENT

Senator ROCKS offered the following amendment No. A2446:

Amend Sec. 2 (Sec. 3), page 264, by inserting between lines 20 and 21:

(ZZZ) Philadel- phia, Bridge on South St. (West approach), Bridge Rehabilita- tion.....	2,100,000
(AAA) Philadel- phia, Spring Garden St. (Lower Bridge) Bridge Rehabilita- tion.....	1,200,000

<u>(BBBB) Philadel- phia, Bridge on "G" St. over Amtrak lines, Bridge Rehabilita- tion.....</u>	7,000,000
<u>CCCC) Philadel- phia, Bridge on 72nd St. over Amtrak lines, Bridge Rehabilita- tion.....</u>	5,600,000
<u>(DDDD) Philadel- phia, Bridge on 71st St. over Amtrak lines, Bridge Rehabilita- tion.....</u>	5,100,000
<u>(EEEE) Philadel- phia, Bridge on City Ave. over Schuylkill River, Bridge Rehabilita- tion.....</u>	2,200,000
<u>(FFFF) Philadel- phia, Bridge on Cheltenham Ave. over SEPTA lines, Bridge Rehabilita- tion.....</u>	2,800,000
<u>(GGGG) Philadel- phia, Bridge on Century Lane over Poquessing Creek, Bridge Rehabilita- tion.....</u>	1,200,000
<u>(HHHH) Philadel- phia, Bridge on Rising Sun Ave. over Conrail lines, Bridge Rehabilita- tion.....</u>	1,100,000
<u>(III) Philadel- phia, Bridge on Germantown Ave. over Creshem Creek, Bridge Rehabilita- tion.....</u>	800,000
<u>(JJJJ) Philadel- phia, Bridge on South St. over CSX and I-76, Bridge Rehabilita- tion.....</u>	2,800,000
<u>(KKKK) Philadel- phia, Bridge on 15th St.</u>	

<u>over Conrail lines, Bridge Rehabilita- tion.....</u>	900,000
<u>(LLLL) Philadel- phia, Bridge on Calumet St. over SEPTA lines, Bridge Rehabilita- tion.....</u>	1,100,000
<u>(MMMM) Philadel- phia, Bridge on Cayuca St. over Conrail lines, Bridge Rehabilita- tion.....</u>	1,500,000
<u>(NNNN) Philadel- phia, Bridge on Margie St. over Amtrak lines, Bridge Rehabilita- tion.....</u>	500,000

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?

ROSS AMENDMENT

Senator MELLOW, on behalf of Senator ROSS, offered the following amendment No. A2523:

Amend Sec. 2 (Sec. 3), page 29, line 12, by striking out all of said line and inserting:

<u>(i) Local Bridges (QQQ) City of Beaver Falls, Bridge St., Bridge over P&LE Tracks, Bridge Replace- ment.....</u>	1,000,000
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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 second consideration, as amended?

FUMO AMENDMENT

Senator MELLOW, on behalf of Senator FUMO, offered the following amendment No. A2540 and, if agreed to, asked that the bill be considered for the second time:

Amend Sec. 2 (Sec. 3), page 340, by inserting between lines 13 and 14:

(T8) L.R.62082,
Station 210+00,
Morris & Amwell
Twps. Bridge
Replace-

ment.....	350,000
(U8) L.R.62082, Station 261 + 78, Amwell Twp., Bridge Replace- ment.....	200,000
(V8) L.R.62109, Station 240 + 76 Donegal Twp., Bridge Replace- ment.....	750,000
(W8) L.R.62124, Station 7 + 84, Morris Twp., Bridge Replace- ment.....	100,000
(X8) L.R.62124, Station 89 + 85, Morris Twp., Bridge Replace- ment.....	100,000
(Y8) L.R.62126, Station 150 + 22, South Franklin Twp., Bridge Replace- ment.....	200,000
(Z8) L.R.62126, Station 39 + 80, Buffalo Twp., Bridge Replace- ment.....	150,000
(A9) A-807, Station 7 + 55, South Strabane Twp., Bridge Replace- ment.....	150,000
(B9) A-807, Station 81 + 62, South Strabane Twp., Bridge Replace- ment.....	200,000
(C9) L.R.62185, Station 22 + 14.5, Cross Creek Twp., Bridge Replace- ment.....	500,000

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 second consideration, as amended?
It was agreed to.

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

HB 168 CALLED UP

HB 168 (Pr. No. 553) — Without objection, the bill, which previously went over in its order temporarily, was called up, from page 3 of the Third Consideration Calendar, by Senator LOEPER.

BILL ON THIRD CONSIDERATION REVERTED TO PRIOR PRINTER'S NUMBER AND FINAL PASSAGE

HB 168 (Pr. No. 553) — The Senate proceeded to consideration of the bill, entitled:

An Act prohibiting the sale, manufacture, distribution or use of certain cleaning agents containing phosphates; conferring powers and duties on the Environmental Quality Board and the Department of Environmental Resources; and providing penalties.

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

Senator BODACK, by unanimous consent, offered the following amendment No. A2561:

Amend Sec. 3, page 2, by inserting between lines 29 and 30:

(11) Used in commercial laundries in counties of the second class, but not counties of the second class A, and contiguous counties for cleaning textile products supplied to industrial or commercial users on a rental basis or for cleaning industrial or commercial work uniforms, provided that a commercial laundry using a cleaning agent containing greater than 0.5% phosphorus discharges to a sewage treatment plant which sewage treatment plant, where so required by the Department of Environmental Resources, removes phosphorus to a concentration of no more than two milligrams per liter (2mg/l) in its effluent.

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

Senator TILGHMAN. Mr. President, this is the phosphate ban bill which we have been working on very hard. It is a House bill, and I would request a negative vote on this amendment.

LEGISLATIVE LEAVES

Senator LOEPER. Mr. President, I would request a temporary Capitol leave on behalf of Senator Corman who has been called from the floor. I also request a temporary Capitol leave on behalf of Senator Pecora.

The PRESIDENT. Senator Loeper requests temporary Capitol leaves for Senator Corman and Senator Pecora. The Chair hears no objection. The leaves will be granted.

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

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

Senator GREENWOOD. 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 required by Senator BODACK and were as follows, viz:

YEAS—23

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

NAYS—26

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

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

LEGISLATIVE LEAVES

Senator MELLOW. Mr. President, I would request temporary Capitol leaves for Senator Jones, Senator O'Pake and Senator Ross.

The PRESIDENT. Senator Mellow requests temporary Capitol leaves for Senator Jones, Senator O'Pake and Senator Ross. The Chair hears no objection. The leaves will be granted.

LEGISLATIVE LEAVES CANCELLED

The PRESIDENT. The Chair recognizes the presence on the floor of Senator Andrezeski and Senator Lincoln. Their temporary Capitol leaves will be cancelled.

And the question recurring,
Will the Senate agree to the bill on third consideration?
It was agreed to.

On the question,
Shall the bill pass finally?

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

YEAS—49

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

NAYS—0

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

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

SB 1055 CALLED UP

SB 1055 (Pr. No. 1350) — Without objection, the bill, which previously went over in its order temporarily, was called up, from page 1 of the Third Consideration Calendar, by Senator LOEPER, as a Special Order of Business.

BILL REREPORTED FROM COMMITTEE AS AMENDED ON THIRD CONSIDERATION AMENDED

SB 1055 (Pr. No. 1350) — The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 35 (Health and Safety) of the Pennsylvania Consolidated Statutes, requiring the Pennsylvania Emergency Management Agency to establish a radiological emergency response planning and preparedness program; and providing for the funding of the program.

Considered the third time,

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

Senator LEMMOND, by unanimous consent, offered the following amendment No. A2564:

Amend Sec. 1 (Sec. 7320), page 5, line 2, by striking out "first occurs" and inserting: is later

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 LEMMOND.

RECESS

Senator MELLOW. Mr. President, prior to consideration of Senate Bill No. 1106, I would ask for a recess of the Senate for the purpose of a Democratic caucus to be held immediately in our caucus room at the rear of the Chamber.

The PRESIDENT. Does the Majority have need for a further caucus at this point? If not, for the purpose of a Democratic caucus 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 CANCELLED

The PRESIDENT. The Chair recognizes the presence on the floor of Senator Scanlon, Senator Corman and Senator Williams. Their temporary Capitol leaves will be cancelled.

CONSIDERATION OF CALENDAR RESUMED

SB 1106 CALLED UP

SB 1106 (Pr. No. 1355) — 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 LOEPER, as a Special Order of Business.

**BILL REREPORTED FROM COMMITTEE AS
AMENDED ON THIRD CONSIDERATION AMENDED**

SB 1106 (Pr. No. 1355) — The Senate proceeded to consideration of the bill, entitled:

An Act amending Titles 18 (Crimes and Offenses), 42 (Judiciary and Judicial Procedure) and 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for corrupt organizations; providing for insurance fraud; providing for certification of pleadings, motions and other papers; further providing for chemical testing to determine amount of alcohol or controlled substances; providing for suspension of drivers' licenses for driving under the influence of alcohol; further providing for financial responsibility and insurance related to motor vehicles; further providing for reinstatement of operating privileges or vehicle registration; further providing for driving under the influence of alcohol or controlled substances, for issuance of inspection certificates and for administrative duties of the Department of Transportation; conferring powers and duties on the Insurance Department and the Department of Transportation; and making repeals.

Considered the third time,

On the question,

Will the Senate agree to the bill on third consideration?

LOEPER AMENDMENT

Senator LOEPER, by unanimous consent, offered the following amendment No. A2484:

Amend Sec. 19, page 39, by inserting between lines 11 and 12:

§ 1799.4. Good driver discount.

Every insurer which writes a policy of automobile insurance in this Commonwealth shall reduce the total premium charged for each vehicle as to which no at-fault claim has been filed for five consecutive years immediately preceding the period for which the policy is written if none of the drivers named in the policy has committed a moving violation during the five-year period which resulted in a conviction or which remains unresolved.

(1) If a violation which is unresolved at the time the policy is written results in an acquittal, the discount shall be allowed either as a refund or as a credit on a subsequent policy.

(2) For the purpose of this section, the term "conviction" includes a plea of guilty, a plea of nolo contendere, a finding of guilty by a court, an unvacated forfeiture of bail or collateral deposited to secure a defendant's appearance in court, and a payment by any person charged with a violation of the fine prescribed for the violation.

Amend Sec. 19 (Sec. 1799.4), page 39, line 12, by striking out "1799.4" and inserting: 1799.5

Amend Sec. 19 (Sec. 1799.5), page 39, line 18, by striking out "1799.5" and inserting: 1799.6

Amend Sec. 27, page 43, line 14, by striking out "1799.5" and inserting: 1799.6

On the question,

Will the Senate agree to the amendment?

Senator LOEPER. Mr. President, essentially, this amendment provides for a good driver discount. That is, every insurer who writes a policy of automobile insurance in the Commonwealth would be required to reduce the total premium charge for each vehicle where no at-fault claim has been filed for that vehicle for five consecutive years immediately preceding the period for which the policy is written.

And the question recurring,

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?

GREENWOOD AMENDMENT

Senator GREENWOOD, by unanimous consent, offered the following amendment No. A2483:

Amend Sec. 19, page 39, by inserting between lines 11 and 12:

§ 1799.4. Limit on surcharges, late penalties and point assignments.

(a) Property damage claims.—No surcharge, rate penalty or driver record point assignment shall be made if the aggregate cost to the insurer of repair or replacement of property damaged or bodily injury liability is determined to be less than \$650 in excess of any self-insured retention or deductible applicable to the named insured.

(b) First party medical claims.—No surcharge, rate penalty or driver record point assignment shall be made as a result of an insurer paying a first party medical claim.

(c) Notice to insured.—If an insurer makes a determination to impose a surcharge, rate penalty or driver record point assignment, the insurer shall inform the named insured of the determination and shall specify the manner in which the surcharge, rate penalty or driver record point assignment was made and clearly identify the amount of the surcharge or rate penalty on the premium notice for as long as the surcharge or rate penalty is in effect.

(d) Adjustment of cap.—The Insurance Department, at least once every three years, shall adjust the \$650 cap or limit on the property damage or bodily injury liability surcharge, rate penalty or driver record point assignment scheme relative to changes in the components of the Consumer Price Index (Urban) to measure seasonally adjusted changes in medical care and automobile maintenance and repair costs and shall make such adjustments to the cap or limit as shall be necessary to maintain the same rate of change in the cap or limit as has occurred in the Consumer Price Index (Urban). Such adjustments may be rounded off to the nearest \$50 figure.

Amend Sec. 19 (Sec. 1799.4), page 39, line 12, by striking out "1799.4" and inserting: 1799.5

Amend Sec. 19 (Sec. 1799.5), page 39, line 18, by striking out "1799.5" and inserting: 1799.6

Amend Sec. 27, page 43, line 14, by striking out "1799.5" and inserting: 1799.6

On the question,

Will the Senate agree to the amendment?

Senator GREENWOOD. Mr. President, this amendment places a limit on surcharges, late penalties and point assignments in cases where the bodily damage or property damage was less than \$650 and in excess of any self-insured retention or deductible.

And the question recurring,

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?

FATTAH AMENDMENT I

Senator FATTAH, by unanimous consent, offered the following amendment No. A2557:

Amend Bill, page 39, by inserting between lines 21 and 22:

§ 1799.6. Insurance in first class cities.

A city of the first class may grant the exclusive right to a private insurance company, selected from competitive bidding approved by the Insurance Department of the Commonwealth, to sell automobile insurance to the residents of the city for a five-year period, after which the right shall be subject to rebidding.

On the question,

Will the Senate agree to the amendment?

Senator FATTAH. Mr. President, this amendment would allow, in the City of Philadelphia, the opportunity for the exclusive right to write auto insurance to be granted in a competitive bid process to a for-profit private insurance company in the State of Pennsylvania licensed to do business here in the state. It is an attempt to solve a problem we all recognize of extremely high insurance rates in the City of Philadelphia, by creating a mutuality of interests among those people who would be insured by this company and also provide the opportunity for a for-profit company to use a monopoly status, if you will, in the City of Philadelphia to move toward a significant cost containment in the areas of health care, property damage and repair, and to work to lower the rates through the profit mode of a competitive bid program. This would have the Insurance Department approve such a plan and would have that bid be a five-year process in which it would be open for rebid at the conclusion of that five years.

Senator HOLL. Mr. President, several years ago the Legislature in its wisdom created a government-operated insurance concept known as the CAT Fund. The CAT Fund was berated and destroyed because of the very nature of the beast and because of what it did and the reaction of the general public to it. The Legislature just could not wait to repeal it. This proposal has the same connotation. It will meet the same fate. There is no place in government for an insurance company or for an insurance business. Therefore, I would urge that the Senate vote "no" on this amendment.

Senator MELLOW. Mr. President, I think we should make one clarification on the statement of the gentleman from Montgomery County. This is not the state going into the insurance business. If I understand the amendment as offered by the gentleman from Philadelphia, Senator Fattah, this is giving an exclusive right to an insurance company to come up with a proposal to do business in Philadelphia. This, in fact, is not a company formed by the state for the sole purpose of doing business and operated by the state in the City of Philadelphia.

Senator DAWIDA. Mr. President, I would like to commend the gentleman from Philadelphia, Senator Fattah, for a very bold, entrepreneurial idea. It is bold and it is different, but it is certainly not a monopoly. It is truly entrepreneurial in the greatest sense. It is the one idea where the rates in Philadelphia get dealt with without those of us in other parts of the state adding our extra dollars in order to do

it. I think any company that would be bold enough to do this—if none does then we do not have any problems with this because nobody will do it—they can come in and be entrepreneurial in the classic sense of the word and go in here and do things that they just feel they are not able to do now because of our laws and because of our Insurance Commission. For a variety of reasons they cannot compete in Philadelphia. I can envision a company coming in and doing very tremendously creative things in order to get rates under control that they could not do elsewhere. I commend the Senator, and I urge all of us to vote for it because there is no way that we are going to get control of the Philadelphia car insurance problem without a creative, new and novel approach, unless we subsidize it. I know my constituents in Allegheny County are very much opposed to subsidizing the Philadelphia car insurance problem, and so I urge a "yes" vote.

Senator WILLIAMS. Mr. President, I guess the previous speaker is a Greek bearing gifts. It sounds to me like he is a very strong supporter for new enterprise in Philadelphia.

Mr. President, I must reluctantly oppose the amendment offered by the gentleman from Philadelphia. The reason I oppose it is because I have a strong basic belief that the insurance problem in the State of Pennsylvania is a State of Pennsylvania issue and problem. Insurance is a basic fabric of our country. You have to have it in some way in order to function. Therefore, any concept of insurance I have ever heard is one where you share and you spread the risk. In this issue we are discussing now, Philadelphia looms as a key factor and key issue. Very frankly, I think that we have to confront the issue, the state has to confront it in an overall, basic way. Anything short of that is to put our heads in the sand. The proposal offered by the gentleman from Philadelphia, I feel, limits our approach to the problem. It accepts the fact that the state will refuse to spread the risk, so to speak. In that I have a strong belief that it is a universal problem of the whole, and I do think we have to confront it that way and anything short of that will not do that, I think this particular proposal accepts the fact that we will not do that and falls into the trap of not recognizing what basic insurance and the approach is all about. For those reasons I reluctantly oppose the amendment which I do think is quite creative, but I think falls against the notion of what we have to do as a state regardless of how we may think of Philadelphia as one particular area, but to accept that we do spread this risk. There are other amendments that are going to be proposed later that reinforce our belief that anything short of facing that problem is truly not insurance reform.

Senator ROCKS. Mr. President, I desire to interrogate the gentleman from Philadelphia, Senator Fattah.

