

# COMMONWEALTH OF PENNSYLVANIA

## LEGISLATIVE JOURNAL

WEDNESDAY, OCTOBER 1, 1986

SESSION OF 1986

170TH OF THE GENERAL ASSEMBLY

No. 63

### HOUSE OF REPRESENTATIVES

The House convened at 11 a.m., e.d.t.

#### THE SPEAKER (K. LEROY IRVIS) IN THE CHAIR

##### PRAYER

REV. DR. DAVID R. HOOVER, chaplain of the House of Representatives, from McConnellsburg, Pennsylvania, offered the following prayer:

To Thee, O God, belongs the honor, the glory, and the praise for this day and all the blessings thereof. As the highest of Thy creation, we come before Thee in adoration, thanksgiving, and praise, and we graciously pray that we may show forth these expressions by the lives that we live. Be with us in all of life's situations that we may be enabled to resist the temptations we face, to overcome the difficulties which confront us, and to exemplify in our daily lives that which is acceptable and pleasing to Thee.

To Thee, O God, we not only owe our allegiance but our very being. Amen.

##### PLEDGE OF ALLEGIANCE

(The Pledge of Allegiance was enunciated by members.)

##### JOURNAL APPROVAL POSTPONED

The SPEAKER. The Chair is informed that the Journal for Tuesday, September 30, 1986, is not yet in print. Without objection, we will pass over the approval of that Journal until it is in print, and the Chair hears no such objection.

##### ADDITIONS AND DELETIONS OF SPONSORS

The SPEAKER. The following list is filed by the majority leader of additions and deletions for sponsorships of bills, which the clerk will file.

The following list was submitted:

##### ADDITIONS:

HR 332, Josephs; HB 433, DeLuca; HB 1708, Mrkonic, Gamble; HB 1709, Gamble, Mrkonic; HB 2559, D. R. Wright; HB 2671, Stevens; HB 2738, Pressmann; HB 2762, Dawida, Josephs, Noye; HB 2763, Dawida, Josephs, Noye; HB 2764, Dawida, Josephs, Noye; HB 2765, Josephs, Dawida, Noye; HB 2776, E. Z. Taylor; HB 2778, E. Z. Taylor, Petrarca.

##### DELETION:

HB 2206, Schuler.

##### LEAVES OF ABSENCE

The SPEAKER. The Chair recognizes the minority whip. Do you have any requests for leaves of absence? Not at the present time? The Chair thanks the gentleman.

If any requests are needed, call the Chair's attention to it.

##### SENATE MESSAGE

##### HOUSE AMENDMENTS CONCURRED IN BY SENATE

The clerk of the Senate, being introduced, informed that the Senate has concurred in the amendments made by the House of Representatives to **SB 1346, PN 2465**.

##### SENATE MESSAGE

##### SENATE CONCURRENCE IN HOUSE RESOLUTION

The clerk of the Senate, being introduced, informed that the Senate has concurred in **HR 343, PN 3970**.

##### LEAVES OF ABSENCE

The SPEAKER. The Chair recognizes the gentleman from Lawrence, Mr. Fee. Do you have any requests for leaves?

Mr. FEE. There is no request on the Democratic side at this time.

The SPEAKER. The Chair thanks the gentleman.

##### MASTER ROLL CALL

The SPEAKER. The Chair is about to take the master roll call for the day. The members will proceed to vote.

The following roll call was recorded:

##### PRESENT—195

Acosta	Dietz	Langtry	Rieger
Afflerbach	Dininni	Lashinger	Robbins
Angstadt	Distler	Laughlin	Roebuck
Argall	Dombrowski	Lescovitz	Rudy
Arty	Donatucci	Letterman	Ryan
Baldwin	Dorr	Levdansky	Rybak
Barber	Duffy	Linton	Saloom
Barley	Durham	Livengood	Saurman
Battisto	Evans	Lloyd	Scheetz
Belardi	Fargo	Lucyk	Schuler

Belfanti	Fattah	McCall	Semmel
Birmelin	Fee	McClatchy	Serafini
Black	Fischer	McHale	Seventy
Blaum	Flick	McVerry	Showers
Book	Foster	Mackowski	Sirianni
Bortner	Fox	Maiale	Smith, B.
Bowley	Freeman	Manderino	Snyder, D. W.
Bowser	Freind	Manmiller	Snyder, G.
Boyes	Fryer	Markosek	Staback
Brandt	Gallagher	Mayernik	Stairs
Broujos	Gallen	Merry	Steighner
Bunt	Gamble	Michlovic	Stevens
Burd	Gannon	Micozzie	Stewart
Burns	Geist	Miller	Stuban
Bush	George	Moehlmann	Sweet
Caltagirone	Godshall	Morris	Swift
Cappabianca	Greenwood	Mowery	Taylor, E. Z.
Carlson	Gruitza	Mrkonic	Taylor, J.
Carn	Gruppo	Murphy	Telek
Cawley	Hagarty	Nahill	Tigue
Cessar	Haluska	Noye	Trello
Chadwick	Harper	O'Brien	Truman
Cimini	Hasay	O'Donnell	Van Horne
Civera	Hayes	Olasz	Veon
Clark	Herman	Oliver	Vroon
Clymer	Hershey	Perzel	Wambach
Cohen	Honaman	Petrarca	Wass
Colafella	Howlett	Petrone	Weston
Cole	Hutchinson	Phillips	Wiggins
Cornell	Itkin	Piccola	Wilson
Coslett	Jackson	Pistella	Wogan
Cowell	Jarolin	Pitts	Wozniak
Coy	Johnson	Pott	Wright, D. R.
Deluca	Josephs	Pressmann	Wright, J. L.
DeVerter	Kasunic	Preston	Wright, R. C.
DeWeese	Kennedy	Punt	Yandrisevits
Daley	Kenney	Raymond	
Davies	Kosinski	Reber	Irvis,
Dawida	Kukovich	Reinard	Speaker
Deal			

ADDITIONS—2

Cordisco Gladeck

NOT VOTING—2

Richardson Smith, L. E.

EXCUSED—2

Pievsky Taylor, F.

LEAVES ADDED—1

Smith, L. E.

HOUSE BILLS  
INTRODUCED AND REFERRED

**No. 2800** By Representatives KOSINSKI, DeWEESE, OLASZ, DOMBROWSKI, KUKOVICH, PISTELLA, TRELLO, PETRONE, BELARDI, JOSEPHS, MICOZZIE, FOX, ARTY, BOOK, NAHILL, RAYMOND and J. TAYLOR

An Act amending the act of March 10, 1949 (P. L. 30, No. 14), known as the "Public School Code of 1949," further providing for transportation of students outside of school district boundaries.

Referred to Committee on EDUCATION, October 1, 1986.

**No. 2801** By Representatives LLOYD, TRELLO, RYBAK, PETRONE, SIRIANNI, HALUSKA, TIGUE, CLYMER, BELFANTI, DISTLER, STABACK, NOYE, PISTELLA, FARGO, MAYERNIK, CARLSON, TELEK, MORRIS, JOHNSON, GEIST, WOGAN, GODSHALL, PETRARCA, BOOK, GAMBLE, BELARDI, McVERRY, FISCHER, BATTISTO, E. Z. TAYLOR and JOSEPHS

An Act amending the act of June 3, 1937 (P. L. 1333, No. 320), known as the "Pennsylvania Election Code," extending time limits for absentee balloting for armed forces personnel residing outside the United States.

Referred to Committee on STATE GOVERNMENT, October 1, 1986.

**No. 2802** By Representatives LLOYD, TRELLO, RYBAK, PETRONE, COY, TIGUE, DISTLER, STABACK, NOYE, PISTELLA, FARGO, TELEK, MORRIS, PETRARCA, BOOK, McVERRY, OLASZ, BATTISTO, E. Z. TAYLOR and VEON

An Act amending the act of December 31, 1965 (P. L. 1257, No. 511), known as "The Local Tax Enabling Act," further regulating interest and penalties.

Referred to Committee on FINANCE, October 1, 1986.

**No. 2803** By Representatives CIMINI, BUSH, LETTERMAN and DISTLER

An Act designating a certain bridge crossing the Susquehanna River as the Maynard Street Veterans Memorial Bridge.

Referred to Committee on TRANSPORTATION, October 1, 1986.

**No. 2804** By Representatives COWELL and ITKIN

An Act amending the act of June 21, 1939 (P. L. 626, No. 294), referred to as the "Second Class County Assessment Law," further providing for assessments, reassessments and appeals.

Referred to Committee on URBAN AFFAIRS, October 1, 1986.

**No. 2805** By Representatives ARTY, GREENWOOD, RAYMOND, GANNON, BRANDT, FLICK, CIVERA, MICOZZIE, R. C. WRIGHT, FREIND, DURHAM, KUKOVICH, MICHLOVIC, DeWEESE, JOSEPHS, WAMBACH and E. Z. TAYLOR

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, limiting the defense of justification in certain cases; and making an editorial correction.

Referred to Committee on JUDICIARY, October 1, 1986.

**No. 2806** By Representatives ARTY, FREIND, PITTS, GREENWOOD, RAYMOND, R. C. WRIGHT, CIVERA, FLICK, DURHAM and WAMBACH

An Act amending the act of April 27, 1927 (P. L. 465, No. 299), referred to as the "Fire and Panic Act," providing for specialized smoke detectors for the deaf and hearing impaired in lodging houses, hotels and motels.

Referred to Committee on URBAN AFFAIRS, October 1, 1986.

**No. 2807** By Representatives ARTY, GANNON, RAYMOND, GREENWOOD, FLICK, CIVERA, MICOZZIE, R. C. WRIGHT, DURHAM, FREIND, DeWEESE, KUKOVICH, WAMBACH and BRANDT

An Act amending the act of October 27, 1955 (P. L. 744, No. 222), known as the "Pennsylvania Human Relations Act," prohibiting practices of discrimination relating to commercial property.

Referred to Committee on STATE GOVERNMENT, October 1, 1986.

**No. 2808** By Representatives SWEET and McVERRY

An Act amending Title 20 (Decedents, Estates and Fiduciaries) of the Pennsylvania Consolidated Statutes, expanding a category of authorized investments.

Referred to Committee on FINANCE, October 1, 1986.

**No. 2809** By Representatives FREEMAN, RYBAK, RAYMOND, PRESSMANN, McHALE, HERSHEY, YANDRISEVITS, MORRIS, KUKOVICH, VAN HORNE and AFFLERBACH

An Act amending the act of June 23, 1931 (P. L. 932, No. 317), known as "The Third Class City Code," increasing the penalty for ordinance violations.

Referred to Committee on URBAN AFFAIRS, October 1, 1986.

**No. 2810** By Representatives FREEMAN, KUKOVICH, HERSHEY, McHALE, RYBAK, MORRIS, YANDRISEVITS, RAYMOND, PRESSMANN, VAN HORNE and AFFLERBACH

An Act amending the act of February 1, 1966 (1965 P. L. 1656, No. 581), known as "The Borough Code," increasing the penalty for ordinance violations.

Referred to Committee on URBAN AFFAIRS, October 1, 1986.

**No. 2811** By Representatives FREEMAN, RYBAK, MORRIS, YANDRISEVITS, RAYMOND, PRESSMANN, HERSHEY, McHALE, KUKOVICH, VAN HORNE and AFFLERBACH

An Act amending the act of June 24, 1931 (P. L. 1206, No. 331), known as "The First Class Township Code," increasing fines for violation of ordinances.

Referred to Committee on URBAN AFFAIRS, October 1, 1986.

**No. 2812** By Representatives FREEMAN, MORRIS, RYBAK, YANDRISEVITS, RAYMOND, PRESSMANN, HERSHEY, McHALE, VAN HORNE and AFFLERBACH

An Act amending the act of May 1, 1933 (P. L. 103, No. 69), known as "The Second Class Township Code," increasing ordinance violation fines.

Referred to Committee on URBAN AFFAIRS, October 1, 1986.

**No. 2813** By Representatives IRVIS, MANDERINO, LINTON and KUKOVICH

An Act establishing a program of State aid for certain medical students in return for commitments to provide needed medical services; establishing the Consortium Board and giving it powers and duties on the Pennsylvania Higher Education Assistance Agency; and making an appropriation.

Referred to Committee on EDUCATION, October 1, 1986.

**No. 2815** By Representatives LANGTRY, POTT and McVERRY

An Act providing for a savings program for college education and creating the Individual Education Account Fund.

Referred to Committee on EDUCATION, October 1, 1986.

**No. 2816** By Representatives LANGTRY, POTT and McVERRY

An Act amending the act of March 4, 1971 (P. L. 6, No. 2), known as the "Tax Reform Code of 1971," providing for a credit against personal income tax for contributions to individual education accounts.

Referred to Committee on FINANCE, October 1, 1986.

**No. 2817** By Representatives LANGTRY, POTT and McVERRY

An Act providing for a savings program for college education; creating the Individual Education Account Fund; and conferring powers and duties on the Pennsylvania Higher Education Assistance Agency.

Referred to Committee on EDUCATION, October 1, 1986.

**No. 2818** By Representatives LANGTRY, POTT and McVERRY

An Act amending the act of March 4, 1971 (P. L. 6, No. 2), known as the "Tax Reform Code of 1971," providing for a credit against personal income tax for contributions to individual education accounts.

Referred to Committee on FINANCE, October 1, 1986.

**No. 2819** By Representatives HALUSKA, PETRARCA, J. L. WRIGHT, STEWART, WOZNIAK, TELEK, CARLSON, STAIRS, LUCYK, BELFANTI, BLACK, LLOYD, DeWEESE, AFFLERBACH, PRESSMANN, D. W. SNYDER,

ANGSTADT, SWEET, D. R. WRIGHT,  
McCALL, STABACK, CLARK, VEON,  
SWIFT, ROBBINS and CAWLEY

An Act amending the act of March 4, 1971 (P. L. 6, No. 2), known as the "Tax Reform Code of 1971," providing for tax credits to utilities which purchase certain amounts of coal mined in Pennsylvania.

Referred to Committee on MINES AND ENERGY MANAGEMENT, October 1, 1986.

**No. 2820** By Representatives MURPHY, DUFFY,  
SEVENTY, McVERRY, POTT,  
LANGTRY, MICHLOVIC, PISTELLA and  
CESSAR

An Act amending the act of May 2, 1945 (P. L. 382, No. 164), known as the "Municipality Authorities Act of 1945," providing for the membership of a joint sanitary authority created by cities of the second class and counties of the second class.

Referred to Committee on URBAN AFFAIRS, October 1, 1986.

### HOUSE RESOLUTION INTRODUCED AND REFERRED

**No. 348**  
(Concurrent) By Representatives DeWEESE,  
CAPPABIANCA, TIGUE, MRKONIC,  
BLAUM, CAWLEY, WAMBACH,  
BELARDI, BROUJOS, KUKOVICH,  
BALDWIN, McCALL, MARKOSEK,  
MAYERNIK, KOSINSKI, GRUITZA,  
FREEMAN, McHALE, AFFLERBACH,  
PRESSMANN and STEIGHNER

Commemorating the 40th Anniversary of the Paralyzed Veterans of America.

Referred to Committee on RULES, October 1, 1986.

### SENATE BILLS FOR CONCURRENCE

The clerk of the Senate, being introduced, presented the following bills for concurrence:

**SB 1110, PN 2436**

Referred to Committee on HEALTH AND WELFARE, October 1, 1986.

**SB 1514, PN 2309**

Referred to Committee on CONSUMER AFFAIRS, October 1, 1986.

**SB 1635, PN 2449**

Referred to Committee on INSURANCE, October 1, 1986.

**SB 1638, PN 2450**

Referred to Committee on BUSINESS AND COMMERCE, October 1, 1986.

### CONSUL GENERAL OF ISRAEL PRESENTED

The SPEAKER. The Chair asks your attention. You will remember a few weeks ago we invited the Consul General of Israel to speak to the House of Representatives, but the Consul General was delayed on the Senate floor. We are pleased today to invite to the podium Consul General Ben-Dov from the free State of Israel.

Consul General Ben-Dov, will you please come forward. He is accompanied by a friend of the Speaker, Burt Siegel, who is associate director of the Jewish Community Relations Council here in Harrisburg.

The Consul General of Israel. Welcome, sir.

CONSUL GENERAL BEN-DOV. Mr. Speaker and members of the Assembly of the Commonwealth of Pennsylvania, I would like to thank you all for your invitation to me to join you here today for a few moments. Though I was born in Israel and grew up there and was educated there, part of my graduate or postgraduate education was in Great Britain, and I recall the custom there of one House referring to the other House as the other place. It is true that I have had the privilege of addressing the other place here in Harrisburg, but not yet this Assembly, this part of the Pennsylvania legislature, and it gives me great pleasure to do so today.

It also gives me great pleasure to be in a parliament house, in a legislative building, and meeting representatives of the people, because it is highly reminiscent to me of parliament in Jerusalem and the democratic parliamentary life that we enjoy in our own country. In fact, it is not exaggerated to suggest that we are probably the only democratic parliamentary regime in the whole area where we are situated. So there is a strong feeling of kinship and an awareness of the strong ties that bind parliaments freely elected here and in my own country.

And speaking of ties, I simply repeat what has been stated so many times by your own national leaders, the President and others, of the very special relationship that has developed between our two countries - profound, deep, actually a close alliance. It derives and it springs from commonwealths of devotion to freedom, liberty, freedom of speech, freedom of assembly, freedom of election; in brief, values and principles that we both enshrine in our national lives.

The leaders of this country also emphasize repeatedly that Israel is also an important ally from a strategic point of view, and that is, of course, quite true. So that for us, Israeli diplomats, to meet you, representatives of the people, is a reflection of the deep friendship that our people feel for you, for this country, for the American people, and we know it is reciprocated.

My area covers several States in the mid-Atlantic region, but I have no doubt that Pennsylvania is one of the most important States in the Union, and we are very interested in promoting our relations with this Commonwealth of Pennsylvania, including the economic field. I have already touched upon that with your Governor and others, and we will now try to see whether we can emulate the examples given by such States as Texas, which has developed what is called the Texas-

Israel Agricultural Exchange. There will be a meeting today on the subject with the Secretary of your government here in Pennsylvania, and we hope that we will have the benefit and the privilege of further strengthening our relations with this State.

But by and large, I would like, in summary, to pay tribute to the joint efforts made by the Governments of the United States and Israel, friendly nations, to promote peace and prosperity in our own area and everywhere and to join you in a prayer that all of us will be fortunate to see in our own lifetime the introduction of peaceful coexistence and peace between nations everywhere. Thank you so much.

The SPEAKER. Consul General, we in this great State of Pennsylvania, one of the very first in the history of mankind to be established for political and religious freedom, totally agree with you that our efforts, every single one of us, must be bent towards establishing peace throughout the world and mankind. We congratulate you, we congratulate Israel, and we shall remain your friend.

**MEMBER'S PRESENCE RECORDED**

The SPEAKER. The gentleman, Mr. Gladeck's name will be added to the master roll.

**LEAVE OF ABSENCE**

The SPEAKER. The Chair recognizes the minority whip.

Mr. HAYES. If I may, Mr. Speaker, before we become too involved in our legislative agenda today, I would like, if you would, please, return to requests for leaves of absence.

The SPEAKER. No objection. Do you have a request now?

Mr. HAYES. Yes. Thank you, Mr. Speaker.

I request a leave for the gentleman from Jefferson County, Mr. L. E. SMITH, for the day.

The SPEAKER. The request is granted, there being no objection.

**CALENDAR**

**BILLS ON THIRD CONSIDERATION**

The House proceeded to third consideration of **SB 483, PN 2291**, entitled:

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

On the question recurring,

Will the House agree to the bill on third consideration as amended?

The SPEAKER. You will recall that when we closed shop yesterday, we were about to take up a debate on a McHale amendment which had been reconsidered. It is amendment A4565.

On the question recurring,

Will the House agree to the amendment?

The clerk read the following amendment No. A4565:

Amend Sec. 1 (Sec. 4581), page 3, line 25, by striking out "\$5" and inserting  
\$15

On the question recurring,

Will the House agree to the amendment?

The SPEAKER. On the amendment, the Chair recognizes the gentleman from Lehigh, Mr. McHale.

Mr. McHALE. Thank you, Mr. Speaker.

Mr. Speaker, if I can refresh the recollection of the members of the House, this is a reconsideration on what I termed yesterday the "\$15 compromise fine" which would be imposed in the event of a violation of this particular statute. Following the vote yesterday, which failed by a margin of four votes, numerous members of the House, including Mr. Markosek, who cosponsored the reconsideration motion, came to me and indicated that they would like to reconsider the vote that was cast yesterday and that they individually would now like to support a \$15 fine.

Very briefly, as I indicated yesterday, this truly is a reasonable compromise. By imposing a \$15 fine, we are saying to the people of Pennsylvania we are serious about seatbelts while not at the same time imposing an undue burden in the event of a violation.

Mr. Speaker, I think we all understand this issue. I seek an affirmative vote.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

**YEAS—102**

Acosta	Deluca	Lescovitz	Roebuck
Afflerbach	DeWeese	Levdansky	Rudy
Argall	Dawida	Linton	Ryan
Arty	Distler	Livengood	Rybak
Barber	Donatucci	Lucyk	Scheetz
Battisto	Duffy	McCall	Showers
Belardi	Evans	McClatchy	Staback
Book	Fattah	McHale	Steighner
Bortner	Fee	Manderino	Stewart
Bowley	Fox	Markosek	Sweet
Bunt	Gallagher	Merry	Taylor, E. Z.
Burd	Gamble	Michlovic	Taylor, J.
Burns	Gannon	Micozzie	Tigue
Caltagirone	Gladeck	Miller	Trello
Cappabianca	Greenwood	Murphy	Truman
Carn	Gruitza	Nahill	Vroon
Cawley	Gruppo	O'Brien	Wass
Cessar	Hagarty	Oliver	Wiggins
Chadwick	Harper	Petrone	Wogan
Civera	Hershey	Pistella	Wozniak
Clymer	Itkin	Pott	Wright, D. R.
Colafella	Josephs	Pressmann	Wright, J. L.
Cole	Kenney	Preston	Yandrisevits
Cornell	Kosinski	Punt	
Cowell	Kukovich	Reinard	Irvis,
Coy	Langtry	Rieger	Speaker

**NAYS—87**

Angstadt	Durham	Kasunic	Reber
Baldwin	Fargo	Kennedy	Robbins
Barley	Fischer	Lashingier	Saloom
Belfanti	Flick	Laughlin	Saurman

Birmelin	Foster	Letterman	Schuler
Black	Freeman	Lloyd	Semmel
Blaum	Freind	McVerry	Serafini
Bowser	Fryer	Mackowski	Sirianni
Boyes	Gallen	Maiale	Smith, B.
Brandt	Geist	Manmiller	Snyder, D. W.
Bush	George	Mayernik	Snyder, G.
Carlson	Godshall	Moehlmann	Stairs
Cimini	Haluska	Mowery	Stevens
Clark	Hasay	Mrkonic	Stuban
Coslett	Hayes	Noye	Swift
DeVerter	Herman	O'Donnell	Telek
Davies	Honaman	Perzel	Veon
Deal	Howlett	Petrarca	Wambach
Dietz	Hutchinson	Phillips	Weston
Dininni	Jackson	Piccola	Wilson
Dombrowski	Jarolin	Pitts	Wright, R. C.
Dorr	Johnson	Raymond	

## NOT VOTING—9

Broujos	Daley	Olasz	Seventy
Cohen	Morris	Richardson	Van Horne
Cordisco			

## EXCUSED—3

Pievsky	Smith, L. E.	Taylor, F.	
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The question was determined in the affirmative, and the amendment was agreed to.

On the question recurring,

Will the House agree to the bill on third consideration as amended?

Mr. McHALE offered the following amendment No. A4430:

Amend Sec. 1 (Sec. 4581), page 2, lines 24 through 27, by striking out all of lines 24 through 26 and "SUSPECTED VIOLATION OF ANY OTHER PROVISION OF THIS TITLE." in line 27

On the question,

Will the House agree to the amendment?

The SPEAKER. On the amendment, the Chair recognizes the gentleman from Lehigh, Mr. McHale.

Mr. McHALE. Mr. Speaker, I think the lesson I just learned is it pays to cooperate with the minority leader.

The amendment which is now before the House is amendment 4430, and it pertains to what I think is one of the two most important issues related to seatbelt legislation.

It has been said that those who love law and sausage should watch neither being made. Over the last 7 months, as a member of the Consumer Affairs Committee and as a member of the House, I watched us take a piece of legislation that was essentially in very solid form when sent to us by the Senate, and we thereafter reduced it to, I think, a less than effective piece of legislation. With the vote that was just taken, we have once again restored a meaningful fine. With the amendment that is now before the House, we face squarely the second and, I think, equally important issue of enforcement.

The question is whether or not we will have a seatbelt law which is enforced in a manner as we enforce all other traffic regulations. When the bill came to us from the Senate, it had primary enforcement. Mr. Speaker, what I am attempting to

do with amendment 4430 is to return to the solid language which was originally contained in the bill and which was sent to us by the Senate. I am seeking to return to primary enforcement.

Now, last week we considered a very important piece of legislation pertaining to underage drinking. We communicated a message to the people of Pennsylvania that we were serious about underage drinking. I wonder, Mr. Speaker, if we would have communicated the same message had we said, yes, we are concerned about underage drinking, and, yes, it is a violation of the law, but no police officer will be allowed to make an arrest for underage drinking nor issue a citation for that particular infraction unless there is some other primary offense; you will not be cited for underage drinking unless you are first arrested for resisting arrest. This really is, I think, the last remaining extremely significant issue on the question of seatbelts, and I think once we cover this hurdle one way or the other, we are well on our way to a seatbelt law.

The issue now is one of enforcement. As the bill was sent to us by the Senate, it contained exactly what I am advocating now. In the Consumer Affairs Committee we adopted what I think is a Rube Goldberg approach to enforcement by indicating that the seatbelt law would only be enforced in our Commonwealth if a police officer first had probable cause to make an arrest for some other violation, and if in fact a citation were issued for that other violation and if in fact the individual were convicted on that primary violation, then at that point the police officer might have an opportunity to press his case with regard to seatbelts. I think that sends a very clear message to the people of Pennsylvania that if we adopt that version of the bill rather than the Senate version, we are not serious about seatbelts.

The point that I was trying to make just a few moments ago was that last week when we considered underage drinking, which was a fine piece of legislation, had we said, yes, you may be cited for underage drinking but not until after you have been cited for disturbing the peace or resisting arrest, clearly we would have been sending a mixed message. And if we said to the people of Pennsylvania in other traffic cases, yes, if you break the speed limit you will get a ticket, but only as a secondary violation if you have a faulty taillight or if you make an improper turn, that, too, sends a message that we are not serious about the substance of the legislation.

When the bill was weakened in the Consumer Affairs Committee, a similar step was taken. When we said in one breath to the people of Pennsylvania we want to save lives with the enactment of a seatbelt bill but then in the next breath said, but, oh, we will not enforce it unless you are guilty of some other primary offense, we were making a serious mistake.

We have two very clear examples from which we can copy - one would be wise; one would be foolish. The State of New York has primary enforcement, just as we have primary enforcement for all of our other traffic laws. The seatbelt law in New York has worked, and I think the statistics clearly document that. New Jersey has secondary enforcement. I think that the effect of their seatbelt bill, again, can clearly be documented as being less effective than New York.

And lastly, as we choose between these two alternatives, put yourself in the position of the average police officer whom we are going to ask to enforce this law. What police officer, in order to enforce a seatbelt law, is going to look for some other violation, find probable cause for that primary violation, issue a citation, seek a conviction in order that secondarily he might enforce the seatbelt law?

If we are to oppose seatbelts, let us do it directly. Let us not take a backdoor approach which secondary enforcement causes. All I am asking is that we return to the original language of the Senate bill, that we enforce a seatbelt law the same way we enforce all of our other traffic laws, and lastly, that we not put our police officers in a very difficult and, frankly, I think, foolish position of having to enforce two violations in order to truly enforce one.

Mr. Speaker, I seek primary enforcement. I want to return to the Senate version of the bill. I seek an affirmative vote on my amendment.

The SPEAKER. The Chair recognizes the gentleman from Montgomery, Mr. Fox, on the amendment.

Mr. FOX. Mr. Speaker, with all due respect to the honored member, Mr. McHale, whom I have a great deal of confidence in, I believe the important additional provision has already been passed this morning which gives the \$15. I think the importance to our drivers in this State is that the amendment which was passed in Consumer Affairs and is now before this body, which is secondary enforcement, is a protection that we will not have stops being made where there is no question of the fact that the driver was doing nothing wrong.

I believe that a good first step for a seatbelt law is the fashion in which the bill is now. Therefore, I would ask for a negative vote on the McHale amendment.

The SPEAKER. The Chair recognizes the gentleman from Chester, Mr. Vroon.

Mr. VROON. Mr. Speaker, I rise to support Mr. McHale's amendment. I agree with him that the way the law is right now it seems to be a rather concerted attempt to make life very difficult for the enforcement of the seatbelt law. I frankly do not know of any State in the Union which has a provision similar to this. All of the States which have gone for seatbelt laws have a variety of the secondary enforcement procedures such as we want to go back to now. We do not know of any that has that particular peculiar phrase in it which relates to conviction.

Then I would also call attention to the fact that you have adequate protection for every person who has not fastened his seatbelt. When he is cited, he is cited also for that, and he pays his fine and, in effect, he is confessing conviction, and then he pays the fine for the seatbelt violation as well. That is a good procedure; that is a very efficient one, and it fits right into the mechanism of enforcing our general motor vehicle laws.

I think this is a very necessary part of a good seatbelt law, and I would urge you all to vote "yes" on this amendment.

The SPEAKER. On the amendment for the second time, the Chair recognizes the gentleman from Lehigh, Mr. McHale.

Mr. McHALE. Mr. Speaker, very briefly. Mr. Vroon and I are in agreement on this amendment, a matter which would normally cause both of us some concern. We do not normally look at issues from the same philosophical perspective, but we do have a common point of view on this amendment.

Mr. Speaker, we spend so much time on the floor of this chamber debating how many angels can dance on the head of a pin that sometimes we miss the truly important issues. This truly is an important issue. The issue that you are now deciding is whether or not Pennsylvania will have a meaningful enforceable seatbelt law. If we fail to pass this amendment, we will be enacting a piece of legislation which will be virtually impossible for our police officers to enforce. When we adopt secondary enforcement, that is virtually tantamount to adopting no enforcement. Put yourself in the position of the police officer who will have to enforce this act once it becomes law.

I ask the members to consider what we are doing. I ask the members to recognize that the decision you make, without any melodrama, the decision you make in the next few moments will affect many, many lives here in the Commonwealth. We are not talking about PUC (Public Utility Commission) reform; we are not talking about insurance reform; we are not talking about criminal justice reform, all of which are important issues, but rarely are they life threatening or life saving. The vote you make in the next few moments will determine whether or not certain people live and certain people die, at least based on the experience from our sister State, New York.

I urge you to vote for the preservation of life. I urge you to vote for an effective enforceable law. I seek an affirmative vote on my amendment.

The SPEAKER. For the first time, the Chair recognizes the gentleman from Luzerne, Mr. Stevens.

Mr. STEVENS. Thank you, Mr. Speaker.

With all due respect to Representative McHale, whose judgment I respect very much, I am concerned that this amendment if it passes will lead to harassment of motorists and harassment of the working people of Pennsylvania. We are not sending clear messages on this bill, and perhaps this would also fly in the face of what the Consumer Affairs Committee in its respective judgment did, and maybe we would have to consider sending it back to that committee; I do not know. But I hope that this amendment would be defeated. Thank you.

### FILMING PERMISSION

The SPEAKER. Gene Schenck of WGAL-TV has been given permission to film for 10 minutes on the floor.

### CONSIDERATION OF SB 483 CONTINUED

The SPEAKER. The Chair recognizes the gentleman from Centre, Mr. Letterman.

Mr. LETTERMAN. Thank you, Mr. Speaker.

Mr. Speaker, I rise in opposition to this amendment and to the entire seatbelt law.

I believe that we should have listened to a lot of people who came to us. I had a woman come to me and she said, Mr. Letterman, if you make me wear that seatbelt, you are going to strangle me in the seat, because the automobile manufacturer has not considered a person being short; he has also not considered a person being large. I have friends who run with me who cannot even get the seatbelts around them, and I want to know what is going to happen. And I doubt if I can get some of them around me. That is right.

Mr. VROON. Mr. Speaker.

Mr. LETTERMAN. What does Mr. Vroon want?

The SPEAKER. Just a moment.

Mr. Vroon was going to remind the gentleman, Mr. Letterman, that he is to confine himself to the current amendment and not to—

Mr. LETTERMAN. That is what I am doing.

The SPEAKER. —not a general debate on the bill. That will come later.

Proceed, Mr. Letterman.

Mr. LETTERMAN. I am telling you why we should not have a primary arrest.

I also have a question as to whether or not this would be a moving violation. Would this be something that insurance companies would then raise our constituents' insurance for? Have you given that any consideration? Do they get points? I do not know. Will they?