The PRESIDENT. Will the gentleman from Philadelphia, Senator Fattah, permit himself to be interrogated?

Senator FATTAH. I will, Mr. President.

Senator ROCKS. Mr. President, I, in listening to the first couple of reactions to this amendment, and aware of it for the first time tonight on this floor, would ask a few questions.

This idea for the City of Philadelphia, first, do we have any inclination with the offering of this amendment that such a private company exists? If I am aware of any of the many problems dealing with automobile insurance in the great first-class city of this Commonwealth—my home also—it has been the reluctance of companies to write or want to write automobile insurance in that city.

Senator FATTAH. Mr. President, let me respond to my colleague from the City of Philadelphia. I am a resident of the City of Philadelphia and so do I believe the interrogator to be. I have auto insurance that I purchased in the City of Philadelphia, and I assume he has also, and there are thousands and thousands of my constituents who have purchased auto insurance and there are dozens and dozens of companies that write auto insurance policies in the City of Philadelphia now. It would be my belief that if they find it profitable to do that now, that with the opportunity to write policies for a whole group of motorists in the City of Philadelphia and with the adjacent opportunity to negotiate cost containment mechanisms with health care providers, with auto body fender operations and to educate the consumers of their product in the City of Philadelphia about frivolous litigations and how that could impact on their own rates, just as the Philadelphia Electric Company is the only provider of electric in the City of Philadelphia and the Philadelphia Water Department and the Philadelphia Gas Works operate and do so on a fairly profitable basis, insurance could be provided in the same way. I would hope that, in response to his question, he could find his way clear to support this proposal.

Senator ROCKS. Mr. President, I doubt that, but I would like to continue with a few questions, at least for the record, that might deal with this one concept, unique and intriguing as it may be for the City of Philadelphia. Philadelphia Electric's marketplace, by the way, goes far beyond the boundaries of the City of Philadelphia, and I think that should also be understood in the context of an automobile insurance offering. Mr. President, how, with this plan, does the gentleman see that we would offer a competitive rate?

Senator FATTAH. Mr. President, the opportunity would be provided through a competitive bid process for companies to determine their interest in the Philadelphia market, number one, what they perceive to be the claims effects in the city, what their administrative costs would be and how much profit they would desire to make. Depending on the decisions they made, especially about profit, given those other things being equal, when the envelope is opened somebody could be a big winner in terms of being able to write policies for tens of thousands of drivers in the City of Philadelphia. So I think that is the way we would arrive at a competitive rate, through the American enterprise system.

Senator ROCKS. Mr. President, I thank the gentleman.

In response to a former response, I am a resident of the City of Philadelphia, my Senatorial district, as the law would require. I also do purchase automobile insurance like the rest of my constituents in that city. With all respect to a number of other colleagues here, I live in the far northwest corner of

Philadelphia. My concern is more with those Montgomery County drivers than it is with Philadelphia drivers. You would know that from where I live.

What happens under this plan if you are either a non-Philadelphian who might be involved in an automobile accident with a Philadelphian within the jurisdictional limit of this newly formed company, or if I am a Philadelphian, as we do travel beyond that city, and I am involved in an auto accident outside of that jurisdiction? Do we have any indication at all what the terms of this insurance coverage might be in those two very possible scenarios?

Senator FATTAH. Mr. President, there would be nothing different that would happen than would happen now. Each one of the drivers in the City of Philadelphia, under a lower rate even, will be insured, and if they have an accident, you can follow the same procedures that you follow now. What we have now are a lot of uninsured drivers who would like to be insured but cannot afford insurance. We would have insured drivers. If someone outside of Philadelphia has an accident with a Philadelphia driver, the same thing would happen as in any other place where two people have an unfortunate auto accident.

Senator ROCKS. I thank the gentleman, my colleague, and I would like to make a few concluding remarks on this amendment.

Mr. President, I think the idea that is presented in this amendment may be full of great intrigue and maybe even some possibilities with a plan that is far beyond the stage of its introduction here tonight, but I also have to tell you my concern as a Philadelphian. It is one that I hope I have carried consistently for over a decade in this Legislature. I have never permitted the people of the City of Philadelphia to be second-class citizens in this Commonwealth. Whenever they have been, in any legislative offering, put into that category, I have and will continue to always fight that position that this Legislature or any act of state government may put them in. I think it is totally possible with the offering of this amendment that some very innovative cheap insurance could be offered to the people of the City of Philadelphia. I think it would be far below any full line of coverage that might be offered to you, protecting you, protecting your family or any other passenger in your automobile or those motorists who are on the streets of Philadelphia at the same time that you are. Based on that, Mr. President, I, too, would hope that this amendment would fail. I thank the gentleman for what might be a novel idea and one that we can think over, but it needs to be thought through far beyond the considerations before us tonight in hopefully bringing down automobile insurance rates for the people of the City of Philadelphia.

Senator HOLL. Mr. President, the gentleman from Lackawanna, Senator Mellow, referred to the CAT Fund as not being private. I want to remind him and for the record that the CAT Fund that this Legislature repealed had many private aspects. It operated a private collection system. It was operated by a private corporation. It did private billing and mailings by a private corporation. It had a private claims divi-

sion operated by an outside company. It had a board of directors which was composed of citizens, not elected officials. What we need in Philadelphia is not a governmental body. That will serve no magic in getting the job done. What we need to do in Philadelphia is to create an atmosphere which will be conducive to the free enterprise system to work and to grow to reduce costs, to reduce medical costs, to reduce the frequency of lawsuits, to get rid of fraud and the cheats and the people who are ripping off the insurance business and make it a good place to do business, which will attract people. You will have people flooding into that city, companies coming in by the dozens, if it is a place where they can do business like they do in other parts of Pennsylvania. Private or public, it would make little difference if the risk is high and the return is not there, and that is what we now have in Philadelphia. So the answer truly is to pass Senate Bill No. 1106 which is before us and make sure that we take care of these problems that have been plaguing the city and the rest of Pennsylvania.

Senator MELLOW. Mr. President, I would like the record to show that I, in my brief discussion, never mentioned the CAT Fund. I realize it is late, and perhaps since we have been discussing insurance for three days, there may be some confusion on the floor. In my remarks I did not one time mention anything about the CAT Fund. The only thing that I stated was that the amendment being offered by the gentleman from Philadelphia, Senator Fattah, initially was not understood, or at least not explained properly by the gentleman from Montgomery, Senator Holl, on the floor of the Senate. This is not a state-run operation. It is not affiliated with the state in any way. I merely made a clarification of what Senator Holl had said earlier, that we now were starting another state-run insurance fund and I never did mention the CAT Fund. I do not honestly know where Senator Holl got that information, but it certainly did not come from me on the floor of the Senate tonight.

LEGISLATIVE LEAVES CANCELLED

The PRESIDENT. The Chair recognizes the presence on the floor of Senator Ross and Senator Pecora. Their temporary Capitol leaves will be cancelled.

And the question recurring,

Will the Senate agree to the amendment?

Senator PECORA. Mr. President, I desire to interrogate the gentleman from Philadelphia, Senator Fattah.

The PRESIDENT. Will the gentleman from Philadelphia, Senator Fattah, permit himself to be interrogated?

Senator FATTAH. I will, Mr. President.

Senator PECORA. Mr. President, the Senator did not send a copy of his amendment over. I never received a copy. I am not familiar with his amendment. What we have here is him evaluating the problem in his City of Philadelphia, and that is with the initiative of the insurance reform that was constituted in the front office. It probably pertained to the problems of Philadelphia. I feel that amendment should be withdrawn and maybe introduced tomorrow when we have a copy, because if

it does not give the protection to the City of Philadelphia, and I am voting without the total knowledge of that amendment, it is unfair to the Senator.

The PRESIDENT. Is that a question you are directing to Senator Fattah?

Senator PECORA. Mr. President, yes, I would like to know why I never received the amendment?

The PRESIDENT. If the gentleman will yield, we will see that you get a copy of the amendment immediately.

Senator FATTAH. Mr. President, while we yield, I believe, in fact I am sure, that our counsel on the Democratic side communicated with the leadership on the Majority side of the aisle about the amendment. If they did not receive a copy, let me offer my apologies and I will be glad to get one over to you.

The PRESIDENT. Senator Pecora is definitely within his rights to request a copy of the amendment.

If the Senate will be at ease for a moment, we will make that happen.

(The Senate was at ease.)

Senator MELLOW. Mr. President, I would like to express that the Majority staff does have a copy of Senator Fattah's amendment.

The PRESIDENT. We will see to it that Senator Pecora has a copy of the amendment, as well.

Senator LOEPER. Mr. President, I would just indicate there was a full packet of amendments that was distributed to the Members of our caucus. This amendment came in subsequent to our caucus. It was received by the Majority, but not in time to be discussed in our caucus.

The PRESIDENT. Having received the amendment, does the gentleman wish to pursue the interrogation with Senator Fattah?

Senator WILLIAMS. Mr. President, I reluctantly return to comment again. I must reject the arguments that have been indicated in opposition to the notion offered by the gentleman from Philadelphia, Senator Fattah. My opposition was a basic fundamental opposition to state that first we should do something else, and that his offering was a recognition or a concession that the other thing was not going to be done. In plain terms, his offering seeks to recognize that the basic insurance problem we have in this state is a Philadelphia problem. He has said, cogently, let us move right straight to that because you are not going to do an overall thing anyway. The people of Philadelphia have a mechanism that guarantees they get a reasonable rate, similar to public utilities or something else, recognizing that insurance is something along that line, of a novel, creative idea. The ideas that suggest it would be some other kind of insurance and be something strange sort of begs the question. In other words, if with the steepness of rates in Philadelphia we are willing to accept spreading the risk throughout the State of Pennsylvania, which very few people here are willing to do, if we are willing to do that, fine, let us do that. If we are not willing to do that, then the gentleman says, why do we not just have a mechanism that competes there for the folk who are there, and they can get a

handle on it and that there is precedent for it. I might add that a number of companies would jump at the chance to write and to write successfully in Philadelphia. I just want to support the idea that is offered by the Senator for a mechanism to solve a problem that otherwise we are not willing to solve. My opposition to the offering at this time is that I think frontally, we should step to solving that problem as a universal problem. I just wanted to comment that the notions being offered in opposition, I think, are a bit weak and nonapplicable. There are companies that want to write. It seeks a mechanism that controls the situation within that area and no one else could complain. I think it is a novel, good, solid idea. It is just that I think it falls into the face of our fundamental obligation as a state to do it statewide. I think we ought to do that first. I just wanted to explain that and I also just wanted to comment on the arguments against that. I think, really, you cannot have it both ways. You cannot say Philadelphia is a problem and then not let it have some special attention. If you are not going to do it in a broad-based way, it does not make sense, and I just wanted to make that clear and explain my position.

Senator ANDREZESKI. Mr. President, for the record I would like to state that I support the amendment of the gentleman from Philadelphia, Senator Fattah. I think that he should be commended for coming up with a basically unique approach to what many consider and some can statistically show is a problem with the insurance rates here in Pennsylvania, and that is the high costs, the high rates and the amount of uninsured motorists which have not been dealt with in Philadelphia, the amount of accidents, the costs of the accidents, the costs of the litigation, and so on and so forth. In saying all of this, I think what he is saying is here is a chance to stand up and be counted. In the State of Pennsylvania we have a lot of people who can make a career out of Philadelphia bashing or blaming Philadelphia for everything that happens. In fact, in western Pennsylvania I have seen people run for the General Assembly who have based their whole campaign saying that they want to go to Harrisburg to vote against Philadelphia. In fact, some of them have never even said they are even going to vote for their district. They are going to base their whole campaign—and they have won, too—saying, I am going to go there and vote against Philadelphia. Here is a chance to address a problem which does have an effect on the rest of the state, and you cannot get away from that. He is saying that we will settle our problem in Philadelphia ourselves if we could pass this type of legislation. I would, therefore, say let us pass it and perhaps we would not even have to deal with the rest of the amendments that people have here tonight. We could recess, we could all take a break, we could go home and Senator Fattah could go deal with the insurance problems in Philadelphia and either sink or swim on that. But, the rest of us could be left, with the exception of Philadelphia, with this idyllic state of rolling hills and rural countryside where the rates would be low and everyone would get a good break. I support Senator Fattah, and I commend him for having the courage to say that the people in Philadelphia have the wherewithal to deal with their own problem.

Senator PECORA. Mr. President, I have the amendment and I was hoping there would be more to it than what is here. I think that maybe the gentleman from Philadelphia, Senator Fattah, has a good idea but he has not had time to participate in presenting this. I felt that his idea has some merit and that he should consider introducing legislation because with this amendment the citizens of Philadelphia, if they do not like the company that has the monopoly, they will be forced to accept that company's insurance even though they would have to cancel their own insurance. It does not specifically refer to that. Also, the rate of service that this company will provide may not be suitable. Other people may want to buy from other companies. Also, we have here another problem. What if there is no insurance company that would write the insurance for Philadelphia? If he can go into a more in-depth study of it and present it in legislation, I think he is going in the right direction if they have the problem of not being able to get insurance presently.

Senator FATTAH. Mr. President, let me thank all of my colleagues for their thoughtful comments and questions on this concept. Let me say a couple of things. Firstly, to my colleague, the gentleman from Philadelphia, Senator Rocks, when he said that this was another effort to make Philadelphians second-class citizens in this state, I think it is exactly the opposite. I think that Philadelphians are second-class citizens if we have to pay three times, on average, more for the cost of auto insurance than other people in this state have to pay. I think we are second-class citizens when we have a stigma that was kind of alluded to by the gentleman from Erie, Senator Andrezeski, in his statements even in support of my amendment that somehow Philadelphians are causing other people in this state to have to pay more for their auto insurance because of their irresponsibility or for some other character flaw they may have. I think we already, because of the system we set up, caused Philadelphians to be put in a situation where they are second-class citizens in terms of the amount of money they pay and how they are treated in the whole dialogue about auto insurance, among other things. The gentleman from Montgomery, Senator Holl, in both of his comments referred to this as a government-run operation that would not work by the mere fact that the government was running it. This is not my proposal. My proposal is that a for-profit private insurance company would bid, along with others, on a low bid, competitive basis for the opportunity to write insurance policies in the largest city in this state to a group of insurers who then would have a mutuality of interest to contain costs. The new president of such a company, who could be as bright as any Member in this Senate, would first go on to work out a cost containment plan for health insurance, health care and would try to put forth some aggressive effort in terms of auto theft. I can imagine a number of possibilities. Also, this company would have a leg up, if you will, on life insurance and on homeowners' insurance and other products they could sell in the Philadelphia market because of their substantial position in Philadelphia and, therefore, help lower the rates, I think, even further. This is not the CAT

Fund. The only thing I will say about the CAT Fund is that it is interesting that a number of my constituents are getting new bills in the mail now for catastrophic loss, and not one of them has gotten a bill for less than what it cost under the CAT Fund, even though we all rushed in our haste to do away with the CAT Fund. So there was something there that was working, at least in terms of containing the cost. If that is our effort here, maybe we might even want to think about that. Finally, let me just say that the gentleman from Allegheny, Senator Pecora, suggested this was a much more complex issue than my amendment really was sufficient enough to address. There are a lot of people who want to make simple things very complex. That is not my goal. The issue here is Philadelphians, just like any other law-abiding citizens in this state, would like to, if they own a car, have auto insurance. They would like to have an opportunity to purchase that at an affordable rate, and if in the open competitive market that exists now there are rates that are unaffordable or totally out of line with what the rest of the state is paying, then, perhaps, the government, as we have done in other circumstances, needs to create a situation in the marketplace where a company making a profit can come in and provide affordable auto insurance as we have done in terms of other necessary public utilities. I am not sure that those of us who are here tonight to debate auto insurance have a historical perspective on this issue. The reality is that in the General Assembly we have done a number of things to lower rates: no fault. We then reformed no fault, and in between all of that we kind of messed with some things and we are back again. Every time we have done one of these things, the only thing that has happened is that rates have gone up, and it is just that in Philadelphia they went up even more. For all of those who think that somehow this is drastically off the mainstream, they might want to look at what the other House did yesterday. They voted out a bill that would provide in the city of the first class an opportunity for a publicly run insurance authority to grant auto insurance in the City of Philadelphia. The only difference between that proposal and mine is that I agree with the gentleman from Montgomery, Senator Holl, that it should not be a public insurance authority, it should be a private for-profit run insurance company. I do not think we are out of step with the rest of Pennsylvania, nor do I think we are out of step with our colleagues in the House of Representatives. I think in this opportunity with my amendment we have a chance to really step forward in terms of trying to provide a non-incremental approach to solving the problem in Philadelphia and perhaps even one that might lower rates for not only Philadelphians but in some way help lower rates that are already extremely low, by Philadelphia standards, for the rest of the citizens in the Commonwealth.

LEGISLATIVE LEAVES

Senator LOEPER. Mr. President, Senator Corman has been called from the floor and I would ask for a temporary Capitol leave on his behalf.

The PRESIDENT. Senator Loeper asks for temporary Capitol leave for Senator Corman. The Chair hears no objection. The leave will be granted.

Senator MELLOW. Mr. President, I request temporary Capitol leave for Senator Bodack who has been called to his office.

The PRESIDENT. Senator Mellow requests temporary Capitol leave for Senator Bodack. The Chair hears no objection. That leave will be granted.

LEGISLATIVE LEAVE CANCELLED

The PRESIDENT. The Chair recognizes the presence on the floor of Senator Jones and her temporary Capitol leave will be cancelled.

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

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

YEAS—21

Afflerbach	Jones	O'Pake	Scanlon
Andrezeski	Lewis	Porterfield	Stapleton
Belan	Lincoln	Regoli	Stewart
Bodack	Mellow	Reibman	Stout
Dawida	Musto	Ross	Williams
Fattah			

NAYS—26

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

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

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

FATTAH AMENDMENT II

Senator FATTAH, by unanimous consent, offered the following amendment No. A2514:

Amend Sec. 2 (Sec. 4117), page 4, line 13, by striking out "insurance application or an" and inserting: automobile

Amend Sec. 2 (Sec. 4117), page 4, line 15, by striking out "insurance application or"

Amend Sec. 2 (Sec. 4117), page 4, line 21, by striking out "insurance application or" and inserting: automobile

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

Senator FATTAH. Mr. President, this is a technical amendment that makes technical changes to Senate Bill No. 1106.

And the question recurring,
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?

SCANLON AMENDMENT I

Senator SCANLON, by unanimous consent, offered the following amendment No. A2334:

Amend Sec. 14, page 25, line 24, by striking out all of said line and inserting:

Section 14. Sections 1741, 1742, 1743, 1744 and 1753 of Title 75 are amended to read:

§ 1741. Establishment.

[The Insurance Department shall, after consultation with the] (a) Assigned Risk Plan.—There is hereby established an Assigned Risk Plan consisting of all insurers licensed to write motor vehicle liability insurance in this Commonwealth[, adopt a reasonable Assigned Risk Plan] for the equitable apportionment among those insurers of applicants for motor vehicle liability insurance [who are entitled to, but are unable to, procure insurance through ordinary methods]. The plan shall submit proposed rules and amendments thereto to the Insurance Department for approval. The Insurance Department may establish or amend plan rules as appropriate. [When the plan has been adopted, all] All motor vehicle liability insurers shall subscribe [thereto] to the rules and shall participate in the plan as a condition of doing business in this Commonwealth.

(b) Apportionment.—The plan rules shall provide for the equitable apportionment among participating insurers of applicants who are unable to qualify for motor vehicle liability insurance in the voluntary market. The plan [may] rules shall provide reasonable means for the transfer of individuals insured thereunder into the [ordinary] voluntary market, at [the same or lower] voluntary market rates, [pursuant to regulations established by the department]. Upon transfer to the voluntary market, the insurer shall continue to recognize the agent or broker originally producing the business.

(c) Applications.—The plan rules shall also provide for a program to receive and distribute equitably among insurers applications for voluntary market coverage. Insurers shall consider applicants according to their respective underwriting guidelines, approved forms and rates and the provisions of the act of June 5, 1968 (P.L.140, No.78), entitled "An act regulating the writing, cancellation of or refusal to renew policies of automobile insurance; and imposing powers and duties on the Insurance Commissioner therefor." Any agent or broker licensed to sell automobile liability insurance shall submit applications to the program if requested by any person. Agents and brokers may charge an applicant a placement fee, approved by the Insurance Department, for completing and forwarding an application to the program.

§ 1742. Scope of plan.

The Assigned Risk Plan program established pursuant to section 1741(b) (relating to establishment) shall:

(1) Include rules for the classification of risks and rates therefor.

(2) Provide for the installment payment of premiums subject to customary terms and conditions.

§ 1743. Rates.

All rates for the Assigned Risk Plan program established pursuant to section 1741(b) (relating to establishment) shall be subject to the act of June 11, 1947 (P.L.538, No.246), known as The Casualty and Surety Rate Regulatory Act, and shall not be inadequate, excessive or unfairly discriminatory.

§ 1744. Termination of policies.

Cancellation, refusal to renew and other termination of policies issued under the Assigned Risk Plan program established pursuant to section 1741(b) (relating to establishment) shall be in accordance with the rules of the plan[.] and, where applicable, the act of July 3, 1986 (P.L.396, No.86), entitled "An act requiring notice of rate increases, policy cancellations and nonrenewals by property and casualty insurers."

On the question,

Will the Senate agree to the amendment?

LEGISLATIVE LEAVE CANCELLED

The PRESIDENT. The Chair recognizes the presence on the floor of Senator Corman and his temporary Capitol leave will be cancelled.

And the question recurring,

Will the Senate agree to the amendment?

Senator SCANLON. Mr. President, this amendment authorizes the department to create an assigned risk plan to provide insurance for those people who cannot obtain insurance through the normal channels in the private market, or the voluntary market, as it is called. This would provide that any insurance company that does business in Pennsylvania must participate in the plan, and on a rotating basis they would accept applications of people who cannot get insurance. It would further provide that they must charge a rate which is consistent with the going rate or premium in the private market. I think it would help provide people in those areas of the state where, for a multitude of reasons, insurance is not available, with an opportunity to obtain coverage on a voluntary basis from all the companies at a reasonable price. I ask that the Senate adopt this amendment.

Senator LOEPER. Mr. President, this amendment would insert another part of an auto insurance plan into Senate Bill No. 1106. The amendment, as I understand it, Mr. President, would repeal the automobile assigned risk plan which currently is already in place. It is a state-supervised insurance coverage program for motorists who cannot obtain auto insurance by themselves in the voluntary market. Unfortunately, usually this lack of being able to obtain insurance is due to their personal driving record. The current plan under this amendment would be replaced by giving the Insurance Commissioner the authority to structure a new plan at her discretion, such as by establishing a structure like our neighboring State of New Jersey did with a Joint Underwriting Association, a JUA, for example. That is a state-created company in the State of New Jersey. I am not certain, Mr. President, that is going to increase not only availability, but affordability. Therefore, I would ask for a negative vote on the amendment.

Senator SCANLON. Mr. President, I agree that there is in place currently something that has been loosely characterized as an assigned risk plan. This provides it with a legal name created by the department, regulated by the department. One of the problems with the current system is that the insurance companies can charge whatever the traffic will bear. The insurance companies charge, in my opinion, in some cases, outrageous rate increases for insignificant infractions of the Motor Vehicle Code and other considerations. This would mandate that the department implement regulations. If they are going to write a policy, they have to give assigned risk drivers the same premium rate as anybody else. I ask the Senate to vote favorably for it.

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

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

YEAS—18

Bell	Lynch	Porterfield	Stapleton
Bodack	Mellow	Regoli	Stewart
Fumo	Musto	Ross	Stout
Lewis	O'Pake	Scanlon	Williams
Lincoln	Pecora		

NAYS—31

Afflerbach	Fattah	Jubelirer	Rocks
Andrezeski	Fisher	Lemmond	Salvatore
Armstrong	Greenleaf	Loeper	Shaffer
Baker	Greenwood	Madigan	Shumaker
Belan	Hess	Peterson	Tilghman
Brightbill	Holl	Punt	Wenger
Corman	Hopper	Reibman	Wilt
Dawida	Jones	Rhoades	

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

LEGISLATIVE LEAVES

Senator LOEPER. Mr. President, Senator Brightbill has been called to his office and I would request a temporary Capitol leave on his behalf.

Senator MELLOW. Mr. President, I also would request temporary Capitol leaves for Senator Williams and Senator Lincoln who have been called to their offices.

The PRESIDENT. Senator Loeper requests temporary Capitol leave for Senator Brightbill. Senator Mellow requests temporary Capitol leaves for Senator Williams and Senator Lincoln. The Chair hears no objection. The leaves will be granted.

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

PETERSON AMENDMENT

Senator PETERSON, by unanimous consent, offered the following amendment No. A2360:

Amend Sec. 18 (Sec. 1792), page 32, line 28, by striking out "and comprehensive coverages" and inserting: coverage

Amend Sec. 18 (Sec. 1792), page 33, line 1, by striking out "and comprehensive coverages" and inserting: coverage

Amend Sec. 18 (Sec. 1792), page 33, line 7, by inserting after "a": collision

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

Senator PETERSON. Mr. President, very simply, my amendment will allow individuals to purchase full comp coverage if they choose. It does not change the structure of the bill but will allow you to have coverage if you want.

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

(During the calling of the roll, the following occurred:)
Senator AFFLERBACH. Mr. President, I would like to change my vote from "no" to "aye."

The PRESIDENT. The gentleman will be so recorded.
Senator BAKER. Mr. President, I would like to change my vote from "no" to "aye."

The PRESIDENT. The gentleman will be so recorded.
The yeas and nays were required by Senator PETERSON and were as follows, viz:

YEAS—49

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

NAYS—0

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

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

SCANLON AMENDMENT II

Senator SCANLON, by unanimous consent, offered the following amendment No. A2338:

Amend Sec. 7 (Sec. 1711), page 19, lines 18 through 20, by striking out "\$5,000. THE TOTAL PREMIUM FOR" in line 18, all of lines 19 and 20 and inserting: \$10,000.

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

Senator SCANLON. Mr. President, one of the features of Senate Bill No. 1106 is to reduce first-party coverage which is now mandated at \$10,000 to \$5,000, on the theory that it would make a substantial decrease in premium costs to insureds. My amendment reinstates it at \$10,000 because it is the opinion, and my opinion, that \$5,000 first-party medical coverage is certainly not sufficient. It was four or five years ago when we set it at \$10,000, and with the cost of living and the cost of medical care in this country, I think it is totally unreasonable to reduce mandated medical coverage from \$10,000 to \$5,000. This amendment restores it to \$10,000.

Senator LOEPER. Mr. President, one of the features and cost-cutting reduction measures that was in Senate Bill No. 1106 was reducing the mandated first-party coverage from \$10,000 to \$5,000. Mr. President, it has been stated that the average payment per medical claim is less than \$5,000 currently, and my understanding is that approximately 85 percent of all claims are settled for \$5,000 or less. The information I

have, Mr. President, indicates that based on 1987 data, which I realize is two years old, the average claim being settled was \$2,400. I think it is important, Mr. President, to note that when this amendment was discussed in the Senate Committee on Banking and Insurance last week, the gentleman from Allegheny characterized the reduction in coverage that if you only pay as much for an ice cream cone, you only get one dip. I would just say Mr. President, in response to that, there is no sense ordering two cones if you are only going to be able to eat one of them. I think the \$5,000 minimum and the reduction of premium it would afford the consumer is adequate. Therefore, I would oppose the amendment.

Senator MELLOW. Mr. President, I rise to support the amendment that would restore the medical benefits paid part of insurance to what is mandatory today of \$10,000. Mr. President, I think, as was probably stated earlier and is very accurate, to understand what is happening here, you have to understand the history of what has taken place with no fault, going back to 1974 when it was first enacted here in Pennsylvania. Mr. President, to go ahead and to basically reduce premiums by reducing benefits is just something that will not work. It was stated by the gentleman from Delaware, Senator Loeper, that according to a 1987 figure, most accidents with med pay are settled for somewhere in the vicinity of, I think he said, \$2,400. It was also stated by the Chairman of the Committee on Banking and Insurance in the committee meeting that was held last Wednesday, the justification for reducing the mandatory part of medical benefits from \$10,000 to \$5,000 is that—and his quote was—“50 percent of the cases in Pennsylvania are settled for \$4,800 in medical payments.” That is basically twice the figure that Senator Loeper has just shared with us. Furthermore, Mr. President, I think it is very important for the Members of the Senate to realize, because now we are really getting down into the nitty-gritty of what this proposal is all about, and the next several amendments, basically, are the “fish or cut bait” with regard to insurance reform, that if you are going to go ahead and you are going to reduce benefits such as is taking place here by reducing medical pay from \$10,000, which is mandatory today, to \$5,000, then there should be some type of an appropriate commencement of a reduction in premium. In this proposal, Mr. President, on page 19 of the bill, the reduction in premium to reduce the med pay from \$10,000 to \$5,000 says, “The total premium for all first party coverages for an insured who purchases this level of coverage shall be reduced by at least 10%.” So the mandatory reduction in this proposal is 10 percent. We do not know if that is 10 percent for one year, for one month, for one day, or for the life of the particular insurance policy. In true figures, Mr. President, here is what it means: If you are a resident of Allegheny County—since that is one of our first counties, taking the counties in alphabetical order—and you are an average insured with minimum coverage for this particular year, the premium under the \$10,000 medical pay is \$89 annually. Basically, what we are being asked to do today is to take a 50 percent reduction in medical payments, to reduce medical payments

from the mandatory of \$10,000 today to \$5,000, and if you do that, and if we eventually put this into law, you then will have commensurate with that a 10 percent reduction in first-party premium. If you live in Allegheny County and you have minimum coverage, you then will be able to have an \$8.90 reduction in your premium, and for that \$8.90 reduction in premium, you have just given up \$5,000 worth of medical benefits. I do not believe, Mr. President, that is what the people of Pennsylvania want.

I strongly support the amendment as offered by the gentleman from Allegheny, Senator Scanlon, to increase it from \$5,000, which is in the bill, back to \$10,000, which is current law today, having nothing to say at all, Mr. President, about how this would severely impact on the third-party carriers, those individuals who are out in the workplace that are covered by insurance benefits for health costs, having nothing to say whatsoever about what a significant impact this particular proposal in the reduction of benefits would have on those particular people. I would ask for an affirmative vote on the amendment.

Senator LOEPER. Mr. President, in light of the debate, I think it is also important to point out that one of the major problems we found as far as automobile insurance is not only availability but affordability, particularly in some of our major cities where the problem is the greatest, such as the City of Philadelphia and the surrounding areas. It has been estimated that in that city up to almost 50 percent of the drivers on the road do not have insurance. I think, Mr. President, that anything we can do to make insurance more affordable and available to those types of individuals certainly goes a long way to try and solve the problem. Therefore, once again, I would oppose the increase in the amount to \$10,000.

Senator MELLOW. Mr. President, just in conclusion, I think it would be foolhardy for any of us today to make up our minds on voting against this amendment based on availability of insurance with cost. To say that if you live in Allegheny County and you are going to save \$8.90 by reducing medical benefits from the current rate of \$10,000 to \$5,000 and say that \$8.90 per year is going to make insurance more affordable, then basically, Mr. President, we are being intellectually dishonest with the people we represent. I once again would ask for an affirmative vote on Senator Scanlon's amendment.

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

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

The PRESIDENT pro tempore. Mr. President, I would like to change my vote from “aye” to “no.”

The PRESIDENT. The gentleman will be so recorded.

Senator FATTAH. Mr. President, I would like to change my vote from “no” to “aye.”

The PRESIDENT. The gentleman will be so recorded.

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

The PRESIDENT. The gentleman will be so recorded.

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

The PRESIDENT. The gentleman will be so recorded.

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

The PRESIDENT. The gentleman will be so recorded.

Senator LEMMOND. 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 required by Senator SCANLON and were as follows, viz:

YEAS—23

Afflerbach	Jones	O'Pake	Scanlon
Andrezeski	Lincoln	Pecora	Shumaker
Belan	Lynch	Porterfield	Stapleton
Bodack	Madigan	Regoli	Stewart
Dawida	Mellow	Reibman	Stout
Fattah	Musto	Ross	

NAYS—24

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

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

And the question recurring,

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

SHUMAKER AMENDMENT

Senator SHUMAKER, by unanimous consent, offered the following amendment No. A2362:

Amend Sec. 10, page 23, line 3, by striking out "(a)"

Amend Sec. 10 (Sec. 1731), page 23, line 21, by striking out all of said line and inserting:

(b) Uninsured motorist coverage.—Uninsured motorist coverage shall provide protection for persons who suffer injury arising out of the maintenance or use of a motor vehicle and are legally entitled to recover damages therefor from owners or operators of uninsured motor vehicles. The insured may reject uninsured motorist coverage by signing the following written rejection form.

REJECTION OF UNINSURED MOTORIST PROTECTION

By signing this waiver I am rejecting uninsured motorist coverage under this policy, for myself and all relatives residing in my household. Uninsured coverage protects me and relatives living in my household for losses and damages suffered if injury is caused by the negligence of a driver who does not have any insurance to pay for losses and damages. I knowingly and voluntarily reject this coverage.

Signature of Insured

Date

(c) Underinsured motorist coverage.—Underinsured motorist coverage shall provide protection for persons who suffer injury arising out of the maintenance or use of a motor vehicle and are legally entitled to recover damages therefor from owners

or operators of underinsured motor vehicles. The insured may reject underinsured motorist coverage by signing the following written rejection form.

REJECTION OF UNINSURED MOTORIST PROTECTION

By signing this waiver I am rejecting uninsured motorist coverage under this policy, for myself and all relatives residing in my household. Underinsured coverage protects me and relatives living in my household for losses and damages suffered if injury is caused by the negligence of a driver who does not have enough insurance to pay for all losses and damages. I knowingly and voluntarily reject this coverage.

Signature of Insured

Date

(c.1) Form of waiver.—Insurers shall print the rejection forms required by subsections (b) and (c) on separate sheets in prominent type and location. The form must be signed by the named insured and dated to be valid. The signatures on the forms may be witnessed by an insurance agent or broker. Any rejection form that does not specifically comply with this section is void. If the insurer fails to produce a valid rejection form, uninsured or underinsured coverage, or both, as the case may be, under that policy shall be equal to the bodily injury liability limits. On policies in which either uninsured or underinsured coverage has been rejected, the policy renewals must contain notice in prominent type that the policy does not provide protection against damages caused by uninsured or underinsured motorists.

(d) Limitation on recovery.—A person who recovers damages under uninsured motorist coverage or coverages cannot recover damages under uninsured motorist coverage or coverages for the same accident.

On the question,

Will the Senate agree to the amendment?

Senator SHUMAKER. Mr. President, this amendment reinforces the exclusion of underinsured insurance which people can opt out under the present bill. What this does is sets up a rejection of uninsured motorist protection or rejection of underinsured motorist protection by having the insured sign a rejection statement. This rejection statement is set up to protect agents and other people from the people themselves who are the insureds saying they did not understand what they were signing. It is a clarification to make sure that they know exactly what they are doing when they opt out for the underinsured or the uninsured coverage.