Do our police not have enough to do without being sent out on the road to make a silly arrest because somebody does not have a piece of strap around their body, whether they want to or do not want to. Why should it be a primary arrest? If you want to enforce this, do not give them the primary arrest, but just try to educate people that they could wear the belt.

I have had a lot of people tell me, if you make this a primary arrest, you will have the police of this State being misused as much as they are over the speeding laws and they will not go out and solve any other criminal charges they do not have to. They can take enough money in to run themselves through that. I believe that, because I do not think they do anything else other than watch for traffic violations.

A lot of you seem to think that you have all the answers about the seatbelt and you want to force it down everybody's throat. Well, I personally do not want to force them because I believe that if I force someone to put that seatbelt on and he dies because I made him put it on, I do not want to be responsible for that any more than you want to be responsible because they do not wear it.

I ask for a defeat of this amendment.

#### MEMBER'S PRESENCE RECORDED

The SPEAKER. Mr. Cordisco's name will be added to the master roll.

#### CONSIDERATION OF SB 483 CONTINUED

The SPEAKER. The Chair recognizes the gentleman from Delaware, Mr. Gannon.

Mr. GANNON. Thank you, Mr. Speaker.

Mr. Speaker, I rise in opposition to this amendment. I think this is much ado about nothing, Mr. Speaker. I have here a copy of the Secretary of Transportation's report on section 208 of the safety regulations, and by the way, this report is the reason that we are here today discussing this seatbelt law, and this report sets the standards for seatbelt laws which are to be enacted or should be enacted by the various States. In that regulation and in that standard, Mr. Speaker, there is not one syllable about primary or secondary enforcement. All the standard requires is that a State have a law requiring the use of seatbelts.

I think, as Representative Letterman pointed out, our police have a lot more important things to do than watch and make sure that drivers and passengers are wearing their seatbelts. I can envision that our district magistrates, when they come into court on a Monday or Tuesday morning, would have about 20 or 30 people there for a primary violation of a seatbelt law, and I think when he looks at his neighbors and they are here being faced with a fine of perhaps \$40 or \$50, that district magistrate is going to be disposed to adjudicate those cases rather quickly.

So I think what we are inviting here is more burden activities on the part of our police, and we are inviting more of a logjam at the district magistrate level. I think they have too many cases to handle as is.

And finally, Mr. Speaker, the regulations that were promulgated by the Secretary as far as seatbelt standards make no mention about primary enforcement. I think that if we have a seatbelt law that requires the wearing of seatbelts while an automobile is in motion and if we make that a secondary enforcement or a secondary violation, I think we have accomplished our goal. I think we should leave the bill the way it is on that particular item.

I urge a "no" vote on the amendment.

The SPEAKER. The Chair recognizes the gentleman from Luzerne, Mr. Blaum.

Mr. BLAUM. Thank you, Mr. Speaker.

Mr. Speaker, in the Consumer Affairs Committee we heard testimony that New York, which is a primary State - it has the seatbelt law as a primary offense - and New Jersey, as a secondary offense— We heard testimony in the Consumer Affairs Committee that there is no difference in compliance in those two States, that both are down to the low 40 percentile and dropping. I do not think it matters one way or another. In fact, if it was a primary offense, I do not think it would pass this legislature or be signed by the Governor.

But at this time I rise to oppose the amendment, to keep it a secondary offense, and ask the members to vote "no."

The SPEAKER. The Chair recognizes the gentleman from Westmoreland, Mr. Petrarca.

Mr. PETRARCA. Thank you, Mr. Speaker.

I also rise to oppose the amendment. In New York State when they stop a motorist, all the motorist does is unhook his seatbelt and step out of the car, and they never know if he has been in his seatbelt anyway, so I think it is ridiculous. Go back to the way it was.



The SPEAKER. The Chair recognizes the gentleman from Montgomery, Mr. Reber.

Mr. REBER. Thank you, Mr. Speaker.

Mr. Speaker, would the maker of the amendment please stand for brief interrogation?

The SPEAKER. The gentleman, Mr. McHale, indicates he will so stand. You are in order, and you may proceed, sir.

Mr. REBER. Thank you, Mr. Speaker.

Mr. Speaker, in light of this particular amendment going into the bill, which is in essence creating a primary offense, I think it is very important for the members and I think it is even more important for the law enforcement officials who will be attempting to enforce this bill to know just exactly when a violation begins to occur, when a violation is taking place, and when you would no longer be in violation of the bill as it would be amended under your amendment.

So if you can bear with me, could you possibly take us through, first of all, when an individual enters a car and sits down in that seat without the car engine running and does not have his seatbelt buckled. Is that a violation of the act?

Mr. McHALE. Mr. Speaker, my view is that when the vehicle is not moving, there would be no violation of the act for failure to buckle up. I believe that a violation of the act would occur when the vehicle was in motion, when the person was not buckled up, and when a police officer observing that offense would have probable cause to believe that such an offense was occurring. But if your car is parked in front of your house and you are not buckled up, I do not think that that would constitute a violation of the law. If the vehicle is moving, if the officer observes and has probable cause to believe that you are operating the vehicle or riding as a passenger in the vehicle without a buckled-up seatbelt, then at that point it is my view that an offense has occurred.

Mr. REBER. Mr. Speaker, am I correct in my reading of the bill as it presently reads and as the bill would be read with your amendment that there is no language in the bill stating the moving aspect as you so have just defined that as being an element of the offense that would necessitate the issuance of a citation? That is what I am really trying to pin down here - if there has to be a movement of the vehicle and a nonwearing of the seatbelt for the offense to take place.

Mr. McHALE. Mr. Speaker, I want to choose my words very carefully in terms of the legislative history that we are establishing here.

Under no circumstance, in my view, is this intended to be a moving violation accompanied by points. I believe that the only penalty which should be imposed is the \$15 fine that we adopted a few minutes ago. My view is that when the vehicle is not moving, under my amendment there is no legal requirement that you be buckled up. Once the vehicle begins to move, then I think the obligation attaches.

Now, under the current version of the bill, which you also made reference to, we have what I described earlier as a Rube Goldberg approach. In order to enforce the law, the police officer must first observe some other offense, must have probable cause to make an arrest for that offense, must issue

a citation for that primary offense, and then must obtain a conviction on that primary offense before he can even turn to the issue of seatbelts. That obviously is not an enforceable piece of legislation. So if my amendment is adopted, the seatbelt law will become, like every other traffic offense in the Commonwealth, a primary offense where the officer observes a violation, has probable cause to issue a citation, and does so.

Mr. REBER. Mr. Speaker, do we have a situation where there is an offense if an individual enters the car in a shopping center parking lot, begins to drive that car through the parking lot, is about to enter onto the public highway, the public right-of-way or the local street right-of-way, and at that point fastens his seatbelt; we have a police officer who was sitting in the shopping center parking lot observing the individual operating the vehicle without the seatbelt in place while the car was in motion on the private parking lot and stops the individual as he gets onto the highway; at that point in time the individual is buckled up, if you will, and he says, I saw you operate your car in the parking lot without the seatbelt on; I saw you make some form of a motion, which I assume was a buckling, as you went onto the public highway. Do we have a violation with that kind of situation?

Mr. Speaker, I think you can appreciate where I am going with this. In all due respect to your amendment, in all due respect to the bill and its drafters, I personally think there are a myriad of problems that are going to develop in various defenses, if you will, or various prosecutions under this particular statute.

Now, I really have not got to my serious problem with it yet, so let us just take these one at a time and then we will build up to it.

Mr. McHALE. Mr. Speaker, that is fine, and I will be happy to respond. I would ask the gentleman to recognize, however, that the question he raises in no way pertains uniquely to seatbelts. The issue that the gentleman raises pertains to any violation of the law involving a motor vehicle which might take place on private property.

Now, it has been many years since I looked at the law on that issue as to whether or not a failure, for instance, to properly control a vehicle on private property is tantamount to a traffic violation. All I can say is that it would be my hope, A, that a police officer would use some common sense in determining whether or not a citation would be issued, but then secondly, as a matter of legal theory, if my amendment is adopted, a violation of the seatbelt requirement would be treated the same as any other potential traffic violation occurring in that supermarket parking lot. I would see absolutely no distinction being drawn between a violation of the seatbelt requirement and every other requirement we have adopted in the Vehicle Code controlling the operation of vehicles as that might pertain to the operation on private property.

Mr. REBER. Mr. Speaker, earlier you related the necessity, obviously, of the car being in motion, the car being moving for the violation to take place. Could you provide the members with what you consider to be the elements of the

offense that would have to be observed and give us some form of an example as to how the arresting officer would be observing the individual not being appropriately buckled up in conformity with the suggested statute? In essence, what would be the probable-cause situation as it would develop to allow a valid arrest to take place under this statute? I would like to have some idea as to what an arresting officer who is effectuating a valid arrest would, in essence, be seeing, where he might be when this observation is taking place, and what have you.

Mr. McHALE. Mr. Speaker, I think the elements would be as follows: Number one, the person would in fact not be buckled up; number two, the police officer would observe that fact; number three, there is the question of whether or not the offense occurred on public property, and frankly, as I indicated a moment ago, I am not prepared to address that. I think that the seatbelt violation should be treated the same as any other traffic violation with regard to operation on public property versus private property. I think really it is that simple.

Let me give you a hypothetical that I think captures the essence of the offense. A police officer is directing traffic or standing on a street corner, and he observes someone in a vehicle stopped at a traffic light. Although the vehicle is not moving, clearly it is being operated on the public highway. He looks down; he sees the person is not wearing a seatbelt. It would be my hope at that point the police officer would use some common sense, would mention to the person that we have a seatbelt law and they ought to buckle up, but in the event that the person fails, the police officer would then exercise his discretion and issue a citation.

I see absolutely no distinction between the seatbelt requirement and every other provision of the Vehicle Code where we require the officer to have probable cause based on observation for a violation of the offense. Thereafter, if in his judgment it is appropriate to issue a citation, one may be lawfully issued.

Mr. REBER. Mr. Speaker, if I can understand your response, I think it is safe to say that you feel there has to be an actual observation by the police officer of the nonwearing of the belt in compliance with the "properly fastened and secured" language of the statute. Is that a fair statement?

Mr. McHALE. I would think 99 percent of the time the probable cause obtained by the officer would be a result of his own observation. I am not going to limit it to observation. The legal term is "probable cause," but I would think that in almost every circumstance that I can conceive, that probable cause would arise out of the officer's own observation.

Mr. REBER. Mr. Speaker, this may be facetious, but I think to conclude the concern of this questioning, we ought to have this particular response on the record.

As you understand and read this statute, there is no authority for an officer to make a stoppage of a vehicle without him first having some justifiable probable cause that the seatbelt is in fact not being worn. Is that a correct statement? Would you say that is a correct statement?

Mr. McHALE. I am sorry, Mr. Speaker. I could not hear the gentleman.

Mr. REBER. Mr. Speaker, I have no further interrogation, and I thank the gentleman for being so patient.

Mr. McHALE. Mr. Speaker, I am not sure the gentleman could hear me either. In response to his last question, I said I could not hear the gentleman. I did not answer his last question because I did not hear it.

The SPEAKER. Do you wish to restate the question?

Mr. REBER. Excuse my voice.

Mr. McHALE. I hope that is not an indication of how carefully the gentleman was listening to my answers.

Mr. REBER. My hearing today is as bad as my vocal cords are.

My concern, Mr. Speaker, is the statute as proposed and with your amendment. I want to try and make absolutely clear that there is no way that this particular statute could be used for purposes of a fishing expedition - a stoppage without probable cause; a stoppage without actual observation of a violation of the elements of the statute. Do you agree with that particular type of statement?

Mr. McHALE. Yes; I do, Mr. Speaker, and I would emphasize, because I know there are some good-faith concerns on the part of individual members that in some cases this law might be used for a tool of harassment.

What I am doing with this amendment is equating the seatbelt law with every other traffic requirement we have here in the Commonwealth. The seatbelt law would be no more subject to abuse by police officers than any other statute we have adopted, be it a speed regulation, a turning regulation, a stop-sign requirement. There is always the potential that a very small percentage of our police officers would abuse the authority that we give to them. I think that is very unlikely to happen. Most of our police officers have a great deal of common sense, and I do not believe they would abuse the seatbelt law to expand their powers to pull a vehicle over any more than they have abused any other traffic requirements, such as our speeding regulations, our Vehicle Code, and other provisions of the law that would normally give them the authority to pull a vehicle over. This in no way expands the existing law in that respect. It simply places this law on a par with every other traffic requirement.

Mr. REBER. Mr. Speaker, one last question, and this was something that just came to my mind. It was tickled earlier when Representative Letterman was giving us some of his beneficial thoughts.

On line 22 of page 2 of the bill, the statute says that you shall wear a properly adjusted and fastened safety seatbelt. I think we all know what "fastened" safety belt means. My concern is the language of "properly adjusted." Now, what I am getting at, there may be some people who prefer to wear their seatbelt a little looser than you or I or the next guy, and most importantly, they may be having their seatbelt not properly adjusted in the mind of the arresting officer. Could you provide us with some benefit as to how an individual is going to know that his seatbelt is properly adjusted so as not to be

cited for wearing his belt but unlawfully having it not properly adjusted?

Mr. McHALE. Yes, Mr. Speaker, I would be happy to.

I think that the situation you describe is one that may occur one in a thousand times, and I would certainly hope that we could trust in some of the common sense of our police officers not to issue citations in the event that someone is wearing a belt but that belt, in the officer's opinion, is not properly adjusted. I think what we have to do is, A, trust the police officer and trust the district magistrate.

But what we mean by "adjusted" is that the seatbelt is being worn in a manner substantially conforming to that for which the belt has been designed. I can imagine that someone would, by an extreme use of imagination, find a convoluted way to wear the seatbelt, thereby flaunting the law, and perhaps under that extreme circumstance where the individual might wrap the seatbelt around his left leg but not his right leg, the police officer would be tempted to issue a citation. But I find that kind of hypothetical extremely unlikely. So long as the seatbelt is being worn in a manner that substantially conforms to the purpose for which the belt was designed, I would think that the officer would not issue a citation and, if he were foolish enough to do so, that the district justice would throw it out. There is a certain amount of leeway that we are going to have to trust the officer and the courts on this kind of issue.

Mr. REBER. Thank you, Mr. Speaker. I have no further questions.

The SPEAKER. The Chair recognizes the gentleman from Blair, Mr. Geist.

Mr. GEIST. Thank you, Mr. Speaker.

Would Representative Gannon stand for a brief period of interrogation?

The SPEAKER. The gentleman, Mr. Gannon, indicates he will so stand. You are in order, and you may proceed, Mr. Geist.

Mr. GEIST. Thank you, Mr. Speaker.

Could we go back to that little illustration that you used in your comments about the magistrate? Could not that really be used in the opposite?

Mr. GANNON. In what respect?

Mr. GEIST. Well, what is the fine under this amendment?

Mr. GANNON. Well, as I see, we have increased the fine to \$15, and with this \$17.50 cost, it comes to \$32.50, which is well above the Federal requirement.

Mr. GEIST. If this violation takes place in "Anywhere U.S.A. Borough" in Pennsylvania, how much of that fine goes back to the local government?

Mr. GANNON. I do not know that figure, but a portion of that cost goes back to the local—I do not know the exact number. Maybe somebody else does. And assuming that that split would be 50-50, we would give back \$15 to the local government.

Mr. GEIST. In that case, does it mean that that magistrate is going to come in, as your illustration was, and see 40 people sitting there that he is going to feel sorry for, with 40 pieces of revenue for that municipality?

Mr. GANNON. Absolutely. Yes.

Mr. GEIST. Thank you, Mr. Speaker.

That concludes my interrogation. I would like to speak on the amendment.

The SPEAKER. The gentleman may proceed.

Mr. GEIST. I guess I stand at this microphone a little bit upset about Big Brother Government and Big Brother's concern about us, the citizenry, and whether or not we are wearing our seatbelts or not. I think Mr. Letterman put it very well and I think others of us who are worried about it.

What is the next step, Mr. Speaker? Where is Big Brother going to go next? What else are we going to be protected from? Is it going to be cigarettes? Will it be chewing gum? Will it be other carcinogens?

It is once again—

Mr. VROON. Mr. Speaker, he is debating the bill.

The SPEAKER. The Chair thinks he will be finished very quickly.

Mr. GEIST. Yes; I will, and I think it has to do with the amendment.

The SPEAKER. Mr. Geist, please.

Mr. GEIST. But the real crux of the matter is that this amendment, by making it a primary offense, allows those unscrupulous local governments— This thing is better than writing parking tickets, because it returns a lot more revenue to the local government. If the compliance standards in here are the same as they have been in other States where you have a very high compliance standard in the beginning and those numbers fall off, an officer probably has a 50-percent chance of stopping a car in that municipality without a seatbelt on. And you know one thing, it could be nothing but a rolling toll booth if you want it to be.

I urge defeat of this amendment. Let us put it back to a secondary offense like it was before and get about the business.

The SPEAKER. The Chair recognizes the gentleman from Allegheny, Mr. Seventy.

Mr. SEVENTY. Thank you, Mr. Speaker.

I am sure that the gentleman from Lehigh's intentions are honorable and good, but I honestly believe that if this amendment passes, the bill will go down. Vote against the amendment, please.

The SPEAKER. The Chair recognizes the gentleman from Allegheny, Mr. Olasz.

Mr. OLASZ. Mr. Speaker, I wanted to respond to my colleague, Mr. McHale's remark about not being abused by the local police. I wonder what he can base that statement on that it will not be abused, because I have seen and heard of many abuses now with this ESP (excessive speed preventer) taping system, electronic system, that is being used in municipalities.

Just recently, I believe, one of the local Pittsburgh papers indicated where the ticketing has gone from 300 per day to approximately 700 per day, and those of us who travel down some of these steep inclines, it is ironic that these white lines are painted all over, and the fines are in the area of \$32 in a 25-mile-an-hour zone, \$30 in a 25-mile-an-hour zone. They are never out there getting the guys who are going 60 miles an

hour at night; they are getting people going to and from work.

But it would be interesting to be able to have access to the statistics that show the number of fines and citations that have been written for these minor infractions of going over the speed limit by 5 and 6 miles an hour in local communities. Until my colleague can guarantee me that we will not have the same type of abuse on this \$15 fine, I cannot support it, and I would ask my other colleagues to remember what has happened in your local communities with ESP. Thank you.

The SPEAKER. For the second time now, the Chair recognizes the gentleman from Chester, Mr. Vroon.

Mr. VROON. Mr. Speaker, there has been some misunderstanding here, and I would like to have everyone in the House listen to what the misunderstanding is.

We made a big to-do just now and by Mr. Geist about the possible abuses that might occur because of policemen who would see this as a revenue-raising opportunity. Mr. Speaker, this is wrong. Yesterday we passed an amendment which allocates all of the fines to the Catastrophic Loss Fund. When we allocate all of the fines to that fund, the local police department has no incentive at all to make a racket out of issuing citations. All of the objection is removed. There is no such possibility.

I also want to call attention to the fact that Mr. Letterman, in his comments regarding points and regarding insurance, failed to read the bill. There are two provisions in this bill which say specifically that no points will be assigned for any violation of this kind, also another provision saying there cannot be any increase in insurance premiums because of the violation of this particular issue.

So, Mr. Speaker, we are coming down to the wire now, and we are asking you if you will go along with the idea of really putting some teeth in this. Bear in mind, we are not trying to harass anybody; we are trying to save lives. This is a very important factor, a very important feature in the bill. We would appreciate your support so that we can go on and pass a very good, viable, and effective seatbelt law and make ourselves proud in Pennsylvania as being just about as good as any other State could be on this question.

On the question recurring,  
Will the House agree to the amendment?

The following roll call was recorded:

YEAS—56

Afflerbach	Colafella	Hershey	Petrone
Argall	Cowell	Itkin	Pistella
Arty	Deluca	Kosinski	Pott
Battisto	DeWeese	Langtry	Pressmann
Book	Davies	Levdansky	Preston
Bortner	Dawida	Linton	Rybak
Bowley	Distler	Livengood	Scheetz
Burd	Dombrowski	McHale	Sweet
Bush	Fattah	McVerry	Taylor, E. Z.
Caltagirone	Freeman	Manderino	Tigue
Cappabianca	Freind	Markosek	Vroon
Cessar	Gallen	Merry	Wass
Chadwick	Gamble	Miller	Wilson
Civera	Herman	Morris	Yandrisevits

NAYS—137

Acosta	Duffy	Lescovitz	Saloom
Angstadt	Durham	Letterman	Saurman
Baldwin	Evans	Lloyd	Schuler
Barber	Fargo	Lucyk	Semmel
Barley	Fee	McCall	Serafini
Belardi	Fischer	McClatchy	Seventy
Belfanti	Flick	Mackowski	Showers
Birmelin	Foster	Manmiller	Sirianni
Black	Fox	Mayernik	Smith, B.
Blaum	Fryer	Michlovic	Snyder, D. W.
Bowser	Gallagher	Micozzie	Snyder, G.
Boyes	Gannon	Moehlmann	Staback
Brandt	Geist	Mowery	Stairs
Broujos	George	Mrkonic	Steighner
Bunt	Godshall	Murphy	Stevens
Burns	Greenwood	Nahill	Stewart
Carlson	Gruitza	Noye	Stuban
Carn	Gruppo	O'Brien	Swift
Cawley	Hagarty	O'Donnell	Taylor, J.
Cimini	Haluska	Olasz	Trello
Clark	Harper	Oliver	Truman
Clymer	Hasay	Perzel	Van Horne
Cohen	Hayes	Petrarca	Veon
Cole	Honaman	Phillips	Wambach
Cordisco	Hutchinson	Piccola	Weston
Cornell	Jackson	Pitts	Wiggins
Coslett	Jarolin	Punt	Wogan
Coy	Johnson	Raymond	Wozniak
DeVerter	Josephs	Reber	Wright, D. R.
Daley	Kasunic	Reinard	Wright, J. L.
Deal	Kennedy	Rieger	Wright, R. C.
Dietz	Kenney	Robbins	
Dininni	Kukovich	Roebuck	Irvis,
Donatucci	Lashingner	Rudy	Speaker
Dorr	Laughlin	Ryan	

NOT VOTING—5

Gladeck	Maiale	Richardson	Telek
Howlett			

EXCUSED—3

Pievsky	Smith, L. E.	Taylor, F.
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The question was determined in the negative, and the amendment was not agreed to.

REMARKS ON VOTES

The SPEAKER. Why does the gentleman from Franklin, Mr. Coy, rise?

Mr. COY. To correct the record.

The SPEAKER. The Chair will listen to you.

Mr. COY. On amendment A4565 to SB 483 I voted incorrectly, and I would like to be recorded in the negative.

The SPEAKER. The gentleman's remarks will be spread upon the record.

Why does the gentleman from Berks, Mr. Davies, rise?

Mr. DAVIES. Mr. Speaker, on amendment 4565 to SB 483 I was recorded incorrectly. I would like to be recorded in the affirmative. Thank you, Mr. Speaker.

The SPEAKER. The gentleman's remarks will be spread upon the record.

WELCOME

The SPEAKER. Representatives Distler, Mackowski, and Carlson have a group of gifted students from Elk, Cameron, McKean, and Potter Counties. Welcome to the hall of the House.

CONSIDERATION OF SB 483 CONTINUED

On the question recurring, Will the House agree to the bill on third consideration as amended?

Mr. BURNS offered the following amendment No. A4524:

Amend Sec. 1 (Sec. 4581), page 3, by inserting between lines 13 and 14

(v) A State driving examiner who is a passenger in an automobile while performing the duties of a driving examiner.

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

The SPEAKER. On the amendment, the Chair recognizes the gentleman from Bucks, Mr. Burns.

Mr. BURNS. Thank you, Mr. Speaker.

This is the amendment that the majority leader correctly pointed out was incorrectly drawn the last time I went to offer it.

It simply says, "A State driving examiner who is a passenger in an automobile while performing the duties of a driving examiner."

The SPEAKER. The Chair thanks the gentleman.

On the question recurring, Will the House agree to the amendment?

The following roll call was recorded:

YEAS—173

Table listing names of representatives who voted 'YEAS' (173 total). Includes names like Angstadt, Argall, Arty, Baldwin, Barley, Battisto, Belardi, Belfanti, Black, Book, Bortner, Bowser, Boyes, Broujos, Burd, Burns, Bush, Caltagirone, Cappabianca, Carlson, Carn, Cawley, Cessar, Chadwick, Cimini, Civera, Clark, Clymer, Cohen, Dombrowski, Donatucci, Dorr, Duffy, Durham, Fargo, Fattah, Fee, Fischer, Flick, Foster, Fox, Freind, Fryer, Gallagher, Gallen, Gamble, Gannon, Geist, George, Gladeck, Godshall, Greenwood, Gruitza, Gruppo, Hagarty, Haluska, Harper, Hasay, Laughlin, Lescovitz, Letterman, Linton, Livengood, Lloyd, Lucyk, McCall, McClatchy, McHale, McVerry, Mackowski, Manmiller, Markosek, Mayernik, Merry, Michlovic, Micozzie, Miller, Moehlmann, Morris, Mowery, Mrkonic, Murphy, Nahill, Noye, O'Brien, O'Donnell, Olasz, Rieger, Robbins, Roebuck, Rudy, Ryan, Rybak, Saloom, Saurman, Scheetz, Schuler, Semmel, Serafini, Seventy, Showers, Sirianni, Smith, B., Snyder, D. W., Snyder, G., Staback, Stairs, Steighner, Stevens, Swift, Taylor, E. Z., Taylor, J., Telek, Tigue, Trello, Truman.

Table listing names of representatives who voted 'NAYS' (19 total). Includes names like Colafella, Cole, Cordisco, Cornell, Coslett, Cowell, DeLuca, DeVerter, DeWeese, Daley, Davies, Dawida, Dietz, Dininni, Distler, Hayes, Herman, Hershey, Honaman, Hutchinson, Jackson, Jarolin, Johnson, Josephs, Kasunic, Kennedy, Kenney, Kukovich, Langtry, Lashingier, Oliver, Perzel, Petrarca, Petrone, Phillips, Piccola, Pistella, Pitts, Pott, Pressmann, Preston, Punt, Raymond, Reber, Reinard, Van Horne, Veon, Vroon, Wambach, Wass, Weston, Wilson, Wogan, Wright, J. L., Wright, R. C., Yandrisevits, Irvis, Speaker.

NAYS—19

Table listing names of representatives who voted 'NOT VOTING' (6 total). Includes names like Acosta, Afflerbach, Blaum, Bowley, Brandt, Bunt, Coy, Deal, Evans, Freeman, Itkin, Kosinski, Levdansky, Manderino, Stewart, Stuban, Sweet, Wozniak, Wright, D. R.

NOT VOTING—6

Table listing names of representatives who were 'EXCUSED' (3 total). Includes names like Barber, Birmelin, Howlett, Maiale, Richardson, Wiggins.

EXCUSED—3

Table listing names of representatives who were 'EXCUSED' (3 total). Includes names like Pievsky, Smith, L. E., Taylor, F.

The question was determined in the affirmative, and the amendment was agreed to.

On the question recurring, Will the House agree to the bill on third consideration as amended?

Mr. GANNON offered the following amendments No. A3936:

Amend Bill, page 6, by inserting between lines 10 and 11 Section 4. It is the policy of this Commonwealth that enactment of the mandatory safety belt usage provision contained in 75 Pa.C.S. § 4581 (relating to restraint systems) is intended to be compatible with support for Federal safety standards requiring automatic crash protection and shall not be used in any manner to rescind Federal automatic crash protection system requirements. Section 4581 shall become inoperative immediately upon the date that the Secretary of the United States Department of Transportation, or his or her designee, determines to rescind the portion of the Federal Motor Vehicle Safety Standard 208 (49 C.F.R. § 571.208) which requires the installation of automatic restraints in new private passenger motor vehicles, provided that section 4581 shall not become inoperative if the secretary's decision to rescind Standard 208 is not based, in any respect, on the enactment or continued operation of section 4581.

Amend Sec. 4, page 6, line 11, by striking out "4" and inserting

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On the question, Will the House agree to the amendments?

The SPEAKER. On the amendment, the Chair recognizes the gentleman from Delaware, Mr. Gannon.

POINT OF ORDER

Mr. VROON. Mr. Speaker, point of order.

The SPEAKER. What is your point of order, Mr. Vroon?

Mr. VROON. Mr. Speaker, if I am not mistaken, this is exactly the same kind of amendment which was offered before this by Mr. O'Donnell and it failed.

The SPEAKER. The House will stand at ease. We have to find the O'Donnell amendment and check it out. If it is the same amendment, then, of course, you are correct.

#### AMENDMENTS RULED OUT OF ORDER

The SPEAKER. The language is not identical but the thrust of the amendment is precisely the same as the O'Donnell amendment. The amendment is ruled out of order.

#### RULING OF CHAIR APPEALED

The SPEAKER. The Chair recognizes the gentleman from Delaware, Mr. Gannon.

Mr. GANNON. I would like to appeal that ruling. I disagree, Mr. Speaker.

The SPEAKER. Fine.

#### MR. RYAN REQUESTED TO PRESIDE

The SPEAKER. Mr. Ryan, will you take the podium? Mr. Gannon wants to appeal the ruling of the Chair.

The Chair ruled that the Gannon amendment, the thrust of it, was identical to the thrust of an amendment already defeated by the floor of the House. Mr. Gannon wishes to appeal the ruling.

On the question,  
Will the House sustain the ruling of the Chair?

#### THE SPEAKER PRO TEMPORE (MATTHEW J. RYAN) IN THE CHAIR PARLIAMENTARY INQUIRY

The SPEAKER pro tempore. For what purpose does the gentleman from Chester, Mr. Vroon, rise?

Mr. VROON. I just want to ask a question. Parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. VROON. Is this particular rule a part of the rules of the House?

#### APPEAL WITHDRAWN

The SPEAKER pro tempore. The Chair recognizes the gentleman from Delaware, Mr. Gannon.

Mr. GANNON. Mr. Speaker, rather than delay the proceedings of the House on this, I would like to withdraw my appeal and I will move for reconsideration of the O'Donnell amendment.

The SPEAKER pro tempore. The Chair thanks the gentleman.

The Chair returns the gavel to the Speaker, Speaker Irvis.

#### THE SPEAKER (K. LEROY IRVIS) IN THE CHAIR

The SPEAKER. Thank you very much, Mr. Ryan. Now let us get on with the business of the House.

#### CONSIDERATION OF SB 483 CONTINUED

On the question recurring,

Will the House agree to the bill on third consideration as amended?

Mr. McHALE offered the following amendments No. A4007:

Amend Sec. 1 (Sec. 4581), page 2, lines 24 through 27, by striking out all of lines 24 through 26 and "SUSPECTED VIOLATION OF ANY OTHER PROVISION OF THIS TITLE." in line 27

Amend Sec. 1 (Sec. 4581), page 3, line 18, by removing the brackets before and after "this section"

Amend Sec. 1 (Sec. 4581), page 3, line 18, by striking out "SUBSECTION (A)(1)"

Amend Sec. 1 (Sec. 4581), page 3, lines 23 through 28, by striking out "ANYONE WHO VIOLATES SUBSECTION" in line 23 and all of lines 24 through 28

On the question,

Will the House agree to the amendments?

#### PARLIAMENTARY INQUIRY

##### AMENDMENTS DIVIDED

The SPEAKER. On the amendment, the Chair recognizes the gentleman from Lehigh, Mr. McHale.

Mr. McHALE. Mr. Speaker, I am going to ask, as a result of the last vote that was taken on my previous amendment, that we divide amendment A4007. What I would ask is that we divide it after line 5 so that the amendment would then read in its second part beginning "Amend Sec. 1 (Sec. 4581),..." through the remainder of the amendment.

I would like to delete the first half of the amendment and then call for a vote on the second half.

The SPEAKER. You are calling for a division. Where do you suggest it be divided, Mr. McHale?

Mr. McHALE. Mr. Speaker, I would like to divide it beginning with line 6, "Amend Sec. 1 (Sec. 4581)...." We are basically splitting the amendment in half. The first half of the amendment is now moot as a result of previous votes. I would then like to proceed with a vote on the second half of amendment A4007 beginning with line 6, "Amend Sec. 1 (Sec. 4581),..." through the end of the amendment.

The SPEAKER. Let us see if we can get it clear here at the desk. You wish to consider only the language beginning "Amend Sec. 1 (Sec. 4581),..." and ending with the words "...ANYONE WHO VIOLATES SUBSECTION" in line 23 and all of lines 24 through 28." Is that correct?

Mr. McHALE. That is correct, Mr. Speaker.

The SPEAKER. And you do not wish to call up the other part of the amendment?

Mr. McHALE. That is correct. The first half of the amendment, Mr. Speaker, is now moot.

The SPEAKER. That is fine. Thank you, Mr. McHale.

The amendment is divisible as suggested by Mr. McHale. The only language now in front of the House is this: "Amend Sec. 1 (Sec. 4581), page 3, line 18,..." and ending with the words "...striking out 'ANYONE WHO VIOLATES SUBSECTION' in line 23 and all of lines 24 through 28." Those words and those words only are currently before the House.