And the question recurring,

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?

LEMMOND AMENDMENT

Senator LEMMOND, by unanimous consent, offered the following amendment No. A2388:

Amend Sec. 6 (Sec. 1702), page 18, line 22, by inserting after "provided.": The membership of any PRO utilized in connection with the act shall include representation from the profession whose services are subject to the review.

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?

GREENLEAF AMENDMENT

Senator GREENLEAF, by unanimous consent, offered the following amendment No. A2454:

Amend Title, page 1, line 5, by inserting after "papers;": providing for special damages;

Amend Sec. 3, page 7, line 19, by inserting after "3.": Chapter 83 of

Amend Sec. 3, page 7, line 19, by inserting after "section": and a subchapter

Amend Sec. 3, page 8, by inserting between lines 17 and 18:

SUBCHAPTER G SPECIAL DAMAGES

Sec.

8371. Actions on insurance policies.

§ 8371. Actions on insurance policies.

In an action arising under an insurance policy, if the court finds that the insurer has acted in bad faith toward the insured, the court may take all of the following actions:

(1) Award interest on the amount of the claim from the date the claim was made by the insured in an amount equal to the prime rate of interest plus 3%.

(2) Award punitive damages against the insurer.

(3) Assess court costs and attorney fees against the insurer.

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?

Senator GREENLEAF. Mr. President, in order to avoid some confusion, the amendment that I previously offered was to Senate Bill No. 1106, Amendment No. 2454, dealing with punitive damages, attorney fees and interest for those insurance companies who act in bad faith toward their insureds for benefits under their policy. I offer that on behalf of the gentleman from Philadelphia, Senator Fumo, and myself. I understand that the Chamber has adopted that amendment into the bill. The other amendment that I have is Amendment No. 2430, but it is drawn to another bill, Senate Bill No. 104, so I would like to be recognized when and if we deal with that bill at that time to offer the additional amendment.

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

DAWIDA AMENDMENT

Senator DAWIDA, by unanimous consent, offered the following amendment No. A2539:

Amend Sec. 18 (Sec. 1797), page 34, line 9, by inserting after "insurance.]:" 90% of the provider's published charge as provided in the Health Care Cost Containment Council's annual report. If such charges are not provided to the Health Care Cost Containment Council, the rate of payment shall be

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

Senator DAWIDA. Mr. President, I would bet that most of the Members have Amendment No. 2433, which is the same as Amendment No. 2539 except for some technical changes I had to make. It is the same amendment. I will begin with the technical change. That was that there was a need in this amendment to decide how to control costs, medical costs, in the car insurance field, to provide some kind of hard number on which to base our containment. The change that I made, that I consider technical, is that we had to have a place to go if you are not in the Cost Containment Council's annual report. On that thought, this amendment was drawn so that we would maintain that figure at 110 percent of Medicaid, as is in the bill, but the main thrust of the amendment and the philosophical difference that it entails essentially says that we will provide "90% of the provider's published charge as provided in the Health Care Cost Containment Council's annual report."

Senator LOEPER. Mr. President, it is my understanding that the language already contained in Senate Bill No. 1106 already creates a 110 percent cap as far as charges are concerned, and in the case where any Medicare certification is not in place for a hospital, 80 percent of the usual and customary charge would be appropriate to be served. I believe that is the cost containment measure that would be more effective than that which is proposed in the amendment before us. Therefore, I would ask for a negative vote on the amendment.

Senator FUMO. Mr. President, I desire to interrogate the gentleman from Allegheny, Senator Dawida.

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

Senator DAWIDA. I will, Mr. President.

Senator FUMO. Mr. President, as I understand the amendment, it appears to me that this would only result in increased costs, that the current provisions in Senate Bill No. 1106 contain the costs at a lower scale. Is the gentleman saying that by adopting his amendment the cost would be kept lower, or would it not, in fact, be reasonable to assume that costs would increase?

Senator DAWIDA. Mr. President, I do not think that cost would be substantially different from the original bill. The question is which hard number do we cap it on? That is the payment. I prefer to use the Cost Containment Council's report because it is a Pennsylvania number based on Pennsylvania hospitals' experiences based on each hospital and I thought that a better number than the federal Medicaid number, understanding that both numbers are in reality political numbers based on the number of dollars that are available. I think this is a cost containment number and it is anybody's guess whether this will work better than the 110 percent of Medicaid. I just prefer the Pennsylvania number.

Senator FUMO. Mr. President, I thank the gentleman.

Mr. President, I differ with the gentleman. I think that the adoption of this amendment would increase the costs of medical care. One of the problems that we have in Pennsylvania is the great disparity in costs. I have seen surveys that indicate that it is 40 percent cheaper, if you are in an automobile accident, to have your medical bills paid in New York City and Manhattan than it is in Philadelphia. I think if we are ever going to try and contain these costs, this amendment would open the door to us losing that kind of control, and I believe it would raise it. The gentleman could be right, but I have to respectfully differ with him and I have to oppose the amendment.

Senator HOLL. Mr. President, we have been working long and hard on getting hard facts and good numbers and good criteria to determine how we can best approach a health care cost containment so as to reduce the cost of automobile insurance. This proposal would leave the door wide open for a risk that could well lead to increased costs of automobile insurance. Therefore, I would urge a negative vote.

Senator ROCKS. Mr. President, I rise to also oppose the amendment. In doing so, and maybe the record ought to show this historic moment, I am in full agreement with my colleague from Philadelphia, Senator Fumo. I would like to explain this one step further. For anybody who believes that what we will ultimately accomplish in an attempt to lower automobile insurance premiums that health care costs are impacting on this phenomena, this amendment undoes what I believe and many others believe is the best opportunity that we have. No one is calling 110 percent of Medicare perfect, but if you want to take it and make it as imperfect as possible, then accept this amendment. With all respect to its offering here tonight, the providers' published charge is such an inaccurate measurement across this Commonwealth and so changeable that particularly for those of us in the southeast and, most importantly, in the City of Philadelphia, as well described by Senator Fumo, the providers' published charge would change before we would ever see a new automobile insurance policy written. At least with 110 percent of Medicare, we have a fixed cost that we can rather well measure and measure across this Commonwealth with all of its diversity. Since the Medicare charge takes effect somewhat imperfectly, but demographics is involved, and it is changed regardless of which region of the state we are here representing, we will assuredly have lowered the health cost provision of auto insurance by using that as our premise line. To move to what this amendment suggests I am convinced will drive that part of the automobile insurance crisis even further beyond our reach because we will see health costs not only much more variable, much more changeable, but we will see them in very rapid fashion driven higher.

Senator DAWIDA. Mr. President, despite the super heated rhetoric of the previous two speakers, what we are dealing with are political numbers for health care cost containment. The question is not all the fancy kind of language you heard about what is good for Philadelphia and what is good for so

and so, it is what number is hard, what number is good, which number is accurate. They are both political numbers. Let us be honest. The Medicare, Medicaid, any federal number is based on the number of dollars Congress is willing to put into it. This number, this 90 percent number, is based on something we have created to try to contain costs in Pennsylvania. I just feel that for cost containment this is the better number to use. I do not know whether it will be better or worse. I suspect it will be roughly equal. I do know that I would trust this number and believe it a fairer number than the political number we will receive from the federal government. Despite all the rhetoric, you can disagree on this issue, but it is a question of which number is better, and I think the number in this amendment is, and I urge a "yes" vote.

Senator GREENWOOD. Mr. President, I am going to vote for this amendment. In fact, I was supposed to offer this amendment. I have been torn for two days about which way to go. I decided to vote for the amendment and I would like to briefly share why.

The previous speaker is correct that the Medicare number is not a hard number. In fact, we tried to find documentation that would show us what Medicare rates are for various procedures and it does not exist. In fact, the Medicare number will rise and fall with congressional appropriations, and congressional appropriations in regard to Medicare are not doing so well. I am concerned about the possibility of telling health care providers, hospitals and physicians that you will treat these patients and then we will pay you. You cannot be reimbursed by an auto insurance carrier more than this magic number that will rise and fall with congressional moods. What we know is that today auto insurance carriers cover 100 percent of what the insurance providers charge. The hospitals and the physicians create the bills. They mail them out and 100 percent of that is reimbursed. This amendment at least says there is an automatic 10 percent discount for auto insurance claims. For that reason I will be a "yes" vote.

Senator AFFLERBACH. Mr. President, as the gentleman from Bucks County just indicated and as the sponsor of the amendment indicated, both of these numbers are numbers which will fluctuate. I have wrestled with this particular dilemma of whether to use Medicare or whether to use the formula submitted by the gentleman from Allegheny, Senator Dawida. I have come to the conclusion that the formula submitted by Senator Dawida is clearly the better formula for Pennsylvania. In addition to the fluctuation problems with Medicare, Medicare is also notoriously behind in coming up with what is a realistic number for any given year. Utilizing the Health Care Cost Containment Council's publications, we in the Commonwealth of Pennsylvania will have a much better handle on a much more stable basis of exactly what numbers we are dealing with. For that reason I would support this amendment.

And the question recurring,

Will the Senate agree to the amendment?

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

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

The PRESIDENT. The gentleman will be so recorded.

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

The PRESIDENT. The gentleman will be so recorded.

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

YEAS—21

Afflerbach	Greenwood	Porterfield	Scanlon
Belan	Lewis	Regoli	Shaffer
Bodack	Mellow	Reibman	Stapleton
Corman	O'Pake	Rhoades	Stewart
Dawida	Peterson	Ross	Stout
Fattah			

NAYS—27

Andrezski	Greenleaf	Lincoln	Salvatore
Armstrong	Hess	Loeper	Shumaker
Baker	Holl	Madigan	Tilghman
Bell	Hopper	Musto	Wenger
Brightbill	Jones	Pecora	Williams
Fisher	Jubelirer	Punt	Wilt
Fumo	Lemmond	Rocks	

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

And the question recurring,

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

SCANLON AMENDMENT III

Senator SCANLON, by unanimous consent, offered the following amendment No. A2566:

Amend Sec. 6 (Sec. 1702), page 18, by inserting between lines 14 and 15:

"Noneconomic loss." Pain and suffering and similar non-monetary detriment.

Amend Sec. 6 (Sec. 1702), page 18, by inserting between lines 22 and 23:

"Serious injury." A personal injury resulting in death, serious impairment of body function or permanent serious disfigurement.

Amend Bill, page 18, by inserting between lines 23 and 24:

Section 6.1. Title 75 is amended by adding a section to read:

§ 1705. Election of tort options.

(a) Financial responsibility requirements.—

(1) Each insurer, prior to issuance or renewal of a motor vehicle liability insurance policy on and after October 1, 1989, shall notify, in writing, each applicant and each named insured of the availability of the two alternatives of full tort insurance and limited tort insurance described in subsections (b) and (c). The notice shall be in a standardized form promulgated by the commissioner and shall include a comparison of the premiums that would be charged under each option. Any person signing, or otherwise bound by, a document containing such terms is bound by such election and is precluded from claiming liability of any person based upon being inadequately informed in making the election between full tort or limited tort alternatives.

(2) If an insured or any person who receives a notice under paragraph (1) and does not indicate a choice, the owner and those he is empowered by this section to bind by his choice are presumed to have chosen the full tort alternative until such time as a written election is received by the insurer. If an insured fails to respond to the notice required by paragraph (1), the insurer shall send a second notice.

(3) An owner of a currently registered motor vehicle who does not have financial responsibility shall be deemed to have chosen the limited tort alternative.

(4) Nothing in this section changes or modifies the existing requirement that owners of registered vehicles maintain bodily injury and property damage liability insurance arising out of the ownership, maintenance or use of a motor vehicle.

(b) Full tort insurance alternative.—

(1) Full tort insurance covers each person who is:

(i) A named insured under a motor vehicle insurance policy.

(ii) The spouse, other relative or dependent residing in the same household of a named insured.

(iii) Anyone operating the vehicle with the permission of the owner.

Full tort insurance coverage shall be for the legal liability for bodily injury, including death, and property damage arising out of the ownership, maintenance or use of the vehicle to the applicable limits of liability, exclusive of interest and costs.

(2) Each person who is a named insured under a full tort insurance policy, each person bound by the election of the named insured and covered under a policy issued under the full tort alternative, and each person who is an occupant of a motor vehicle insured under the full tort insurance alternative, unless such person is an insured under an insurance policy issued under the limited tort alternative, may obtain compensation for noneconomic loss claimed and economic loss sustained in excess of applicable coverage limits in a motor vehicle accident as the consequence of the fault of another person pursuant to applicable tort law.

(c) Limited tort insurance alternative.—

(1) Limited tort insurance covers each person who is:

(i) A named insured under a motor vehicle insurance policy.

(ii) The spouse, other relative or dependent residing in the same household of a named insured.

(iii) Anyone operating the vehicle with the permission of the owner.

(2) Each person who is a named insured under a limited tort insurance policy, each person bound by the election of the named insured and covered under a policy issued under the limited tort alternative, and each person who is an occupant of a motor vehicle insured under the limited tort alternative, unless such person is an insured under an insurance policy issued under the full tort insurance alternative, shall be precluded from maintaining an action for any bodily injury damages, including, but not limited to, noneconomic loss, unless the injury sustained is a serious injury or as otherwise provided in paragraph (3).

(3) The tort limitation under this subsection shall not apply in any of the following circumstances:

(i) The named insured or other operator of the covered motor vehicle who is bound by the election of the limited tort insurance alternative and who sustains damages in a motor vehicle accident as the consequence of the fault of another person who is convicted of driving under the influence of alcohol or a controlled or illegal drug or substance may recover damages as if the individual damaged had elected the full tort alternative.

(ii) A person in the business of designing, manufacturing, repairing, servicing or otherwise maintaining motor vehicles remains liable for injury arising out of a defect in such motor vehicle which is caused by or not corrected by an act or omission in the course of such business, other than a defect in a motor vehicle which is operated by such business.

(iii) A person remains liable for intentionally injuring himself or another person. An individual does not intentionally injure himself or another individual merely because his act or failure to act is intentional or done with his realization that it creates a grave risk of causing injury or the act or omission causing the injury is for the purpose of averting bodily harm to himself or another individual.

(iv) The named insured or other operator of the covered motor vehicle who is bound by the election of the limited tort insurance alternative and who sustains damages in a motor vehicle accident as the consequence of the fault of another person who has not maintained financial responsibility as required by this chapter may recover from the personal assets of the at-fault person. Nothing in this subparagraph shall effect the limitation of section 1731(d)(2) (relating to availability, scope and amount of coverage).

(v) The named insured or other person bound by the election of the named insured to the limited tort option has suffered economic loss provided that this subparagraph shall apply only to economic loss and only to the extent such economic loss has not been recovered or is not recoverable under any policy or contract of insurance or other benefit program.

Amend Sec. 7 (Sec. 1711), page 19, lines 18 through 20, by striking out "THE TOTAL PREMIUM FOR" in line 18 and all of lines 19 and 20

Amend Sec. 8 (Sec. 1712), page 20, line 30; page 21, lines 1 through 3, by striking out "THE TOTAL" in line 30, page 20 and all of lines 1 through 3, page 21

Amend Sec. 8 (Sec. 1712), page 21, lines 12 through 15, by striking out "THE TOTAL" in line 12 and all of lines 13 through 15

Amend Sec. 10, page 23, line 3, by inserting after "1731(a)"; and (d)

Amend Sec. 10 (Sec. 1731), page 23, lines 17 through 20, by striking out all of said lines

Amend Sec. 10 (Sec. 1731), page 23, by inserting between lines 21 and 22:

(d) Limitation on recovery.—

(1) A person who recovers damages under uninsured motorist coverage or coverages cannot recover damages under underinsured motorist coverage or coverages for the same accident.

(2) A person precluded from maintaining an action for damages under section 1705(c)(2) (relating to election of tort options) may not recover uninsured motorist coverage or underinsured motorist coverage.

(3) Recovery of underinsured motorist coverage shall not exceed the difference between the applicable underinsured motorist coverage limit and the applicable liability limits.

Amend Sec. 12 (Sec. 1733), page 23, lines 26 through 30; page 24, lines 1 and 2, by striking out all of said lines on said pages and inserting:

[Where multiple policies apply, payment shall be made in the following order of priority:

(1) A policy covering a motor vehicle occupied by the injured person at the time of the accident.

(2) A policy covering a motor vehicle not involved in the accident with respect to which the injured person is an insured.]

(a) General rule.—A person shall recover uninsured and underinsured benefits against applicable insurance coverage in the following order of priority:

(1) For a named insured, the policy on which he is the named insured.

(2) For an insured, the policy covering the insured.

Amend Sec. 13 (Sec. 1738), page 25, lines 18 through 23, by striking out all of said lines and inserting:

§ 1738. Stacking of uninsured and underinsured benefits.

Uninsured and underinsured motorists benefits shall not be increased by stacking the limits of coverage of:

(1) multiple motor vehicles covered under the same policy of insurance; or

(2) multiple motor vehicle policies covering the individual for the same loss.

Amend Sec. 14, page 25, line 24, by inserting after "1753"; and 1754

Amend Sec. 14, page 26, by inserting between lines 3 and 4:

§ 1754. Additional coverage.

An eligible claimant who has sustained a serious injury and has no other source of applicable uninsured motorist coverage and is otherwise entitled to recover in an action in tort against a party who has failed to comply with this chapter may recover for losses or damages suffered as a result of the injury up to \$15,000 subject to an aggregate limit for all claims arising out of any one motor vehicle accident of \$30,000. [If a claimant recovers medical benefits under section 1753 (relating to benefits available), the amount of medical benefits recovered or recoverable up to \$5,000 shall be set off against any amounts recoverable in this section.]