On the question,

Will the House agree to the amendments as divided?

The SPEAKER. On that amendment, Mr. McHale.

Mr. McHALE. Thank you, Mr. Speaker.

Mr. Speaker, the division of the amendment was more complicated than its purpose. Very simply, what this does is this: The House has indicated that we are willing to accept a \$15 fine. The House has indicated—from my perspective, unfortunately has indicated—that we are insistent upon—

The SPEAKER. Just a moment, Mr. McHale. We are still confused here at the desk.

Count down with the Speaker, how many lines down are we starting this amendment?

Mr. McHALE. We are beginning on line 6, Mr. Speaker: "Amend Sec. 1 (Sec. 4581), page 3, line 18—"

The SPEAKER. All right. Then the Speaker was wrong. The language, therefore, is this: "Amend Sec. 1 (Sec. 4581), page 3, line 18,..." and ending with the words "...'ANYONE WHO VIOLATES SUBSECTION' in line 23 and all of lines 24 through 28." That language and that language only is before the House.

Now you may proceed, Mr. McHale.

Mr. McHALE. Thank you, Mr. Speaker.

Again, the House has indicated that a \$15 fine is appropriate. The House has indicated by a substantial margin that it is the will of this chamber to have secondary enforcement. The purpose of my amendment is to add, I think, a more balanced approach to that secondary enforcement.

By retaining secondary enforcement we are saying to the police officer who will be cast with the responsibility of enforcing this law, you must in fact issue two tickets. There must be a citation on a primary offense, and only thereafter may there be a citation for the secondary seatbelt offense. The House has indicated that is the will of this chamber.

What my amendment does is this: It requires secondary enforcement. It will require the police officer, as the House has called for, to issue two citations, but it will not require a conviction on the first citation in order to have a conviction on the second citation. We will not be compelling our district magistrates to convict on the primary offense before the secondary offense is even considered.

Now, as a matter of simple logic and common sense, if there has been a violation of the seatbelt provision, there is no reason why that violation ought to be disregarded by the district court simply because the police officer was unable to obtain a conviction for the primary speeding offense or stop-sign offense or illegal-turn offense. The two issues are really

logically unrelated. As a matter of policy we have required the police officer to issue two citations. Under the current—

Mr. LLOYD. A point of order, Mr. Speaker.

Mr. GLADECK. Mr. Speaker, a point of order.

The SPEAKER. The Chair recognizes the gentleman from Montgomery, Mr. Gladeck. What is your point of order?

Mr. GLADECK. I am sorry. I will yield to Representative Lloyd. I think he was up ahead of me.

### PARLIAMENTARY INQUIRY

Mr. LLOYD. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. Will the gentleman state it.

Mr. LLOYD. On the division, if I am reading the amendment that is divided correctly, we are retaining everything starting with the sixth line and going to the bottom of the page. Is that correct?

The SPEAKER. That is correct.

Mr. LLOYD. Well, it seems that that repeals from the bill the section which sets the fine, which amendment A4565 raised to \$15. So it seems if we divide the amendment the way that Mr. McHale wants and pass the amendment, the effect would be to strip out of the bill any fine. Is that a correct interpretation?

The SPEAKER. We would have to look at it and see first.

The House will stand at ease.

### AMENDMENTS WITHDRAWN

The SPEAKER. Mr. McHale, we cannot decide the question raised by Mr. Lloyd at this point in time. We will pass over you. You get together with your workers and see if you can get the language you want, and let us go on.

Mr. McHALE. Thank you, Mr. Speaker.

On the question recurring,

Will the House agree to the bill on third consideration as amended?

Mrs. HAGARTY offered the following amendment No. A4518:

Amend Sec. 1 (Sec. 4581), page 5, line 1, by inserting after "child."

This subsection, insofar as it relates to safety seat belt systems, does not apply to claims against entities in the chain of sale of a motor vehicle.

On the question,

Will the House agree to the amendment?

The SPEAKER. The Chair recognizes the lady from Montgomery, Mrs. Hagarty.

Mrs. HAGARTY. Thank you, Mr. Speaker.

Mr. Speaker, this amendment relates to the seatbelt defense but only in a limited type of case.

In a case in which the plaintiff sues someone in the chain of sale, typically the manufacturer, and typically the basis for that suit is failure to provide some additional safety feature or design factor, such as the case that was brought to my attention where a plaintiff was suing for failure of the manufacturer to provide airbags, under our bill as it is currently consti-

tuted, the defendant would not be able to bring up the fact that even though the plaintiff was suing for failure to provide some additional safety feature, that that same plaintiff had failed to use their seatbelt. It seems only fair to me that in an instance where the suit is not against the person who caused the accident by driving negligently but against the manufacturer or retailer selling that automobile, that we should leave the law alone and let the courts determine in those cases whether or not failure to use the seatbelts would be relevant evidence.

This amendment does not indicate whether or not it would be evidence; it simply takes out from the bill in suits against someone in the chain of sale, and only as to seatbelts, not as to child passenger restraints. It only takes out that preclusion of using it as a defense in those cases and allows the courts to determine on their own whether or not this is evidence. Thank you.

The SPEAKER. On the amendment, the Chair recognizes the majority leader.

Mr. MANDERINO. Mr. Speaker, I rise in opposition to the amendment.

The preclusion that exists in the bill as it is now is a preclusion of using evidence of whether or not the seatbelt was buckled; whether or not this law was violated. What the lady is talking about is whether or not the automobile is equipped with seatbelts, and whether or not an automobile is equipped with seatbelts is certainly permissible in a products liability case - whether or not the automobile was equipped with a seatbelt that was sufficiently designed to do the job. You are mixing apples with oranges, and I think you know it. I think you are attempting to do something through the back door that if you told this House what you were doing through the front door, they would not go along with you.

I ask for a negative vote.

The SPEAKER. The Chair recognizes the gentleman from Chester, Mr. Vroon, on the amendment.

Mr. VROON. I concur with the majority leader and ask for a negative vote, Mr. Speaker.

The SPEAKER. On the amendment for the second time, the Chair recognizes the lady from Montgomery, Mrs. Hagarty.

Mrs. HAGARTY. Mr. Speaker, just briefly, to indicate a response to the majority leader. All my amendment is attempting to do is to allow the introduction of seatbelts as a defense when the court decides it is relevant, not to preclude it. I was not thinking about, and I do not think this amendment pertains, or the bill pertains, to a suit against a manufacturer for failure to provide seatbelts. I do not see that in this. The majority leader sees something in it that I do not. I do not see that. This is simply an effort to provide some fairness in terms of the defendant being able to introduce, if the court determines it is relevant, seatbelts. All it does is take out that subsection from the bill, so I do not see how it would possibly change the law with regard to whether or not failure to provide seatbelts can be used as a theory by the plaintiff.

The SPEAKER. The Chair recognizes the majority leader.

Mr. MANDERINO. Mr. Speaker, the fact remains that whoever drew this amendment, whether it was from the mind of the individual who is proposing it or whether it was suggested to her by others, it does apply to the situation where the suit is against entities in the chain of sale of a motor vehicle. You are talking about the manufacturer; you are talking about the distributor; you are talking about the dealer; you are talking about the parts suppliers, and the preclusion that we have indicated is that whether or not the seatbelt is buckled shall not be evidence. Now, whether or not the seatbelt is buckled or not buckled has nothing to do with suits against dealers, manufacturers, distributors, parts suppliers, et cetera, except in the area that the product was deficient.

Mr. Speaker, I say that in that kind of a case, whether or not the automobile is equipped with the safety device is what is relevant, and we have not precluded that evidence.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—39

Argall	Greenwood	Micozzie	Pitts
Brandt	Hagarty	Miller	Ryan
Bunt	Hayes	Moehlmann	Saurman
Cessar	Herman	Mowery	Scheetz
Cornell	Honaman	Mrkoncic	Sirianni
DeVerter	Jackson	Nahill	Sweet
Dietz	Kenney	Noye	Taylor, J.
Gallen	McVerry	O'Brien	Wogan
Geist	Mackowski	Phillips	Wright, J. L.
Godshall	Merry	Piccola	

NAYS—154

Acosta	Deluca	Kasunic	Robbins
Afflerbach	DeWeese	Kennedy	Roebuck
Angstadt	Daley	Kosinski	Rudy
Arty	Davies	Kukovich	Rybak
Baldwin	Dawida	Langtry	Saloom
Barber	Deal	Lashingier	Schuler
Barley	Dininni	Laughlin	Semmel
Battisto	Distler	Lescovitz	Serafini
Belardi	Dombrowski	Letterman	Seventy
Belfanti	Donatucci	Levdanský	Showers
Birmelin	Dorr	Linton	Smith, B.
Black	Duffy	Livengood	Snyder, D. W.
Blaum	Durham	Lloyd	Snyder, G.
Book	Evans	Lucyk	Staback
Bortner	Fargo	McCall	Stairs
Bowley	Fattah	McClatchy	Steighner
Bowser	Fee	McHale	Stevens
Boyes	Fischer	Manderino	Stewart
Broujos	Flick	Manmiller	Stuban
Burd	Foster	Markosek	Swift
Burns	Fox	Mayernik	Taylor, E. Z.
Bush	Freeman	Michlovic	Telek
Caltagirone	Freind	Morris	Tigue
Cappabianca	Fryer	Murphy	Trello
Carlson	Gallagher	O'Donnell	Truman
Carn	Gamble	Olasz	Van Horne
Cawley	Gannon	Oliver	Veon
Chadwick	George	Perzel	Vroon
Cimini	Gladeck	Petrarca	Wambach
Civera	Gruitza	Petrone	Wass
Clark	Gruppo	Pistella	Weston
Clymer	Haluska	Pott	Wiggins
Cohen	Harper	Pressmann	Wilson
Colafella	Hasay	Preston	Wozniak



Cole	Hershey	Punt	Wright, R. C.
Cordisco	Hutchinson	Raymond	Yandrisevits
Coslett	Jarolin	Reber	
Cowell	Johnson	Reinard	Irvis,
Coy	Josephs	Rieger	Speaker

## NOT VOTING—5

Howlett	Maiale	Richardson	Wright, D. R.
Itkin			

## EXCUSED—3

Pievsky	Smith, L. E.	Taylor, F.
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The question was determined in the negative, and the amendment was not agreed to.

On the question recurring,

Will the House agree to the bill on third consideration as amended?

Mr. HERMAN offered the following amendments No. A4603:

Amend Title, page 1, line 3, by inserting after “and” further providing for the issuance of a junior driver’s license only upon completion of a standardized driver training course;

Amend Title, page 1, line 4, by removing the period after “systems” and inserting

; and making an appropriation.

Amend Bill, page 1, by inserting after line 17

Section 1. Section 1503(c) of Title 75 of the Pennsylvania Consolidated Statutes is amended to read:

§ 1503. Persons ineligible for licensing.

\*\*\*

(c) Junior driver’s license.—The department may issue a junior driver’s license only to a person 16 or 17 years of age who has successfully completed a standardized driver training course approved by the Department of Education under rules and regulations adopted by the department and subject to the provisions of this section. A junior driver’s license shall automatically become a regular driver’s license when the licensee attains 18 years of age.

(1) Except as provided in paragraph (2), no licensed junior driver shall drive a vehicle upon a public highway between 12 midnight and 5 a.m. unless accompanied by a spouse 18 years of age or older, a parent or a person in loco parentis.

(2) A licensed junior driver conforming to the requirements of section 1507 (relating to application for driver’s license or learner’s permit by minor) may drive a vehicle upon a public highway between 12 midnight and 5 a.m. between their home and their activity or employment or in the course of their activity or employment if they are a member of a volunteer fire company authorized by the fire chief to engage in fighting fires, engaged in public or charitable service or employed and they are carrying an affidavit signed by their fire chief, supervisor or employer indicating the probable schedule of their activities. Upon termination of the junior driver’s activity or employment, the junior licensee shall surrender the affidavit to the fire chief, supervisor or employer. If the junior licensee shall fail to surrender the affidavit, the employer, fire chief or supervisor shall immediately notify the Pennsylvania State Police.

(3) In addition to the other provisions of this title relating to the suspension or revocation of operating privileges, in the event that a licensed junior driver is involved in an accident for which they are partially or fully responsible in the opinion of the department or is convicted of any violation of this title, the department may suspend the operating privileges of such person until the person attains 18 years of age or for a period of time not exceeding 90 days.

(4) Any junior licensee or other person violating any provision of this subsection is guilty of a summary offense.

Section 2. Section 1505 of Title 75 is amended by adding a subsection to read:

§ 1505. Learners’ permits.

\*\*\*

(e) Special learner’s permit.—The department may issue a special learner’s permit to a person six months before his 16th birthday. The permit may be used only during instruction provided as part of a standardized drivers’ training course approved by the Department of Education. The holder of a special learner’s permit is authorized to drive vehicles or combinations of vehicles of the class or classes specified on the permit, but only when accompanied by and under the immediate supervision of a certified instructor of an approved course. A special learner’s permit shall be valid until the holder’s 16th birthday, when the department shall automatically issue him for no additional fee a standard learner’s permit pursuant to subsections (a), (b), (c) and (d). The fee for a special learner’s permit shall be as provided in section 1951(e) (relating to driver’s license and learner’s permit).

Section 3. Section 1951 of Title 75 is amended to read: § 1951. Driver’s license and learner’s permit.

(a) Driver’s license.—The annual fee for a driver’s license shall be \$5 plus the cost of the photograph required in section 1510(a) (relating to issuance and content of driver’s license).

(b) Learner’s permit.—The fee for a learner’s permit shall be \$5.

(c) Identification card.—The fee for an identification card shall be \$5.

(d) Replacement license or card.—The fee for a replacement driver’s license or identification card shall be \$5.

(e) Special learner’s permit and learner’s permit combination.—The fee for a special learner’s permit shall be \$5. For no additional fee, a standard learner’s permit shall be issued to the holder of a special learner’s permit automatically on his 16th birthday.

Amend Sec. 1, page 2, line 1, by striking out “1” and inserting

4

Amend Sec. 1, page 2, lines 1 and 2, by striking out “OF THE PENNSYLVANIA CONSOLIDATED STATUTES”

Amend Sec. 2, page 5, line 25, by striking out “2” and inserting

5

Amend Sec. 3, page 6, line 2, by striking out “3” and inserting

6

Amend Sec. 4, page 6, line 11, by striking out all of said line and inserting

Section 7. The sum of \$2,100,000, or as much thereof as may be necessary, is hereby appropriated to the Department of Transportation for fiscal year July 1, 1986, to June 30, 1987, for purposes of implementing and administering the standardized driver training course for junior driver licensees.

Section 8. This act shall take effect as follows:

(1) Section 1 of this act shall take effect in 60 days.

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

On the question,

Will the House agree to the amendments?

The SPEAKER. The Chair recognizes the gentleman from Centre, Mr. Herman, on the amendment.

Mr. HERMAN. Thank you, Mr. Speaker.

I would like to draw the members’ attention to the fact that there are two amendments that have been distributed with my

name and Representative Mowery's name as sponsors. Because of the fact that it was improperly drafted the first time, I am going to be offering amendment A4603 only.

What this amendment would do is it would require driver's education as a prerequisite to receiving a driver's license for persons ages 16 or 17 years old. I offer this amendment because the irony of Pennsylvania law is that before a youngster can receive a hunter's license, they must have a hunter safety course and have passed that course. For a youngster to drive an all-terrain vehicle, which we passed earlier in this session, he must in fact have passed some type of an education course. And also in Pennsylvania law, for a youngster to drive a snowmobile, he must have to pass some type of an education course as well. And yet, statistics prove that the leading cause of death among those persons ages 16 to 25 is death by motor vehicle accident, and yet Pennsylvania does not have a mandatory educational program for these persons.

The studies also show that one of the benefits of a mandatory driver's education program is that there is an increased usage among those persons who take driver's education in the proper usage and understanding of seatbelts, as well as there is a better incidence not to have drug and alcohol abuse behind the wheel for those persons who have taken driver's education versus those who have not.

This amendment would prepare our 16- and 17-year-old people, our youngsters, properly prepare them for entrance into our traffic system as competent and responsible drivers. The requirements of this measure can easily be met through the 441 public schools that offer driver's education, the 46 nonpublic secondary schools, 7 vo-tech schools, 5 community colleges, and 50 private driver's training schools around the State.

The amendment also provides that for those persons whose birthdays occur during the summer months, there would be a special learner's permit offered to those persons which could be obtained, and on their 16th birthday they would automatically be issued their regular learner's permit by the department at no additional fee.

There are 24 States across the country that have this provision as well as the provision for the special learner's permit to adequately take care of those persons who have their birthdays occurring in the summer months. I respectfully request your consideration in passage of this amendment.

The SPEAKER. On the amendment, the Chair recognizes the majority leader.

Mr. MANDERINO. Mr. Speaker, will the gentleman, Mr. Herman, consent to interrogation?

The SPEAKER. Mr. Herman indicates he will so stand. You are in order, and you may proceed.

Mr. MANDERINO. Mr. Speaker, is part of your amendment a requirement that \$2,100,000 be appropriated for the purposes of this amendment?

Mr. HERMAN. Yes; it does.

We have done a fiscal analysis which shows that there would possibly be 60,000 new additional persons who would be eligible and possibly want to take the driver's education

program as a prerequisite, and it would cost \$2.1 million. We have been working with our Appropriations staff, which has indicated that there is currently somewhere an estimate of a \$4-million budget surplus, which would appropriately handle this cost.

Mr. MANDERINO. Thank you.

Mr. Speaker, I do not want to make an objection to the amendment as drafted because we objected yesterday and it had to be redrafted, but I want to point out to the members of the House that that section of the bill that provides for a new appropriation of \$2.1 million is not underlined as it should be because it is new language in the statute, and I think that we ought to know that this amendment will cost the Commonwealth \$2.1 million. It is not the intention, Mr. Speaker, that the seatbelt law, in my opinion anyway, should start new programs of driver education, nor should it eliminate those who are unable to take, for a myriad of reasons, driver's education in any organized course who happen to meet the age requirement presently in force, 16 years old.

I would ask for a negative vote.

The SPEAKER. The Chair recognizes the gentleman from Somerset, Mr. Lloyd.

Mr. LLOYD. Thank you, Mr. Speaker.

Mr. Speaker, I think that part of this amendment may not be a bad idea - the part that would allow somebody to get a special learner's permit 6 months early. But the basic flaw that was in this amendment when we talked about it the other day is still there, and that is that regardless of how well the person can drive, regardless of how well he can answer his questions, he cannot take the exam until he has completed the driver education course. And that means, inevitably, that there are going to be people who cannot get into a course because it is crowded or because their birthday does not fall at the right time, who will not be able to get into the course at the right time in the public school, and therefore, they will have to wait to take their driver's exam.

Many insurance companies, if not most, provide at the present time some kind of reduced rate after you have completed the exam. That seems to me to be a much more sensible approach than the one that Mr. Herman is suggesting. If members do not mind being badgered by their constituents when they cannot take the test at age 16, regardless of how well they can drive, then they ought to vote with Mr. Herman. However, if, like me, they do not like to hear those kinds of complaints and do not want to be barraged with them, then I suggest that you vote "no" on this amendment.

The SPEAKER. The Chair recognizes the gentleman from Cumberland, Mr. Mowery.

Mr. MOWERY. Thank you very much, Mr. Speaker.

I would just like to maybe take exception to the former speaker. I think that if you did a survey in your district of the people who are very conscious of the problems today with our young people behind the wheel and the high rate of accidents that are caused by them for many different reasons, I think you will find that the survey would indicate that an overwhelming majority would feel much safer on the highway if

they felt that our young people today had some formal training before getting behind the wheel of these high-powered cars. I think you would find that your constituents would thank you for voting to have some type of formal training.

You know, we are one of the few States that do not require anything more than going to the State Police barracks and taking a few drives around a course, answering a few questions, and then are given the license to drive. I would hope that we would consider the importance that seatbelts are supposed to be buckled up, mandated by the State, in order to save lives. Is not proper training of our 16- and 17-year-olds very important to their learning to get off and buckle up, because that is part of the course?

I would suggest to you that you strongly consider the advantages of voting in favor of this. You and I both know that at this time, this piece of legislation, regardless of what we do with it, will probably end up in a conference committee. I think that the opportunity for them to at least know of our intention of improving and giving our young people the proper instruction at the beginning of their driving careers should be something they should consider.

I ask for a very positive and "yes" vote on this important amendment.

The SPEAKER. On the amendment, the Chair recognizes the gentleman from Indiana, Mr. Wass.

Mr. WASS. Mr. Speaker, may I interrogate Representative Mowery?

The SPEAKER. Mr. Mowery indicates he will stand for interrogation. You are in order, and you may proceed, Mr. Wass.

Mr. WASS. Mr. Speaker, just quickly, how will this impact on my insurance policy? I would not have to make any changes; it would just cover this young driver. Is that right?

Mr. MOWERY. Yes. It would not impact as far as you are concerned with your driver's license. I am sure we all are aware that there are many of the major automobile insurers today that do provide a discount for those who have completed the formal instruction. I think if they find that it is a way of reducing accidents, I think we could certainly take from that that it is probably good for everyone to have that type of instruction.

Mr. WASS. If I may continue, sir.

The insurance policy I have would cover this particular young driver with this special permit—is that right?—without any—

Mr. MOWERY. That is correct.

Mr. WASS. Thank you very much.

The SPEAKER. The Chair recognizes the gentleman from Philadelphia, Mr. Linton.

Mr. LINTON. Mr. Speaker, once again I am concerned about mandating that our local school districts provide driver's education, and I am not quite sure that in fact the city of Philadelphia, the School District of Philadelphia, would be able to financially accommodate the demand that will be placed upon them from students who will have to attend driver's ed courses prior to their being able to drive on the highways.

Number two, I question whether or not on a bill dealing with seatbelts that we in this House should now take the time to begin to appropriate money out of what some perceive as being a surplus. To make that kind of arbitrary decision on what is perceived to be a surplus, which we still at this point do not know what those figures are, I have some real problems with that.

In addition, Mr. Speaker, it seems to me that those who are in support of this legislation, if I heard correctly - Pennsylvania Safety Education Association - are those who serve to do well if in fact this mandatory law is put into place. Those are in fact the educators who will in fact reap the jobs and will do the teaching if in fact these mandatory courses are put in place.

Mr. Speaker, I think this is a very bad amendment. I think it is misplaced, and I also think it is mistimed in that if we are going to appropriate \$2.1 million from what we perceive as a surplus, we should do that in another forum. So I would ask my colleagues to vote against the Herman amendment, Mr. Speaker. Thank you.

The SPEAKER. The Chair recognizes the gentleman from Cambria, Mr. Stewart.

Mr. STEWART. Thank you, Mr. Speaker.

Mr. Speaker, there are a number of reasons why this is a good amendment, but I think there are more reasons why it is a bad amendment. The best argument was already made by Representative Lloyd, and that is a matter of practicality. School systems and school districts set their students' schedules at the beginning of the year. In September the courses are laid out for students for that term, and then in January they are laid out for the second term. So if a student becomes 16 in the middle there, he cannot just change his course to get into the program. So you have now excluded him, for at least 6 months, from getting a driver's license.

You just heard from the Philadelphia school system. They are telling us that possibly it would cost more money for them to implement the program. The prime sponsor has told us that there are many, many programs in private schools that offer these courses, and that is true. In my district each school district offers the course, but the problem is, they only have one car. And I do not care how you cut it; you can only get one student behind that one car at any one time.

So as a practical matter, what this amendment is going to do is preclude a lot of kids from getting their driver's license when they are 16, and I would urge the members to defeat the amendment.

The SPEAKER. The Chair recognizes the gentleman from Allegheny, Mr. Pistella.

Mr. PISTELLA. Thank you, Mr. Speaker.

I was wondering if the gentleman, Mr. Herman, would stand for brief interrogation.

Mr. HERMAN. I will.

The SPEAKER. The gentleman, Mr. Herman, indicates he will stand for interrogation. You may proceed, Mr. Pistella.

Mr. PISTELLA. Thank you, Mr. Speaker.

Mr. Speaker, as I understood a response to an earlier question by one of the members, I believe you indicated that the number of people who would be affected by your amendment would be 60,000 people statewide? Is that correct?

Mr. HERMAN. We estimate that there are approximately 60,000 youngsters—

Mr. PISTELLA. 60,000, Mr. Speaker?

Mr. HERMAN. —yes, between the ages of 16 and 17 years old who would be eligible or would be required under this measure to get their drivers' licenses. That is correct.

Mr. PISTELLA. Thank you, Mr. Speaker.

Could you then answer for me, how was the figure of \$2.1 million arrived at for the funding of the program?

Mr. HERMAN. I am glad you asked that question, because I think I was remiss in not stating earlier that currently the Department of Transportation reimburses each school district or each nonpublic school or each vo-tech school or community college that offers the program \$35 per person, per pupil.

Mr. PISTELLA. How much, Mr. Speaker? How much?

Mr. HERMAN. \$35 per pupil.

Mr. PISTELLA. \$35 per person?

Mr. HERMAN. Yes. And if you take \$35 times roughly the 60,000, you will come up with \$2.1 million.

Mr. PISTELLA. If you take \$35 and multiply that by 60,000, you end up with the \$2.1 million. Is that what you said?

Mr. HERMAN. I believe that is correct.

Mr. PISTELLA. Okay.

Is there a fee that is charged for those people currently taking driver's education courses by the Department of Transportation?

Mr. HERMAN. No. The Department of Transportation does not require a fee for anyone taking driver's education.

Mr. PISTELLA. The reason I ask you, Mr. Speaker, is you stipulate that there shall be a \$5 fee for this special permit, which I would presume, upon the completion of the course, allows one to get a regular learner's permit at what fee?

Mr. HERMAN. If the person is already charged the \$5 fee for the special learner's permit, he would not be charged a fee for the regular learner's permit, which is \$5. The reason I drafted it that way is so that there would be no duplication of applications by the person making the application as well as no duplication of fee. That is under current law that there is a \$5 fee for the standard learner's permit, so there would not be any additional cost to the youngster making application.

Mr. PISTELLA. Then what happens to the \$300,000 that is raised from the 60,000 people at \$5 a special application permit?

Mr. HERMAN. Mr. Speaker, it goes to the Motor License Fund, just like the regular permit does. So there would be no adverse impact on the Motor License Fund.

Mr. PISTELLA. It is not a question, Mr. Speaker, of the adverse impact on the Motor License Fund. What I am trying to establish is whether or not what you are instituting in the form of a fee and an appropriation would in fact be appropriate to cover the cost of administering the program. You have

indicated from your testimony, in response to the questions, as I understood it, that you estimate to run the current learner's permit program costs \$35 per driver. No?

Mr. HERMAN. No. The \$35 is reimbursed to the school district that provides the driver's education. The \$5 learner's fee would go to the Motor License Fund.

Mr. PISTELLA. Okay.

Mr. HERMAN. Just as it is under current law with the standard fee.

Mr. PISTELLA. Okay. That is what I wanted to make sure I understood. Which then means on that end that that is a wash.

Mr. HERMAN. That is right.

Mr. PISTELLA. Okay. But you still raise \$5 a person, presumably at \$300,000 for 60,000 people, to go to the Motor License Fund for what purpose if you are not hiring any more people to process these new special applications?

Mr. HERMAN. I think the answer to that question is that it is not any new money. It is already money that has already been calculated into their budget. As far as current administrative costs or additional costs, as you know, on your permit in the left-hand corner is a code which indicates what kind of permit that is, and it does not take much in administrative costs, I do not think, or minimal costs, to revise that code for a standard learner's permit.

So I guess the answer to your question is, you are asking if there is going to be an additional cost to the taxpayer or the person, and my answer is no.

Mr. PISTELLA. The question I am asking is, are you estimating that the Department of Transportation would have to hire additional personnel for the purpose of administering this program? Is your answer to that question no?

Mr. HERMAN. In my judgment, I think that the current personnel can appropriately administer the program, and there is no need for additional administrative costs.

Mr. PISTELLA. Okay. That is what I wanted to get at.

Thank you very much, Mr. Speaker.

The SPEAKER. The Chair recognizes the gentleman from Allegheny, Mr. Mayernik, on the amendment.

Mr. MAYERNIK. Mr. Speaker, I would like to question the maker of the amendment.

The SPEAKER. Mr. Herman indicates he will stand for further interrogation. You are in order, and you may proceed.

Mr. MAYERNIK. Thank you, Mr. Speaker.

I would like to ask a point of clarification. As we listen to the other members discuss the issue, they state that the school districts would be mandated to offer driver education programs. As I read the amendment, that is not my understanding. Maybe you could clarify that for me.

Mr. HERMAN. That is exactly right, which I wanted to clarify in my closing remarks, that this does not mandate driver's education in the school districts at all.

Mr. MAYERNIK. This would simply— I would like to make a statement if I could, Mr. Speaker?

The SPEAKER. The gentleman is in order, and he may proceed.

Mr. MAYERNIK. Thank you, Mr. Speaker.

It is my understanding from reading the amendment that it would not mandate, as well as the maker of the amendment said, school districts to offer this program, but it would mandate that the young person applying for a permit would have to attend a driver's education school and not necessarily one that is offered by the school district.

I would ask for an affirmative vote on this amendment. Thank you, Mr. Speaker.

The SPEAKER. On the amendment, the Chair recognizes the gentleman from Centre, Mr. Herman. Do you wish to speak for the second time?

Mr. HERMAN. Yes. Thank you, Mr. Speaker.

I would like to address some concerns made by other members, the first by the majority leader as to why the \$2.1 million is not underlined. We took this amendment back to the Legislative Reference Bureau when the Speaker 2 days ago pointed out that that was a technical flaw, and Bob Cable, the executive director, time and again said it was not necessary to have it underlined. He confirmed that with three other attorneys in his office, and I have spoken with the Parliamentarian regarding this matter, and I would appreciate it if the Chair would make a ruling on this. Is this a technical flaw or is it not?

The SPEAKER. The Chair will not make a ruling on that, but the Chair will point out that the gentleman, Mr. Herman, did everything he could to have this drafted in a different form, and he was informed by the Reference Bureau that this was drafted in the correct form. It is the opinion of the Chair that it should not have been so drafted, but the Chair will have a conversation with the director of the Reference Bureau on that subject.

The gentleman may proceed.

Mr. HERMAN. Mr. Speaker, I believe Representative Lloyd wants to make some statements. I would like to close with some remarks, but I would like to defer the control of the microphone to Mr. Lloyd.

The SPEAKER. The Chair recognizes the gentleman from Somerset, Mr. Lloyd, for the second time on the amendment.

Mr. LLOYD. Mr. Speaker, just one point which Mr. Mayernik made which may be valid in the big city, and that is that there are these private driver education places that you can go to so that the schools do not have to provide it. That does not exist in most rural areas. It does not exist in my county. The only way you can get driver ed, whether it is in the summertime or whether it is during the school year, is through driving cars that belong to the schools. So whether it would work in the city or not, I do not know, but in rural areas we are going to have exactly the problems that Mr. Stewart and I have talked about.

The SPEAKER. For the second time, the Chair recognizes the gentleman, Mr. Herman.

Mr. HERMAN. Thank you, Mr. Speaker.

I would like to address the concerns by Mr. Lloyd and point out that most of the school districts, especially those in rural areas, provide driver's education during the summer months.

I would just like to make a further clarification of the fact that an individual in your public school can in fact take the classroom training while they are 15 years old during that course, and that is what the private schools are now doing. What this amendment would do, by providing a special learner's permit, will allow that individual to take the behind-the-wheel training so that he can in fact be properly certified so that he would have no delay in getting his driver's license when he is 16 years old.

I further emphasize that 24 other States have this exact law, including Ohio, Virginia, Maryland, and Delaware, and I beg for your support. Please do not forget that those youngsters who complete the course have a reduced premium from their insurance company, so there is an incentive to take the course at some cost savings, and not only that, but the cost savings to society as a whole.

The SPEAKER. On the amendment, the Chair recognizes the gentleman from Montgomery, Mr. Fox.

Mr. FOX. Thank you, Mr. Speaker.

Just a brief comment in support of the amendment. I would ask those who voted in favor of the tough underage drinking law, which was authored by Representative Blaum, that they seriously consider voting in favor of this amendment, because it will provide additional protections for our youth as well as reduced insurance, as just pointed out. Thank you.

### MOTION TO RECOMMIT

The SPEAKER. On the amendment, the Chair recognizes the gentleman from Centre, Mr. Letterman.

Mr. LETTERMAN. Mr. Speaker, I think we are now dealing with a piece of legislation that has become very complex. With all the amendments that are in it, I will therefore ask for a recommittal of the bill with all amendments to be sent to the Transportation Committee for further study.

It is just too complex for us to sit here and continue to vote on something that has had this many amendments. Thank you.

The SPEAKER. Moved by the gentleman, Mr. Letterman, that SB 483 as amended be recommitted to the Committee on Transportation.

On the question,

Will the House agree to the motion?

The SPEAKER. The Chair recognizes the majority leader.

Mr. MANDERINO. Mr. Speaker, I daresay that the many amendments that have been offered will just again be offered if we go back to committee and come back to the floor. I would suggest the better way to handle the matter is get this over to the Senate, get to a conference committee, and develop the bill that will finally pass.

I would oppose the motion to recommit.

On the question recurring,

Will the House agree to the motion?

The following roll call was recorded:

YEAS—36

Birmelin	Durham	Miller	Saloom
Blaum	Fargo	Mrkonic	Saurman
Bowser	Foster	Noye	Serafini
Burd	Freeman	Olasz	Smith, B.
Cimini	Geist	Perzel	Stevens
Clark	Gruitza	Petrarca	Stewart
Coy	Hasay	Piccola	Swift
Deal	Letterman	Punt	Taylor, J.
Dininni	Lloyd	Reber	Veon

NAYS—153

Afflerbach	Davies	Kukovich	Robbins
Angstadt	Dietz	Langtry	Roebuck
Argall	Distler	Lashinger	Rudy
Arty	Dombrowski	Laughlin	Ryan
Baldwin	Donatucci	Lescovitz	Rybak
Barley	Dorr	Levdansky	Scheetz
Battisto	Duffy	Linton	Schuler
Belardi	Evans	Livengood	Semmel
Belfanti	Fattah	Lucyk	Seventy
Black	Fee	McCall	Showers
Book	Fischer	McClatchy	Sirianni
Bortner	Flick	McHale	Snyder, D. W.
Bowley	Fox	McVerry	Snyder, G.
Boyes	Freind	Mackowski	Staback
Brandt	Fryer	Manderino	Stairs
Broujos	Gallagher	Manmiller	Steighner
Bunt	Gallen	Markosek	Stuban
Burns	Gamble	Mayernik	Sweet
Bush	George	Merry	Taylor, E. Z.
Caltagirone	Gladeck	Michlovic	Telek
Cappabianca	Godshall	Micozzie	Tigue
Carlson	Greenwood	Mochlmann	Trello
Carn	Gruppo	Morris	Truman
Cawley	Hagarty	Mowery	Van Horne
Cessar	Haluska	Murphy	Vroon
Chadwick	Harper	Nahill	Wambach
Civera	Hayes	O'Brien	Wass
Clymer	Herman	O'Donnell	Weston
Cohen	Hershey	Oliver	Wiggins
Colafella	Honaman	Petrone	Wilson
Cole	Itkin	Phillips	Wogan
Cordisco	Jackson	Pistella	Wozniak
Cornell	Jarolin	Pitts	Wright, D. R.
Coslett	Johnson	Pott	Wright, J. L.
Cowell	Josephs	Pressmann	Yandrisevits
Deluca	Kasunic	Preston	
DeVerter	Kennedy	Raymond	Irvis,
DeWeese	Kenney	Reinard	Speaker
Daley	Kosinski	Rieger	

NOT VOTING—9

Acosta	Gannon	Hutchinson	Richardson
Barber	Howlett	Maiale	Wright, R. C.
Dawida			

EXCUSED—3

Pievsky	Smith, L. E.	Taylor, F.
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The question was determined in the negative, and the motion was not agreed to.

On the question recurring,  
Will the House agree to the amendments?

The following roll call was recorded:

YEAS—51

Barley	Fischer	Johnson	Robbins
Book	Foster	Mackowski	Ryan
Boyes	Fox	Manmiller	Saloom
Brandt	Freeman	Mayernik	Saurman
Broujos	Gallen	Merry	Schuler

Burns	Geist	Michlovic	Semmel
Cessar	George	Miller	Serafini
Coslett	Godshall	Moehlmann	Sirianni
Cowell	Greenwood	Morris	Snyder, D. W.
Deluca	Gruppo	Mowery	Stevens
DeVerter	Hayes	Noye	Telek
DeWeese	Herman	Petrarca	Wass
Dininni	Honaman	Piccola	

NAYS—140

Afflerbach	Deal	Laughlin	Roebuck
Angstadt	Dietz	Lescovitz	Rudy
Argall	Distler	Letterman	Rybak
Arty	Dombrowski	Levdansky	Scheetz
Baldwin	Donatucci	Linton	Seventy
Barber	Dorr	Livengood	Showers
Battisto	Duffy	Lloyd	Smith, B.
Belardi	Durham	Lucyk	Snyder, G.
Belfanti	Evans	McCall	Staback
Birmelin	Fargo	McClatchy	Steighner
Black	Fattah	McHale	Stewart
Blaum	Fee	McVerry	Stuban
Bortner	Flick	Manderino	Sweet
Bowley	Freind	Markosek	Swift
Bowser	Fryer	Micozzie	Taylor, E. Z.
Bunt	Gallagher	Mrkonic	Taylor, J.
Burd	Gamble	Murphy	Tigue
Bush	Gannon	Nahill	Trello
Caltagirone	Gladeck	O'Brien	Truman
Cappabianca	Gruitza	O'Donnell	Van Horne
Carlson	Hagarty	Olasz	Veon
Carn	Haluska	Oliver	Vroon
Cawley	Harper	Perzel	Wambach
Chadwick	Hasay	Petrone	Weston
Cimini	Hershey	Phillips	Wiggins
Civera	Hutchinson	Pistella	Wilson
Clark	Jackson	Pitts	Wogan
Clymer	Jarolin	Pott	Wozniak
Cohen	Josephs	Pressmann	Wright, D. R.
Colafella	Kasunic	Preston	Wright, J. L.
Cole	Kennedy	Punt	Yandrisevits
Cordisco	Kenney	Raymond	
Cornell	Kosinski	Reber	Irvis,
Coy	Kukovich	Reinard	Speaker
Daley	Langtry	Rieger	
Davies	Lashinger		

NOT VOTING—7

Acosta	Howlett	Maiale	Wright, R. C.
Dawida	Itkin	Richardson	

EXCUSED—3

Pievsky	Smith, L. E.	Taylor, F.
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The question was determined in the negative, and the amendments were not agreed to.

On the question recurring,  
Will the House agree to the bill on third consideration as amended?

Mr. OLASZ, for Mr. CLARK, offered the following amendments No. A4576:

Amend Title, page 1, line 4, by removing the period after "systems" and inserting  
; and requiring manufacturers of restraining systems to offer unconditional warranty.

Amend Bill, page 5, by inserting between lines 24 and 25 Section 2. Title 75 is amended by adding a section to read:

§ 4581.1. Safety seat belt warranty.

The manufacturer of each safety seat belt system installed as original equipment in any vehicle shall warrant that such safety seat belt system shall be serviceable as long as the vehicle in which

it is installed is operable. The manufacturer shall replace or repair, at no cost to the owner of the vehicle, any safety seat belt system or any component thereof which at any time is not in working order.

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

3

Amend Sec. 3, page 6, line 2, by striking out "3" and inserting

4

Amend Sec. 4, page 6, line 11, by striking out "4" and inserting

5

On the question,  
Will the House agree to the amendments?

The SPEAKER. The Chair recognizes the gentleman from Allegheny, Mr. Olasz. Mr. Olasz, are you offering the Clark amendments?

Mr. OLASZ. Yes; I am, Mr. Speaker.

The SPEAKER. On the amendment, the Chair recognizes the gentleman from Allegheny, Mr. Olasz.

Mr. OLASZ. This is the one that deals with seatbelts, Mr. Speaker. I think it is safe to assume that if seatbelts will save lives, then the automobile manufacturers should guarantee the seatbelts for the life of the car.

I ask for your affirmative vote.

On the question recurring,  
Will the House agree to the amendments?

The following roll call was recorded:

YEAS—79

Table listing names of members who voted 'YEAS' (79 total). Includes names like Battisto, Belardi, Birmelin, etc.

NAYS—104

Table listing names of members who voted 'NAYS' (104 total). Includes names like Acosta, Afflerbach, Angstadt, etc.

Table listing names of members who were present but did not vote. Includes names like Brandt, Bunt, Burd, etc.

NOT VOTING—15

Table listing names of members who did not vote. Includes names like Dawida, Deal, Fattah, etc.

EXCUSED—3

Table listing names of members who were excused. Includes names like Pievsky, Smith, L. E., Taylor, F.

The question was determined in the negative, and the amendments were not agreed to.

REMARKS ON VOTES

The SPEAKER. The Chair recognizes the gentleman from Allegheny, Mr. Dawida. Your switch is not operating yet?

Mr. DAWIDA. No. On the last three votes it has not worked either way.

The SPEAKER. How would you like to be recorded, sir?

Mr. DAWIDA. Definitely "no."

The SPEAKER. On amendment 4576 to SB 483 just voted on, on amendment 4603, and on the motion to recommit, in the negative.

CONSIDERATION OF SB 483 CONTINUED

On the question recurring,  
Will the House agree to the bill on third consideration as amended?

Mr. OLASZ, for Mr. CLARK, offered the following amendment No. A4602:

Amend Sec. 1 (Sec. 4581), page 3, line 25, by striking out "\$5." and inserting

\$15. No court costs shall be levied against any person on account of a violation of subsection (a)(2).

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

The SPEAKER. The Chair recognizes the gentleman from Allegheny, Mr. Olasz.

Mr. OLASZ. I think the amendment speaks for itself, Mr. Speaker.

On the question recurring,  
Will the House agree to the amendment?

The following roll call was recorded:

YEAS—67

Battisto	Fox	Lloyd	Saloom
Belardi	Freeman	McCall	Serafini
Belfanti	Fryer	McHale	Seventy
Blaum	George	Markosek	Sirianni
Bunt	Gladeck	Mayernik	Staback
Cappabianca	Godshall	Miller	Stevens
Cawley	Greenwood	Mrkonic	Stewart
Cessar	Gruitza	Olasz	Sweet
Chadwick	Haluska	Petrarca	Telek
Clark	Harper	Petrone	Tigue
Cole	Hasay	Piccola	Trello
Coy	Hutchinson	Pistella	Veon
DeWeese	Kosinski	Pressmann	Wambach
Duffy	Kukovich	Punt	Wass
Durham	Lescovitz	Reber	Wozniak
Fee	Letterman	Rudy	Yandrisevits
Flick	Levdansky	Rybak	

NAYS—118

Afflerbach	Cowell	Jarolin	Preston
Angstadt	Deluca	Johnson	Raymond
Argall	DeVerter	Josephs	Reinard
Arty	Daley	Kasunic	Rieger
Baldwin	Davies	Kennedy	Robbins
Barber	Dawida	Kenney	Ryan
Barley	Deal	Lashingner	Saurman
Birmelin	Dietz	Laughlin	Scheetz
Black	Dininni	Linton	Schuler
Book	Distler	Livengood	Semmel
Bortner	Dombrowski	Lucyk	Smith, B.
Bowley	Donatucci	McClatchy	Snyder, D. W.
Bowser	Dorr	Mackowski	Snyder, G.
Boyes	Evans	Manderino	Stairs
Brandt	Fargo	Manmiller	Steighner
Broujos	Fischer	Merry	Stuban
Burd	Foster	Michlovic	Swift
Burns	Freind	Micozzie	Taylor, E. Z.
Bush	Gallagher	Moehlmann	Taylor, J.
Caltagirone	Gallen	Morris	Van Horne
Carlson	Gamble	Mowery	Vroon
Carn	Gannon	Murphy	Weston
Cimini	Geist	Nahill	Wiggins
Civera	Gruppo	Noye	Wogan
Clymer	Hagarty	O'Brien	Wright, D. R.
Cohen	Hayes	Oliver	Wright, J. L.
Colafella	Herman	Perzel	Wright, R. C.
Cordisco	Hershey	Phillips	
Cornell	Honaman	Pitts	Irvis,
Coslett	Jackson	Pott	Speaker

NOT VOTING—13

Acosta	Langtry	O'Donnell	Showers
Fattah	McVerry	Richardson	Truman
Howlett	Maiale	Roebuck	Wilson
Itkin			

EXCUSED—3

Pievsky	Smith, L. E.	Taylor, F.
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The question was determined in the negative, and the amendment was not agreed to.

On the question recurring,

Will the House agree to the bill on third consideration as amended?

The SPEAKER. The Chair recognizes the gentleman from Allegheny, Mr. Olasz. Why do you rise?

Mr. OLASZ. Mr. Speaker, I was under the impression that people understood this one. If you were to call for another—

The SPEAKER. I am sorry. The vote has been taken.

The Chair recognizes the gentleman from Lehigh, Mr. McHale. Why do you rise?

Mr. McHALE. Mr. Speaker, apparently the Speaker did not see me seeking recognition to speak on it and explain the vote prior to it being taken.

I would ask for a reconsideration. I think if the members truly understood that vote, it would have had a different outcome.

The SPEAKER. File your reconsideration motion. You have the forms down with the majority leader. We will take it when we reconsider the other amendments.

Mr. McHALE. Thank you, Mr. Speaker.

On the question recurring,

Will the House agree to the bill on third consideration as amended?

Mr. BROUJOS offered the following amendment No. A4610:

Amend Sec. 1 (Sec. 4581), page 3, line 28, by inserting after "TIME."

Conviction hereunder shall not constitute a moving violation.

On the question,

Will the House agree to the amendment?

The SPEAKER. On the amendment, the Chair recognizes the gentleman from Cumberland, Mr. Broujos.

Mr. BROUJOS. Mr. Speaker, a number of questions were raised as to whether or not a conviction constitutes a moving violation. This establishes clearly that it does not. This is wanted, in addition to the disposition of the House on this issue, this is wanted by district justices and others involved in the administration and prosecution because they have a problem of determining what is or is not a moving violation with respect to remittance of specific fines. For instance, there is a special \$10 emergency medical services fee charged for moving violations which is sent in to the Emergency Medical Services Fund. This clearly establishes that that additional \$10 is not collected.

I would ask for support of the amendment.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—188

Acosta	Deal	Lashingner	Rieger
Afflerbach	Dininni	Laughlin	Robbins
Angstadt	Distler	Lescovitz	Rudy
Argall	Dombrowski	Letterman	Ryan
Arty	Donatucci	Levdansky	Rybak
Baldwin	Dorr	Linton	Saloom
Barber	Duffy	Livengood	Saurman
Barley	Durham	Lloyd	Scheetz
Battisto	Evans	Lucyk	Schuler
Belardi	Fargo	McCall	Semmel
Belfanti	Fattah	McClatchy	Serafini
Birmelin	Fee	McHale	Seventy
Black	Fischer	McVerry	Showers
Blaum	Flick	Mackowski	Sirianni
Book	Foster	Manderino	Smith, B.
Bortner	Fox	Manmiller	Snyder, D. W.



Bowley	Freeman	Markosek	Snyder, G.
Brandt	Freind	Mayernik	Staback
Broujos	Fryer	Merry	Stairs
Bunt	Gallagher	Michlovic	Steighner
Burd	Gallen	Micozzie	Stevens
Burns	Gamble	Miller	Stewart
Bush	Gannon	Moehlmann	Stuban
Caltagirone	Geist	Morris	Sweet
Cappabianca	George	Mowery	Swift
Carlson	Gladeck	Mrkonic	Taylor, E. Z.
Carn	Godshall	Murphy	Taylor, J.
Cawley	Gruitza	Nahill	Telek
Cessar	Gruppo	Noye	Tigue
Chadwick	Hagarty	O'Brien	Trello
Cimini	Haluska	O'Donnell	Van Horne
Civera	Harper	Olasz	Veon
Clark	Hasay	Oliver	Vroon
Clymer	Hayes	Perzel	Wambach
Cohen	Herman	Petrarca	Wass
Colafella	Hershey	Petrone	Weston
Cole	Honaman	Phillips	Wiggins
Cordisco	Hutchinson	Piccola	Wilson
Cornell	Itkin	Pistella	Wogan
Coslett	Jackson	Pitts	Wozniak
Cowell	Jarolin	Pott	Wright, D. R.
Coy	Johnson	Pressmann	Wright, J. L.
Deluca	Josephs	Preston	Wright, R. C.
DeVerter	Kennedy	Punt	Yandrisevits
DeWeese	Kenney	Raymond	
Daley	Kosinski	Reber	Irvis,
Davies	Kukovich	Reinard	Speaker
Dawida	Langtry		

NAYS—5

Bowser	Dietz	Greenwood	Kasunic
Boyes			

NOT VOTING—5

Howlett	Richardson	Roebuck	Truman
Maiale			

EXCUSED—3

Pievsky	Smith, L. E.	Taylor, F.	
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The question was determined in the affirmative, and the amendment was agreed to.

On the question recurring,

Will the House agree to the bill on third consideration as amended?

Mr. B. SMITH offered the following amendment No. A4588:

Amend Bill, page 1, by amending Sec. 2 (Sec. 1715) (amended by A3899) to read:

Section 2. Section 1715 of Title 75 is amended by adding a subsection to read:

§ 1715. Availability of adequate limits.

\*\*\*

(d) Rate reduction.—Every insurer who insures a motor vehicle equipped with a passive restraint system shall reduce the premiums charged for first party medical benefits, first party wage loss benefits and first party funeral expenses by a minimum of 10%.

On the question,

Will the House agree to the amendment?

The SPEAKER. The Chair notes that the heading on the Smith amendment is incorrectly labeled. It is not the fault of Mr. Smith; it is a mistake on the part of the drafters of the

amendment. This is not an amendment to an amendment. If it were, it could not be accepted. What Mr. Smith is offering is an amendment to the bill. The language is correct as far as amendatory language is concerned; the heading is not correct.

The Chair recognizes the gentleman from York, Mr. Smith. Mr. B. SMITH. Thank you, Mr. Speaker.

This amendment clarifies a previous amendment offered by me and adopted overwhelmingly by the House. This clarifies the 10 percent per year by eliminating the words "per year," and it corrects the technical language.

It is an agreed-to amendment. I would ask for favorable consideration. Thank you.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—192

Acosta	Dawida	Kosinski	Reber
Afflerbach	Deal	Kukovich	Reinard
Angstadt	Dietz	Langtry	Rieger
Argall	Dininni	Lashingner	Robbins
Arty	Distler	Laughlin	Rudy
Baldwin	Dombrowski	Lescovitz	Ryan
Barber	Donatucci	Letterman	Rybak
Barley	Dorr	Levdansky	Saloom
Battisto	Duffy	Linton	Saurman
Belardi	Durham	Livengood	Scheetz
Belfanti	Evans	Lloyd	Schuler
Birmelin	Fargo	Lucyk	Semmel
Black	Fattah	McCall	Serafini
Blaum	Fee	McClatchy	Seventy
Book	Fischer	McHale	Showers
Bortner	Flick	McVerry	Sirianni
Bowley	Foster	Mackowski	Smith, B.
Bowser	Fox	Manderino	Snyder, D. W.
Boyes	Freeman	Manmiller	Snyder, G.
Brandt	Freind	Markosek	Staback
Broujos	Fryer	Mayernik	Stairs
Bunt	Gallagher	Merry	Steighner
Burd	Gallen	Michlovic	Stevens
Burns	Gamble	Micozzie	Stewart
Bush	Gannon	Miller	Stuban
Caltagirone	Geist	Moehlmann	Swift
Cappabianca	George	Morris	Taylor, E. Z.
Carlson	Gladeck	Mowery	Taylor, J.
Carn	Godshall	Mrkonic	Telek
Cawley	Greenwood	Murphy	Tigue
Cessar	Gruitza	Nahill	Trello
Chadwick	Gruppo	Noye	Van Horne
Cimini	Hagarty	O'Brien	Veon
Civera	Haluska	O'Donnell	Vroon
Clark	Harper	Olasz	Wambach
Clymer	Hasay	Oliver	Wass
Cohen	Hayes	Perzel	Weston
Colafella	Herman	Petrarca	Wiggins
Cole	Hershey	Petrone	Wilson
Cordisco	Honaman	Phillips	Wogan
Cornell	Hutchinson	Piccola	Wozniak
Coslett	Itkin	Pistella	Wright, D. R.
Cowell	Jackson	Pitts	Wright, J. L.
Coy	Jarolin	Pott	Wright, R. C.
Deluca	Johnson	Pressmann	Yandrisevits
DeVerter	Josephs	Preston	
DeWeese	Kasunic	Punt	Irvis,
Daley	Kennedy	Raymond	Speaker
Davies	Kenney		

NAYS—1

Sweet

NOT VOTING—5

Howlett Richardson Roebuck Truman  
Maiale

EXCUSED—3

Pievsky Smith, L. E. Taylor, F.

The question was determined in the affirmative, and the amendment was agreed to.

On the question recurring,

Will the House agree to the bill on third consideration as amended?

AMENDMENT A4565 RECONSIDERED

The SPEAKER. The gentleman, Mr. McHale's amendment, which was passed on this day, the 1st day of October 1986, amendment A4565, on motion of the gentleman, Mr. Stevens, is to be reconsidered.

On the question,

Will the House agree to the motion?

The following roll call was recorded:

YEAS—186

Afflerbach	Dawida	Kosinski	Reber
Angstadt	Deal	Kukovich	Reinard
Argall	Dietz	Langtry	Rieger
Arty	Dininni	Lashingier	Robbins
Baldwin	Distler	Laughlin	Roebuck
Barber	Dombrowski	Lescovitz	Rudy
Barley	Donatucci	Letterman	Ryan
Battisto	Dorr	Levdansky	Rybak
Belardi	Duffy	Linton	Saloom
Belfanti	Durham	Livengood	Saurman
Birmelin	Evans	Lloyd	Scheetz
Black	Fargo	Lucyk	Schuler
Blaum	Fattah	McCall	Semmel
Book	Fee	McClatchy	Serafini
Bortner	Fischer	McHale	Seventy
Bowley	Flick	McVerry	Showers
Bowser	Foster	Mackowski	Sirianni
Boyes	Fox	Manderino	Smith, B.
Brandt	Freeman	Manmiller	Snyder, D. W.
Broujos	Freind	Markosek	Snyder, G.
Bunt	Fryer	Mayernik	Staback
Burd	Gallagher	Merry	Stairs
Burns	Gallen	Michlovic	Steighner
Bush	Gamble	Micozzie	Stevens
Caltagirone	Gannon	Miller	Stewart
Cappabianca	Geist	Moehlmann	Stuban
Carlson	George	Morris	Swift
Carn	Gladeck	Mowery	Taylor, E. Z.
Cawley	Godshall	Mrkonic	Taylor, J.
Cessar	Greenwood	Murphy	Telek
Chadwick	Gruitza	Nahill	Tigue
Cimini	Gruppo	Noye	Trello
Civera	Hagarty	O'Brien	Van Horne
Clark	Haluska	O'Donnell	Veon
Clymer	Harper	Olasz	Vroon
Cohen	Hasay	Oliver	Wambach
Colafella	Hayes	Perzel	Wass
Cole	Herman	Petrarca	Weston
Cordischo	Hershey	Petrone	Wiggins
Cornell	Honaman	Phillips	Wogan
Coslett	Jackson	Piccola	Wozniak
Cowell	Jarolin	Pistella	Wright, D. R.

Deluca	Johnson	Pitts	Wright, J. L.
DeVerter	Josephs	Pott	Wright, R. C.
DeWeese	Kasunic	Pressmann	
Daley	Kennedy	Preston	Irvis,
Davies	Kenney	Raymond	Speaker

NAYS—5

Coy	Punt	Sweet	Yandrisevits
Hutchinson			

NOT VOTING—7

Acosta	Itkin	Richardson	Wilson
Howlett	Maiale	Truman	

EXCUSED—3

Pievsky Smith, L. E. Taylor, F.

The question was determined in the affirmative, and the motion was agreed to.

On the question recurring,

Will the House agree to the amendment?

The clerk read the following amendment No. A4565:

Amend Sec. 1 (Sec. 4581), page 3, line 25, by striking out "\$5" and inserting

\$15

On the question recurring,

Will the House agree to the amendment?

The SPEAKER. On the amendment, the Chair recognizes the gentleman from Luzerne, Mr. Stevens.

Mr. STEVENS. Thank you, Mr. Speaker.

Very briefly, I was not one of them, but in looking at the roll call, I saw that this apparently was taken during the time when we were just organizing this morning and there were nine people registered as not voting. Even though this is somewhat of an exercise in futility, I would hope that we could send our conference conferees a message to the Senate that we do not want a big fine as a harassment of the working people of Pennsylvania. The \$5 with the court costs is more than enough to serve the purpose.

So I think that the \$15 figure that passed earlier, I ask you to reconsider it and to vote this amendment down so our conferees have a clear message. This bill has been messed up with a lot of legal mumbo jumbo, and let us give our conferees some chance to take a message to the Senate here. Thank you.

The SPEAKER. On the amendment, the Chair recognizes the gentleman from Lehigh, Mr. McHale.

Mr. McHALE. Mr. Speaker, this has been voted twice before, and I do not think any extended debate is necessary.

This House indicated, by a majority a few minutes ago, that we want a \$15 fine. That is not an unreasonable fine. That is fair and equitable. It is not burdensome, but it also communicates to the people of Pennsylvania that we are serious about seatbelts. Everyone here, I believe, can and should accept \$15. We have done it once before. I urge the members to do it again.

I seek an affirmative vote.

The SPEAKER. On the amendment, the Chair recognizes the gentleman from York, Mr. Foster.

Mr. FOSTER. Thank you, Mr. Speaker.

Will the gentleman, Mr. McHale, consent to interrogation?

The SPEAKER. The gentleman indicates he will consent to be interrogated. You are in order and may proceed, sir.

Mr. FOSTER. Thank you, Mr. Speaker.

The gentleman, Mr. McHale, has stated both privately and publicly that he feels the intent of the bill is to save lives and not to raise revenue, and I think he is completely sincere in that.

I ask you, Mr. Speaker, knowing my thoughts on the bill, do you seriously think that going from \$5 to \$15 will make any difference in whether I wear a seatbelt or not?

Mr. McHALE. Absolutely.

Mr. FOSTER. You do?

Mr. McHALE. Yes, I do, and I think more importantly, as the majority leader indicated, this bill in its current form is very likely to go to a conference committee, and if there is anything on which I agree with Mr. Stevens, this vote will send a message to those conferees.

If we send the bill to a conference committee or over to the Senate with a \$5 fine, we will be communicating a message to the other body, as well as to the conferees, that we are not serious about seatbelts. If we have a \$15 or, as I would have preferred, a \$20 fine, we are saying that we do not want a burdensome fine but we want a fine that is commensurate with the offense and we want a fine that indicates that we want to have deterrence in the law. Perhaps not for you but for many citizens in the Commonwealth, a \$15 fine is a fair but effective deterrent.

Mr. FOSTER. Mr. Speaker, would you agree that there are probably millions of people in this Commonwealth who feel exactly as I do on this bill and oppose mandatory seatbelts?

Mr. McHALE. No question about that, and many more millions, based on the statistics that I have seen, agree with me.

Mr. FOSTER. Mr. Speaker, yesterday I offered an amendment that would give you precisely the same amount of money - \$10 from the willing and the able - and the House overwhelmingly rejected that approach. If yesterday we were not willing to accept \$10 from the willing and able, why today do you try to extract it from the unwilling and the unable?

Mr. McHALE. I am not sure I understand the gentleman's question, but I would bring to the attention of the members that with the passage of this amendment the fine will be \$15. With the reconsideration motion that will next follow, we will eliminate, hopefully, the court costs for the secondary offense. So what we are talking about, if both measures are successful, is a simple \$15 fine without court costs upon a secondary conviction. I find that to be a very good compromise. It is not unduly burdensome but it also says to the people of Pennsylvania we are serious about seatbelts.

Mr. LETTERMAN. Mr. Speaker?

The SPEAKER. Why does the gentleman, Mr. Letterman, rise?

Mr. LETTERMAN. He is not answering the gentleman's question, and I would like him to stay on the subject he was asked about.

The SPEAKER. Just a moment.

In the Speaker's opinion, the gentleman's question was out of order, but the Speaker did not want to rule him out of order in order to save time.

Mr. LETTERMAN. I would rule both of them out of order then.

The SPEAKER. No.

Are you through?

Mr. FOSTER. That concludes my interrogation. I would like to make a statement.

The SPEAKER. You would like to make a statement? You are in order, and you may make the statement.

Mr. FOSTER. Thank you, Mr. Speaker.

I think what we are facing now is the issue of who will pay a fine. For the most part, it will be the people who are least able to pay the fine. When you are speaking of paying a fine today for a motor vehicle violation of this type, the affluent will avoid most of these fines, what with the popularity of radar detectors and the popularity of CB's (citizens band radios), but the poor people of the Commonwealth frequently do not have such options in their cars. They will be the main ones who will be paying the fine, and the workers of Pennsylvania who do not have time to take the day off to go to court to protest the citation will be the ones who pay the fine.

Now, as I said, yesterday you could have had \$10 willingly; today you want to take it from us. I would urge a negative vote on the amendment.

The SPEAKER. The Chair recognizes the gentleman from Perry, Mr. Noye, on the amendment.

Mr. NOYE. Mr. Speaker, just a quick reminder.

At the point we are right now, the easiest a driver can get off, the easiest he can get off, is \$104 fine right now.

Now, if the amendment that follows is accepted and takes the other \$17 off for court costs, we are back to \$84. That is the easiest a violator can get off under the way the bill is written now. The bill makes it a secondary offense. The easiest he can get off is if he is caught going 6 miles an hour over the speed limit, and from that point we go up. Vote accordingly.

The SPEAKER. The Chair recognizes the gentleman from Beaver, Mr. Laughlin, on the amendment; Mr. Laughlin, on the amendment.

Mr. Laughlin, you have waved off?

Mr. LAUGHLIN. Mr. Speaker, since you made the request the second time, I would certainly oblige.

The SPEAKER. The Chair will be delighted to withdraw the request.

Mr. LAUGHLIN. Mr. Speaker, once given, you know the Chair would never deny that.

Mr. Speaker, very briefly, I oppose Mr. McHale's amendment, and I ask for a "no" vote. Thank you.

The SPEAKER. The Chair recognizes the gentleman from Lehigh, Mr. Snyder.

Mr. D. W. SNYDER. Thank you, Mr. Speaker.

I do not mean to belabor this point, but listening to the debate brings back memories of an issue that fairly parallels

the situation we are in today, and that is a decision by the Federal Government a few years ago that the State should participate in the emission control program. Reluctantly, at that time, as well as today, under the circumstances, the State had to adopt a program to adopt whatever Federal regulations were put upon us.

One of the arguments under that legislation was how much the penalty should be, and it was decided by this legislature that the penalty should be a low penalty. One of the arguments against doing that was the fear that the compliance would not be satisfactory. I think now that we have had that program in effect and we can look back at it in comparison, with a low fine for failing to comply with the Federal emission requirements, we still have a substantial compliance rate which, I understand, is over 90 percent.

Mr. Speaker, it is my feeling that most people do not know what the penalties are in Pennsylvania for any motor vehicle violation. If you ask the average person how much it costs them for speeding, they do not know, but they know there is a fear that they may lose their license because of the points.

I think the fact that we will have a law on the books, if the legislation that we are considering today gets passed, there will be enforcement and people will know that there is a law, and I do not think changing the penalty from \$5 to \$10 or to \$15 is going to make that much difference in the compliance rate.

I would oppose Representative McHale's amendment.

The SPEAKER. The Chair recognizes the gentleman from Lackawanna, Mr. Serafini, on the amendment.

Mr. SERAFINI. Mr. Speaker, would the maker of the amendment answer a brief question?

The SPEAKER. The gentleman, Mr. McHale, says he will stand for interrogation.

Mr. SERAFINI. Mr. Speaker, are you aware of what the fine is for littering? Is it above \$100?

Mr. McHALE. I am not certain, Mr. Speaker.

Mr. SERAFINI. Well, the fact is that it would appear to me that the amount of the fine, as stated before, really does not relate directly to the abuse of the problem, primarily because littering continues to be a great problem throughout this State, and the fine, as great as it is, has not curbed that. If anything, the extent of the fine being as great as it is has stopped a lot of policemen from giving out those tickets as a result of the burden on the individuals who would be convicted. It would appear to me that a lower fine would prompt the police to distribute this type of a citation in the hopes that it would be a lesson learned, and the amount of the fine I do not think would change the extent of that lesson learned. Thank you very much, Mr. Speaker.

#### FILMING PERMISSION

The SPEAKER. Permission has been given to Bill Martin, KDKA-TV, to film on the floor of the House.

#### CONSIDERATION OF SB 483 CONTINUED

The SPEAKER. The Chair recognizes the gentleman from Lehigh, Mr. McHale, for the second time on the amendment.

Mr. McHALE. Mr. Speaker, would the gentleman, Mr. Noye, stand for brief interrogation?

The SPEAKER. Mr. Noye indicates he will stand for interrogation. You may proceed, Mr. McHale.

Mr. McHALE. Mr. Speaker, I heard your earlier comments with regard to the minimum fine that could be imposed in the event of this violation, and I think you indicated that under the best of possible circumstances, that figure would be \$84. Is that correct?

Mr. NOYE. No. As the bill reads right now, barring the next amendment that you and I are offering, the best that they can hope for is a \$104 fine.

Mr. McHALE. All right.

Mr. NOYE. That is if they were caught going 6 miles an hour over a 55-mile-an-hour speed limit.