Amend Sec. 18 (Sec. 1797), page 37, lines 4 and 5, by striking out all of said lines

Amend Sec. 19 (Sec. 1799.5), page 39, line 19, by inserting before "All": (a) New rates.—

Amend Sec. 19 (Sec. 1799.5), page 39, by inserting between lines 21 and 22:

(b) Rate reductions.—The rates charged by insurers under the filing required by subsection (a) shall be reduced from rates in effect September 1, 1989, as follows:

(1) For insureds electing the limited tort option under section 1705(c) (relating to election of tort options):

(i) 65% on the minimum required bodily injury financial responsibility.

(ii) 80% on the minimum uninsured and underinsured motorist coverage limits allowed by section 1734 (relating to request for lower limits of coverage), prior to the effective date of this section.

(iii) 15% on the first party benefit coverage limits required by section 1711 (relating to required benefits), prior to the effective date of this section.

(2) For insureds electing the full tort option under section 1705(b):

(i) 5% on the minimum required bodily injury financial responsibility.

(ii) 50% on the minimum uninsured and underinsured motorist coverages allowed by section 1734, prior to the effective date of this section.

(iii) 15% on the first party benefits required by section 1711, prior to the effective date of this section.

(3) The Insurance Commissioner shall permit greater rate reductions or lower rate reductions to assure that rates shall not be excessive, inadequate or unfairly discriminatory.

(4) The Insurance Commissioner shall approve a premium for \$5,000 medical benefits coverage which is 26%

less than the premium approved for \$10,000 medical benefits coverage.

(5) Increased limits factors shall also be appropriately adjusted.

(c) Calculation of rates.—In all rate filings subsequent to the initial filing required by subsection (a), the bodily injury liability insurance rates for insureds electing the limited tort option shall be calculated as though all motorists elected the limited tort option, and the bodily injury rates for insureds electing the full tort option shall be calculated as though all motorists elected the full tort option.

Amend Sec. 24, page 42, lines 13 through 19, by striking out all of said lines

Amend Sec. 25, page 42, line 20, by striking out “25” and inserting: 24

Amend Sec. 26, page 42, line 24, by striking out “26” and inserting: 25

Amend Sec. 27, page 43, line 1, by striking out “27” and inserting: 26

Amend Sec. 27, page 43, line 2, by striking out “25” and inserting: 24

Amend Sec. 27, page 43, line 11, by striking out “26” and inserting: 25

On the question,

Will the Senate agree to the amendment?

PARLIAMENTARY INQUIRY

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

The PRESIDENT. The gentleman from Allegheny, Senator Scanlon, will state it.

Senator SCANLON. Mr. President, the gentleman from Philadelphia, Senator Fumo, is desirous of offering an amendment to my amendment. Procedurally, should I explain my amendment first and have him offer it, or does his amendment to my amendment take precedence, parliamentarily, over mine?

The PRESIDENT. The Chair would advise the gentleman that he has the floor, and it is really his preference. Either approach is appropriate. If you would prefer to have Senator Fumo offer his amendment at this time, that is perfectly acceptable.

Senator SCANLON. Mr. President, do you mean that I have the option of releasing my control of this microphone to Senator Fumo?

The PRESIDENT. The gentleman clearly has control at this point, and I hope the gentleman enjoys it.

Senator SCANLON. Mr. President, I respectfully decline. Mr. President, this is the guts of the administration's proposal to contain insurance costs. I would like to remind the gentleman from Delaware, Senator Loeper, that last week I talked about ice cream cones, and a nickel for one scoop and ten cents for two scoops. You get what you buy. Right after he reminded me that I said that, Senator Loeper stated that we should do anything to reduce the cost of insurance in this state. I mentioned ice cream last week, he said that a half an hour ago. I agree that we should do anything to decrease the cost of insurance in this state, which is practical, which is constitutional and which is fair. This amendment would offer an option to the people of Pennsylvania, if they so desired, to

purchase limited tort insurance, which would have a verbal threshold. Now to put that into the language people might understand, a threshold would be defined as a serious injury. If a person sustained a serious injury, which is defined as a personal injury resulting in death, serious impairment of body function, or permanent serious disfigurement, then they may file suit to recover both economic and noneconomic losses. Economic losses are those that have to do with hospital bills and what we call special damages. Noneconomic losses have to do with pain and suffering and loss of consortium and other things that lawyers talk about that are noneconomic in nature. That right is still reserved for everybody to file suits if they have a serious injury. We ventured into this area back in 1973 with a no-fault law, which was to be the panacea to solve all of the problems of Pennsylvania. The problem with it was two-fold. First, it was mandatory and everybody had to buy it. Secondly, it gave people a right to sue above what was an unreasonable threshold. I believe the threshold, as I recall, was \$750. We wound up with a situation where a minor fender bender would result in \$750 of special damages inside of two days. It really did not work, and rather than be a panacea to reduce costs, it created a skyrocketing effect of insurance premium costs in this state, leading to its repeal a couple of years ago, and we went back to the tort system. Under the present tort system, where people buy automobile liability insurance and can be sued and sue no matter how severe the damages are, costs have still increased. Some people feel that one of the reasons for the costs, among others, is the proliferation of lawsuits for minor personal injury cases. This may or may not control it. I think it will because it is optional. In exchange for people giving up their right to file suits for less than serious injuries, it mandates reductions in insurance premiums that I think are much more beneficial than the proposals contained in Senate Bill No. 1106. Keep in mind that a person who opts for this limited tort coverage can sue in case of serious injury and can still be sued, if negligent, for non-serious injuries by full tort insureds. That sounds pretty heavy, but the liability aspect of being the owner and operator of an automobile remains unchanged. The problem is, in exchange for \$5,000 under this bill—my \$10,000 amendment was not accepted—people give up their right to sue for nonserious injuries. It is my opinion that this will result in substantial insurance savings. As a matter of fact, the savings are mandated in the bill and I urge this Senate to adopt this amendment.

And the question recurring,

Will the Senate agree to the amendment?

FUMO AMENDMENT I TO SCANLON AMENDMENT

Senator FUMO, by unanimous consent, offered the following amendment No. A2573 to Senator SCANLON's amendment No. 2566:

Amend Amendments, page 6, by inserting between lines 4 and 5:

§ 1799.6. Equal access to insurance.

(a) Findings.—The General Assembly hereby finds:

(1) Insurers have an obligation to make private passenger automobile insurance available at voluntary market rates.

(2) Insurers having 1% or more of the total Statewide private passenger automobile earned exposures in the voluntary marketplace constitute approximately 20 insurance companies.

(3) The insurers referenced in paragraph (2) are of such size that they can make insurance available in all regions of this Commonwealth.

(4) Despite the fact that the insurers referenced in paragraph (2) can make insurance available in all regions of this Commonwealth, some insurers refuse to appoint agents in certain regions, fail to advertise the availability of insurance, and otherwise take action to restrict the number of drivers written at voluntary rates.

(5) The failure of insurers to make insurance available at voluntary market rates in all regions of this Commonwealth has resulted in good drivers being forced to pay significantly higher premiums for coverage through the Assigned Risk Plan and has exacerbated the problem of uninsured motorists.

(b) Purpose.—It is hereby declared that the public policy of this Commonwealth that all insurers having 1% or more of the total Statewide private passenger automobile earned exposures in the voluntary marketplace should meet market share goals within regions of this Commonwealth established by the department. It is the intent of the General Assembly to establish automobile insurance equally available to voluntary market rates in all regions of this Commonwealth.

§ 1799.7. Market share goals.

(a) Calculation of market share goals.—An insurer's market share goal for a given region shall equal the insurer's Statewide private passenger automobile earned exposures multiplied by the proportion of the total voluntary Statewide private passenger automobile earned exposures within the given region. The department shall designate regions of this Commonwealth.

(b) Report by insurers.—Insurers shall report to the department every calendar quarter the number of private passenger automobile earned exposures Statewide and in each region of this Commonwealth designated by the department. The report shall separate exposures in the Assigned Risk Plan from voluntary market exposures.

(c) Underserved regions.—Within 30 days of the effective date of this section and from time to time thereafter, the commissioner shall review the availability of private passenger automobile insurance in all regions of this Commonwealth to determine if any region is underserved. If the commissioner determines that a region of this Commonwealth is underserved, each insurer not meeting its market share goals within an underserved region shall be required to submit a plan to the department within 60 days of such determination. The plan shall detail the insurer's program for meeting its market share goal within one year. Such plans shall include, but not be limited to, appointment of additional agents in the underserved region, advertisement of availability of insurance at voluntary market rates, and publication of toll-free telephone numbers through which an individual may obtain coverage. A region is underserved if less than 85% of all vehicles registered within the region are written in the voluntary market and may be found to be underserved based on other factors as determined by the commissioner.

(d) Failure to meet market share goals.—If the commissioner determines that an insurer has failed to meet its market share goal in an underserved region within one year of implementation of a plan specified in subsection (c), the commissioner may impose a civil penalty not to exceed the product of the number of exposures by which the insurer missed its market share goal and the insurer's average voluntary market premium for the minimum coverages required by law. The commissioner may also order modifications to the insurer's market share goal plan. The

commissioner may further order that the company stop writing new automobile insurance business in all other regions of this Commonwealth until such time as it has achieved its market share goal in the underserved region. Prior to imposing a penalty, the commissioner shall hold a hearing pursuant to Title 2 (relating to administrative law and procedure). A good faith attempt by the insurer to meet its market share goal shall be considered by the commissioner as a defense to a penalty or a mitigating factor. If the insurer still does not meet its market share goal in second and subsequent years, the formula for calculating the maximum civil penalty specified in this subsection shall be doubled, and the commissioner may again order a halt to the writing of new business in other regions of this Commonwealth.

On the question,

Will the Senate agree to the amendment to the amendment?

Senator FUMO. Mr. President, this amendment was originally part of the Governor's package in the House. Unfortunately, it was not successful when it came here. What it basically provides is to address the problem of inequity with regard to some insurance companies deciding to skim the cream off the crop of the insurance market and not come in and do their fair share to help out in those other areas that need help. The concept of insurance, Mr. President, is one in which you spread the risk around as much as you can so as to help as many people as you can in order to keep rates low. The concept of insurance in a state is that everyone has an obligation to do their fair share. This amendment would require any insurance company which writes at least one percent of the business in the Commonwealth of Pennsylvania to write that business across the Commonwealth, in all the counties. If a county had less than 85 percent of its vehicles not properly insured by the voluntary basis, which means 15 percent or more in the assigned risk plan, then the Insurance Commissioner would ask those companies doing business to provide a plan to mandate them to sell insurance in that particular county or those counties. Mr. President, this is the only fair way to go about addressing the insurance problems in Pennsylvania, and I would ask for an affirmative vote on the amendment.

Senator LOEPER. Mr. President, as the maker of the amendment already indicated, one of the earlier versions of the Governor's insurance plan would have permitted the Insurance Commissioner to periodically review the availability of auto insurance in all regions of the Commonwealth in order to try and determine if any region was underserved. But, Mr. President, I think if we really take a look at the amendment, we see that it requires insurers to cover bad risks and, therefore, if they have to cover bad risks, what we also see is it raises the cost for other drivers throughout the state in order to compensate for the bad risks that they must underwrite. It would seem to me this amendment would restrict competition by not allowing insurers to write insurance, particularly in certain areas of the Commonwealth. It seems to unfairly penalize drivers in underserved areas by restricting their ability to purchase new insurance policies from a company which may be under its market share in another region of the state. I believe this amendment penalizes drivers throughout Pennsylvania except for certain high risk areas,

like the City of Philadelphia. I would ask for a negative vote on the amendment.

Senator HOLL. Mr. President, this amendment caused a great deal of interest in our staff work and among those of us who have been working almost night and day on this automobile insurance problem. We have estimates of increased costs for automobile insurance premiums across this state of up to 20 percent, 20 percent additional premium cost if this amendment should go in. The reason is very simple. Somebody is going to have to pay for the high risks caused by the Philadelphia insured which will be forced on the insurance companies against their will if they want to continue to do business anywhere in Pennsylvania. We are saying to an insurance company, you must take a certain percentage of that Philadelphia high risk business and in so doing it is going to drive up your cost of operation, therefore, you can spread it across the State of Pennsylvania. Anybody who comes from an area outside that who has a rate today of \$100 is going to be paying \$120 for that same piece of business. I urge a negative vote.

Senator FATTAH. Mr. President, it seems that some of my colleagues want to eat scrambled eggs without breaking the shell, and that is an impossibility. You cannot, on one hand, want Philadelphia to resolve its own problem through the amendment I offered earlier and, on the other hand, not want Philadelphia drivers to be uninsured, but then not want to support the amendment of my colleague, the gentleman from Philadelphia, Senator Fumo, which would force insurance companies to write policies in Philadelphia. I am not clear what it is that some people would want done about the situation that exists and the reason why we are here at this late hour. One of those things has to happen. I would urge my colleagues to think as commonsensically as they might on this issue and to find their way clear, hopefully, to support what is an amendment to respond to the problem we face. I would urge an affirmative vote on Senator Fumo's amendment.

Senator ROCKS. Mr. President, I rise to support the amendment to the amendment, maybe with a slightly different perspective than has been discussed here so far. If you consider at all the insurance dilemma to be a marketplace problem, it might be all too easy just to describe the City of Philadelphia as having a problem with its drivers or uninsured motorists or higher level of risk. Mr. President, maybe what you had to have faced as a Philadelphian is a public pronouncement from a major national auto insurance company which simply, at one point in time within recent memory, just declared that they will no longer write automobile insurance in the City of Philadelphia. Given some public reaction to that declaration by that company, they rescinded. But fully understand that along with the intent of this amendment has been an experience for Philadelphians whereby major providers of automobile insurance just simply do not want to enter the Philadelphia marketplace because they see it will cost them money, that they may, in fact, be in a better market position outside of the City of Philadelphia. If you want to view this issue judiciously for Philadelphians, then you need to take the amendment to the amendment that is in front of us most seri-

ously, as I know it is offered here tonight. I would hope there will be support in this Chamber for what has been a part of the very real problem with the insurance crisis in the City of Philadelphia, a marketplace created problem because major carriers are refusing to write insurance for automobile owners in that city.

Senator FUMO. Mr. President, I cannot believe the comments from the Senate Majority Leader and the Chairman of the Committee on Banking and Insurance against a county of this Commonwealth that happens to be a part of this Commonwealth. Nobody wants to solve the Philadelphia problem. Let it go away, let it cut itself off and maybe drift down to Delaware, or probably, in the opinion of some of these people, annex itself to New Jersey. Mr. President, whether you like it or not, Philadelphia is part of this Commonwealth. You may not want our trash, you may not want our people, you may not want our problems, but you are stuck with them. We are here tonight because of the problem in Philadelphia. When the gentleman from Montgomery, Senator Holl, talks about the unbelievable increase from \$100 to \$120 in premiums, my God, Philadelphians would pay \$240 and be happy. The rates in our city are \$2,000, \$3,000 and \$4,000, and more, while the rates in the rest of this Commonwealth are much, much lower. If anyone is serious about solving the insurance problem, we have to do it together, otherwise it is just a big sham. This amendment and the one that follows begin to solve that problem in a fair and equitable way by allowing people to participate equally, and when you have more people in the process and they are in it in a fair and equitable way, yes, there are going to be some reductions in Philadelphia and, yes, there may, in fact, and there probably will be some increases in other areas of the Commonwealth, but how else are we to solve the problem? The cancer that exists in Philadelphia's problem is spreading to other counties. It is spreading to Montgomery; their rates are starting to increase. It will not be long before it is in Delaware, then Bucks, then Chester and then spread right across this Commonwealth, and it will even get out to the southwest. If you do not help us solve this problem now, you are creating an even bigger one for yourselves later. If you are serious about insurance reform, then you have an obligation to vote for this amendment and, yes, in reality, you have an obligation to help Philadelphia auto drivers. If you are not serious about it, I do not know what we are doing here at 11:05 p.m. We all know that the problem exists in Philadelphia, so you have to go into Philadelphia and solve the problem.

Senator PECORA. Mr. President, will the gentleman from Allegheny, Senator Scanlon, please stand for interrogation?

The PRESIDENT. The Chair would interrupt at this point and remind the gentleman that we are debating Senator Fumo's amendment to the amendment.

Senator PECORA. Mr. President, yes, but I still have the alternative to question the gentleman on the amendment, because what I am questioning him on is not being taken out of Senator Scanlon's amendment by the second amendment.

The PRESIDENT. Will the gentleman from Allegheny, Senator Scanlon, agree to this interrogation?

Senator SCANLON. I will, Mr. President.

Senator PECORA. Mr. President, what I would like to have is a definition of serious injury. A personal risk injury resulting in death we understand. Serious impairment of the body function, I would like an explanation. If I had my leg broken or my knee broken, am I unable to sue?

Senator SCANLON. Mr. President, serious injury is clearly defined in the act, and I would submit, in answer to your question, knowing how much you use your knee, if it were broken, that would be serious. In other words, you could file suit if somebody were negligent and caused you to have a fractured knee, yes.

Senator PECORA. Mr. President, that is called the impairment of a body function?

Senator SCANLON. Mr. President, I would call a broken knee a permanent, serious disfigurement.

Senator PECORA. Mr. President, what is a permanent, serious disfigurement? Is that stitches on my arm for a cut? I have a disfigurement here, am I able to sue for that?

Senator SCANLON. Mr. President, I think all of these matters are going to be adjudicated in the court system as to what is serious. I cannot answer that. I think a minor scar on Farrah Fawcett-Majors' face would be serious. A scar on your wrist, who cares?

Senator PECORA. Mr. President, he answered what I wanted to hear. The courts will decide. Are we passing legislation to create court cases? Are we passing legislation to resolve problems?

The PRESIDENT. Is that a question to Senator Scanlon, or is it purely rhetorical?

Senator PECORA. Mr. President, that is a question to Senator Scanlon.

Senator SCANLON. Mr. President, we are passing legislation in an attempt to solve problems, being pragmatic enough to know that every piece of legislation we pass eventually winds up being interpreted by courts. Senator Pecora has been in this Body long enough to know that is a fact of life.

Senator PECORA. Mr. President, I think much of our legislation does end up in the courts because of the poor and quick ways we initiate legislation. I feel that if we would take time and do our job, we would not have our legislation determined by the courts. We are not here to create court cases, Mr. President. We are here to resolve problems and help our constituents in Pennsylvania.

Senator HOLL. Mr. President, on the Fumo amendment to the Scanlon amendment, I used an illustration of \$100 plus 20 percent, which would be an increase of \$20, from \$100 to \$120. The distinguished gentleman from Philadelphia interpreted that as meaning a premium rate in some other part of Pennsylvania. I want to assure him that there are those of us in suburban areas who are paying \$1,000, and that would jump that premium to \$1,200—a \$200 increase. Those who are paying \$2,000 would have a \$400 increase. Those people who are paying \$3,000 would have a \$600 increase. Getting

back to Senator Fumo's statement about Philadelphia and the need to help that great city, let me assure him that we all want to help Philadelphia. The way to do it is to create an atmosphere so that insurance companies will go into that city and be able to make a profit and, in turn, serve the public.

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

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

YEAS—9

Bell	Fumo	Rocks	Scanlon
Dawida	Jones	Salvatore	Williams
Fattah			

NAYS—39

Afflerbach	Greenwood	Mellow	Ross
Andrezeski	Hess	Musto	Shaffer
Armstrong	Holl	O'Pake	Shumaker
Baker	Hopper	Pecora	Stapleton
Belan	Jubelirer	Peterson	Stewart
Bodack	Lemmond	Porterfield	Stout
Brightbill	Lewis	Punt	Tilghman
Corman	Lincoln	Regoli	Wenger
Fisher	Loeper	Reibman	Wilt
Greenleaf	Madigan	Rhoades	

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

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

FUMO AMENDMENT II TO SCANLON
AMENDMENT

Senator FUMO, by unanimous consent, offered the following amendment No. A2572 to Senator SCANLON's amendment No. A2566:

Amend Amendments, page 6, by inserting between lines 4 and 5:

§ 1799.6. Limitations on territorial rating differentials.

The Insurance Commissioner shall not approve automobile insurance rates which provide more than a 15% differential in rates between adjoining territories, or any rate in any territory which is more than two and one-half times the rate in any other territory.

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

Senator FUMO. Mr. President, this amendment is so simple I will read it. It says "The Insurance Commissioner shall not approve automobile insurance rates which provide more than a 15% differential in rates between adjoining territories, or any rate in any territory which is more than two and one-half times the rate in any other territory." Mr. President, this amendment truly spreads the risk of insurance throughout the Commonwealth. The concept of insurance, again as I said, is to spread the risk as far as we can. As was said by people who I have talked to—and I think it is true—many, many years ago if only twenty shipowners in London got together to start insurance for their ship losses, there would

not be any debate tonight, there would not be any concept of insurance, but 200 of them stuck together and spread the risk among all of them, and that is how insurance got started. Again, if we are serious about solving the problem, if we really want to help not only people in Philadelphia but people throughout the Commonwealth, then we have an obligation to vote "yes" on this amendment. If, on the other hand, we are trying to con people with thresholds, verbal or otherwise, passive restraint systems and every other cockamamie concept we can to duck the real issue, then do not vote for it and prove that what you are doing here tonight is one big sham. This is the only way you are going to solve not only Philadelphia's problems but the state's problems. I am not optimistic, I recognize where I am. I honestly hope we would have a little bit bigger vision than our own backyards, and we would go and look where the problem is and share in the assistance to help solve it.

Senator LOEPER. Mr. President, I think when the gentleman explained exactly what type of implication the amendment would have, I think he explained it very correctly, and that was he said this amendment would spread the risk, and it certainly does that. In fact, it spreads the risk to sixty-six other counties in this state. In my view, Mr. President, I think that this amendment would really, in some cases, limit access to insureds. It seems to be anti-competitive as far as spreading the so-called risk. I believe it would establish arbitrary boundaries and percentages for each of the other counties not only contiguous or adjacent to Philadelphia County but also spread the risk throughout the other counties. I think the ultimate concern I would have with the amendment is that essentially what it does is penalize good drivers and reward bad drivers in spreading that risk. I would ask for a negative vote on the amendment.

Senator FATTAH. Mr. President, the statement by the Majority Leader seems to work at cross purposes with the statements that emanated on the Fattah amendment where we were trying to limit the risks to Philadelphia drivers. It was said, well, no, we want to spread the risks around and now he says, well, we do not want to spread the risks. I think it is difficult for those of us who are trying to resolve this problem to understand exactly where the consensus is or where consensus can be built around and how we go about doing that. The amendment of the gentleman from Philadelphia, Senator Fumo, is another attempt to deal with this issue as a statewide issue, if it truly is a statewide issue. If it is not, then we had an opportunity to deal with it as a Philadelphia issue. I think that the Senate, in its leadership, has some responsibility, if not to provide direct assistance to the Philadelphians who face unbearable rates, to at least allow the City of Philadelphia to deal with that issue in its own right. Again, I would ask that we support the Fumo amendment. In the absence of that, I would hope that we would gather our thoughts as to how we can better look at this situation in the future.

LEGISLATIVE LEAVES CANCELLED

The PRESIDENT. The Chair recognizes the presence on the floor of Senator Brightbill and Senator Williams. Their temporary Capitol leaves will be cancelled.

And the question recurring,

Will the Senate agree to the amendment to the amendment?

Senator WILLIAMS. Mr. President, I rise to support the amendment of the gentleman from Philadelphia, Senator Fumo. I think it is the one amendment that goes right to the issue that we are speaking on. I repeat, if there were not a problem in Philadelphia with regard to rates, we would not be here at this hour struggling with the issue. That is clear from all the statistics that we all have received. Having said that, the Senator's proposal says, well, let the risk be spread throughout the unit called the State of Pennsylvania. Our authority and the authority of the insurance office covers the specific unit territory called Pennsylvania. It does not cover any particular and selective nook or hamlet or county. It is directed to regulate the environs within the State of Pennsylvania. That is the geography, Mr. President. The rate differential does not seem to bear on good driving. Good driving does not seem to ever get rewarded, whether that is in Philadelphia, Montgomery, Erie, or wherever you may be. We have witnessed recently the overturn of some rate differential that we had with regard to the sex of the insured. This amendment seeks to state that we are one unit, one unit under a law which is regulated within certain geographical boundaries. It says, therefore, we should spread that risk within those environs among all the people contained therein who are insured. Anything short of that will impact on the problem that we already have in Philadelphia. Unless we do something to spread that risk in a uniform way, we will be begging the question.

I, too, support the amendment of the gentleman from Philadelphia, Senator Fumo, as the only clear way for the future to have an equalized, fair approach. I might add that the one example that the new proposals have been seeking to imitate, i.e., the State of Michigan, the concept was just that. It seems to me that they went and they corrected it so that the risk would be spread. We are talking about a specific area where you sacrifice in the people to give up the right to sue that in other areas of the state would not be required. To give that basic right up, rather than to look at an equalization of the risk throughout the geographical unit, just seems to me, Mr. President, to be a backward way of doing it. I think that the Fumo amendment goes right to the heart of the issue and the condition that we face, and I urge its support.

Senator FUMO. Mr. President, I rise to take issue with some of the comments of the Majority Leader when he said that this amendment would penalize good drivers in other areas. By implication, I think he means to say there are no good drivers in Philadelphia. I want to remind the gentleman that the only reason rates are high in Philadelphia is because of geographical discrimination, not driver ability. There are drivers in Philadelphia with excellent records, drivers in Philadelphia who have never been in accidents but still pay ten and twenty times what drivers pay in other areas of this Commonwealth, merely because they live in Philadelphia. Our sworn obligation in this Chamber is to protect the rights of all the people in Pennsylvania, not just everybody in Pennsylvania

except Philadelphians. You violate your oath when you have that philosophy. Mr. President, if this amendment does not pass, and the other one I offered obviously did not pass, it is not the end of this fight. We will go to court and sue in federal court for this discrimination, because I believe that our rights in Philadelphia are being discriminated against, and that case will be brought by Senators from Philadelphia. I know that I speak for my colleagues on this side of the aisle, and I hope that I speak for my colleagues on that side of the aisle from Philadelphia who share in this discriminatory problem. I would hope that we could avoid the lawsuit. I would hope that we could honor our oaths of office and do what is right here tonight, and, quite frankly, maybe even do what is courageous rather than what is politically expedient. I, therefore, urge an affirmative vote.

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

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

YEAS—7

Fattah	Jones	Salvatore	Williams
Fumo	Rocks	Scanlon	

NAYS—41

Afflerbach	Greenleaf	Madigan	Rhoades
Andrezeski	Greenwood	Mellow	Ross
Armstrong	Hess	Musto	Shaffer
Baker	Holl	O'Pake	Shumaker
Belan	Hopper	Pecora	Stapleton
Bell	Jubelirer	Peterson	Stewart
Bodack	Lemmond	Porterfield	Stout
Brightbill	Lewis	Punt	Tilghman
Corman	Lincoln	Regoli	Wenger
Dawida	Loeper	Reibman	Wilt
Fisher			

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

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

Senator SCANLON. Mr. President, because we have been temporarily diverted from the issue at hand, my amendment, by the two amendments offered by the gentleman from Philadelphia, Senator Fumo, I would just like to remind the Members that this involves the optional limited tort option by which people can be reimbursed immediately up to \$5,000 if they are involved in an automobile accident and sustain a non-serious injury. It will reduce the premium cost of insurance because it reduces the cost of writing insurance. It reduces the number of lawsuits that are filed. It reduces the necessity of placing money in reserves for accounts for claims, and overall should, as mandated in this bill, have a substantial impact on the price of insurance in Pennsylvania.

Senator ROCKS. Mr. President, I rise in opposition to this amendment, and I do it having thought, as I believe every Member of this Senate has, long and hard about the implications of it. I have no doubt, given the crisis that has been rather vividly described here tonight in the City of Philadel-

phia, that the proliferation of lawsuits has had some impact on the cost of automobile insurance. There are several points I would like to raise regarding this amendment in an area that we wander into now of verbal threshold, with a rather unique twist for the first time presented in Pennsylvania. One, there is a part of me, and maybe it comes from being an urban law-maker, that struggles with a means test as applied in this proposal, a test that says if you can afford a certain amount of automobile insurance coverage, you have certain rights, certain access to our judicial process, and if you cannot, given what the automobile is to us in our way of life as a very basic mode and method of freedom almost built into us today, knowing that you are going to drive in today's world, if you cannot afford that level of automobile insurance, you are going to give up your right to suit in certain instances. Next, and I struggle very much with this point, if the basic intent of this amendment is to reduce the number of lawsuits, therefore lowering automobile insurance, the more I thought about this, the more at least I was impacted by some very basic lines of logic. Who says that people who cannot afford enough insurance are the litigious people? As a matter of fact, the more logic worked on me, the more I thought, you know, if I am inclined to be suing people, I would probably come from a socio-economic scale that says I can well afford to buy automobile insurance that gives me the full right of suit in every instance that I would care to exercise it. I struggle with what might be the somewhat subtle discriminatory hint in that part of this proposal. Finally, Mr. President, I do not believe at all, given this particular proposal, that we are going to see fewer suits. If you come from the City of Philadelphia, and I know what they tell us, not one of us from Philadelphia is naive about this problem. We have lived with it. Our people are screaming about it. We know we have more lawyers in the City of Philadelphia than any other jurisdiction of this Commonwealth. No one will convince me that, given a definition of serious injury as the test, we are not going to proliferate lawsuits rather than cut them down, as might be the intent. Associated with that, I just cannot figure out in this amendment how we really are lowering the cost of automobile insurance. I well understand that a lower premium will be offered to those people who give up certain rights in their access to a courtroom. I well understand that. When I add up everything else that I have thought about and tried to describe here tonight regarding this amendment, I just am confounded. I would ask anyone to bring me the actual premium reduction that this presents to the people of Philadelphia that I represent here tonight, because I do not believe that exists. Mr. President, for these points that have caused me very real concern and what has been written and described regarding this amendment to this point tonight, I stand in opposition to it.

Senator MELLOW. Mr. President, I had absolutely no intention whatsoever to speak on this amendment tonight upon the conclusion of the remarks by the gentleman from Allegheny, Senator Scanlon. Had the gentleman from Philadelphia, Senator Rocks, not taken to the floor and basically asked a question at the end of his presentation, I would not

speaking in favor of this amendment, although I am strongly in support of the amendment because I think a lot has been said over the past several weeks, and I believe we all know what the issue is. Mr. President, probably the most accurate thing that was said here this evening was stated by the gentleman from Philadelphia, Senator Fumo, in the amendment to the amendment when he said what we are doing here tonight is a sham and make no mistake about it, what we are doing here tonight is absolutely a sham. The victims of the sham are those people who have elected the fifty Members of the Pennsylvania State Senate, those 12 million people of Pennsylvania who have told us we are going to entrust to you the responsibility of the operations of the daily state government and hope that you do the best job for the people that you represent. Mr. President, we are all big people, and we all know exactly what is taking place here this evening. We all know what the issue is, and we all know where the powers are that are outside this room that have been brought to bear upon the Members of the Senate. When the question is asked as to where the savings are with regard to this amendment, I think it is incumbent upon those of us who are in support of this amendment to report to those individuals in the Senate just exactly where the savings are. What we have done is we have gone through all sixty-seven counties of Pennsylvania and we have put into the computer exactly what the premiums are under the current rates of insurance and what the premiums would be if this proposal that we are dealing with right now is passed. Every county in Pennsylvania, in dealing with minimum coverage, has a substantial reduction in premium, and no county has a greater reduction in premium than the first-class county known as the City of Philadelphia. Mr. President, if I could just have the record reflect that the four areas of concern with regard to this amendment deal with bodily injury, which in Pennsylvania there is a minimum coverage of \$15,000 and \$30,000, which means \$15,000 per incident and \$30,000 in the aggregate. Property damage, minimum coverage in Pennsylvania is \$5,000; first-party benefits, minimum coverage, unless Senate Bill No. 1106 in its current form is eventually enacted and signed into law, is currently \$10,000. For the uninsured motorist in Pennsylvania the benefit is \$15,000 and \$30,000, meaning \$15,000 per incident, \$30,000 in the aggregate. In the City of Philadelphia, for those four particular areas of minimum coverage, the average 30-year-old male who has not had an accident would pay, at today's rates, \$1,208. That is factual. That can be documented and, in fact, is documented.

Under the proposal, Mr. President, that is encompassed in this amendment, that same particular individual would have a reduction in his or her premium because of the enactment of this amendment to \$680, or an overall reduction in the minimum coverage benefits and the minimum coverage areas of 43.7 percent in the City of Philadelphia. So, if really what we are all about here tonight is making insurance more affordable and giving people the opportunity to say at their option what they want to do with themselves and how they want to cover themselves, then, Mr. President, we should unquestionably, very strongly be supporting this amendment.

If what we are all about here this evening is, as was said by the gentleman from Philadelphia, Senator Fumo, nothing more than a sham, then, perhaps, Mr. President, we should not be supporting this amendment and we should get on with the business of the day. I only offer those remarks and I only indicate what the premiums are in Philadelphia because the previous speaker talked about no one has shown what the premiums are and what the reductions mandated in the amendment are. If any of the other Members of the Senate would like to know how their particular district would work out in this amendment, we have the figures and we would be only too happy to share them with them. Mr. President, I, once again, would ask for an affirmative vote on Senator Scanlon's amendment.

Senator FISHER. Mr. President, the hour is late but, nevertheless, the subject before us is one of the most important that we will deal with this Session, and so is the question of the amendment which is before us. I, too, rise in opposition to the amendment. I rise in opposition to the amendment because I firmly believe that in having reviewed the amendment, there are serious questions that are raised, at least in my mind, and I am sure in the minds of others, regarding the content of the amendment, whether or not the cost savings will be brought about that have been addressed by the previous speaker. Also, I seriously have to question whether or not the concept that is contained within this amendment can pass the constitutional muster of our Supreme Court. Mr. President, I do not rise here to raise a constitutional point of order, although I would think that, perhaps, one may be in order at this time but, rather, I would like to address some of the issues which I believe bear on the question of whether or not this amendment is, in fact, constitutional. Clearly, anyone who exercises the option to acquire the limited tort option, which it is called under the proposal, will be giving up a significant right, but I think, as other speakers have said, it is quite conceivable that those who choose this option will be guided strictly by the dollar savings that may be involved at the front end. Those who go out to purchase this option will be shown, as the amendment requires, a contrasting set of costs, the cost for this full tort option and a contrasting set of costs for the limited tort option. I believe it is inappropriate that we should put the people of this Commonwealth in a position to decide whether or not they are going to have a basic right to sue, which is guaranteed to them under the Pennsylvania Constitution, based on their financial ability to pay. That is exactly what this amendment proposes. Not only that, but even worse, this amendment will give that person who is purchasing the automobile insurance and who is purchasing the limited tort option the right to not only waive their own right to sue, but will also give them the right to waive the right to sue for every insured under that policy in that household. That not only means their wife, it means their children, it means any other dependent living in that household who will come within the definition of "insured." I think, Mr. President, that provision in and of itself is a significant flaw that should ask all of us whether or not we have a proposal in front of us that will pass the constitutional muster of our courts.