Mr. McHALE. Would you break that down in terms of primary offense and secondary offense? In other words, I do not want the members of the House to be misled as to how much of that would actually result from the seatbelt violation whereas how much of it would result from the primary offense, speeding.

Mr. NOYE. Yes; we can break that down. I may need the help of Brian Clark, because he and I worked this out yesterday.

The fine will be \$15 for the seatbelt offense; \$17.50 for the court costs. That would be just the seatbelt part of it. Now that we have adopted Mr. Broujos' amendment, it is no longer a moving violation, so that \$10 EMS does not come in. The rest would be in the other fine.

However, my concern is, you know, the bill reads it is a secondary offense—

Mr. McHALE. Yes; I understand.

Mr. NOYE. —and they are going to look at the bottom line.

Mr. McHALE. Then if I may ask one other question. Is it correct then to state that if our next amendment passes, the total fine that would result from a seatbelt violation would be \$15?

Mr. NOYE. For the seatbelt part of it, yes. That would take the total fine down, in the best scenario, to \$83.50.

Mr. McHALE. But only \$15 of that would be for the seatbelt violation.

Mr. NOYE. That is correct.

Mr. McHALE. Thank you, Mr. Speaker.

May I speak on final passage, Mr. Speaker?

The SPEAKER. The gentleman may.

Mr. McHALE. Mr. Speaker, I think we are all anxious to vote on this bill, and I do not want to unnecessarily delay things.

The basic question is, what kind of value do we place on a human life? We have voted on this twice before. Fifteen dollars is fair and reasonable. I think we all know where we stand on the issue. I seek an affirmative vote. A \$15 fine is appropriate. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes the gentleman from Chester, Mr. Vroon, on the amendment.

Mr. VROON. Very briefly, Mr. Speaker, I am just going to ask the members if you will please reiterate your votes previously this morning and just remind you of the fact that no other State has a fine this low. If it is going to be meaningful, we should have \$15, which is reasonable. We have done everything we possibly can to protect the driver otherwise. We have two other provisions made in the bill which protect the driver from a primary conviction, so he has to be convicted in a secondary-offense situation. So if he does and he pays \$15, that is really not unreasonable, and I urge a "yes" vote.

On the question recurring,  
Will the House agree to the amendment?

The following roll call was recorded:

YEAS—90

Afflerbach	Cornell	Levdansky	Rieger
Argall	Cowell	Livengood	Roebuck
Arty	Deluca	Lucyk	Rudy
Baldwin	DeWeese	McCall	Ryan
Barber	Davies	McClatchy	Rybak
Battisto	Distler	McHale	Scheetz
Belardi	Donatucci	McVerry	Showers
Book	Evans	Manderino	Staback
Bortner	Fee	Markosek	Stewart
Bowley	Fox	Merry	Sweet
Broujos	Gallagher	Michlovic	Taylor, E. Z.
Burns	Gamble	Micozzie	Tigue
Bush	Greenwood	Morris	Van Horne
Caltagirone	Gruppo	Murphy	Vroon
Cappabianca	Hagarty	Nahill	Wass
Cawley	Harper	Oliver	Wiggins
Cessar	Herman	Petrone	Wilson
Chadwick	Hershey	Pistella	Wozniak
Civera	Itkin	Pitts	Wright, J. L.
Clymer	Josephs	Pott	Yandrisevits
Colafella	Kosinski	Pressmann	
Cole	Kukovich	Preston	Irvis,
Cordisco	Langtry	Reinard	Speaker

NAYS—102

Acosta	Durham	Kenney	Robbins
Angstadt	Fargo	Lashinger	Saloom
Barley	Fattah	Laughlin	Saurman
Belfanti	Fischer	Lescovitz	Schuler
Birmelin	Flick	Letterman	Semmel
Black	Foster	Linton	Serafini
Blaum	Freeman	Lloyd	Seventy
Bowser	Freind	Mackowski	Sirianni
Boyes	Fryer	Manmiller	Smith, B.
Brandt	Gallen	Mayernik	Snyder, D. W.
Bunt	Gannon	Miller	Snyder, G.
Burd	Geist	Moehlmann	Stairs
Carlson	George	Mowery	Steighner
Cimini	Gladeck	Mrkonic	Stevens
Clark	Godshall	Noye	Stuban
Cohen	Gruitza	O'Brien	Swift
Coslett	Haluska	O'Donnell	Taylor, J.
Coy	Hasay	Olasz	Telek
DeVerter	Hayes	Perzel	Trello
Daley	Honaman	Petrarca	Truman
Dawida	Hutchinson	Phillips	Veon
Deal	Jackson	Piccola	Wambach
Dietz	Jarolin	Punt	Weston
Dininni	Johnson	Raymond	Wogan
Dorr	Kasunic	Reber	Wright, D. R.
Duffy	Kennedy		

NOT VOTING—6

Carn	Howlett	Richardson	Wright, R. C.
Dombrowski	Maiale		

EXCUSED—3

Pievsky	Smith, L. E.	Taylor, F.
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The question was determined in the negative, and the amendment was not agreed to.

On the question recurring,

Will the House agree to the bill on third consideration as amended?

AMENDMENT A4602 RECONSIDERED

The SPEAKER. The Chair has in hand a motion by the gentleman from Allegheny, Mr. Olasz, by which he moves for the reconsideration of the vote on amendment 4602.

On the question,

Will the House agree to the motion?

The following roll call was recorded:

YEAS—189

Acosta	Davies	Kosinski	Rieger
Afflerbach	Dawida	Kukovich	Robbins
Angstadt	Dininni	Langtry	Roebuck
Argall	Distler	Lashinger	Rudy
Arty	Dombrowski	Lescovitz	Ryan
Baldwin	Donatucci	Letterman	Rybak
Barber	Dorr	Levdansky	Saloom
Barley	Duffy	Linton	Saurman
Battisto	Durham	Livengood	Scheetz
Belardi	Evans	Lloyd	Schuler
Belfanti	Fargo	Lucyk	Semmel
Birmelin	Fattah	McCall	Serafini
Black	Fee	McClatchy	Seventy
Blaum	Fischer	McHale	Showers
Book	Flick	McVerry	Sirianni
Bortner	Foster	Mackowski	Smith, B.
Bowley	Fox	Manderino	Snyder, D. W.
Bowser	Freeman	Manmiller	Snyder, G.
Boyes	Freind	Markosek	Staback
Brandt	Fryer	Mayernik	Stairs
Broujos	Gallagher	Merry	Steighner
Bunt	Gallen	Michlovic	Stevens
Burd	Gamble	Miller	Stewart
Burns	Gannon	Moehlmann	Stuban
Bush	Geist	Morris	Sweet
Caltagirone	George	Mowery	Swift
Cappabianca	Gladeck	Mrkonic	Taylor, E. Z.
Carlson	Godshall	Murphy	Taylor, J.
Carn	Greenwood	Nahill	Telek
Cawley	Gruitza	Noye	Tigue
Cessar	Gruppo	O'Brien	Trello
Chadwick	Hagarty	O'Donnell	Van Horne
Cimini	Haluska	Olasz	Veon
Civera	Harper	Oliver	Vroon
Clark	Hasay	Perzel	Wambach
Clymer	Hayes	Petrarca	Wass
Cohen	Herman	Petrone	Weston
Colafella	Hershey	Phillips	Wiggins
Cole	Honaman	Piccola	Wilson
Cordisco	Hutchinson	Pistella	Wogan
Cornell	Itkin	Pitts	Wozniak
Coslett	Jackson	Pott	Wright, D. R.
Cowell	Jarolin	Pressmann	Wright, R. C.
Coy	Johnson	Preston	Yandrisevits
Deluca	Josephs	Punt	
DeVerter	Kasunic	Raymond	Irvis,

DeWeese Daley	Kennedy Kenney	Reber Reinard	Speaker
NAYS—4			
Deal	Dietz	Micozzie	Wright, J. L.
NOT VOTING—5			
Howlett Laughlin	Maiale	Richardson	Truman
EXCUSED—3			
Pievsky	Smith, L. E.	Taylor, F.	

The question was determined in the affirmative, and the motion was agreed to.

On the question recurring,  
Will the House agree to the amendment?  
The clerk read the following amendment No. A4602:

Amend Sec. 1 (Sec. 4581), page 3, line 25, by striking out "\$5." and inserting

\$15. No court costs shall be levied against any person on account of a violation of subsection (a)(2).

On the question recurring,  
Will the House agree to the amendment?

The SPEAKER. On the amendment, the Chair recognizes the gentleman from Allegheny, Mr. Olasz.

Mr. OLASZ. Mr. Speaker, since I offered that amendment for Mr. Clark and it has Mr. McHale's name on it, I will yield to Mr. McHale for an explanation.

The SPEAKER. The Chair recognizes the gentleman from Lehigh, Mr. McHale, on the amendment.

Mr. McHALE. Mr. Speaker, I would like to give the opportunity to the gentleman, Mr. Olasz, if I might have his attention, to speak first.

At the time that I cosponsored this particular amendment, the fine which would have been imposed was \$15, and under that circumstance, I felt that upon a secondary conviction it was appropriate to eliminate court costs. As a result of the vote which was just taken where we reduced the fine to \$5, I can no longer support this amendment. So in an effort to show fairness—

### PARLIAMENTARY INQUIRY

Mr. McHALE. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER. The gentleman may state the parliamentary inquiry.

Mr. McHALE. Mr. Speaker, I am reviewing the language now of amendment 4602, and in light of the vote that was just taken on the previous amendment, in the event that amendment 4602 passes, does that once again raise the fine to \$15 but eliminate court costs?

The SPEAKER. The answer is yes.

Mr. McHALE. Good.

In that case, Mr. Olasz and I are back on the same side and I would be happy to speak for the amendment.

Mr. OLASZ. Mr. Speaker, I just crossed the line. It is my intention to withdraw the amendment.

Mr. McHALE. Mr. Speaker, I will continue to offer it.

The SPEAKER. Mr. Olasz offered the amendment?

Mr. McHALE. Mr. Clark, Mr. Noye, and I offered it.

The SPEAKER. Mr. McHale, the maker of the amendment is Mr. Olasz in place of Mr. Brian Clark. He may withdraw this if he insists.

### PARLIAMENTARY INQUIRY

Mr. McHALE. Mr. Speaker, if I might have a parliamentary inquiry?

The SPEAKER. The gentleman may state it.

Mr. McHALE. That is the case even though all three names appeared on the amendment?

The SPEAKER. It is the opinion of the Chair that the gentleman who offered the amendment has the right to pursue it or not to pursue it.

Mr. McHALE. Mr. Speaker, my question is, how do we determine who offered the amendment when all three names appear on the amendment?

The SPEAKER. Generally, whoever's name is first. Mr. Clark's name is first.

Mr. McHALE. Mr. Speaker, I am not sure how that is being determined.

The SPEAKER. Just a moment. We just found out that Mr. Olasz's name is not on here at all.

Mr. McHALE. That is correct, Mr. Speaker.

The SPEAKER. Let us see if we can get our way out of this morass.

Mr. Olasz has been recognized, and he wishes to withdraw the amendment. Is there objection to such withdrawal?

Mr. McHALE. Yes, Mr. Speaker.

The SPEAKER. Very well.

Mr. Olasz, there being objection to the withdrawal of the amendment, the amendment is on the floor of the House. Do you wish to debate it?

Mr. OLASZ. No, sir. I would ask my colleagues to vote in the negative since my intention was to withdraw it for Mr. Clark on the basis of what occurred in the last amendment.

### POINT OF ORDER

The SPEAKER. Now, to speak on the amendment, the Chair recognizes the gentleman from Delaware, Mr. Gannon.

Mr. GANNON. Mr. Speaker, a point of order.

But is not this amendment similar in thrust to the prior amendment which we just defeated and out of order?

The SPEAKER. No. As far as the Chair recalls, the only similarity is in the amount of money. The rest of the language, which is really the pertinent part of the amendment, on court costs has not been addressed by the House.

On the amendment, Mr. McHale.

Mr. McHALE. Thank you, Mr. Speaker.

Mr. Speaker, again, without belaboring the issue, I really would ask every member of the House, despite the lateness or

the length of the debate, to pause for one moment and really consider the importance of this bill. Very few pieces of legislation that we consider will directly affect lives. Very few bills upon which we vote will literally determine that some people will live and some people will die. It is not melodramatic; it is a simple matter of statistics, looking at our sister State of New York, that how you vote in the next few minutes will determine whether some of our citizens survive accidents or whether they do not.

You will cast very few votes more important than the one you are about to cast. I ask you to consider it seriously. The effect of this amendment will be as follows: If it is passed, we will be establishing a \$15 fine - \$15. How many of our constituents cannot afford that for an infraction of the law? The fact is, do we have the courage to do something that may be marginally unpopular but may in fact save lives? I hope we have that courage, because there is no doubt in my mind that if we pass this amendment, we will save lives.

Now, I am not attempting to penalize anyone unfairly, which is why I cosponsored this amendment in the first place. The House, by majority rule, has insisted on secondary enforcement. I think that is a mistake, but that is the will of the House. We had previously voted for a \$15 fine, and so the original intent of this amendment was to simply say, if we are to have secondary enforcement with a fine of \$15, which is what everybody expected, including the gentleman, Mr. Olasz, and the gentleman, Mr. Clark, at the time it was drafted, there was no reason to unfairly penalize our constituents by imposing court costs twice - once on the primary offense; once on the secondary offense.

When I cosponsored this amendment, at that time the primary intent was to eliminate duplication of court costs. That goal is still worthy and that goal is still possible, but in addition to that goal, we now have the opportunity to reinstate a meaningful fine. For heaven's sake, can we not face our constituents and say to them, your lives are worth \$15?

We will now cast a vote on this bill. We have gone back and forth on this issue. I would ask that we bring credit to the House, that we establish a fine \$5 less than what the Senate has already voted, and we send a meaningful message to the people of Pennsylvania that we are serious about saving lives; we are serious about seatbelts. Thank you, Mr. Speaker.

The SPEAKER. On the amendment, the Chair recognizes the gentleman from Centre, Mr. Letterman.

Mr. LETTERMAN. Mr. Speaker, I think we already spoke once. We voted "no" just a little bit ago on the same thing, and just do that again. Thank you.

The SPEAKER. The Chair recognizes the gentleman from Montgomery, Mr. Bunt.

Mr. BUNT. Thank you, Mr. Speaker.

Mr. Speaker, on a previous amendment we defeated the increase from \$5 to \$15. This is an identical amendment except it has a piece of cake. It seeks to eliminate the court costs attached. Now, the prime sponsor of this amendment would have us take a spoonful of cod liver oil and a piece of cake and hope that we swallow that argument.

I ask for the defeat of this amendment, or if possible, Mr. Speaker, is the amendment divisible?

The SPEAKER. There is no way to divide this amendment, Mr. Bunt.

Mr. BUNT. Then I call for the defeat of the entire amendment.

The SPEAKER. The Chair recognizes the gentleman from Perry, Mr. Noye.

Mr. NOYE. Thank you, Mr. Speaker.

I rise to oppose my own amendment, the reason being, you have to understand the timing on this. This amendment was drafted when we reached the floor today after the House had voted to raise the fine from \$5 to \$15. At that time we devised the amendment to take out the court costs, and since that time the House has voted to revert it back to the \$5. So I would oppose the amendment the way it is drafted.

The SPEAKER. The Chair recognizes the gentleman from Bucks, Mr. Greenwood.

Mr. GREENWOOD. Thank you, Mr. Speaker.

I really do not see how anyone can vote against this amendment. You have to understand what this does. If you vote for this amendment, you will reduce the financial impact of getting cited for this by \$7. It is \$7 less expensive if you adopt this amendment, because you increase the fine by \$10 and then eliminate the court costs, which are \$17. So if we want to make this a less expensive process, we ought to vote for this amendment.

The other reason we ought to vote for this amendment is because this way the costs are up front. The motorists know that the fine is \$15. Usually, motorists who get citations are somewhat surprised and unpleasantly surprised by the court costs. They knew what the fine was, but then all of a sudden there is this court cost on top. What is going to happen is we are going to tell our constituents, if we do not vote for this amendment, that it is going to cost you \$5, and they are going to walk into court and it is going to cost them \$22, because they are going to pay \$5 plus the \$17 in court costs. This eliminates that and it should eliminate that.

So if you want to make this offense less expensive, and it seems to me that the House has repeatedly demonstrated by its votes that it wants to do that, you should vote for this amendment. Thank you.

The SPEAKER. The Chair recognizes the gentleman from Dauphin, Mr. Wambach, on the amendment.

Mr. WAMBACH. I will wave off, Mr. Speaker. The point that Representative Greenwood made, that this amendment will be a \$5 reduction to your constituents, is the point I was going to make. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes the gentleman from Philadelphia, Mr. Linton, on the amendment.

Mr. LINTON. Mr. Speaker, I just decided to rise at this point, because I think we have debated this bill long enough. I think we have now reached a reasonable compromise. I think the proposal by Representative McHale is one which we can support and one which would make sure that the seatbelt law that we have in Pennsylvania is fair and just but also one that

has some teeth in it. So I rise in support of the McHale amendment, Mr. Speaker.

The SPEAKER. The Chair recognizes the gentleman from Delaware, Mr. Civera.

Mr. CIVERA. Thank you, Mr. Speaker.

Would Mr. Olasz stand for brief interrogation, please?

The SPEAKER. The gentleman, Mr. Olasz, indicates he will stand for interrogation. You may proceed.

Mr. CIVERA. Mr. Speaker, it is my understanding that Congress passed a law that if two-thirds or the majority of the States pass a seatbelt law, the way the Congress handed it down to us, the main purpose for the States to adopt a seatbelt law is to do away with the airbags, and one of the requirements is a \$25 fine. Now, maybe you could answer this: Why are we fooling around with lesser than that when we are still going to have the airbags?

Mr. OLASZ. Mr. Speaker, inasmuch as my name did not appear on that amendment, I am not in a position to answer it.

Mr. CIVERA. Well, could somebody answer that, please, Mr. Speaker?

The SPEAKER. No one rises.

Mr. CIVERA. Okay. If nobody knows the answer, then may I make a brief statement on the amendment?

The SPEAKER. The gentleman has the floor. He may make the statement.

Mr. CIVERA. It seems to me that we are not following the guidelines of the Congress, and I think we should and I think we should act on our own. However, if what we do here today is still going to give us the airbag system in the automobiles, then why are we voting on a \$15 fine? We should return the fine back to the lesser for our constituents, and that is \$5.

I voted in the past twice to increase it to \$15. Once it went up; once it went down. I do not think we really know what we are doing. So let us leave it at \$5 and give the constituents the benefit of the doubt. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes the gentleman from Luzerne, Mr. Stevens.

Mr. STEVENS. Mr. Speaker, the point is, this is going to conference committee. If it goes over there at \$15, the Senate is going to negotiate to try to make it a primary offense. Court costs will be back in it. It will be \$15, and then it is going to come back to us on a "yes-no" vote. Let us leave it at \$5 and give our conferees something to negotiate with the Senate and make some sense out of this mumbo jumbo that we have put in this bill. So I ask for the defeat of this amendment. Thank you.

The SPEAKER. The Chair recognizes the gentleman from Delaware, Mr. Gannon.

Mr. GANNON. Mr. Speaker, I believe I can answer Representative Civera's question for the benefit of the members and the voters.

The SPEAKER. You wish to answer it? You may proceed.

Mr. GANNON. Mr. Speaker, the Secretary issued standards for the States in establishing their mandatory seatbelt laws, and one of those standards was a \$25 fine which could

include court costs. So if Pennsylvania enacts in its legislation a penalty of \$25 or more that would equal both the fine and the costs, then we would meet the Federal standard.

The SPEAKER. The Chair recognizes the gentleman from Lehigh, Mr. McHale, for the second time.

Mr. McHALE. Mr. Speaker, I would make the following points.

One, this amendment makes sense on its face in terms of traffic safety and in terms of encouraging our citizens to wear seatbelts.

Two, as the gentleman, Mr. Greenwood, pointed out—and for the benefit of those members who are worried about the economic impact upon the poor, and I find that to be a worthy concern—the fact is, we decrease the overall economic impact on our constituents, as Mr. Greenwood pointed out, if my amendment passes. Although we are increasing the fine, we are eliminating court costs, and the bottom line is less by the passage of the amendment.

Lastly, there are many of us, myself included, who want to see airbags but who do not want Pennsylvania's seatbelt law to in any way preclude a Federal requirement for the installation of airbags. If we have a \$15 fine and there are no court costs, which is what this amendment would provide, we very clearly and specifically and intentionally will not be meeting Secretary Dole's requirements. So the bottom line on that analysis is, we have a fair fine at \$15; there are no court costs; we have a seatbelt law, and it will not prevent airbags. It makes eminent sense, both in terms of traffic safety and economics.

I seek an affirmative vote.

The SPEAKER. The Chair recognizes the gentleman, Mr. Olasz, for the second time.

Mr. OLASZ. Mr. Speaker, when my colleague, Mr. Civera, questioned me, I could not and have not ever taken a mindreading course, and I do not know what was in Representative Clark's mind. But when he went on to say about the great Big Brother in Washington becoming infallible and telling why they have passed seatbelt legislation as an alternative to airbags, I question the infallibility of Congress dictating to the States that they must pass a seatbelt law. We have had our experience with emissions control, et cetera, and I and certain of my colleagues question the infallibility of Congress and the courts dictating to the Commonwealth of Pennsylvania that they must have an emissions control program or lose Federal funding of State highways. I do not know when they became all-powerful or capable of making the decisions for 50 States, but when the airbag issue comes before us whenever, we will have a lot of air to blow into that one, too, I am sure.

I just want to remind you, to the best of my knowledge, up until approximately 1 p.m. today Washington was not infallible. The people will still speak.

The SPEAKER. Let the people speak now on the amendment.

On the question recurring,

Will the House agree to the amendment?



The following roll call was recorded:

YEAS—87

Argall	DeWeese	Levdansky	Reinard
Arty	Davies	Linton	Roebuck
Baldwin	Dawida	Livengood	Rudy
Barber	Distler	Lucyk	Ryan
Battisto	Dombrowski	McCall	Rybak
Belardi	Evans	McClatchy	Scheetz
Book	Fattah	McHale	Showers
Bortner	Fee	McVerry	Staback
Bowley	Fox	Mackowski	Taylor, J.
Burns	Freeman	Manderino	Tigue
Bush	Gamble	Markosek	Truman
Caltagirone	Greenwood	Merry	Van Horne
Cappabianca	Gruppo	Michlovic	Vroon
Cawley	Hagarty	Murphy	Wambach
Cessar	Herman	Nahill	Wass
Chadwick	Hershey	O'Brien	Wiggins
Clark	Itkin	Oliver	Wilson
Colafella	Josephs	Petrone	Wright, J. L.
Cole	Kenney	Pistella	Yandrisevits
Cordisco	Kosinski	Pott	
Cornell	Kukovich	Pressmann	Irvis,
Cowell	Langtry	Preston	Speaker
Deluca			

NAYS—107

Acosta	Dorr	Kennedy	Saloom
Afflerbach	Duffy	Lashinger	Saurman
Angstadt	Durham	Laughlin	Schuler
Barley	Fargo	Lescovitz	Semmel
Belfanti	Fischer	Letterman	Serafini
Birmelin	Flick	Lloyd	Seventy
Black	Foster	Manmiller	Sirianni
Blaum	Freind	Mayernik	Smith, B.
Bowser	Fryer	Micozzie	Snyder, D. W.
Boyes	Gallagher	Miller	Snyder, G.
Brandt	Gallen	Moehlmann	Stairs
Broujos	Gannon	Morris	Steighner
Bunt	Geist	Mowery	Stevens
Burd	George	Mrkonic	Stewart
Carlson	Gladeck	Noye	Suban
Cimini	Godshall	O'Donnell	Sweet
Civera	Gruitza	Olasz	Swift
Clymer	Haluska	Perzel	Taylor, E. Z.
Cohen	Harper	Petrarca	Telek
Coslett	Hasay	Phillips	Trello
Coy	Hayes	Piccola	Veon
DeVerter	Honaman	Pitts	Weston
Daley	Hutchinson	Punt	Wogan
Deal	Jackson	Raymond	Wozniak
Dietz	Jarolin	Reber	Wright, D. R.
Dininni	Johnson	Rieger	Wright, R. C.
Donatucci	Kasunic	Robbins	

NOT VOTING—4

Cam	Howlett	Maiale	Richardson
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EXCUSED—3

Pievsky	Smith, L. E.	Taylor, F.
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The question was determined in the negative, and the amendment was not agreed to.

On the question recurring,

Will the House agree to the bill on third consideration as amended?

AMENDMENT A3962 RECONSIDERED

The SPEAKER. The Chair has at hand a motion to reconsider amendment A3962 signed by the gentleman from Delaware, Mr. Gannon.

On the question,

Will the House agree to the motion?

The following roll call was recorded:

YEAS—182

Acosta	Davies	Langtry	Robbins
Afflerbach	Dawida	Lashinger	Roebuck
Angstadt	Dietz	Laughlin	Rudy
Argall	Dininni	Lescovitz	Ryan
Arty	Distler	Letterman	Rybak
Baldwin	Dombrowski	Levdansky	Saloom
Barber	Donatucci	Linton	Saurman
Barley	Duffy	Livengood	Scheetz
Battisto	Durham	Lloyd	Schuler
Belardi	Evans	Lucyk	Semmel
Belfanti	Fargo	McCall	Serafini
Birmelin	Fattah	McClatchy	Seventy
Black	Fee	McHale	Showers
Blaum	Fischer	McVerry	Sirianni
Book	Flick	Mackowski	Smith, B.
Bortner	Foster	Manderino	Snyder, D. W.
Bowley	Fox	Manmiller	Snyder, G.
Bowser	Freeman	Markosek	Staback
Boyes	Freind	Mayernik	Stairs
Brandt	Fryer	Merry	Steighner
Broujos	Gallagher	Michlovic	Stevens
Bunt	Gallen	Micozzie	Stewart
Burd	Gamble	Miller	Suban
Burns	Gannon	Moehlmann	Swift
Bush	Geist	Morris	Taylor, E. Z.
Caltagirone	George	Mowery	Taylor, J.
Cappabianca	Gladeck	Mrkonic	Telek
Carlson	Godshall	Murphy	Tigue
Cam	Greenwood	Nahill	Trello
Cawley	Gruppo	Noye	Truman
Cessar	Hagarty	O'Brien	Van Horne
Chadwick	Haluska	O'Donnell	Veon
Cimini	Harper	Olasz	Vroon
Civera	Hayes	Oliver	Wambach
Clark	Herman	Perzel	Wass
Clymer	Honaman	Petrone	Weston
Cohen	Itkin	Phillips	Wiggins
Colafella	Jackson	Piccola	Wilson
Cole	Jarolin	Pistella	Wogan
Cornell	Johnson	Pitts	Wozniak
Coslett	Josephs	Pott	Wright, D. R.
Cowell	Kasunic	Preston	Wright, R. C.
Deluca	Kennedy	Raymond	Yandrisevits
DeVerter	Kenney	Reber	
DeWeese	Kosinski	Reinard	Irvis,
Daley	Kukovich	Rieger	Speaker

NAYS—12

Cordisco	Gruitza	Hutchinson	Punt
Coy	Hasay	Petrarca	Sweet
Deal	Hershey	Pressmann	Wright, J. L.

NOT VOTING—4

Dorr	Howlett	Maiale	Richardson
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EXCUSED—3

Pievsky	Smith, L. E.	Taylor, F.
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The question was determined in the affirmative, and the motion was agreed to.

On the question recurring,  
Will the House agree to the amendments?

The clerk read the following amendments No. A3962:

Amend Bill, page 6, by inserting between lines 10 and 11

Section 4. The provisions of 75 Pa.C.S. § 4581(a)(2) (relating to occupant protection), shall become inapplicable immediately upon the date of publication in the Pennsylvania Bulletin by the department of the decision of the Secretary of the United States Department of Transportation or his designee, based in part on passage of this act, to rescind that portion of the Federal Motor Vehicle Safety Standard 208 (49 CFR, § 571.208), which requires the installation of automotive restraints in private passenger motor vehicles. Section 4581(a)(2) shall not, however, become inapplicable if the Secretary's decision to rescind Standard 208 is not based in any respect on the enactment or continued operation of section 4581(a)(2).

Amend Sec. 4, page 6, line 11, by striking out "4" and inserting

5

On the question recurring,  
Will the House agree to the amendments?

The SPEAKER. The amendment is amendment A3962, offered by the gentleman, Mr. O'Donnell. This is the O'Donnell amendment.

On the amendment, the Chair recognizes the gentleman from Delaware, Mr. Gannon.

Mr. GANNON. Thank you, Mr. Speaker.

Mr. Speaker, I believe that this is perhaps one of the most important amendments that we will deal with on this piece of legislation. Why I say that is because of why we are here today debating to see whether or not Pennsylvania should have a mandatory seatbelt law. It is not because seatbelts all of a sudden were discovered last week and yesterday we found out that they save lives. Automobile seatbelts have been around for a number of years. The reason is, Mr. Speaker, because of Federal Motor Vehicle Safety Standard 208.

Federal Motor Vehicle Safety Standard 208 basically says that the automobile industry, over a period of 3 years, will include in new automobiles beginning September 1, 1986, automatic safety passive restraints. But it also says that if States with two-thirds of the population enact mandatory seatbelt legislation, then the automobile manufacturers will not have to put into their new automobiles automatic passive restraint systems. As a result of that regulation, the automobile industry has gone on a massive public relations campaign, spending in the neighborhood of \$30 million, to enact mandatory seatbelt legislation in those States which have two-thirds of the population.

In addition to that, the regulation provided for set standards that those States would be required to have in enacting their mandatory seatbelt legislation, and as has been said before in prior discussion of this bill, as it stands right now we do not meet those Federal standards. But more importantly, Mr. Speaker, the amendment that was offered by Representative O'Donnell essentially keeps the automobile industry honest. If we are going to have a mandatory seatbelt law, then why should we let the automobile industry off the hook in providing the safest possible automobiles for the people of

Pennsylvania? Essentially, what this amendment does is say, if through the lobbying effort—and do not forget, the automobile industry was willing to spend \$30 million to have you here today debating this bill—if through their lobbying effort they are able to get the Federal Highway Administration to lower that seatbelt standard, then this bill is repealed. It sunsets. However, as long as those Federal regulations stay the same and are unchanged, as long as that standard remains the same, this law will stay in effect and the people of Pennsylvania will have the best. They will have a mandatory seatbelt law, which we know saves lives, and they will have automatic passive restraints in their automobiles, which we know save lives.

Now, you are going to hear some argument from the automobile people, who are opposed to this amendment, and they are not only opposed to it, Mr. Speaker; they hate it. You are going to hear stories about cost. You are going to hear stories about what it is going to cost the consumer. We have heard pretty high figures, Mr. Speaker, but if you go over to one of the new-car dealers here and look at the labels on their cost of new cars and look at some of the options, you can buy an electronic level control for a brand-new top-of-the-line Cadillac that will cost you \$203. Do you really think that the technology for an automatic level control exceeds that for automatic passive restraints? I do not think so, Mr. Speaker. So we hear about cost; that is a red herring.

The other thing you are going to hear about is airbags, and I do not like to use the word "airbags." I have used "automatic passive restraints" because that is the way the regulation reads, section 208. But you are going to hear about airbags, Mr. Speaker, and you are going to hear that the consumers do not want airbags, that the cost is going to increase, but airbags are the red herring, Mr. Speaker. There are technologies other than airbags that are in the works, and some are already in automobiles. We have automatic seatbelts and something called the "friendly interior," and that is the design of the interior of an automobile to protect those passengers against a collision from any direction, be it the side, the front, the rear, or even the top. That technology is here and it is in the works, and I believe, Mr. Speaker, that if we do not put this amendment into this bill, we will discourage the automobile manufacturers from continuing their research and development of the new technologies for the safety of automobiles.

Mr. Speaker, that fact is highlighted by a letter which we received from Art Straub, who is a paramedic and the executive director of the River Rescue of Harrisburg. These are the people who are on the front lines of automobile accidents. They are the first ones to the scene. They have to pull the bodies out of the cars. They have to take the injured to the hospital and the dead to the morgue. In his letter, Mr. Speaker, and I have it highlighted, he says, "I respectfully urge you to enact strong, enforceable legislation that requires safety belt use...and allows for further development and installation of new safety technology." And that is what this amendment does. It tells the automobile industry, we want

you to continue your research and development in those new technologies. Let us have those cars with those “friendly interiors” on the highway. Let us have those safer automobiles so that the occupants sustain less serious injury when they are involved in automobile accidents. And if we take a look at the document that was issued by the Secretary of Transportation, Mr. Speaker, we will see, when I talked about the best of both possible worlds, we will see that when an occupant is involved in an accident or a collision and there are airbags or passive restraints and seatbelts in use, the chance of injury is decreased by around 60 percent.