You have heard of and, of course, all of us are familiar with the 1974 No Fault Act. That No Fault Act, some have cited, if not in this Chamber this evening, previously, that the decision upholding that No Fault Act in the case of Sheppard vs. Singer is the basis for legitimizing this proposal of optional no fault. I believe just the opposite, because in that decision, a decision which rather thoroughly analyzed the 1974 Act, the Pennsylvania Supreme Court very clearly pointed out that their support and their rejection of the equal protection argument that was made by the plaintiffs in that case was based upon the fact that the 1974 Act, although abolishing a cause of action for those under the \$750 threshold, was permissible because it was offset by acceptable statutory benefits. The statutory benefits, however, that offset the elimination of that limited right to sue in the 1974 Act were unlimited medical expenses, unlimited first-party medical expenses which we do not have here. We have, and I noted the sponsor of this amendment cited that the offset was the \$10,000 or \$5,000 first-party medical benefits. Under no circumstances can those equal the unlimited benefits that were in existence in the 1974 Act. Certainly the right to sue and the proliferation of lawsuits are something that many people across this Commonwealth and many of us have to give serious consideration to. Many people have cited, both inside and outside of the insurance industry, that lawsuits have been a major problem and have been a major cause of the increasing cost of insurance. Clearly, if this amendment were to pass, some people, as I have indicated, would be denied their right to sue. But I also say that if you look at this amendment and you just examine very closely the answer given by the sponsor of the amendment, the gentleman from Allegheny, Senator Scanlon, to interrogation posed by the gentleman from Allegheny, Senator Pecora, the courts are going to determine all of those matters as to who can sue and who cannot sue under the definition of serious injury. I think the definition of serious injury which is contained within the amendment is significantly flawed. I believe that if you look at what current practice is in automobile insurance cases, you will find that these small lawsuits that everyone wants to eliminate, in fact, are not coming into the courts today. They are not coming into the courts today and they will not continue to come into the courts today because there is a prohibition in current law which is carried forward in this proposal which precludes a plaintiff from pleading first-party benefits. It is those first-party benefits, or those minor bills that were paid under the old law prior to the 1974 Act and under the 1974 Act, which brought many lawsuits into the courts. That is not the case under current law and it is not the case under this amendment. You cannot even get your foot in the door and most attorneys are not going to take the small cases today because there is not a reasonable expectation of a recovery. I say to you that the current system and the bill before us in and of itself deters lawsuits, but this bill is certain to bring litigation all across this Commonwealth in trying to define what serious injury means, and you are not going to have a consistent standard for what serious injury is. It is going to be determined by the common pleas courts in our

sixty-seven counties. I would say that in the more populous counties like my own and Philadelphia County, you are going to have as many variations of what a serious injury is as you are going to have members of that bench. I believe, all in all, that this concept is a bad concept. It is not going to save costs. In fact, if you analyze what it is going to do for those who choose a limited no-fault alternative, those people, yes, if injured, may save money under what they paid and the insurance company may save some money under the liability side of that policy, but that same insurance company is going to pay out more under the first-party part of the policy. Somebody still has to pay the costs of those injuries, whether it is your own insurance company or whether it is the insurance company of the person who caused the accident. I prefer that the person who caused that accident should be the responsible party to pay for those injuries. I would just say, in conclusion, that I think all of us, because we are dealing with an issue that is very serious and it is one that is going to affect all seven million car owners across this Commonwealth and the other residents of this Commonwealth who are potential victims of automobile accidents, each and every one of us should examine this limited tort alternative that is contained within this amendment. After you examine this alternative, you tell me, if this amendment passes, whether or not you would select the limited tort alternative. I submit to the Members of the Senate that if you examined that, you would not select the limited tort alternative because you would not want to give up your right to sue. I submit that we should not accept the limited tort alternative for the people that we represent and that we should reject this amendment.

Senator FATTAH. Mr. President, it is my belief that the amendment offered by the gentleman from Allegheny, Senator Scanlon, is a sincere effort on behalf of the Senator and the Governor to lower auto insurance rates in the state. However, I think it is flawed in several respects. One is, on behalf of my constituents, it would seem to me that many of them in terms of this optional limited tort issue, that it really will not be optional, because under the excessive rates that Philadelphians have to pay to buy auto insurance, any reduction in those rates would be almost a *fait accompli*, if it was available. Therefore, many of them will not have an ability to make a choice because of the excessive rates, and they will choose this option. When we look at this option, it seems to me that what is happening is we are being told that there is going to be a reduction and that does seem to be true. The only problem is the reduction is in direct correlation to a reduction in benefits and rights that one would get with the purchase of insurance. You are paying less, but you are getting less. There is still this real question of whether we are getting all we are paying for now, and until we get to the issue of full data disclosure by insurance companies, I think that issue still is in question. I find it difficult to support this concept because of the stated reasons. However, I think that this is not the final call on this issue, and I think that, at least speaking for myself, I am prepared to look at every sincere proposal they put forward to lower rates for my constituents.

However, I think at this time I would be in a position, unfortunately, to have to oppose Senator Scanlon's amendment.

Senator CORMAN. Mr. President, I rise to support this amendment of the gentleman from Allegheny, Senator Scanlon. In an attempt to readjust an insurance program to bring about lower rates for the consumers of Pennsylvania, it is impossible to identify one single villain that causes the high rates. There are a series of areas that are paid out by insurance policies that cost the consumer when purchasing insurance. I think this is a very good package. It deals with almost all of those areas. We deal with fraud, trying to stop losing insurance premiums to those people who would defraud us by perpetrating those kinds of fraudulent acts against an insurance company. We will attempt to lower rates because we are attempting to also contain medical bills. We have provisions in this bill that would also reduce the payments for property damage by increasing the amount of deductible for the property damage coverage. The one part that is left unattended is the part that this amendment will cover, and that is trying to deal with the court costs, to contain the court costs. I believe the no fault offered in this amendment is a very good effort in trying to contain those court costs and support it. One of the features of this particular amendment that differs from the bill that passed the House I think is very important, and that is the fifth exception to having to qualify for the verbal threshold. That fifth exception that is offered in this amendment says that the named insured or other person bound by the election of the named insured to the limited tort option has suffered economic loss, but only to the extent such economic loss has not been recovered or is not recoverable under any policy or contract of insurance. Mr. President, that is a very important part of this amendment, because it says we are not going to let people suffer because they were not able to fully recover their economic loss because they selected no fault. If, in fact, they are not able to fully recover, we are going to exempt them from the threshold and allow them full access to the courts. I think this is a very good amendment and I support it.

Senator GREENLEAF. Mr. President, I rise in opposition to this amendment and I think that this approach is really old hat. Other states have tried it. We have tried it. This is nothing new. Why are we going back to a system that has resulted in dismal failure in the past in this state? It is a system of a threshold that can easily be reached by almost any case to provide that an accident victim merely goes to a doctor and if they will say that their injury is serious, they have met the threshold and can sue. I think it is illusionary to say we are going to reduce the number of suits by adopting an old and failed approach to limiting insurance costs. Regardless, the definition of serious injury is, I think, poorly defined in the definition, and particularly the phrase "serious impairment of body function." I think you can drive a railroad train through that definition because almost anything could match and meet a serious impairment of body function. A cervical injury, a whiplash or a rear end collision could cause that. A broken leg, a broken finger, a sprained arm, a sprained shoulder, any

of those injuries that are commonly associated with automobile accidents would meet the definition of a serious impairment of body function, and I would think that any physician would agree to that. I think probably the term "permanent serious impairment of body function" probably would have been more appropriate, but even under those conditions, I am sure through appropriate medical testimony that could be met. What happens in the tort system today is that both plaintiffs' attorneys and insurance companies have medical experts and other people on their staffs who basically offer opinions and will, if they can and if there is any basis to do so, support either the plaintiff or the defendant in a suit. When we have a threshold such as this, even if it was not poorly worded, it can be very easily obtained, very easily achieved and, therefore, by opening the doors of the courthouse to litigation, this will not reduce litigation. Previous thresholds have not, this one will not.

Senator ANDREZESKI. Mr. President, we have gone over insurance reform several times in the nine years that I have been here. It was in discussing this issue that at one point it was suggested one of the options we might take would be to declare a hunting season on the insurance people and the trial lawyers and the medical lobbyists who wander the halls. I quickly pointed out to the people who are coming up with this idea that even after four days of shooting, I do not think anyone who was left would take a chance of leaving. We seem to be stuck with all of these people coming up with better ideas for every side. I think the basic point, Mr. President, and the basic thing that we have to realize is we are dealing with a situation in which we are going to say, at what point do we change our rights in society, and at what point are we going to say that you can do something sometime and maybe not do it another, and at what point are we going to come up with a solution here that supposedly is going to reduce the cost of insurance here in Pennsylvania? I know that the Democratic floor leader, the gentleman from Lackawanna, Senator Mellow, passed out a sheet showing the coverages and how they would be reduced by this program. The only problem with it is that it was not signed by any of the insurance companies. I think what we are asking for again is another trade-off, a trade-off that brought us in the past a replacement from no fault being the most unpopular word, the CAT Fund being the most unpopular word to, perhaps, I did not know what I was doing when I got my insurance being the most unpopular words, thereby giving us a whole new meaning to appealing a law in Pennsylvania. I would think the battle lines were drawn a long time ago, and they were just not drawn recently by people wandering the halls. I found it interesting when I had a reporter ask if I had gotten a lot of pressure. I have not gotten any pressure because I did not let anybody in my office. I think these lines were drawn a long time ago, and, perhaps, they were not even drawn on who is with the insurance companies and who is with the doctors and who is with the lawyers. Perhaps on a more philosophical basis is how do we want to proceed with people's rights under an accident situation? Perhaps if we wanted to address the cost of insurance,

we should address the cost of insurance companies. Maybe we should look at all their investments or a bunch of other items that could be proposed. I would say and I do think that what we are proposing is not going to cure anything in terms of auto insurance in Pennsylvania but take us from one fire and put us into a hotter fire.

LEGISLATIVE LEAVES

Senator MELLOW. Mr. President, I request temporary Capitol leaves for Senator Ross and Senator Musto.

The PRESIDENT. Senator Mellow requests temporary Capitol leaves for Senator Ross and Senator Musto. The Chair hears no objection. Those leaves will be granted.

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

Senator HESS. Mr. President, after listening to this intelligent debate, I thought I would just add one other piece of information. The taxpayers of this Commonwealth and several Legislators are very familiar with—since we pay part of the bill—the American Legislative Exchange Council, known as ALEX. ALEX recently commissioned a study entitled, "Auto Insurance: The Right Road To Reform," Volume 15, No. 2. It was an independent study and I would just like to share one paragraph. "There are four culprits causing the spiraling of claims expenses, the increased cost and frequency of litigation, the increased costs of medical care and automobile repair, and the increased frequency and expense associated with theft and fraud."

Mr. President, the bill before us addresses the latter three. The gentleman from Allegheny, Senator Scanlon, has addressed the first, therefore fulfilling the obligations that I think we have to do tonight. My good friend, the gentleman from Allegheny, Senator Fisher, says that he does not feel we should put this option on the people. As one consumer of eleven million, I ask, please let me have the option.

Senator PECORA. Mr. President, I want to speak on certain aspects of this legislation. We have constantly debated the law and how to lower the rates of insurance costs. What we do not understand is—some of us do but are not paying attention to what our knowledge is—that when you permit two tort options, the insurance companies cannot base a rate when they do not know how many would take the lower option or the higher option. Businesses operate on money. They do not operate on pretense and what the people will do and will not do. If you have seven million drivers, what if five million take the lower option and two million take the higher option? Do we charge a higher rate to the two million, or do we charge a lower rate to the five million?

Insurance companies are businesses. What do we think they are? Everybody up here has realized we want to do this to cut the rate or we want to do that. I listened to one of the gentlemen on the other side of the aisle. He was making a determination of what the cost is presently and what it would be if this legislation and this amendment would pass. That is not true. None of us can make that determination because we do not know what policies would be bought and what would be the majority or the minority of policies purchased.

Another thing we must realize is there are good drivers and there are bad drivers. Of course the premium is going to be higher for a bad driver. If you have a good record of driving, your premium is going to be lower.

I sat up here in a meeting which some of my other fellow Senators sat in on. It was chaired by the gentleman from Montgomery, Senator Holl. We had the head of the Philadelphia Police Department here. We asked him, "Why do you not enforce the vehicle code laws in Philadelphia?"

He said, "We do not have time to do it."

We said, "Well, you can make a profit doing it."

We explained to him how.

He said, "I do not want to do it and that is it." He does not care what the state laws are. As we continued to question him, he said, "Well, we are too busy with other criminal activities."

Now you are asking me to vote for a bill to chastise my people because of the negligence of the chief of police or a head of a police department in Philadelphia. Why do we not enforce laws to make him do his job? Why do we not enforce laws to have everybody do their job? They get paid to do these jobs. We are passing laws here that people refuse to enforce, especially people in law enforcement. That is a disgrace.

Another thing that I am concerned about is fraud. Whose responsibility is it where fraud is concerned? If the insurance companies find fraud they prosecute. We have an Insurance Commission. We have an Attorney General's Office. We have other enforcement agencies, but nobody wants to prosecute because the law enforcement agencies do not want to get involved. They do not want to do their job.

Another thing, costs of fixing automobiles have gone up. Have we neglected that? You could have bought a car a few years back for \$10,000. That same car today is \$15,000 or \$16,000. That is why the cost of insurance goes up, negligence of our law enforcement departments, especially Philadelphia, and negligence by them to enforce fraud. So we are playing games here. We are double talking each other. We are not getting to the real problems. Philadelphia has a crisis. Their crisis is with their own government law enforcement. Do not blame me for their poor law enforcement. I have good law enforcement in my area and that is why the premiums are lower. Of course if you are a bad risk, your premiums are higher. I know no one here would spend money or invest money to lose money. We are not here to lose money. Nobody in Pennsylvania should be required to lose money that they invest in a business. Who are we to determine cost of insurance? We are not members of the PUC. We also are not members of any other business that we operate that we can tell our employees what the costs of our products should be or what the cost of anything should be for our service. We are playing silly games and it is being done on both sides of the aisle, not only one side.

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

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

YEAS—17

Bell	Hess	O'Pake	Scanlon
Bodack	Lincoln	Peterson	Shumaker
Corman	Mellow	Rhoades	Stapleton
Dawida	Musto	Ross	Stout
Greenwood			

NAYS—30

Afflerbach	Fumo	Madigan	Salvatore
Andrezeski	Greenleaf	Pecora	Shaffer
Armstrong	Holl	Porterfield	Stewart
Baker	Hopper	Punt	Tilghman
Belan	Jubelirer	Regoli	Wenger
Brightbill	Lemmond	Reibman	Williams
Fattah	Lewis	Rocks	Wilt
Fisher	Loeper		

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

And the question recurring,

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

FUMO AMENDMENT

Senator FUMO, by unanimous consent, offered the following amendment No. A2455:

Amend Sec. 19 (Sec. 1799.5), page 39, line 19, by inserting before "All":

(a) Rate filing.—

Amend Sec. 19 (Sec. 1799.5), page 39, by inserting between lines 21 and 22:

(b) Rate freeze.—No insurer may increase any rates of an insured, other than comprehensive, collision and property damage liability coverage rates, for a period of 15 years, commencing on the date the commissioner approves an insurer's new rate under this section, except for increases consistent with price increases reflected in a consumer price index selected by the commissioner.

On the question,

Will the Senate agree to the amendment?

Senator FUMO. Mr. President, during much of the discussion on whether Senate Bill No. 1106 was a good bill with its rate reductions, or whether the amendments offered by the gentleman from Allegheny, Senator Scanlon, were good with their rate reductions, I think the central issue in this bill and the major reason why we are here is to try and reduce rates. While both versions have put forth some sort of rate reduction, the problem in Senate Bill No. 1106 is that it is good for only one year. Mr. President, if the rates are going to be reduced as set forth in the bill, and if those numbers are real, then I think it is reasonable for us to demand of those companies that have put forth that bill and have negotiated that, that in fact, those rates stay reduced. This amendment would freeze those reduced rates for a period of fifteen years except for the CPI index. If the projections are correct, then there should be no opposition by the companies to such a provision. If, Mr. President, Senate Bill No. 1106 becomes law and we find out down the road that it does not do what it was purported to do, then we can come back and amend not only this provision but also the provisions of Senate Bill No. 1106. If

we do not, we are right back in the ball game where we were before when we first adopted that cure-all called no fault insurance and watched rates go through the ceiling. Mr. President, all this says is we are going to hold those people to their word who have told us they are going to reduce our rates, not for one year, but for fifteen years, and if there is a problem we can come back and legislate it. I ask for an affirmative vote.

Senator LOEPER. Mr. President, I would just ask for a negative vote on the amendment.

And the question recurring,

Will the Senate agree to the amendment?

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

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

The PRESIDENT. The gentleman will be so recorded.

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

The PRESIDENT. The gentleman will be so recorded.

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

YEAS—21

Afflerbach	Fumo	O'Pake	Scanlon
Andrezeski	Greenleaf	Porterfield	Stapleton
Belan	Lincoln	Regoli	Stewart
Bodack	Mellow	Reibman	Stout
Dawida	Musto	Ross	Williams
Fattah			

NAYS—26

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

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

And the question recurring,

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

ARMSTRONG AMENDMENT

Senator ARMSTRONG, by unanimous consent, offered the following amendment No. A2560:

Amend Sec. 19, page 39, by inserting between lines 21 and 22:

§ 1799.6. Use of alcohol by insureds.

Each insurer shall inquire of each of its insureds whether or not that person consumes alcoholic beverages.

On the question,

Will the Senate agree to the amendment?

Senator ARMSTRONG. Mr. President, this is a very simple amendment. What this would do is, when you fill out your insurance contract you would be required to state whether you consume alcoholic beverages or not. There is no penalty, there is no reduction in premiums, but what this

could do is, over the years maybe they could track and see if there is a correlation between drinking and automobile accidents. It may seem facetious, but years ago there was one policy for smokers and nonsmokers for life insurance. Now you cannot buy just one policy. If you are a smoker, you pay a higher premium than a nonsmoker. Currently there would be no reduction in any premiums.

Senator RHOADES. Mr. President, I know the hour is late, but I think in Senate Bill No. 1106 there is already a section which reduces the alcoholic content down from .1 to .08, which makes it more difficult. Any statistics that would want to be gathered could be gathered on that particular point and added in and go from that point. I am afraid what we are going to do is establish something here and then rates will be affected by those who drink or do not drink. Someone who has one glass of beer—what is a drinker? One, two, three, four? After tonight, maybe we will have to have a quart each. I do not know, but from this standpoint I do not think we need this amendment.

LEGISLATIVE LEAVES

Senator MELLOW. Mr. President, I request temporary Capitol leaves for Senator Fumo, Senator Scanlon and Senator Stapleton.

The PRESIDENT. Senator Mellow asks temporary Capitol leaves for Senator Fumo, Senator Scanlon and Senator Stapleton. The Chair hears no objection to the leave requests. The leaves will be granted.

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

POINT OF INFORMATION

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

The PRESIDENT. The gentleman from Lackawanna, Senator Mellow, will state it.

Senator MELLOW. Mr. President, before you call the roll, can you restate the question so we are certain as to what we are voting on?

The PRESIDENT. We are voting on Senator Armstrong's amendment to Senate Bill No. 1106.

Senator MELLOW. Am I correct, Mr. President, in Senator Armstrong's amendment it states, as it is in front of me, that "Each insurer shall inquire of each of its insureds whether or not that person consumes alcoholic beverages?"

The PRESIDENT. The gentleman is correct.

Senator MELLOW. Mr. President, without interrogating the gentleman because it is late into the evening, it would be my understanding that the insurance company, and not necessarily its representative, would have to make an inquiry of each insured as to whether that person consumed alcohol. If that person at that time does not consume alcohol but in some subsequent time to that does consume alcohol, then according to the provisions of Senate Bill No. 1106, if, in fact, it does pass, that person would be guilty of a third degree felony. Because of that, Mr. President, I would have to request a negative vote on the amendment.

LEGISLATIVE LEAVE

Senator LOEPER. Mr. President, Senator Corman has been called from the floor and I would ask for a temporary Capitol leave on his behalf.

The PRESIDENT. Senator Loeper asks temporary Capitol leave for Senator Corman. The Chair hears no objection. The leave will be granted.

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

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

YEAS—10

Armstrong	Hess	Peterson	Tilghman
Brightbill	Holl	Shaffer	Wenger
Greenleaf	Pecora		

NAYS—37

Afflerbach	Fumo	Mellow	Ross
Andrezeski	Greenwood	Musto	Salvatore
Baker	Hopper	O'Pake	Scanlon
Belan	Jubelirer	Porterfield	Shumaker
Bell	Lemmond	Punt	Stapleton
Bodack	Lewis	Regoli	Stewart
Corman	Lincoln	Reibman	Stout
Dawida	Loeper	Rhoades	Williams
Fattah	Madigan	Rocks	Wilt
Fisher			

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

The PRESIDENT. Senate Bill No. 1106 will go over in its order, as amended.

SB 34 CALLED UP

SB 34 (Pr. No. 1292) — 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 LOEPER.

BILL OVER IN ORDER

SB 34 — Without objection, the bill was passed over in its order at the request of Senator LOEPER.

SB 104 CALLED UP

SB 104 (Pr. No. 1330) — Without objection, the bill, which previously went over in its order temporarily, was called up, from page 3 of the Third Consideration Calendar, by Senator LOEPER.

BILL OVER IN ORDER

SB 104 — Without objection, the bill was passed over in its order at the request of Senator LOEPER.

**UNFINISHED BUSINESS
CONGRATULATORY RESOLUTIONS**

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

Congratulations of the Senate were extended to Richard Snyder by Senators Afflerbach and Brightbill.

Congratulations of the Senate were extended to Mr. and Mrs. Thomas Goral, Mr. and Mrs. Norman Heinz, Mr. and Mrs. Charles Mainarich, Mr. and Mrs. James J. Miller and to Mr. and Mrs. Frank Tarasi by Senator Bodack.

Congratulations of the Senate were extended to Mrs. Frank A. Tinari by Senator Greenleaf.

Congratulations of the Senate were extended to Mr. and Mrs. William H. Clark, Mr. and Mrs. Malcolm Hazelton, Mr. and Mrs. Willard Short and to Karl Hans Rittinger by Senator Lemmond.

Congratulations of the Senate were extended to Ronald W. Russell, Jr. by Senator Lewis.

Congratulations of the Senate were extended to the Connellsville Area High School Baseball Team by Senator Lincoln.

Congratulations of the Senate were extended to Mr. and Mrs. Gordon L. Herr and to Mr. and Mrs. Charles M. Little by Senator Madigan.

Congratulations of the Senate were extended to Mr. and Mrs. Angelo Pompino by Senator Musto.

Congratulations of the Senate were extended to Wil Love by Senator Punt.

Congratulations of the Senate were extended to Sergeant Major David J. Budzinski by Senator Shumaker.

Congratulations of the Senate were extended to Beth Downer by Senator Stout.

BILLS ON FIRST CONSIDERATION

Senator REIBMAN. 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 1136, 1140, HB 31, 110, 139, 222, 285, 1020, 1086, 1323, 1373, 1378, 1450, 1529, 1687, 1700, 1701 and 1740.

And said bills having been considered for the first time,

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

SENATE RESOLUTIONS

CONGRATULATING THE UNITED STATES MARSHALS SERVICE ON THE 200TH ANNIVERSARY OF THE SERVICE

Senator FISHER offered the following resolution (**Senate Resolution No. 92**), which was read, considered and adopted:

In the Senate, June 28, 1989.

A RESOLUTION

Congratulating the United States Marshals Service on the 200th anniversary of the Service.

WHEREAS, President George Washington administered the oath of office to the 13 original United States marshals in 1789; and

WHEREAS, The United States Marshals Service (USMS) is the nation's oldest and most versatile law enforcement agency; and

WHEREAS, The United States Marshals Service occupies a uniquely central position in the Federal justice system. Virtually every Federal law enforcement initiative involves the USMS: the custody, care and transportation of Federal offenders; the tracking and apprehension of Federal criminals who jump bail, violate parole or escape from prison; protection of the courts, judges, attorneys and witnesses; enforcement of court orders; and management of assets seized or forfeited as a result of their having been acquired from the profits of certain criminal activities; and

WHEREAS, The untiring efforts of the dedicated members of the United States Marshals Service should be recognized; and

WHEREAS, A national observance of the bicentennial of the founding of the United States Marshals Service will be held in Philadelphia on September 23, 1989; therefore be it

RESOLVED, That the Senate of Pennsylvania congratulate the approximately 3,000 members of the United States Marshals Service, especially the 71 members who serve in the three Federal Districts in Pennsylvania, on the occasion of the 200th anniversary of the USMS and express its appreciation for the vital services rendered by the USMS.

RECOGNIZING THE 100TH ANNIVERSARY PLAYING OF THE USTA NATIONAL AMATEUR CLAY COURT AND WEST PENN TENNIS CHAMPIONSHIPS

Senator FISHER offered the following resolution (**Senate Resolution No. 93**), which was read, considered and adopted:

In the Senate, June 28, 1989.

A RESOLUTION

Recognizing the 100th Anniversary playing of the USTA National Amateur Clay Court and West Penn Tennis Championships.

WHEREAS, The USTA National Amateur Clay Court and West Penn Tennis Championships will be held in Mt. Lebanon, Pennsylvania, July 10 through 16, 1989; and

WHEREAS, This is the 100th Anniversary of these championships; and

WHEREAS, The goal of this event in 1989 is fundraising for the Allegheny County Special Olympics; and

WHEREAS, This is the longest consecutive running tennis tournament in the United States; and

WHEREAS, The site of the tournament, the Tressel Municipal Tennis Center in Mt. Lebanon, was in 1985 named the Outstanding Public Tennis Facility in America by the United States Tennis Association; and

WHEREAS, Many previous participants have gone on to become "big name" professionals, such as: Bill Tildon, Roscoe Tanner, Brian Gottfried, Eddie Dibbs, Brad Gilbert, Harold Solomon, Peter Fleming, Vitas Gerulaitis, Sandy Mayer, Jo Anne Russell, Laura Dupont, Barbara Halquist, Kathy Jordan, Berta McCallum, Kathy Horvath, Susan Mascarin, Gretchen Rush Magers and Carrie Cunningham. Seventy-five percent of all male participants and sixty percent of the female participants who have played in this championship have become major tennis professionals; therefore be it

RESOLVED, That the Senate of the Commonwealth of Pennsylvania congratulate the Tournament Executive Committee and the 1989 tournament sponsor, Cellular One Mobile Phone Company, on the occasion of the 100th Anniversary playing of the USTA National Amateur Clay Court and West Penn Tennis Championships.

CONSIDERATION OF CALENDAR RESUMED

HB 121 CALLED UP

HB 121 (Pr. No. 2074) — Without objection, the bill, which previously went over in its order temporarily, was called up, from page 13 of the Second Consideration Calendar, by Senator LOEPER.

BILL ON SECOND CONSIDERATION

HB 121 (Pr. No. 2074) — The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for the securing of loads on vehicles hauling garbage.

Considered the second time and agreed to,

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

PETITIONS AND REMONSTRANCES

Senator REIBMAN. Mr. President, today I introduced a bill which I call the Flexible School Year. I would like to present my remarks for the record instead of making them orally at this time.

The PRESIDENT. The Chair will assure the lady that because of her consideration, we will see to it that her remarks are spread thoroughly upon the record.

(The following prepared statement was made part of the record at the request of the lady from Northampton, Senator REIBMAN:)

I introduced legislation amending the Public School Code to increase the minimum number of school days from 180 to 200 per year and the minimum number of hours of instruction from 900 to 1,000 at the elementary level and from 990 to 1,100 at the secondary level. In the legislation school districts could have a calendar of less than 200 days if the school hours met the new minimum for a 200 day school year. A school district could exceed the minimum number of school days, and if approved by the Secretary of Education, would be reimbursed for the instructional and transportation expenses to the extent that funds are available.

Our current mandatory 180 day school year can be traced back to the late 19th and early 20th century when the needs of an agricultural society required a September to June school calendar. Children were needed at home or on the farm during the summer growing season. The demands for education were less. The basics were reading, writing and arithmetic. The technology was based on the mechanical.

Today we interact in a global economy. Our competitors are nations from around the world, Japan, South Korea, Taiwan, France, West Germany and many other countries. Technology involves computers, electronics, robotics and the like. They require higher skills in mathematics and the sciences. Modern means of transportation has, in effect, reduced the size of our planet. People in Europe and Asia, once thought of as far-off places, are indeed our neighbors. Com-

munications technologies have brought about an explosion of information and knowledge to be acquired and understood.

Notwithstanding these demands of modern society and a global economy, the 180 day school year is still the norm in Pennsylvania and many other states. But in many countries with which we compete, the school year is much longer. For example; In Japan children attend school 243 days, in Taiwan—240 days, in South Korea—220. In the United States, on the other hand, state required instructional days range from 174 days in Missouri to 184 days in the District of Columbia.

In some cities, school districts have taken it upon themselves to increase the number of school days or develop school calendars that provide instruction year around in certain schools.

The State of California probably leads the nation with the number of school districts that offer an extended school year or year around school programs. There are similar efforts in school districts in Utah, the Buena Vista School District in Virginia and the New Orleans School District in Louisiana.

Florida has recently increased the hours of the school day and the minimum hours of instruction for the school year from 900 to 1,050. I recently read that the Mount Lebanon School District in Senator Fisher's district is considering increasing the school year to 190 days within the next few years.

I have read a number of articles and reports on extending the school day and/or school year, so I am well aware of the criticisms. It would be too expensive they say! Teachers would demand higher salaries and school buildings would need to be summerized—air conditioned; school districts need the summer to perform maintenance on school buildings and buses; summer is the time for rejuvenation and family vacations; it is the time for students to find jobs to earn money for college or cars or other personal items. Some high school students begin college in the summer, right after graduation from high school. Critics also claim that there is minimal or no correlation between longer school days or school years and improved performance and achievement. They contend that if students are not achieving with a 180 day school year, a 200 day school year will result in more of the same. But I believe there can be benefits to extending the school year and providing the option of flexible year around education programs.

First, it can offer educational equity to all students—gifted, average and poor learners. Gifted students could use the additional time to accelerate their learning. Average students could pursue other subjects like driver's education, typing or work experience programs without losing time for regular courses. Disadvantaged students and students with learning disabilities would have more time to master basic subjects. Teachers who are frustrated and want to teach tell me that pupils are constantly being pulled out of classes for special training—speech therapy, gifted or enrichment programs, etc. They maybe need two periods of English, Reading, Math or at least Geography, but they are not even being taught those.

Learning should be continual, and remediation throughout the year may reduce the memory loss often associated with the long summer vacation. Second, I know the cost of operating longer school days and/or school years is a great concern, but most school buildings sit empty during summer months. A more efficient use of school facilities could actually save money in the long run. Yes, teachers would expect additional compensation, but we are currently trying to increase teacher salaries and treat teaching as the profession we expect it to be.

School districts that are experiencing rapid growth in enrollment could implement a flexible year around program and operate a multi-track system in which students rotate attendance. This could alleviate overcrowding and enable students to receive more individual attention.

Finally, we have been placing more and more responsibility on our schools to help address many social problems. We want them to instruct students about matters like the environment, drug and alcohol abuse prevention and AIDS, all of which take time away from the basic education curriculum. Now we are looking to schools to play a role in child care, like latchkey programs, day care and teen parenting instruction.

The need for such instruction and care does not start in September and end in June or exist only between the hours of 8:30 and 3:00. These services should be available all year long and should not interfere with basic instructions during the school day. Giving school districts the opportunity to offer year around education programs, and giving them the financial support to operate year around programs, will enable school districts to better provide the services we are asking them to, while not diluting their ability to meet their basic mission—to educate.

I am not saying that the school year should be 243 days, because that is how long it is for students in Japan, or that we must have flexible year around school because schools in California have it. I do, however, believe that a longer school day and longer school year should be considered as one more element of education reform.

More school time and flexible school year programs are not panaceas in and of themselves. They are not intended to replace other attempts to improve curriculum, teaching methods, teacher preparation, student testing, and other considerations for reform, but I do believe we should begin to discuss them as elements of education.

I have seen the surveys conducted over the years for the National Education Association and a recent poll conducted for PSEA. I know longer school days and school years are not overwhelmingly supported by parents and especially not by children. I am introducing this legislation today to initiate a discussion. Let us set aside the emotionalism raised by the topic and begin to investigate the merits of adding to the mandatory school day and school year and the benefits to providing for flexible year around education. I would like for representatives of teachers, schools, other leaders in education and parents to begin to analyze the fiscal implications, consider the benefits and determine the appropriateness of requiring more mandatory education time.

The last time we addressed the issue of instructional time and flexibility in the school year was in 1969. We passed Act 80 in that year to authorize the Secretary of Education to approve a school week containing a minimum of 27.5 hours of instruction as equivalent to five school days, or a school year containing a minimum of 990 hours of instruction as equivalent to a 180 day school year. This section was amended in 1978 to provide that 900 hours of instruction is equivalent to 180 days of school at the elementary level.

I believe that it is time to reevaluate these mandatory minimum instruction provisions. Much has changed over the last 20 years and will continue to change as we enter the 21st Century. We must assure that our children will be prepared to meet the challenge.

I will welcome co-sponsors and the support of my colleagues.

COMMUNICATION FROM THE GOVERNOR

RECALL COMMUNICATION LAID ON THE TABLE

The PRESIDENT 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 STATE BOARD OF OPTOMETRY

June 28, 1989.

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 April 11, 1989 for the appointment of Richard Cullinan, O.D., 100 Woodshire Drive, Pittsburgh 15215, Allegheny County, Forty-fourth Senatorial District, as a member of the State Board of Optometry, to serve for a term of four years and until his successor is appointed and qualified, but not longer than six months beyond that period, vice Robert A. Ginsburg, O.D., Hatboro, whose term expired.

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

ROBERT P. CASEY.

HOUSE MESSAGES

HOUSE CONCURS IN SENATE BILLS

The Clerk of the House of Representatives returned to the Senate **SB 400** and **1093**, with the information the House has passed the same without amendments.

SENATE BILL RETURNED WITH AMENDMENTS

The Clerk of the House of Representatives returned to the Senate **SB 122**, with the information the House has passed the same with amendments in which the concurrence of the Senate is requested.

The PRESIDENT. Pursuant to Senate Rule XV, Section 5, this bill will be referred to the Committee on Rules and Executive Nominations.

BILLS SIGNED

The PRESIDENT (Lieutenant Governor Mark S. Singel) in the presence of the Senate signed the following bills:

SB 400 and 1093.

ADJOURNMENT

Senator LOEPER. Mr. President, I move the Senate do now adjourn until Thursday, June 29, 1989, at 1:00 p.m., Eastern Daylight Saving Time.

The motion was agreed to.

The Senate adjourned at 11:59 p.m., Eastern Daylight Saving Time.