Mr. Speaker, we have heard members speak here today when they were arguing for a higher fine and they said, what value do we place on a human life? And they say some people will live and some people will die, and the question was asked, are we serious about saving lives? Mr. Speaker, I think they are valid questions, and if we are serious about saving lives, we will pass this amendment. Thank you, Mr. Speaker.

The SPEAKER. On the amendment, the Chair recognizes the gentleman from Chester, Mr. Vroon.

Mr. VROON. Mr. Speaker, there are a lot of bones that I could pick with all these arguments. For one thing, I do not know if you have read this or not, but on the bottom of page 5, in section 2, we have a very adequate protection paragraph in there about the very same subject. We do not need to go through all of this to pass an amendment; we have got it in here. There is no reason in the world why we should have to fool around with amendments of this kind.

Now, let us get down to business on this thing. We want seatbelts now, we want this protection now, and we do not want to lose it 2 years from now if it happens that they are not going to put airbags into effect. We do not want to lose the 2 years of advantage here and the continuing advantage that will happen. We do not want this bill to be nullified at the end of 2 years. This is a good bill. And we can show you statistics of all kinds which demonstrate the fact that airbags only protect you part way, only in frontal collisions. I know of any number of people who rolled over and over again in their cars and they had side collisions, back collisions. None of those will be protected by the airbags. I think they are highly over-rated, myself, but nevertheless, the point remains that there is a cost involved. And my dear friend here can say, well, that is nonsense; the cost is not anything. He says the automobile companies want this to save money. Well, you know very well, as well as I do, when the automobile companies sell an automobile, they charge you for everything that is in it. Why should they want to save that money?

I will tell you, I want to save that money. I am not concerned about that Cadillac driver who considers this to be a nominal fee. I am concerned about the little guy who buys an automobile for \$4,000 or \$5,000 and then he has to add another \$500 or \$600, perhaps, on the thing. I am concerned about the little guy, and I do not see—

The SPEAKER. Those in favor of the amendment— You are not finished?

Mr. VROON. No; I am just—

Mr. Speaker, the only reason I looked back there is because I could not even hear myself speak. I am just going to finish this off, very briefly.

We have been through this before. We do not need this amendment. Let us get rid of this bill and let us send it over to the Senate just the way it is.

Thank you, Mr. Speaker.

On the question recurring,  
Will the House agree to the amendments?

The following roll call was recorded:

YEAS—65

Acosta	Deal	Kukovich	Preston
Belardi	Dininni	Levdansky	Raymond
Birmelin	Durham	McCall	Reinard
Blaum	Foster	McHale	Rybak
Bowser	Fox	Manmiller	Saloom
Boyes	Freeman	Mayerlik	Saurman
Burd	Gamble	Michlovic	Serafini
Burns	Gannon	Micozzie	Seventy
Caltagirone	Geist	Murphy	Smith, B.
Cappabianca	Greenwood	Noye	Stevens
Carn	Gruitza	O'Donnell	Taylor, J.
Cimini	Harper	Olasz	Wambach
Cohen	Hutchinson	Perzel	Weston
Cole	Itkin	Petrarca	Wilson
Cordisco	Josephs	Piccola	Wogan
DeWeese	Kosinski	Pistella	Wright, R. C.
Dawida			

NAYS—127

Afflerbach	Distler	Lashingner	Rudy
Angstadt	Dombrowski	Laughlin	Ryan
Argall	Donatucci	Lescovitz	Scheetz
Baldwin	Dorr	Letterman	Schuler
Barber	Duffy	Linton	Semmel
Barley	Evans	Livengood	Showers
Battisto	Fargo	Lloyd	Sirianni
Belfanti	Fee	Lucyk	Snyder, D. W.
Black	Fischer	McClatchy	Snyder, G.
Book	Flick	McVerry	Staback
Bortner	Freind	Mackowski	Steighner
Bowley	Fryer	Manderino	Stewart
Brandt	Gallagher	Markosek	Stuban
Broujos	Gallen	Merry	Sweet
Bunt	George	Miller	Swift
Bush	Gladeck	Moehlmann	Taylor, E. Z.
Carlson	Godshall	Morris	Telek
Cawley	Gruppo	Mowery	Tigue
Cessar	Hagarty	Mrkonic	Trello
Chadwick	Haluska	Nahill	Truman
Civera	Hasay	O'Brien	Van Horne
Clark	Hayes	Oliver	Veon
Clymer	Herman	Petrone	Vroon
Colafella	Hershey	Phillips	Wass
Cornell	Honaman	Pitts	Wiggins
Coslett	Jackson	Pott	Wozniak
Cowell	Jarolin	Pressmann	Wright, D. R.
Coy	Johnson	Punt	Wright, J. L.
Deluca	Kasunic	Reber	Yandrisevits
DeVerter	Kennedy	Rieger	
Daley	Kenney	Robbins	Irvis,
Davies	Langtry	Roebuck	Speaker
Dietz			

NOT VOTING—6

Arty	Howlett	Richardson	Stairs
Fattah	Maiale		

## EXCUSED—3

Pievsky            Smith, L. E.    Taylor, F.

The question was determined in the negative, and the amendments were not agreed to.

On the question recurring,

Will the House agree to the bill on third consideration as amended?

Mr. BELFANTI offered the following amendment No. A4613:

Amend Bill, page 1, by amending Sec. 2 (Sec. 1715) (amended by A3899) to read:

Section 2. Section 1715 of Title 75 is amended by adding a subsection to read:

§ 1715. Availability of adequate limits.

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(d) Rate reduction.—Every insurer who insures a motor vehicle equipped with a passive restraint system shall reduce the premiums charged by a minimum of 5%.

On the question,

Will the House agree to the amendment?

The SPEAKER. On the amendment, the Chair recognizes the gentleman from Northumberland, Mr. Belfanti.

Mr. BELFANTI. Thank you, Mr. Speaker.

Mr. Speaker, the amendment before the House is, I think, one that can be supported by both the proponents and opponents of the seatbelt legislation we now have before us.

It is significantly different than the Smith amendment in this regard: With the passage of a seatbelt law, regardless of how it comes out of here after the rest of the amendments are voted, whether it is a \$5, \$15, \$50 or \$100 fine, the bottom line is going to be that many residents of this Commonwealth are going to start buckling up. I do not care what type of bill we pass, that is a fact; that is going to happen. And whether 30 percent or 50 percent or 80 percent of Pennsylvanians begin to buckle up, there is going to be a significant reduction in the amount of traffic fatalities and a significant reduction in the amount of serious injuries caused by automobile accidents as a result of whatever law we pass.

Now, Mr. Speaker, many of us have been burned by the insurance industry on the unisex vote and the repeal of no-fault and many other issues that have come before this chamber whereby the insurance industry has promised us reductions in premiums, told us that data before them shows that if we pass this law or we pass that law, it will, in effect, reduce insurance premiums. This amendment, Mr. Speaker, will allow each and every member sitting in this chamber, regardless of whether you are a "yes" vote or a "no" vote on final passage, to return home to your district and explain to your constituents that you voted for an automatic across-the-board 5-percent reduction in their insurance premiums. In other words, if their entire premium is \$1,000, you have knocked \$50 off their premium cost.

Now, the insurance industry and their spokesmen may oppose this amendment without any just cause. I did not make it 15 or 20 percent; I did not make it a horrendous

reduction in premium. I made it a palatable, easy-to-swallow 5-percent reduction, which is far less than what the insurance industry should be able to recoup in the amount of damages that are going to be greatly reduced as a result of individuals wearing seatbelts.

The other difference of this amendment and some of the others is that it does not matter whether or not the individual in the car is wearing a seatbelt. This amendment takes effect on the effective date of this law regardless of whether people are wearing their seatbelts or not, because for a change I would like us to say to the insurance industry that we are going to go by the percentages that they are always telling us they go by. When they tell us that a 25-year-old male who has never been in an auto accident and has never even had a speeding ticket must pay a 30-percent higher premium—

## POINT OF ORDER

Mr. PICCOLA. Point of order, Mr. Speaker.

The SPEAKER. Why does the gentleman from Dauphin, Mr. Piccola, rise?

Mr. PICCOLA. Mr. Speaker, I do not believe the gentleman is confining his remarks to the amendment.

Mr. BELFANTI. I think I am, Mr. Speaker, because the point I was about to make is percentages.

The industry, regardless of the issue, wants us to go by the across-the-board percentage, the data that they have accumulated, their experience factors, et cetera, regardless of whatever the insurance industry issue before us is. That is what they want us to look at, not the individual case, but the overall percentage.

This amendment, Mr. Speaker, is a way of agreeing with the insurance industry. We know that as a result of the passage of any bill, any law, from this chamber going to the Governor for signature, regardless of what the conferees do to it, that 30, 40, 50 percent more Pennsylvanians are going to buckle up than are buckling up now. There is going to be a significant differential in the amount of money, benefit money that the insurance industry is going to pay out on premiums, and there is no reason that I can see that we cannot ask them for an immediate, up-front 5-percent reduction not only on the medical benefits or the first-party wage loss benefits or funeral expenses but across the board. If your premium is \$1,000, you are going to have \$50 less to pay. If your premium is \$500, it is a \$25 reduction. It is even an incentive to buckle up, because with the passage of this amendment—

## POINT OF ORDER

Mr. PICCOLA. Point of order, Mr. Speaker.

The SPEAKER. Just a moment.

Why do you rise, Mr. Piccola?

Mr. PICCOLA. Mr. Speaker, the gentleman keeps referring to this amendment as an immediate across-the-board reduction of premiums if we pass this buckle-up bill that we have here. His amendment has nothing to do with seatbelts; it has to do with passive restraints, which are not seatbelts. He

continues to discuss subjects other than what is in the amendment.

Mr. BELFANTI. Mr. Speaker, in Reference Bureau I was very clear with the attorney who drafted this amendment, and he informed me that the words "passive restraint system" in this amendment cover all forms, including all types of seatbelts. I was very persistent in making sure that the language was such that it would include anything, regardless of what we pass out of here.

The SPEAKER. Has the gentleman, Mr. Belfanti, finished making his argument for the amendment?

Mr. BELFANTI. Yes, Mr. Speaker.

I urge the members to do what is right for their constituents; be able to go home and tell them that they saved them, finally, a \$25 or a \$50 bill on their premiums and at the same time gave them a seatbelt law. Thank you.

The SPEAKER. The Chair recognizes the gentleman from Cumberland, Mr. Mowery.

Mr. MOWERY. Thank you very much, Mr. Speaker.

I think that it would be great to be able to stand here and vote on an amendment that basically goes across the board for the automobile industry in Pennsylvania and say you must give a 5-percent rate reduction. However, I do feel that we should consider exactly what that amendment means.

Number one, a 5-percent across-the-board has to do with collision. A good portion of the premium has to do with your collision coverage, which really is not going to be affected one way or the other with the seatbelts. I voted and supported the amendment by Representative Bruce Smith the other day simply because he asked for a rate reduction based on the problems and the moneys that would be saved projected by the use of the seatbelts. So I feel that this is going way overboard and really is getting into an area that really, as a group of legislators, I do not think we are equipped to begin to set the rates for the automobile industry, as much as we might like to, in Pennsylvania.

So I would ask that you vote against this particular amendment. Thank you.

The SPEAKER. The Chair recognizes the gentleman from Dauphin, Mr. Piccola.

Mr. PICCOLA. Thank you, Mr. Speaker.

I agree wholeheartedly with the remarks of the gentleman, Mr. Mowery. But in addition, Mr. Speaker, this amendment has nothing to do with seatbelts. A "passive" restraint, as I understand the definition of that word, is something that when you get into a car, you are restrained automatically without your having to take any action. Therefore, the word "passive."

Mr. Smith, in his debate on the amendment that he offered, which his amendment applied to as passive restraints, indicated that that would be airbags or the—I forget the name, but it is the type of buckle that automatically goes across you when you shut your door. A seatbelt is an active restraint, and this amendment certainly would not apply to this bill.

Currently there are no indications that there is any savings to be had just because you have a passive restraint in your

vehicle. Your automobile insurance premium covers many, many things other than personal injury. It covers your property damage; it covers your liability toward another party; therefore, it has no impact whatsoever on whether you have a seatbelt or a passive restraint.

The amendment is without foundation, and I would urge that it be defeated. Thank you.

#### AMENDMENT WITHDRAWN

The SPEAKER. The Chair recognizes the gentleman from Northumberland, Mr. Belfanti.

Mr. BELFANTI. Thank you, Mr. Speaker.

The SPEAKER. Just a moment, Mr. Belfanti. Do you realize this is your second time on this?

Mr. BELFANTI. The purpose I stand, Mr. Speaker, is to withdraw the amendment, because I would like to have it redrafted so that there is no misunderstanding of my intention to have this amendment connected to the bill regardless of how it passes regarding the words "passive restraint system."

The SPEAKER. For the information of the members, the question raised by Mr. Piccola we may now give an answer to.

Earlier in the debate the House adopted amendment 3899 by Mr. Smith in which we defined the phrase "passive restraint" as follows: "Passive restraint system." A system for protecting occupants of motor vehicles which consists of air bags which inflate and protect occupants upon impact or a seat belt ignition interlock system which requires that seat belts be fastened during the operation of the motor vehicle." That is the definition which the House has accepted by passing this amendment.

Now, does the gentleman, Mr. Belfanti, still wish to withdraw his amendment?

Mr. BELFANTI. Yes, Mr. Speaker, because I would like this amendment to be part of the bill regardless of the type of seatbelt system that is in any car in this Commonwealth.

The SPEAKER. Very well. The gentleman has withdrawn his amendment.

#### FILMING PERMISSION

The SPEAKER. Mike Ross has been given permission to film for 10 minutes on the floor of the House. Whenever you are ready to start, Mike.

#### CONSIDERATION OF SB 483 CONTINUED

On the question recurring,

Will the House agree to the bill on third consideration as amended?

Mr. SAURMAN offered the following amendments No. A4611:

Amend Title, page 1, lines 1 through 4, by striking out all of said lines and inserting

Amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for mandatory motor vehicle liability insurance coverage.

Amend Bill, pages 2 through 5, lines 1 through 30; page 6, lines 1 through 11, by striking out all of said lines on said pages and inserting

Section 1. Title 75 of the Pennsylvania Consolidated Statutes is amended by adding sections to read:

§ 1711.1. Additional mandatory coverage.

An insurer issuing or delivering liability policies covering any motor vehicle of the type required to be registered under this title, except recreational vehicles not intended for highway use, motorcycles, motor-driven cycles or motorized pedalcycles or like type vehicles, registered and operated in this Commonwealth, shall include coverage providing for an accidental death benefit in the amount of \$10,000 to be paid to the personal representative of the insured, should injury resulting from a motor vehicle accident while the insured was wearing an approved seat belt or other approved restraint, including, but not limited to, air bags or child safety restraint devices, cause death within 24 months from the date of the accident. This coverage shall be in addition to any other accidental death benefits or funeral benefits included in the policy. There shall be no additional premium charged for this benefit and the risk factor for this benefit may be considered in computing premium rates.

§ 1716.1. Deduction from medical benefits.

(a) General rule.—Payments for all first party medical benefits made available as provided in section 1712(1) (relating to medical benefit) to which the insured would otherwise be entitled shall be subject to an aggregate deductible by the insurer of \$50 if the insured was not wearing a seat belt or protected by another approved safety device at the time of the accident. In such cases, the refusal of payment, if the amount of medical benefits is \$50 or less, or reduced payment, if the amount of medical benefits exceeds \$50, shall be proper.

(b) Publicity by department.—The department shall conduct a publicity campaign to make motorists aware that failure to wear seat belts or to use other approved safety devices may result in a deduction from or loss of insurance benefits as provided in subsection (a).

Section 2. The provisions of this act shall apply to contracts of insurance entered into or renewed after the effective date of this act.

Section 3. This act shall take effect in 60 days.

On the question,

Will the House agree to the amendments?

The SPEAKER. On the amendment, the Chair recognizes the gentleman from Montgomery, Mr. Saurman.

Mr. SAURMAN. Thank you, Mr. Speaker.

Mr. Speaker, SB 483 at this point, in my opinion, is a very confusing document sending many confusing messages to both the public and probably in particular to our enforcement people. As a matter of fact, I think that the interrogation that has taken place on the floor, the number of amendments that have been offered, the debate, has indicated that we have a great deal of questions in our mind as to exactly how we want to accomplish the objective which I would hope we all agree upon, and that is to maximize the use of seatbelts and to save lives and therefore decrease the extent of injuries.

However, it would almost appear that there is a hidden agenda, although Representative McHale has denied that and stressed that we want to keep the fine below \$25 because we do not want to be stampeded by the Federal Government; we do not want this to be the reason that the automobile industry is not going to install airbags. I think that is great, because it says that in fact we are talking about safety, that we are not substituting one for another, that we are at least resolute in one aspect, and that is that we want to encourage safety on

our highways. But what we have done, in my opinion, is to put into place, if we pass this legislation, something that indeed is very confusing and, instead of being clear and concise, as we have said in our plain-language bills, rather a very confusing document. We have had our attorneys stand and interrogate at length—

Mr. LETTERMAN. Mr. Speaker?

The SPEAKER. Why do you rise, Mr. Letterman?

Mr. LETTERMAN. I have not heard anything about his amendment yet. You know, when they are going to tell us what their amendment is, let them tell us what the amendment is. We know all the rest of this poppycock.

The SPEAKER. Mr. Saurman, be advised. You may debate the amendment. Please get to the amendment, what you intend to do with the language of your amendment.

Mr. SAURMAN. Thank you, Mr. Speaker.

Mr. Speaker, everyone has a copy of the amendment. Very briefly, what it does is address the concerns that were brought to the floor yesterday. First of all, in terms of the \$10,000 accidental life benefit, which we discussed at length, it now allows that the cost of that be determined or be considered in rate proposals. And the second thing is that instead of a \$100 deductible, it reduces it to \$50.

Mr. Speaker, I think that this amendment does address in plain language, very clearly and very concisely, a method by which we can send a direct message that we want seatbelts used. There is a penalty that in fact is twice as high as the Federal standard, but instead of it going into the court system or instead of it increasing the court burden, what it will do is go directly to reduce the increased costs of those injuries which now we are all forced to pay.

In debate yesterday someone said that the insurance company going and delivering a benefit check that is \$100 less would have difficulty in explaining why that is \$100 less. Let me say to you that that insurance company ought to be thinking about how it is going to tell the rest of its policyholders why in fact they are paying higher premiums because someone did not wear the seatbelt.

Mr. Speaker, I urge the adoption of this amendment. And let me just further say, because the question was asked yesterday, yes, it does gut the mandatory seatbelt and puts in place these two things - the \$10,000 accidental benefit, the \$50 deductible - and includes an educational program so that all of our people are told exactly what we are doing, why, and expounds the benefits of the seatbelt. Thank you.

The SPEAKER. The Chair recognizes the gentleman from Cumberland, Mr. Mowery, on the amendment.

Mr. MOWERY. Thank you very much, Mr. Speaker.

I think the idea has a lot of merit, but I do have a couple of questions. If I may, I would like to interrogate the—

The SPEAKER. Mr. Saurman, will you stand for interrogation?

The gentleman, Mr. Saurman, indicates he will so stand. You may proceed, Mr. Mowery.

Mr. MOWERY. Thank you, Mr. Speaker.

Mr. Speaker, can you tell us approximately how many highway accidents are attributed in Pennsylvania each year to the automobile?

Mr. SAURMAN. Mr. Speaker, I do not have that information at the tip of my tongue.

Mr. MOWERY. Another question, Mr. Speaker: If we go to section 1711.1, the last sentence of that particular paragraph, it states, "There shall be no additional premium charged for this benefit and the risk factor for this benefit may be considered in computing premium rates." Would you explain what that means?

Mr. SAURMAN. Yes, Mr. Speaker. The actual premium would not be increased because of this. However, the fact that there is this charge taken against the reduction in the expenses that the wearing of seatbelts will also bring about, those two factors can be offsetting. The difficulty and the reason for that, obviously, is the concern that Mr. Vroon had, that we would be constitutionally forcing upon someone an act that they did not want. This would allow that to be considered.

Mr. MOWERY. Okay. Thank you.

May I make a statement, Mr. Speaker?

The SPEAKER. The Chair recognizes the gentleman from Cumberland, Mr. Mowery.

Mr. MOWERY. Thank you very much.

My concern, Mr. Speaker, is that by the passing of this amendment and if it were to become law, we would be mandating anywhere from maybe \$2 million to \$3 million of additional expense to the insurance industry, because this clearly states that they are supposed to pick up and pay the \$10,000, which I do not feel is the time nor the place nor the body to determine exactly at this point how much premium insurance companies should charge or what benefits should be paid. My concern with that last sentence is that on the one side it says no additional premium is to be charged; on the second it says the risk may be considered. I really do not understand that, even though Representative Saurman tried to explain it to us, and I feel that it is controversial and conflicting in its intent and would ask for a "no" vote.

The SPEAKER. The Chair recognizes the gentleman from Allegheny, Mr. Cowell, on the amendment.

Mr. COWELL. Mr. Speaker, we have spent the last 3 days debating what kind of seatbelt legislation we would choose to pass. Now we have before us again a proposal that suggests we ought to have no seatbelt legislation at all. I think it is very clear that some two-thirds of the members of this House are prepared to vote for a bill that requires seatbelts. There are differences of opinion about what the content ought to be, but clearly two-thirds want a bill requiring seatbelts.

I would suggest that we quickly dispose of this amendment and get back on track. Thank you, Mr. Speaker.

The SPEAKER. On the amendment, the Chair recognizes the gentleman from Chester, Mr. Vroon.

Mr. VROON. Mr. Speaker, I would like to remind the members here, this is just a regurgitation of what we did yesterday. This amendment would gut the seatbelt bill completely and would just leave us with the two proposals that Mr.

Saurman places out here. I do not think there are very many people in this House who agree with that kind of strategy.

I think we are here to pass a seatbelt bill. I do not think that we should consider this again. Just changing the figure from \$100 to \$50 as an incentive at the bottom certainly does not make this worthwhile - throwing out the whole seatbelt bill just for the purpose of getting a \$50 benefit.

Mr. Speaker, again I ask the membership to vote "no" on this amendment.

The SPEAKER. On the amendment, the Chair recognizes the gentleman from Montgomery, Mr. Fox.

Mr. FOX. Thank you, Mr. Speaker.

Just briefly, I think Mr. Saurman's proposal is an enlightened one and may well be the model for the Nation at some point. Thank you.

On the question recurring,  
Will the House agree to the amendments?

The following roll call was recorded:

YEAS—51

Birmelin	Durham	Harper	Reber
Blaum	Fargo	Josephs	Robbins
Book	Fee	Letterman	Saurman
Bowser	Foster	Lloyd	Scheetz
Boyes	Fox	McHale	Schuler
Broujos	Fryer	Miller	Serafini
Burd	Gallen	Mrkonic	Stairs
Cimini	Gannon	Noye	Stevens
Coy	Geist	Perzel	Stewart
DeWeese	George	Phillips	Taylor, E. Z.
Distler	Gladeck	Pistella	Taylor, J.
Dombrowski	Godshall	Pitts	Wright, D. R.
Duffy	Haluska	Punt	

NAYS—142

Acosta	Daley	Laughlin	Rudy
Afflerbach	Davies	Lescovitz	Ryan
Angstadt	Dawida	Levdanský	Rybak
Argall	Dietz	Linton	Saloom
Arty	Dininni	Livengood	Semmel
Baldwin	Donatucci	Lucyk	Seventy
Barber	Dorr	McCall	Showers
Barley	Evans	McClatchy	Sirianni
Battisto	Fattah	McVerry	Smith, B.
Belardi	Fischer	Mackowski	Snyder, D. W.
Belfanti	Flick	Manderino	Snyder, G.
Black	Freeman	Manmiller	Staback
Bortner	Freind	Markosek	Steighner
Bowley	Gallagher	Mayernik	Stuban
Brandt	Gamble	Merry	Sweet
Bunt	Greenwood	Michlovic	Swift
Burns	Gruitza	Micozzie	Telek
Bush	Gruppo	Moehlmann	Tigue
Caltagirone	Hagarty	Morris	Trello
Cappabianca	Hasay	Mowery	Truman
Carlson	Hayes	Murphy	Van Horne
Cawley	Herman	Nahill	Veon
Cessar	Hershey	O'Brien	Vroon
Chadwick	Honaman	O'Donnell	Wambach
Civera	Hutchinson	Olasz	Wass
Clark	Itkin	Oliver	Weston
Clymer	Jackson	Petrarca	Wiggins
Cohen	Jarolin	Petrone	Wilson
Colafella	Johnson	Piccola	Wogan
Cole	Kasunic	Pott	Wozniak
Cordisco	Kennedy	Pressmann	Wright, J. L.
Cornell	Kenney	Preston	Wright, R. C.
Coslett	Kosinski	Raymond	Yandrisevits
Cowell	Kukovich	Reinard	

DeLuca	Langtry	Rieger	Irvis,
DeVerter	Lashingner	Roebuck	Speaker

NOT VOTING—5

Carn	Howlett	Maiale	Richardson
Deal			

EXCUSED—3

Pievsky	Smith, L. E.	Taylor, F.
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The question was determined in the negative, and the amendments were not agreed to.

On the question recurring,

Will the House agree to the bill on third consideration as amended?

BILL PASSED OVER TEMPORARILY

The SPEAKER. We have one more amendment yet to be drafted. Therefore, this bill will go over temporarily.

BILL ON CONCURRENCE  
IN SENATE AMENDMENTS

The clerk of the Senate, being introduced, returned the following **HB 1362, PN 3956**, with information that the Senate has passed the same with amendment in which the concurrence of the House of Representatives is requested:

An Act providing for the licensing of chiropractors and the regulation of the practice of chiropractic; establishing the State Board of Chiropractic in the Department of State and providing for its powers and duties; providing for the supervision of colleges of chiropractic, for the examination of applicants, for enforcement and for disciplinary actions; providing penalties; and making repeals.

On the question,

Will the House concur in Senate amendments?

The SPEAKER. The Chair recognizes the gentleman from Somerset, Mr. Lloyd.

Mr. LLOYD. Thank you, Mr. Speaker.

Mr. Speaker, this is the chiropractic sunset bill. When the bill left the House, it had some clarification of the scope of practice of chiropractic in it. It had a requirement that chiropractors have medical malpractice insurance. It had a requirement for specialized accreditation of chiropractic colleges.

When the bill came back from the Senate, the scope-of-practice section was completely changed, the professional liability insurance section was struck from the bill, and some new provisions were put in. Very briefly, some of the most significant and, I think, most troubling: Under existing law and under the House version of the bill, a chiropractor is not permitted to practice obstetrics, and he is not permitted to set major fractures. The Senate has repealed that language.

In addition, the Senate has inserted language which would allow chiropractors to perform physiological therapeutics in the absence of a requirement that it be related to adjustments. That is a dramatic departure from existing law and has produced a lot of correspondence to many of you from the Pennsylvania Medical Society, from the osteopaths, and from the physical therapists. In addition, the chiropractors themselves

continue to be split, especially over the question of specialized accreditation. Therefore, Mr. Speaker, I recommend that the best thing to do is to send this bill to a House-Senate conference committee to try to clean it up so that we can bring it back in November and pass it before we go home for the recess.

I would ask for nonconcurrence and would suggest that the vote should be in the negative.

The SPEAKER. The Chair recognizes the gentleman from Lancaster, Mr. Miller.

Mr. MILLER. Thank you, Mr. Speaker.

I rise to join my colleague on the other side of the aisle, Representative Lloyd, in requesting a nonconcurrence on the chiropractic bill. I can assure the members that it is our goal to have an agreed-to version of the bill in place in front of you before this General Assembly adjourns sine die this coming November 30.

I would encourage a nonconcurrence vote. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes the gentleman from Erie, Mr. Boyes.

Mr. BOYES. Thank you, Mr. Speaker.

I want to echo the same sentiments of Representative Lloyd and Representative Miller and recommend that we not concur in HB 1362, that we restore it to the original intent as it left the House in a conference committee. I recommend that the vote be in the negative.

The SPEAKER. The Chair recognizes the gentleman from Allegheny, Mr. Gamble.

Mr. GAMBLE. Mr. Speaker, I rise, too, to ask for nonconcurrence. Six major medical societies in Pennsylvania are for nonconcurrence. The bill in its present form allows chiropractic to go too far afield. Let us nonconcur in this bill.

The SPEAKER. The Chair recognizes the gentleman from Northumberland, Mr. Phillips.

Mr. PHILLIPS. Thank you, Mr. Speaker.

I ask for nonconcurrence for the same reasons as the previous speakers. I think the bill has been broadened; it has broadened the field of chiropractic. So I would therefore ask for a nonconcurrence vote.

The SPEAKER. The question is, shall the House concur in the amendments inserted by the Senate to HB 1362? Those believing we should concur will vote "aye." It has been suggested that the vote be in the negative on the question.

On the question recurring,

Will the House concur in Senate amendments?

The SPEAKER. Agreeable to the provisions of the Constitution, the yeas and nays will now be taken.

YEAS—1

Cawley

NAYS—195

Acosta	Dietz	Kukovich	Rieger
Afflerbach	Dininni	Langtry	Robbins
Angstadt	Distler	Lashingner	Roebuck
Argall	Dombrowski	Laughlin	Rudy
Arty	Donatucci	Lescovitz	Ryan
Baldwin	Dorr	Letterman	Rybak
Barber	Duffy	Levdansky	Saloom



Barley	Durham	Linton	Saurman
Battisto	Evans	Livengood	Scheetz
Belardi	Fargo	Lloyd	Schuler
Belfanti	Fattah	Lucyk	Semmel
Birmelin	Fee	McCall	Serafini
Black	Fischer	McClatchy	Seventy
Blaum	Flick	McHale	Showers
Book	Foster	McVerry	Sirianni
Bortner	Fox	Mackowski	Smith, B.
Bowley	Freeman	Manderino	Snyder, D. W.
Bowser	Freind	Manmiller	Snyder, G.
Boyes	Fryer	Markosek	Staback
Brandt	Gallagher	Mayernik	Stairs
Broujos	Gallen	Merry	Steighner
Bunt	Gamble	Michlovic	Stevens
Burd	Gannon	Micozzie	Stewart
Burns	Geist	Miller	Stuban
Bush	George	Moehlmann	Sweet
Caltagirone	Gladeck	Morris	Swift
Cappabianca	Godshall	Mowery	Taylor, E. Z.
Carlson	Greenwood	Mrkoncic	Taylor, J.
Carn	Gruitza	Murphy	Telek
Cessar	Gruppo	Nahill	Tigue
Chadwick	Hagarty	Noye	Trello
Cimini	Haluska	O'Brien	Truman
Civera	Harper	O'Donnell	Van Horne
Clark	Hasay	Olasz	Veon
Clymer	Hayes	Oliver	Vroon
Cohen	Herman	Perzel	Wambach
Colafella	Hershey	Petrarca	Wass
Cole	Honaman	Petrone	Weston
Cordisco	Howlett	Phillips	Wiggins
Cornell	Hutchinson	Piccola	Wilson
Coslett	Itkin	Pistella	Wogan
Cowell	Jackson	Pitts	Wozniak
Coy	Jarolin	Pott	Wright, D. R.
Deluca	Johnson	Pressmann	Wright, J. L.
DeVerter	Josephs	Preston	Wright, R. C.
DeWeese	Kasunic	Punt	Yandrisevits
Daley	Kennedy	Raymond	
Davies	Kenney	Reber	Irvis,
Dawida	Kosinski	Reinard	Speaker
Deal			

NOT VOTING—2

Maiale Richardson

EXCUSED—3

Pievsky Smith, L. E. Taylor, F.

Less than the majority required by the Constitution having voted in the affirmative, the question was determined in the negative and the amendments were not concurred in.

Ordered, That the clerk inform the Senate accordingly.

**LABOR RELATIONS COMMITTEE MEETING**

The SPEAKER. The Chair recognizes the gentleman from Philadelphia, Mr. Cohen. What is your announcement?

Mr. COHEN. Mr. Speaker, at the call of the recess, I would like to call a meeting of the House Labor Relations Committee in the back of the House. It should be a very short meeting.

**RECESS**

The SPEAKER. The House will stand in recess until 3:10.

**AFTER RECESS**

The time of recess having expired, the House was called to order.

**SENATE MESSAGE**

**AMENDED SENATE BILL  
RETURNED FOR CONCURRENCE**

The clerk of the Senate, being introduced, informed that the Senate has concurred in the amendments made by the House by amending said amendments to **SB 1145, PN 2477**.

Ordered, That the clerk present the same to the House requesting concurrence.

**REMARKS ON VOTE**

The SPEAKER. Why does the gentleman from Northampton, Mr. Freeman, rise?

Mr. FREEMAN. Correction of a vote.

The SPEAKER. The gentleman may state for the record what his correction is.

Mr. FREEMAN. Thank you, Mr. Speaker.

Yesterday on the Saurman amendment A3768 to SB 483, I was recorded in the affirmative. I would like to be recorded in the negative.

**BILL SIGNED BY SPEAKER**

The Chair gave notice that he was about to sign the following bill, which was then signed:

**SB 1346, PN 2465**

An Act amending the act of August 7, 1963 (P. L. 549, No. 290), referred to as the "Pennsylvania Higher Education Assistance Agency Act," clarifying the authority of the agency to acquire real property.

**BILLS REPORTED FROM COMMITTEE,  
CONSIDERED FIRST TIME, AND TABLED**

**HB 1538, PN 1928**

By Rep. OLIVER

An Act authorizing and directing the Department of General Services, with the approval of the Governor and the Department of Agriculture, to convey and confirm two tracts of land located in Penn Township, Snyder County, Pennsylvania, to Randall W. Bailey and Ellen S. Bailey, his wife; Rick L. Bailey and Kathy A. Bailey, his wife.

STATE GOVERNMENT.

**HB 1899, PN 2515**

By Rep. OLIVER

An Act designating December 7 as "Pearl Harbor Remembrance Day."

STATE GOVERNMENT.

**HB 2648, PN 3743**

By Rep. OLIVER

An Act establishing the Pennsylvania Heritage Affairs Commission and prescribing its powers and duties; establishing the Cultural Heritage Board and prescribing its powers and duties; imposing duties on local political subdivisions of this Common-

wealth; authorizing the creation of local cultural heritage authorities; providing for cultural heritage project areas; and making an appropriation.

STATE GOVERNMENT.

SB 223, PN 2480 (Amended)

By Rep. OLIVER

An Act amending the act of March 30, 1811 (P. L. 145, No. 99), entitled "An act to amend and consolidate the several acts relating to the settlement of the public accounts and the payment of the public monies, and for other purposes," authorizing deferred compensation programs for State employees; and providing procedures for the establishment and administration of deferred compensation programs for officers and employees of the Commonwealth and political subdivisions.

STATE GOVERNMENT.

SB 628, PN 2481 (Amended)

By Rep. OLIVER

An Act authorizing and directing the Department of General Services, with the approval of the Department of Corrections and the Governor, to convey to the Montgomery County Farm, Home and 4-H Foundation, 13.617 acres of land, more or less, situate in Skippack Township, Montgomery County, Pennsylvania.

STATE GOVERNMENT.

SB 1275, PN 2411

By Rep. OLIVER

An Act authorizing and directing the Department of General Services, with the approval of the Governor and the Secretary of Public Welfare, to convey to the County of Washington, 588.9263 acres of land, more or less, situate in North Strabane and Cecil Townships, Washington County, Pennsylvania.

STATE GOVERNMENT.

SB 1482, PN 2031

By Rep. OLIVER

An Act authorizing the release of Project 70 restrictions imposed on certain lands owned by the Borough of Evans City, Butler County, in return for the imposition of Project 70 restrictions on certain lands owned by the Borough of Evans City, Butler County.

STATE GOVERNMENT.

CALENDAR CONTINUED RESOLUTIONS

Mr. RYBAK called up HR 302, PN 3506, entitled:

Urging that an international nuclear energy commission be established to serve as a mechanism to provide an immediate response by trained personnel to any nuclear accident posing a significant threat to public health and safety.

On the question, Will the House adopt the resolution?

The following roll call was recorded:

YEAS—194

Table with 4 columns: Acosta, Deal, Kukovich, Reinard, Afflerbach, Dietz, Langtry, Rieger, Angstadt, Dininni, Lashinger, Robbins, Argall, Distler, Laughlin, Roebuck, Arty, Dombrowski, Lescovitz, Rudy, Baldwin, Donatucci, Letterman, Ryan, Barley, Dorr, Levdansky, Rybak

Table with 4 columns: Battisto, Duffy, Linton, Saloom, Belardi, Durham, Livengood, Saurman, Belfanti, Fargo, Lloyd, Scheetz, Birmelin, Fattah, Lucy, Schuler, Black, Fee, McCall, Semmel, Blaum, Fischer, McClatchy, Serafini, Book, Flick, McHale, Seventy, Bortner, Foster, McVerry, Showers, Bowley, Fox, Mackowski, Sirianni, Bowser, Freeman, Maiale, Smith, B., Boyes, Freind, Manderino, Snyder, D. W., Brandt, Fryer, Manmiller, Snyder, G., Broujos, Gallagher, Markosek, Staback, Bunt, Gallen, Mayernik, Stairs, Burd, Gamble, Merry, Steighner, Burns, Gannon, Michlovic, Stevens, Bush, Geist, Micozzie, Stewart, Caltagirone, George, Miller, Stuban, Cappabianca, Gladeck, Moehlmann, Sweet, Carlson, Godshall, Morris, Swift, Carn, Greenwood, Mowery, Taylor, E. Z., Cawley, Gruitza, Mrkonic, Taylor, J., Cessar, Gruppo, Murphy, Telek, Chadwick, Hagarty, Nahill, Tighe, Cimini, Haluska, Noye, Trelo, Civera, Harper, O'Brien, Truman, Clark, Hasay, O'Donnell, Van Horne, Clymer, Hayes, Olasz, Veon, Cohen, Herman, Oliver, Vroon, Colafella, Hershey, Perzel, Wambach, Cole, Honaman, Petrarca, Wass, Cordisco, Howlett, Petrone, Weston, Cornell, Hutchinson, Phillips, Wilson, Coslett, Itkin, Piccola, Wogan, Cowell, Jackson, Pistella, Wozniak, Coy, Jarolin, Pitts, Wright, D. R., Deluca, Johnson, Pott, Wright, J. L., DeVerter, Josephs, Pressmann, Wright, R. C., DeWeese, Kasunic, Preston, Yandrisevits, Daley, Kennedy, Punt, Irvis, Davies, Kenney, Raymond, Speaker, Dawida, Kosinski, Reber

NAYS—0

NOT VOTING—4

Table with 4 columns: Barber, Evans, Richardson, Wiggins

EXCUSED—3

Table with 3 columns: Pievsky, Smith, L. E., Taylor, F.

The question was determined in the affirmative, and the resolution was adopted.

\*\*\*

Mr. GEIST called up HR 320, PN 3765, entitled:

Promoting the goal that one person in every family in this Commonwealth be trained in CPR and first aid.

On the question, Will the House adopt the resolution?

The following roll call was recorded:

YEAS—195

Table with 4 columns: Acosta, Deal, Kosinski, Reinard, Afflerbach, Dietz, Kukovich, Rieger, Angstadt, Dininni, Langtry, Robbins, Argall, Distler, Lashinger, Roebuck, Arty, Dombrowski, Laughlin, Rudy, Baldwin, Donatucci, Lescovitz, Ryan, Barber, Dorr, Letterman, Rybak, Barley, Duffy, Levdansky, Saloom, Battisto, Durham, Linton, Saurman

Belardi	Evans	Livengood	Scheetz
Belfanti	Fargo	Lloyd	Schuler
Birmelin	Fattah	Lucyk	Semmel
Black	Fee	McCall	Serafini
Blaum	Fischer	McClatchy	Seventy
Book	Flick	McHale	Showers
Bortner	Foster	McVerry	Sirianni
Bowley	Fox	Mackowski	Smith, B.
Bowser	Freeman	Maiiale	Snyder, D. W.
Boyes	Freind	Manderino	Snyder, G.
Brandt	Fryer	Manmiller	Staback
Broujos	Gallagher	Markosek	Stairs
Bunt	Gallen	Mayernik	Steighner
Burd	Gamble	Merry	Stevens
Burns	Gannon	Michlovic	Stewart
Bush	Geist	Micozzie	Stuban
Caltagirone	George	Miller	Sweet
Cappabianca	Gladeck	Moehlmann	Swift
Carlson	Godshall	Morris	Taylor, E. Z.
Carn	Greenwood	Mowery	Taylor, J.
Cawley	Gruitza	Mrkonic	Telek
Cessar	Gruppo	Murphy	Tigue
Chadwick	Hagarty	Nahill	Truman
Cimini	Haluska	Noye	Van Horne
Civera	Harper	O'Brien	Veon
Clark	Hasay	O'Donnell	Vroon
Clymer	Hayes	Olasz	Wambach
Cohen	Herman	Oliver	Wass
Colafella	Hershey	Perzel	Weston
Cole	Honaman	Petrone	Wiggins
Cordisco	Howlett	Phillips	Wilson
Cornell	Hutchinson	Piccola	Wogan
Coslett	Itkin	Pistella	Wozniak
Cowell	Jackson	Pitts	Wright, D. R.
Coy	Jarolin	Pott	Wright, J. L.
Deluca	Johnson	Pressmann	Wright, R. C.
DeVerter	Josephs	Preston	Yandrisevits
DeWeese	Kasunic	Punt	
Daley	Kennedy	Raymond	Irvis,
Davies	Kenney	Reber	Speaker
Dawida			

NAYS—0

NOT VOTING—3

Petrarca Richardson Trello

EXCUSED—3

Pievsky Smith, L. E. Taylor, F.

The question was determined in the affirmative, and the resolution was adopted.

**BILLS ON THIRD CONSIDERATION CONTINUED**

The House proceeded to third consideration of **HB 1785, PN 3629**, entitled:

An Act authorizing and directing the Department of General Services, with the approval of the Governor and the Department of Environmental Resources, to convey a tract of land and a right-of-way in Noyes Township, Clinton County, Pennsylvania.

On the question,  
Will the House agree to the bill on third consideration?  
Bill was agreed to.

The **SPEAKER**. This bill has been considered on three different days and agreed to and is now on final passage.

The question is, shall the bill pass finally?  
Agreeable to the provisions of the Constitution, the yeas and nays will now be taken.

YEAS—197

Acosta	Deal	Kukovich	Rieger
Afflerbach	Dietz	Langtry	Robbins
Angstadt	Dininni	Lashinger	Roebuck
Argall	Distler	Laughlin	Rudy
Arty	Dombrowski	Lescovitz	Ryan
Baldwin	Donatucci	Letterman	Rybak
Barber	Dorr	Levdansky	Saloom
Barley	Duffy	Linton	Saurman
Battisto	Durham	Livengood	Scheetz
Belardi	Evans	Lloyd	Schuler
Belfanti	Fargo	Lucyk	Semmel
Birmelin	Fattah	McCall	Serafini
Black	Fee	McClatchy	Seventy
Blaum	Fischer	McHale	Showers
Book	Flick	McVerry	Sirianni
Bortner	Foster	Mackowski	Smith, B.
Bowley	Fox	Maiiale	Snyder, D. W.
Bowser	Freeman	Manderino	Snyder, G.
Boyes	Freind	Manmiller	Staback
Brandt	Fryer	Markosek	Stairs
Broujos	Gallagher	Mayernik	Steighner
Bunt	Gallen	Merry	Stevens
Burd	Gamble	Michlovic	Stewart
Burns	Gannon	Micozzie	Stuban
Bush	Geist	Miller	Sweet
Caltagirone	George	Moehlmann	Swift
Cappabianca	Gladeck	Morris	Taylor, E. Z.
Carlson	Godshall	Mowery	Taylor, J.
Carn	Greenwood	Mrkonic	Telek
Cawley	Gruitza	Murphy	Tigue
Cessar	Gruppo	Nahill	Trello
Chadwick	Hagarty	Noye	Truman
Cimini	Haluska	O'Brien	Van Horne
Civera	Harper	O'Donnell	Veon
Clark	Hasay	Olasz	Vroon
Clymer	Hayes	Oliver	Wambach
Cohen	Herman	Perzel	Wass
Colafella	Hershey	Petrarca	Weston
Cole	Honaman	Petrone	Wiggins
Cordisco	Howlett	Phillips	Wilson
Cornell	Hutchinson	Piccola	Wogan
Coslett	Itkin	Pistella	Wozniak
Cowell	Jackson	Pitts	Wright, D. R.
Coy	Jarolin	Pott	Wright, J. L.
Deluca	Johnson	Pressmann	Wright, R. C.
DeVerter	Josephs	Preston	Yandrisevits
DeWeese	Kasunic	Punt	
Daley	Kennedy	Raymond	Irvis,
Davies	Kenney	Reber	Speaker
Dawida	Kosinski	Reinard	

NAYS—0

NOT VOTING—1

Richardson

EXCUSED—3

Pievsky Smith, L. E. Taylor, F.

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the bill passed finally.

Ordered, That the clerk present the same to the Senate for concurrence.

\* \* \*

The House proceeded to third consideration of **HB 2199**, **PN 3739**, entitled:

An Act authorizing and directing the Department of General Services, with the approval of the Governor, to convey to Emsworth Borough 7.5 acres of land, more or less, situate in Kibbuck Township, Allegheny County, Pennsylvania.

On the question,

Will the House agree to the bill on third consideration?

Bill was agreed to.

The **SPEAKER**. This bill has been considered on three different days and agreed to and is now on final passage.

The question is, shall the bill pass finally?

Agreeable to the provisions of the Constitution, the yeas and nays will now be taken.

YEAS—196

Acosta	Deal	Kukovich	Rieger
Afflerbach	Dietz	Langtry	Robbins
Angstadt	Dininni	Lashinger	Roebuck
Argall	Distler	Laughlin	Rudy
Arty	Dombrowski	Lescovitz	Ryan
Baldwin	Donatucci	Letterman	Rybak
Barber	Dorr	Levdansky	Saloom
Barley	Duffy	Livengood	Saurman
Battisto	Durham	Lloyd	Scheetz
Belardi	Evans	Lucyk	Schuler
Belfanti	Fargo	McCall	Semmel
Birmelin	Fattah	McClatchy	Serafini
Black	Fee	McHale	Seventy
Blaum	Fischer	McVerry	Showers
Book	Flick	Mackowski	Sirianni
Bortner	Foster	Maiale	Smith, B.
Bowley	Fox	Manderino	Snyder, D. W.
Bowser	Freeman	Manmiller	Snyder, G.
Boyes	Freind	Markosek	Staback
Brandt	Fryer	Mayernik	Stairs
Broujos	Gallagher	Merry	Steighner
Bunt	Gallen	Michlovic	Stevens
Burd	Gamble	Micozzie	Stewart
Burns	Gannon	Miller	Stuban
Bush	Geist	Moehlmann	Sweet
Caltagirone	George	Morris	Swift
Cappabianca	Gladeck	Mowery	Taylor, E. Z.
Carlson	Godshall	Mrkonic	Taylor, J.
Carn	Greenwood	Murphy	Telek
Cawley	Gruitza	Nahill	Tigue
Cessar	Gruppo	Noye	Trello
Chadwick	Hagarty	O'Brien	Truman
Cimini	Haluska	O'Donnell	Van Horne
Civera	Harper	Olasz	Veon
Clark	Hasay	Oliver	Vroon
Clymer	Hayes	Perzel	Wambach
Cohen	Herman	Petrarca	Wass
Colafella	Hershey	Petrone	Weston
Cole	Honaman	Phillips	Wiggins
Cordisco	Howlett	Piccola	Wilson
Cornell	Hutchinson	Pistella	Wogan
Coslett	Itkin	Pitts	Wozniak
Cowell	Jackson	Pott	Wright, D. R.
Coy	Jarolin	Pressmann	Wright, J. L.
DeLuca	Johnson	Preston	Wright, R. C.
DeVerter	Josephs	Punt	Yandrisevits
DeWeese	Kasunic	Raymond	
Daley	Kennedy	Reber	
Davies	Kenney	Reinard	Irvis,
Dawida	Kosinski		Speaker

NAYS—0

NOT VOTING—2

Linton Richardson

EXCUSED—3

Pievsky Smith, L. E. Taylor, F.

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the bill passed finally.

Ordered, That the clerk present the same to the Senate for concurrence.

\* \* \*

The House proceeded to third consideration of **HB 2407**, **PN 3351**, entitled:

An Act designating a certain bridge crossing the Susquehanna River as the Veterans Memorial Bridge.

On the question,

Will the House agree to the bill on third consideration?

Bill was agreed to.

The **SPEAKER**. This bill has been considered on three different days and agreed to and is now on final passage.

The question is, shall the bill pass finally?

Agreeable to the provisions of the Constitution, the yeas and nays will now be taken.

YEAS—195

Acosta	Dietz	Kukovich	Rieger
Afflerbach	Dininni	Langtry	Robbins
Angstadt	Distler	Lashinger	Roebuck
Argall	Dombrowski	Laughlin	Rudy
Arty	Donatucci	Lescovitz	Ryan
Baldwin	Dorr	Letterman	Rybak
Barber	Duffy	Levdansky	Saloom
Barley	Durham	Livengood	Saurman
Battisto	Evans	Lloyd	Scheetz
Belardi	Fargo	Lucyk	Schuler
Belfanti	Fattah	McCall	Semmel
Birmelin	Fee	McClatchy	Serafini
Black	Fischer	McHale	Seventy
Blaum	Flick	McVerry	Showers
Book	Foster	Mackowski	Sirianni
Bortner	Fox	Maiale	Smith, B.
Bowley	Freeman	Manderino	Snyder, D. W.
Bowser	Freind	Manmiller	Snyder, G.
Boyes	Fryer	Markosek	Staback
Brandt	Gallagher	Mayernik	Stairs
Broujos	Gallen	Merry	Steighner
Bunt	Gamble	Michlovic	Stevens
Burd	Gannon	Micozzie	Stewart
Burns	Geist	Miller	Stuban
Bush	George	Moehlmann	Sweet
Caltagirone	Gladeck	Morris	Swift
Cappabianca	Godshall	Mowery	Taylor, E. Z.
Carlson	Greenwood	Mrkonic	Taylor, J.
Carn	Gruitza	Murphy	Telek
Cawley	Gruppo	Nahill	Tigue
Cessar	Hagarty	Noye	Trello
Chadwick	Haluska	O'Brien	Truman
Cimini	Harper	O'Donnell	Van Horne
Civera	Hasay	Olasz	Veon
Clark	Hayes	Oliver	Vroon
Clymer	Herman	Perzel	Wambach
Cohen	Hershey	Petrarca	Wass
Colafella	Honaman	Petrone	Weston
Cole	Howlett	Phillips	Wiggins

Cordisco	Hutchinson	Piccola	Wilson
Cornell	Itkin	Pistella	Wogan
Coslett	Jackson	Pitts	Wozniak
Cowell	Jarolin	Pott	Wright, D. R.
Coy	Johnson	Pressmann	Wright, J. L.
Deluca	Josephs	Preston	Wright, R. C.
DeVerter	Kasunic	Punt	Yandrisevits
DeWeese	Kennedy	Raymond	
Daley	Kenney	Reber	Irvis,
Davies	Kosinski	Reinard	Speaker
Dawida			

NAYS—0

NOT VOTING—3

Deal                    Linton                    Richardson  
EXCUSED—3

Pievsky                Smith, L. E.                Taylor, F.

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the bill passed finally.

Ordered, That the clerk present the same to the Senate for concurrence.

**ANNOUNCEMENT BY MR. DeVERTER**

The SPEAKER. The Chair recognizes the gentleman from Mifflin, Mr. DeVerter.

Mr. DeVERTER. Thank you, Mr. Speaker.

Mr. Speaker, I have to introduce today a package of bills, some of which may be duplicative of those that were introduced previously, on tort reform and insurance reform. I am going to leave them at the clerk's desk for those of you who may want to sign on. They are wide ranging. On the cover of each folder is a brief description of what the bills contain.

Recognizing that we are late in the session and that the chance of these having passage in both the House and the Senate is remote, I wanted to introduce them to bring additional focus on the problem in the tort and the insurance reform areas. I would ask those members who would be interested to sign on if they would do so at the clerk's desk. Thank you, Mr. Speaker.

**ANNOUNCEMENT BY MR. FOX**

The SPEAKER. Why is the gentleman from Montgomery, Mr. Fox, at the microphone?

Mr. FOX. Mr. Speaker, just a short announcement, if I could, about legislation.

The SPEAKER. You may.

Mr. FOX. Thank you, Mr. Speaker.

For those members who received my memo concerning mandatory sentencing for drug dealers, I ask those who did not sign on yet but wish to do so to either see me or call my secretary today. The bills will be filed, all six, on Monday. Thank you, Mr. Speaker.

**BILLS ON THIRD  
CONSIDERATION CONTINUED**

The House proceeded to third consideration of **SB 934, PN 2060**, entitled:

An Act amending the act of May 17, 1921 (P. L. 682, No. 284), entitled "The Insurance Company Law of 1921," further providing for investments; requiring alcohol abuse and dependency coverage; providing for the writing of liability insurance in areas where liability insurance is difficult to obtain; creating the property and casualty insurance joint underwriting association as a legal entity and conferring upon it rights, obligations, powers and duties; giving the insurance department powers and duties; providing for disclosure of certain loss and expense information; and providing a civil penalty.

On the question,

Will the House agree to the bill on third consideration?

Mr. DAWIDA offered the following amendments No. A4569:

Amend Title, page 1, line 15, by striking out "PROPERTY AND CASUALTY INSURANCE"

Amend Title, page 1, line 16, by inserting after "ASSOCIATION"

for General Liability Insurance

Amend Title, page 1, line 19, by inserting after "INFORMATION;"

requiring experience rating; requiring notice of intention to withdraw from writing insurance; providing procedures for the review of rates;

Amend Sec. 14, page 24, lines 15 through 30; pages 25 through 32, lines 1 through 30; page 33, lines 1 through 15, by striking out all of said lines on said pages and inserting

**ARTICLE X-A.**

**EXPERIENCE RATING.**

Section 1001-A. Submission, Approval and Use of Plan.—No later than July 1, 1987, each insurer required to report data pursuant to Article X-B shall develop and submit to the department an experience rating plan which provides that the premium for each policyholder within a class shall be based upon the policyholder's loss experience. This plan shall be subject to the approval or disapproval of the Insurance Department. If the plan is not approved or disapproved within ninety (90) days of its filing it shall be deemed approved, subject to review by the Insurance Department. Such plan, once approved or deemed approved, shall be put into effect and used by insurers in determining premiums.

**ARTICLE X-B.**

**DISCLOSURE.**

Section 1001-B. Reporting of Insurance Data.—No later than July 1, 1987, the Insurance Department shall promulgate rules and regulations which shall require each insurer licensed to write property or casualty insurance in the Commonwealth to record and report its loss and expense experience and other data as may be necessary to determine whether rates are excessive, inadequate or unfairly discriminatory. The department may designate one or more rate service organizations or advisory organizations to gather and compile such experience and data, provided the data is reported separately for each company. The department shall require each insurer licensed to write property or casualty insurance in this Commonwealth, as a supplement to Schedule T of its annual statement to submit a report, on a form furnished by the department, showing its direct writings in this Commonwealth and the United States.

Section 1002-B. Types of Insurance.—The supplemental report required by section 1001-B shall include, but not be limited

to, the following specific types of insurance (which shall be shown separately) written by such insurer:

(1) political subdivision liability insurance reported separately in the following categories:

- (i) municipalities;
- (ii) school districts; and
- (iii) authorities;
- (2) public official liability insurance;
- (3) dram shop liability insurance;
- (4) day care center liability insurance;
- (5) errors and omissions liability insurance;

(6) officers and directors liability insurance reported separately as follows:

- (i) nonprofit entities; and
- (ii) for-profit entities;
- (7) products liability insurance;
- (8) medical malpractice insurance;
- (9) attorneys malpractice insurance;
- (10) architects and engineers malpractice insurance; and
- (11) motor vehicle insurance reported separately for commercial and private passenger vehicles as follows:

- (i) motor vehicle liability insurance first party benefits;
- (ii) motor vehicle bodily injury liability insurance;
- (iii) motor vehicle property liability insurance;
- (iv) uninsured motorist insurance; and
- (v) underinsured motorist insurance.

Section 1003-B. Data Required.—(a) The supplemental report shall include the following data, both specific to this Commonwealth and also to the United States, by the type of insurance for the previous year ending on the thirty-first day of December:

- (1) direct premiums written;
- (2) net premiums written;
- (3) direct premiums earned;
- (4) net premiums earned;
- (5) net investment income, including realized capital gains and losses (which shall be shown separately) but excluding unrealized capital gains and losses, using estimates where necessary;
- (6) net investment income, including realized capital gains and losses (which shall be shown separately) and including unrealized capital gains and losses (which shall be shown separately), using estimates where necessary;
- (7) incurred claims developed as the sum of each of the following which shall be shown separately:
  - (i) dollar amount of claims paid; plus
  - (ii) reserves for reported claims at the end of current year;
- minus
- (iii) reserves for reported claims at the end of the previous year; plus
- (iv) reserves for incurred but not reported claims at the end of the current year; minus
- (v) reserves for incurred but not reported claims at the end of the previous year; plus
- (vi) loss adjustment expenses paid; plus
- (vii) reserves for loss adjustment expenses at the end of the current year; minus
- (viii) reserves for loss adjustment expenses at the end of the previous year;
- (8) actual incurred expenses, including commissions, other acquisition costs, general expenses, taxes, licenses and fees, all of which shall be shown separately;
- (9) net underwriting gain or loss;
- (10) net operating gain or loss, including net realized investment income but excluding unrealized investment income;
- (11) the sum of the value of closed claims and a distribution by size of claim for each of the following categories arising out of the course of business:
  - (i) for uncontested claims;

(ii) under a judgment entered by a court based upon a verdict;

(iii) in settlements relating to and completed after institution of judicial proceedings but prior to a verdict; and

(iv) in settlements relating to and completed after institution of judicial proceedings and after a verdict has been rendered in a judicial proceeding;

(12) the sum of the legal costs incurred while settling claims which result in awards or payments of money, broken down by attorney fees and other legal costs for each of the following categories arising out of the course of business:

(i) for uncontested claims;

(ii) under a judgment entered by a court based upon a verdict;

(iii) in settlements relating to and completed after institution of judicial proceedings but prior to a verdict; and

(iv) in settlements relating to and completed after institution of judicial proceedings and after a verdict has been rendered in a judicial proceeding;

(13) the sum of the legal costs incurred while settling claims which do not result in awards or payments of money, broken down by attorney fees and other legal costs for each of the following categories arising out of the course of business:

(i) for uncontested claims;

(ii) under a judgment entered by a court based upon a verdict; and

(iii) in settlements relating to and completed after institution of judicial proceedings but prior to a verdict;

(14) the number and dollar amount of each claim closed with payment and the dollar amount initially reserved for each claim, by year incurred;

(15) the number and total dollar amount for all claims closed with payment and the total dollar amount initially reserved, by year incurred;

(16) the claims closed without payment and the dollar amount initially reserved for each claim, by year incurred;

(17) the number of claims closed without payment and the total dollar amount initially reserved, by year incurred;

(18) the claims pending at the end of each year and the dollar amount reserved for each claim;

(19) the number of claims pending at the end of each year and the total dollar amount reserved;

(20) the name and address of any company, association or exchange which reinsures any part of the coverage it issues; the coverage provided, restrictions, loss retention per risk if applicable and cost of such reinsurance.

(21) any other information requested by the department.

(b) The commissioner shall develop rules and regulations to implement the reporting requirements of this chapter that shall include:

(1) provisions to assure the confidentiality of the data with regard to information relevant to individual claims; and

(2) standard and uniform definitions for information required to be submitted to the department pursuant to this article that shall be consistent with generally accepted accounting principles, unless no generally accepted standard definitions exist.

Section 1004-B. Actuarial Impact Statement Regarding Judicial Decisions.—Any insurance company, or rating organization acting on behalf of more than one insurance company, may file annually, at the same time that the annual statement is due, an actuarial study detailing the impact of any appellate judicial decision rendered during the calendar year reported in the annual statement due at that time which it believes will have a significant impact on the price or availability of insurance.

Section 1005-B. Review by Department.—It shall be the duty of the department to annually compile and review all such reports submitted by insurers pursuant to this article and to

utilize such reports in determining whether the rates or rating plans and any subsequent modifications thereof for property and casualty insurance in this Commonwealth are excessive, inadequate or unfairly discriminatory. All information collected by the department shall be made available to any interested insured or citizen.

Section 1006-B. Requirement for Doing Business.—Each insurance company shall file all of the information required under this article with the Insurance Department as a prerequisite to obtaining permission to write coverage, to continue to do business or to file for rate increases.

Section 1007-B. Penalty.—Each insurer who fails to comply with the terms of sections 1001-B, 1002-B or 1003-B of this article shall pay a civil penalty of a fine of ten thousand dollars (\$10,000) and thereafter a fine of two hundred dollars (\$200) daily until this article is complied with.

#### ARTICLE X-C.

#### PENNSYLVANIA LIABILITY UNDERWRITING SERVICES PLAN.

Section 1001-C. Definitions.—The following words and phrases when used in this article shall have the meanings given to them in this section, unless the context clearly indicates otherwise:

- (1) "Board," means the board of directors of the plan.
- (2) "Commercial liability insurance," means insurance coverage against the legal liability of the insured against loss, damage or expense incident to a claim arising out of the death or injury of any person or property damage as the result of or incident to the lawful conduct of a business enterprise or public purpose. The term includes such insurance coverage of governmental entities, including political subdivisions as specified in section 1002-B(1)(i), (ii) and (iii).
- (3) "Commissioner," means the Insurance Commissioner of the Commonwealth.
- (4) "Department," means the Insurance Department of the Commonwealth.
- (5) "Plan," means the Pennsylvania Liability Underwriting Services Plan.
- (6) "Surplus lines agent," means an individual, partnership or corporation that is duly licensed as such by the commissioner to effect placement of insurance coverage with an unlicensed insurer, and who may receive a commission therefor.

Section 1002-C. Creation of Plan.—The Pennsylvania Liability Underwriting Services Plan is created as a legal entity with all the rights which are reasonable and necessary to fulfill its purpose, including, but not limited to, the following:

- (1) To own property.
- (2) To enter into contracts.
- (3) To sue and be sued, provided that no judgment against the Plan shall create any liability in the individual members.

Section 1003-C. Purpose.—The Plan shall assist in the placement of commercial liability insurance for eligible Pennsylvania commercial risks and public entities that have tried and failed to find such coverage.

Section 1004-C. Membership.—Every commercial liability insurer admitted to do business in this Commonwealth shall, as a condition of its authority to write such kinds of insurance within this Commonwealth, be a member of the Plan and have the rights and obligations as hereinafter described. The commissioner may require that the surplus lines market participate in the Plan.

Section 1005-C. Participation.—Each member of the Plan shall participate in funding the administrative costs of the plan, to the extent that application fees do not defray those costs, and in the review of applications for insurance. Each member's share of participation obligations shall be equitable and set forth in the plan of operation. However, members of the Plan shall not be required to review application of eligible commercial risks or public entities where the member has not underwritten such cov-

erage for two consecutive years preceding the effective date of this section.

Section 1006-C. Board of Directors.—The Plan shall be governed by nine directors and the Insurance Commissioner, who shall serve as a non-voting ex officio chairman. The nine directors shall be appointed to the board as voting members, by the commissioner, each to serve a term of two years. Five members shall be representatives of insurance companies, two members shall be licensed insurance agents or brokers and two members shall be consumers of commercial insurance. Members shall serve as representatives of their employers, who may have the right to substitute individuals with the prior approval of the commissioner.

Section 1007-C. Voting Rights.—Whenever so designated by the board pursuant to its plan of operation, each commercial liability insurer shall be allotted votes in proportion to its share of the Statewide total written premium during the prior year relating to general liability coverage, plus the liability portion, as determined by the commissioner, of commercial multi-peril coverage.

Section 1008-C. Organization.—(a) Within sixty (60) days following the issuance of an order by the commissioner to establish a plan the board shall submit to the commissioner, for his review, a proposed plan of operation of the Plan, consistent with the provisions of this act, which shall provide for the formation of the Plan and the economical and efficient administration of the Plan, including, but not limited to, management of the Plan, preliminary assessment of all members for initial expenses necessary to commence operations, establishment of necessary facilities within this Commonwealth, assessment of members to defray continuing expenses, limits of liability, eligibility requirements, procedures for securing timely referrals and quotes on insurance applications and governance of the Plan.

(b) The plan of operation shall be subject to approval by the commissioner and shall take effect ten (10) days after having been approved by him. If the commissioner disapproves the proposed plan of operation, the commissioner shall specify his objections and how the plan of operation may be made acceptable. Following the receipt of objections from the commissioner, the Plan shall, within fifteen (15) days, submit for review an appropriately revised plan of operation, and, if the Plan fails to do so or if the revised plan so filed is unacceptable, the commissioner shall promulgate a plan of operation.

(c) The Plan may, by its own initiative, subject to prior approval by the commissioner, amend the plan of operation.

Section 1009-C. Application Fees.—Subject to approval by the commissioner, the Plan shall require applications to be accompanied by reasonable application fees, which may vary for different classes of applicants. Initially, application fees should not exceed one hundred dollars (\$100) nor be less than ten dollars (\$10) for any class of insured and shall be reviewed annually by the commissioner. The application fee is non-refundable if the applicant is determined to be eligible for coverage, regardless of whether coverage is found for the applicant through the Plan.

Section 1010-C. Eligibility.—All applications for commercial liability coverage may be eligible for consideration by the Plan if they are accompanied by the application fee appropriate to that class of risk, three refusals of coverage from admitted Pennsylvania commercial lines writers and one refusal of coverage from a licensed surplus lines agent, and a completed questionnaire as shall be supplied to the applicant by the Plan and approved by the commissioner, except for applications relating to:

- (1) Insurance on motor vehicles.
- (2) Insurance for pollution or environmental impairment.
- (3) Insurance for workers' compensation and employers' liability.
- (4) Insurance for medical malpractice professional liability.
- (5) Insurance on activities conducted substantially outside this Commonwealth unless the insurance is required by Pennsylvania or Federal statute.

(6) Other risks as may be excluded by the Plan and approved by the commissioner.

Section 1011-C. Immunity.—There shall be no liability or cause of action against any member of the Plan or its agents or employes, the Plan or its agents or employes, members of the board of directors or the department or its representatives for any action taken by or statement made by them in the performance of their powers and duties under this article.

Section 1012-C. Funds.—All fees, assessments and other moneys received by the Plan shall be deposited into a restricted revenue account within the General Fund and are hereby appropriated to the board for the purposes set forth in this article.

#### ARTICLE X-D.

### STANDBY JOINT UNDERWRITING ASSOCIATION FOR GENERAL LIABILITY INSURANCE.

Section 1001-D. Definitions.—The following words and phrases when used in this article shall have the meanings given to them in this section, unless the context clearly indicates otherwise:

(a) "Association," means the Standby Joint Underwriting Association for General Liability Insurance.

(b) "Board," means the board of directors of the association.

(c) "Department," means the Insurance Department of the Commonwealth.

(d) "General liability insurance," means commercial liability insurance, including policies sold separately or as part of a package, but not including medical malpractice insurance, private passenger motor vehicle insurance or environmental impairment liability insurance. The term includes such insurance coverage of governmental entities, including political subdivisions as specified in section 1002-B(1)(i), (ii) and (iii).

Section 1002-D. Creation of Association.—The Standby Joint Underwriting Association for General Liability Insurance is created as a legal entity with all the rights which are reasonable and necessary to fulfill its purpose, including, but not limited to, the following:

(1) To own property.

(2) To enter into contracts.

(3) To sue and be sued.

(4) To require insurance companies and the department to provide information in a timely fashion.

(5) To require the department to collect information.

Section 1003-D. Administration.—The association shall be administered by the board.

Section 1004-D. Board.—(a) The board shall consist of thirteen voting members, plus a chairperson, composed of and appointed in accordance with the following:

(1) Six representatives of commercial insurance carriers, one of which shall be appointed by the Majority Leader of the House of Representatives; one of which shall be appointed by the Minority Leader of the House of Representatives; one of which shall be appointed by the Majority Leader of the Senate; one of which shall be appointed by the Minority Leader of the Senate; and two of which shall be appointed by the Governor.

(2) Six representatives of purchasers of insurance for which the association may write insurance coverage, none of which shall be associated with commercial insurance carriers or the insurance industry, one of which shall be appointed by the Majority Leader of the House of Representatives; one of which shall be appointed by the Minority Leader of the House of Representatives; one of which shall be appointed by the Majority Leader of the Senate; one of which shall be appointed by the Minority Leader of the Senate; and two of which shall be appointed by the Governor.

(3) One independent insurance agent, appointed by the Governor.

(4) The Insurance Commissioner, who shall serve ex officio and who shall chair the board, but who may vote only in the case of a tie.

(b) Seven members of the board, not including the Insurance Commissioner, a majority of which in any combination shall be made up of members other than representatives of commercial insurance carriers, shall constitute a quorum.

(c) Board members shall not receive a salary or per diem allowance for serving as members but shall be reimbursed for actual and necessary expenses incurred in the performance of their duties. Said expenses may include reimbursement for travel and living expenses while engaged in board business.

(d) Each board member shall serve a term of three years, and shall continue to serve thereafter until a successor is appointed, except that of the members first appointed:

(1) The two members representing commercial insurance carriers appointed by the Governor, and the member representing the independent insurance agent shall serve for a term of one year.

(2) The four members representing purchasers of insurance appointed by the Majority and Minority Leaders of the House of Representatives and the Senate shall serve for terms of two years. No member shall be eligible to serve more than two full consecutive terms of three years. Vacancies on the board shall be filled in the same manner in which they were originally designated under subsection (a), within sixty (60) days of the vacancy. A member may be removed for just cause by the appointing authority after recommendation by a vote of at least nine members of the board.

(e) Within ninety (90) days of the effective date of this article, the Governor, the Majority and Minority Leaders of the House of Representatives and the Majority and Minority Leaders of the Senate shall make all of the appointments called for under this article.

(f) On or before March 1, 1987, the board shall meet, at the call of the chair. Thereafter, the board shall meet at least annually, to determine if the conditions for association action under section 1006-D exist. The Insurance Commissioner shall have the power to call a meeting of the board and any six members of the board, upon a written letter to the chairman, shall have the power to call a meeting of the board.

(g) All meetings of the board shall be advertised and conducted pursuant to the act of July 3, 1986 (P.L.388, No.84), known as the "Sunshine Act," except that the board may provide for executive sessions of the board on subjects permitted to be discussed in such sessions under the "Sunshine Act." No act of the board shall be taken in executive session.

(h) The Insurance Department shall provide whatever personnel services may be necessary for the board to fulfill its responsibilities under this article.

Section 1005-D. Funding.—Where necessary, administrative costs of the association, including startup expenses, shall be funded by an assessed prorated contribution of all general liability insurance companies licensed to do business in this Commonwealth based on premiums written by the association in this Commonwealth. Such costs shall be recoverable from premiums written by the association. The contribution system shall be established by regulation of the department under section 1009-D.

Section 1006-D. Insurance.—(a) The association shall write general liability insurance policies, at the board's direction, when the board determines that more than five percentum (5%) of standard risks in any line or subline or classification of general liability insurance cannot obtain coverage through the voluntary market at standard rates or the market assistance plan pursuant to Article X-C. If the board determines that coverage has been available to ninety-five percentum (95%) or more of the standard risks in any line or subline of insurance, for at least six consecutive months, the association shall cease to write any new policies in that line or subline of insurance and shall not renew any policies in force at that time. No coverage shall be nonrenewed without providing the insured with at least sixty (60) days' notice.



The association, at the board's direction, may facilitate pooling arrangements wherever appropriate notwithstanding any law to the contrary.

(b) Any standard risk person unable to obtain coverage may petition the board to write insurance in a certain line or subline and the board, after consideration of the extent of the problem based on data obtained from the department and any other appropriate sources, shall render a decision based on the petition within forty-five (45) days.

(c) The initial areas to be considered under subsection (a) are political subdivisions of the Commonwealth, commercial motor vehicles, dram shops, day-care centers and nonprofit organizations.

(d) The board may not consider coverage from the associations for medical malpractice insurance, private passenger motor vehicle insurance or environmental impairment liability insurance.

(e) The board shall at its discretion create separate associations or accounts for each line or subline of insurance that it writes and shall not commingle funds.

**Section 1007-D. Risk Management Program.**—The board shall require each insured to adopt a program for risk management to be offered coverage from the association. Approval by the board and compliance with such risk management program shall be a condition precedent to obtaining and maintaining coverage from the association.

**Section 1008-D. Risk Apportionment.**—(a) The board shall, after consultation with property and casualty insurers transacting business in this Commonwealth, adopt a plan or plans for the equitable apportionment among such insurers of general liability insurance coverage for individuals or groups who are standard risks, but are unable to procure such coverage through the voluntary market at standard rates or the market assistance plan pursuant to Article X-C. The board may adopt a joint underwriting plan which shall provide for one or more designated insurers able and willing to provide policyholder and claim services, including the issuance of insurance policies, to act on behalf of all other insurers required to participate in the joint underwriting plan. Any joint underwriting plan adopted shall provide for the equitable apportionment of any profits realized, or of losses and expenses incurred, among participating insurers. The plan shall include, but not be limited to:

(1) Rules for the classification of risks and rates which reflect to the maximum extent possible the past loss experience and prospective loss experience in different geographic areas within this Commonwealth.

(2) A rating plan which reasonably reflects the prior claims experience of the insureds.

(3) Excess coverage by insurers if the board, in its discretion, requires such coverage by insurers participating in the joint underwriting plan.

(b) In the event an underwriting deficit exists at the end of the year the plan is in effect, each policyholder shall pay to the joint underwriting plan a premium contingency assessment not to exceed one-fifth of the premium payment paid by the policyholder for that year. The joint underwriting plan shall pay no further claims on any policy for which the policyholder fails to pay the premium contingency assessment.

(c) Any deficit sustained under the plan shall first be recovered through a premium contingency assessment. Concurrently, the rates for insureds shall be adjusted for the next year so as to be actuarially sound in conformance with rules of the department.

(d) If there is any remaining deficit under the plan after maximum collection of the premium contingency assessment, this deficit shall be recovered from the companies participating in the plan in the proportion that the net direct premiums of each such member written during the preceding calendar year bears to the

aggregate net direct premiums written in this Commonwealth by all members of the joint underwriting plan. It shall not be permissible to use such deficit to increase automobile or homeowners insurance premiums.

(e) Upon adoption of a plan, all general liability insurers shall subscribe thereto and participate therein as a condition of doing business in this Commonwealth.

**Section 1009-D. Regulations.**—The board shall promulgate regulations to insure that:

(1) The association provides liability insurance as required by this act.

(2) There is a procedure for petitioning the board to act under section 1006-D(c) and that there is a definition of "standard risk."

(3) Losses and profits are assigned equitably under section 1008-D.

(4) Coverage is made available through licensed agents and that a reasonable commission is paid.

(5) The cost of operating the association is reasonable in relation to the service it provides to the insurance business of this Commonwealth.

#### ARTICLE X-E. PROCEDURE FOR REVIEW.

**Section 1001-E. Department Review of Property and Casualty Insurance Rates.**—The commissioner shall promulgate rules and regulations establishing uniform information that must accompany the submission or modification of rules, rates and rating plans for property and casualty insurance that shall include a statement of any changes or rate increases in a rate or rating plan and all necessary information and evidence to support the proposed modifications. The department shall conduct its review, examination and investigation, and make its decisions on rate filings pursuant to this act in the following manner:

(1) Upon receipt of a rate filing, the commissioner shall assign and direct one or more employees of the department to review, examine and investigate the rate filing.

(2) The employees assigned for such review shall designate, and the department shall publish notice in the Pennsylvania Bulletin, the time and place for the conducting of any conferences, inquiries or hearings on the rate filing.

(3) All oral or documentary evidence, statements, objections or questions and requests for additional information by employees of the department shall be entered as part of the record at any such conference, inquiry or hearing.

(4) The rate filings and transcripts of testimony, exhibits, statements and other information filed with the department or presented at any conference inquiry or hearing pursuant to clause (2) and all information submitted pursuant to Article X-B and the insurance company's annual statement shall constitute the exclusive record for decision and shall be available for inspection by the public.

(5) Any party who shall fail to be represented at a scheduled conference, inquiry or hearing after being duly notified thereof, shall be deemed to have waived the opportunity to participate in such conference, inquiry or hearing, and shall not be permitted thereafter to reopen the disposition of any matter accomplished thereat, unless the commissioner shall determine that failure to be represented was unavoidable or that the interests of the other parties or the public would not be prejudiced by permitting such reopening or further examination.

(6) Any communication by employees of the Insurance Department with any party to a rate filing while action on a rate filing is pending is prohibited, except as provided in this section.

(7) After completion of the review, examination and investigation, the employee shall make a written recommendation to the Commissioner.

## ARTICLE X-F.

NOTICE OF INTENT TO WITHDRAW.

Section 1001-F. Notice Required.—Whenever an insurer licensed to write property and casualty insurance as described in section 1001-B decides to withdraw from any line, subline or classification of business, the insurance company shall file with the Insurance Department a notice detailing the intent to withdraw. The notice shall include, but not be limited to, the reasons for withdrawal, the number of policyholders affected, the effective date of the withdrawal, if the withdrawal is Statewide or national, and a listing of potential sources for replacement coverage for insureds. This notice of withdrawal by insurers shall be filed at least sixty days prior to the effective date of the withdrawal.

The Insurance Department shall use this information to assist in determining market conditions.

The department shall not permit any insurer licensed to write property and casualty insurance to withdraw from any line or classification of business without complying with the provisions of this article.

On the question,

Will the House agree to the amendments?

The SPEAKER. On the amendment, the Chair recognizes the gentleman from Allegheny, Mr. Dawida.

Mr. DAWIDA. Mr. Speaker, SB 934 and the amendments that are in it and the amendments that are being proposed are probably the most important bill that we will deal with before the year is out. Insurance and the liability crisis that exists today have affected every Pennsylvanian. From the infant being born to the largest corporation, they have all been dramatically affected in the negative.

The amendment before everyone, amendment A4569, is I think an attempt to bring some sanity to the insurance crisis. This is not, for those of you who have been lobbied by certain elements of the insurance industry, the amendment which you were lobbied on. This amendment has been a year and a half in the making. The liability insurance crisis requires some strong steps. I compare it to when I was a child and taking castor oil from my mother—I heard castor oil mentioned earlier today—I did not like the taste, but it was good for me. I think the insurance companies are not going to like the taste of this amendment, but it is going to be good for them, and it is going to be good for Pennsylvania.

There are six elements in the bill. Subsection X-A deals with experience rating. Representative Rybak, in his exhaustive study with the Insurance Committee, heard more testimony than anyone could absorb, but business after business after business were saying the same thing - we need experience rating. We have spent 30 years in the business; we have not had a claim. We are being raised 300 percent; we have not had a claim. We cannot get enough insurance; we have not had a claim. The business community can well use experience rating.

Subsection X-B deals with disclosure. Insurance data is critical; it is important; it is essential for competition, for consumers, for business. From the corner pub to the local American Legion; from Philadelphia City to Homestead Borough; from the local symphony to the local library, the insurance crisis has affected them all.

Subsection X-C deals with what is known as the Pennsylvania Liability Underwriting Services Plan, otherwise known as a statutory MAP (market assistant plan), and this language was essentially written by the insurance industry. It is very similar, almost identical, to a similar amendment that Representative Piccola has prepared. This will attempt to provide insurance for those who cannot get it.

Subsection X-D deals with the Standby JUA (Joint Underwriting Association) which already exists in the bill but which goes a little further in this subsection and provides that it kicks in when 5 percent of the standard risk in a line cannot obtain coverage. The initial areas of coverage are to be commercial motor vehicles, dramshops - that is anyone who serves alcohol - day care, and nonprofits.

Subsection X-E deals with the procedure for review and provides a process for uniform information for submissions for rates. It was shocking for those of us who investigated this issue and have spent the last 2 years working on it to note that this does not exist already, that there is no true process, there is no formal process that works to help insurance rates be understood by anyone, and I am not blaming the department for this. The Insurance Department, I believe, is undermanned and unable to really handle the kind of problems ratemaking has made in the past, and this will help them, I believe, get a handle on the process of ratemaking for insurance.

Section X-F is a notice of intent to withdraw. This could help companies by giving them a chance to explain their problems. But the root problem is the lack of a coherent rating process. The insurance companies need a dose of castor oil. Children today still use it. Your business people, your nonprofits, your municipalities, everyone needs help. Let us take some of it home; let us go back to our constituents and say we have tried to do something.

In summation, I read from the Los Angeles Times, August 21, 1986, the title, "Bring Back Insurance Sanity."

Regulators can moderate the swings of the industry cycle, and premium prices, only if they can establish a relationship between rates charged and claims paid. To do this, California's insurance commissioner must be able to examine the profits and pricing decisions of the industry.

And finally,

The unwatched, uncontrolled insurance industry bears the primary responsibility for the insurance crisis. Opening up the industry to more competition and more oversight would go a long way toward making insurance affordable again. It would mean taking on one of the country's most powerful lobbies, but the commissioner and the Legislature can, if they are up to it, restore sanity to the liability market.

What this amendment is about is restoring sanity to the liability insurance market. It affects every single district; it affects every one of you here, and I urge passage of this amendment.

The SPEAKER. The Chair thanks the gentleman.

On the amendment, the Chair recognizes the gentleman from Dauphin, Mr. Piccola.

Mr. PICCOLA. Thank you, Mr. Speaker.

It is now 3:39, Mr. Speaker, on Wednesday afternoon. We still have some work to do on a seatbelt bill, which I think we all want to get out of here before we adjourn. We have a situation where the Senate has left, not to return before the election, and we are presented with a bill upon which about 10 or 11 amendments have been offered, including this one, which I have not seen until just 5 minutes ago when it first crossed our desk. So far as I am aware, it has not been introduced as a bill and referred to the Insurance Committee; it has not been considered by the Insurance Committee—

The SPEAKER. Mr. Piccola, the Chair understands your frustration, but you are too intelligent a man not to know that you have drifted a long ways from where you should be. Limit yourself to whether you agree with the amendment or not.

### MOTION TO RECOMMIT

Mr. PICCOLA. For those reasons, Mr. Speaker, I move that this bill, along with the amendments, be recommitted to the Committee on Insurance.

The SPEAKER. Moved by the gentleman, Mr. Piccola, that SB 934, together with all the amendments appertaining thereto, be recommitted to the Committee on Insurance.

On the question,

Will the House agree to the motion?

The SPEAKER. The Chair recognizes the gentleman from Allegheny, Mr. Dawida.

Mr. DAWIDA. Mr. Speaker, obviously time is short. Obviously, if you want to do something about this issue, we do not have that kind of time. These amendments only go a little bit beyond the studies that have gone on for the last 2 years. There are elements in this bill already worthy of passage, and this will only dramatically and helpfully add to that.

I only say to the members, if you have had a business person come to you and say they have a liability insurance problem, then you ought to vote "no" to recommit. If you have a municipality that has had a problem, then you ought to vote "no." If you have a day-care center in your district, you ought to vote "no." If you are sick and tired of the insurance industry sticking it to every businessman and every person in Pennsylvania, then vote "no."

The SPEAKER. On the motion, the Chair recognizes the gentleman from Mifflin, Mr. DeVerter.

Mr. DeVERTER. Thank you, Mr. Speaker.

Mr. Speaker, I would rise to agree with Representative Piccola in returning this legislation and the amendments to the committee.

This is only one of about a dozen amendments that you will be faced with this afternoon, many of which are technical in nature, many of which the committee has not reviewed previously, and I just feel it would be a disservice not only to ourselves but more importantly to the people whom we are here to serve.

Now, you may think you are going to resolve something by doing this today, but quite frankly, as has been pointed out, the Senate has gone home; the bill is not going to receive any consideration anywhere else, and to think that we can bring it into passage here in the House and in the Senate and have it on the Governor's desk prior to our adjournment I think is folly.

For that reason, I would suggest we vote in the affirmative to recommit the measure. Thank you.

The SPEAKER. The Chair recognizes the gentleman from Cumberland, Mr. Mowery.

Mr. MOWERY. Thank you, Mr. Speaker.

This amendment is really a bill that was put into an amendment that really has significant and wide-sweeping changes for the insurance industry. I would strongly suggest that it be sent back to the Insurance Committee for their deliberation. I think the chairman has a major interest in seeing some of these liability crises be corrected in Pennsylvania. I think we all would.

I would just like to make a couple of quick observations. This will not solve the liability crisis; this will only make it worse.

Number two, as far as the area that he talks about, experience rating, because some people have been charged a premium, a higher premium, and have really not had an opportunity to have any claims and therefore their rates go up, remember that is what insurance is all about. Those who do not have claims help to pay for those who have catastrophic losses. This just does not make any sense. The whole basis for the insurance rating system is for the sole purpose of trying to keep those who pay their fair share so that those who have a major loss are not bankrupt.

I hope that without any further explanation, because some of you probably do not want to hear it anyway, that you vote to put it back into the Insurance Committee where it can be considered at an appropriate time where we can do something meaningful for the people in Pennsylvania.

The SPEAKER. The Chair recognizes the gentleman from Cumberland, Mr. Broujos.

Mr. BROUJOS. Mr. Speaker, there have been objections that there has not been time, there have not been committee hearings, there has not been an opportunity to analyze it. The work on these same subjects has been going on for over 2 years, but it is rather interesting that the insurance industry, when it canceled the policies of municipalities and other people, when it raised their rates, when it decided that they needed more money, had no hesitation to proceed arbitrarily and unilaterally without having hearings, without having any opportunity for the public to have any input, so it seems to me that what is sauce for the goose is sauce for the gander.

With respect to the objections that there is not an opportunity to review it, that it is precipitous, I do not know if any of those gentlemen, perhaps Mr. Piccola objected, but when the speaker, Mr. Foster, arose with his no-fault amendment, I think that I did not hear them making any objection.

The SPEAKER. Mr. Broujos, you are going too far afield.  
Mr. BROUJOS. I ask for the motion to recommit to be defeated.

The SPEAKER. The Chair recognizes the gentleman from Northampton, Mr. Rybak, on the motion.

Mr. RYBAK. Thank you, Mr. Speaker.

Mr. Speaker, I think we could all agree that there is a very real crisis on all lines of liability insurance in this Commonwealth, and after a long, in-depth, complete, exhaustive public hearing from one end to the other of this Commonwealth, that is a fact. After that in-depth investigation, the House Insurance Committee has filed our findings and our recommendations, and in my judgment, those recommendations and findings are based on that testimony and are corroborated by the documentation and the best evidence available. Therefore, the thing that is before us is an amendment to encompass some of the reforms that are contained in the report that our committee filed just recently.

With regard to disclosure, and disclosure is indeed needed if we are going to make some sense—

The SPEAKER. Mr. Rybak, you, too, are drifting too far afield.

Mr. RYBAK. All right. Thank you.

The SPEAKER. Make your recommendation pro or con, please, sir.

Mr. RYBAK. I have not had an opportunity, as Mr. Piccola, to examine this in depth, but looking at it hurriedly, I am convinced that it contains many of the recommendations of reform that the report recommends. I would like to see this go over to the Senate and put in conference to get a preliminary start. I therefore wholeheartedly oppose the motion to recommit.

The SPEAKER. Can we get to the vote, Mr. Mowery?

Mr. MOWERY. We may.

May I make one statement, sir?

The SPEAKER. The Chair recognizes the gentleman from Cumberland, Mr. Mowery, for the second time on the motion.

Mr. MOWERY. That I understand. Thank you.

I would just like to draw to the members of the House that if the chairman of the Insurance Committee has not had a chance to review it and has only looked over it briefly, I would suggest very strongly that you do not vote on something that even the Insurance Committee chairman is not familiar with.

I ask for you to vote to put it back into committee.

On the question recurring,

Will the House agree to the motion?

The following roll call was recorded:

YEAS—80

Angstadt	Coy	Herman	Piccola
Argall	DeVerter	Hershey	Pitts
Arty	Davies	Honaman	Punt
Barley	Dietz	Hutchinson	Raymond
Birmelin	Dininni	Jackson	Reinard
Black	Distler	Johnson	Robbins
Book	Dorr	Kennedy	Ryan
Bowser	Durham	Kenney	Saurman
Boyes	Fargo	Langtry	Scheetz

Brandt	Flick	Lashingier	Schuler
Bunt	Fox	McClatchy	Sirianni
Burd	Freind	McVerry	Snyder, G.
Bush	Gallen	Mackowski	Stairs
Carlson	Gannon	Manmiller	Steighner
Cessar	Geist	Merry	Swift
Chadwick	Gladeck	Moehlmann	Taylor, E. Z.
Cimini	Godshall	Mowery	Vroon
Clymer	Greenwood	Noye	Wilson
Cornell	Hasay	O'Brien	Wogan
Coslett	Hayes	Phillips	Wright, R. C.

NAYS—117

Acosta	Duffy	Lucyk	Semmel
Afflerbach	Evans	McCall	Serafini
Baldwin	Fattah	McHale	Seventy
Barber	Fee	Maiale	Showers
Battisto	Fischer	Manderino	Smith, B.
Belardi	Foster	Markosek	Snyder, D. W.
Belfanti	Freeman	Mayernik	Staback
Blaum	Fryer	Michlovic	Stevens
Bortner	Gallagher	Micozzie	Stewart
Bowley	Gamble	Miller	Stuban
Broujos	George	Morris	Sweet
Burns	Gruitza	Mrkonic	Taylor, J.
Caltagirone	Gruppo	Murphy	Telek
Cappabianca	Hagarty	Nahill	Tigue
Carn	Haluska	O'Donnell	Trello
Cawley	Harper	Olasz	Truman
Civera	Howlett	Oliver	Van Horne
Clark	Itkin	Perzel	Veon
Cohen	Jarolin	Petrarca	Wambach
Colafella	Josephs	Petrone	Wass
Cole	Kasunic	Pistella	Weston
Cordisco	Kosinski	Pott	Wiggins
Cowell	Kukovich	Pressmann	Wozniak
Deluca	Laughlin	Preston	Wright, D. R.
DeWeese	Lescovitz	Reber	Wright, J. L.
Daley	Letterman	Rieger	Yandrisevits
Dawida	Levdansky	Roebuck	
Deal	Linton	Rudy	Irvis,
Dombrowski	Livengood	Rybak	Speaker
Donatucci	Lloyd	Saloom	

NOT VOTING—1

Richardson

EXCUSED—3

Pievsky            Smith, L. E.    Taylor, F.

The question was determined in the negative, and the motion was not agreed to.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—128

Acosta	Duffy	Lloyd	Semmel
Afflerbach	Evans	Lucyk	Serafini
Angstadt	Fattah	McCall	Seventy
Baldwin	Fee	McHale	Showers
Barber	Fischer	McVerry	Smith, B.
Battisto	Fox	Maiale	Snyder, D. W.
Belardi	Freeman	Manderino	Snyder, G.
Belfanti	Fryer	Markosek	Staback
Blaum	Gallagher	Mayernik	Stairs
Bortner	Gamble	Michlovic	Steighner
Bowley	George	Micozzie	Stevens
Broujos	Greenwood	Miller	Stewart
Burns	Gruitza	Morris	Stuban
Caltagirone	Gruppo	Mrkonic	Sweet
Cappabianca	Hagarty	Murphy	Taylor, J.
Carn	Haluska	Nahill	Telek

Cawley	Harper	O'Donnell	Tigue
Civera	Hasay	Olasz	Trello
Clark	Hershey	Oliver	Truman
Cohen	Howlett	Perzel	Van Horne
Colafella	Itkin	Petrarca	Veon
Cole	Jarolin	Petrone	Wambach
Cordisco	Josephs	Pistella	Weston
Cowell	Kasunic	Pressmann	Wiggins
Coy	Kenney	Preston	Wogan
Deluca	Kosinski	Punt	Wozniak
DeWeese	Kukovich	Reber	Wright, D. R.
Daley	Laughlin	Rieger	Wright, J. L.
Davies	Lescovitz	Roebuck	Yandrisevits
Dawida	Letterman	Rudy	
Deal	Levdanský	Rybak	Irvis,
Dombrowski	Linton	Saloom	Speaker
Donatucci	Livengood		

NAYS—69

Argall	Coslett	Herman	Piccola
Arty	DeVerter	Honaman	Pitts
Barley	Dietz	Hutchinson	Pott
Birmelin	Dininni	Jackson	Raymond
Black	Distler	Johnson	Reinard
Book	Dorr	Kennedy	Robbins
Bowser	Durham	Langtry	Ryan
Boyes	Fargo	Lashingier	Saurman
Brandt	Flick	McClatchy	Scheetz
Bunt	Foster	Mackowski	Schuler
Burd	Freind	Manmiller	Sirianni
Bush	Gallen	Merry	Swift
Carlson	Gannon	Mochlmann	Taylor, E. Z.
Cessar	Geist	Mowery	Vroon
Chadwick	Gladeck	Noye	Wass
Cimini	Godshall	O'Brien	Wilson
Clymer	Hayes	Phillips	Wright, R. C.
Cornell			

NOT VOTING—1

Richardson

EXCUSED—3

Pievsky      Smith, L. E.      Taylor, F.

The question was determined in the affirmative, and the amendments were agreed to.

On the question,

Will the House agree to the bill on third consideration as amended?

Mr. ARGALL offered the following amendments No. A1806:

Amend Title, page 1, line 11, by inserting after "laws," "requiring notices to policyholders relating to the servicing of policies;

Amend Bill, page 2, by inserting between lines 3 and 4

Section 2. The act of May 17, 1921 (P.L.682, No.284), known as The Insurance Company Law of 1921, is amended by adding a section to read:

Section 357. Notices to Policyholders.—Whenever a life or health and accident company changes its name, is sold or merged or consolidated, relocates its home office or assigns its liabilities, it shall provide written notice to each policyholder with instructions as to where the policy will be serviced.

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

3

Amend Sec. 2, page 2, lines 4 and 5, by striking out "of May 17, 1921" in line 20 and all of line 21

Amend Sec. 3, page 2, line 7, by striking out "3" and inserting

4

Amend Sec. 4, page 15, line 27, by striking out "4" and inserting

5

Amend Sec. 5, page 17, line 9, by striking out "5" and inserting

6

Amend Sec. 6, page 17, line 10, by striking out "6" and inserting

7

Amend Sec. 7, page 17, line 16, by striking out "7" and inserting

8

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

9

Amend Sec. 9, page 17, line 26, by striking out "9" and inserting

10

Amend Sec. 10, page 23, line 10, by striking out "10" and inserting

11

Amend Sec. 11, page 23, line 11, by striking out "11" and inserting

12

Amend Sec. 12, page 23, line 19, by striking out "12" and inserting

13

Amend Sec. 13, page 23, line 20, by striking out "13" and inserting

14

Amend Sec. 14, page 24, line 14, by striking out "14" and inserting

15

Amend Sec. 15, page 33, line 16, by striking out "15" and inserting

16

Amend Sec. 16, page 33, line 20, by striking out "16" and inserting

17

Amend Sec. 17, page 34, line 8, by striking out "17" and inserting

18

Amend Sec. 18, page 34, line 19, by striking out "18" and inserting

19

Amend Sec. 18, page 34, line 19, by striking out "9" and inserting

10

Amend Sec. 19, page 34, line 22, by striking out "19" and inserting

20

Amend Sec. 19, page 34, line 22, by striking out "9" and inserting

10

Amend Sec. 20, page 34, line 23, by striking out "20" and inserting

21

Amend Sec. 20, page 34, line 23, by striking out "9" and inserting

10

Amend Sec. 20, page 34, line 25, by striking out "14" and inserting

15

On the question,

Will the House agree to the amendments?

The SPEAKER. On the amendment, the Chair recognizes the gentleman from Schuylkill, Mr. Argall.

Mr. ARGALL. Mr. Speaker, I will be very brief.

Some time ago a constituent wrote me a letter suggesting that we look at legislation to request that when a company changes its name or its place of address, that that company be required to notify its policyholders of this change so that if they have a complaint or a question, they know indeed where to make that inquiry.

Upon receiving this letter, I spoke with people on the Insurance Committee staff. They agreed that it was a good idea, and that is the reason why we have this in front of us today, Mr. Speaker.

I ask for its approval.

The SPEAKER. On the amendment, the Chair recognizes the gentleman from Allegheny, Mr. Dawida.

Mr. DAWIDA. Mr. Speaker, this is an excellent amendment. It deserves an affirmative vote.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—194

Acosta	Dawida	Kukovich	Reinard
Afflerbach	Deal	Langtry	Rieger
Angstadt	Dietz	Lashingier	Robbins
Argall	Dininni	Laughlin	Roebuck
Arty	Distler	Lescovitz	Rudy
Baldwin	Dombrowski	Letterman	Ryan
Barber	Donatucci	Levdansky	Rybak
Barley	Dorr	Linton	Saloom
Battisto	Duffy	Livengood	Saurman
Belardi	Durham	Lloyd	Scheetz
Belfanti	Evans	Lucyk	Schuler
Birmelin	Fargo	McCall	Semmel
Black	Fattah	McClatchy	Serafini
Blaum	Fee	McHale	Seventy
Book	Fischer	McVerry	Showers
Bortner	Flick	Mackowski	Siranni
Bowley	Foster	Maiale	Smith, B.
Bowser	Fox	Manderino	Snyder, D. W.
Boyes	Freeman	Manmiller	Snyder, G.
Brandt	Freind	Markosek	Staback
Broujos	Fryer	Mayernik	Stairs
Bunt	Gallagher	Merry	Steighner
Burd	Gallen	Michlovic	Stevens
Burns	Gamble	Micozzie	Stewart
Bush	Gannon	Miller	Stuban
Caltagirone	Geist	Moehlmann	Sweet
Cappabianca	George	Morris	Swift
Carlson	Gladeck	Mowery	Taylor, E. Z.
Carn	Godshall	Mrkonic	Taylor, J.
Cawley	Gruitza	Murphy	Tigue
Cessar	Gruppo	Nahill	Trello
Chadwick	Hagarty	Noye	Truman
Cimini	Haluska	O'Brien	Van Horne
Civera	Harper	O'Donnell	Veon
Clark	Hasay	Olasz	Vroon
Clymer	Hayes	Oliver	Wambach
Cohen	Herman	Perzel	Wass
Colafella	Hershey	Petrarca	Weston
Cole	Honaman	Petrone	Wiggins
Cordisco	Hutchinson	Phillips	Wilson
Cornell	Itkin	Piccola	Wogan
Coslett	Jackson	Pistella	Wozniak
Cowell	Jarolin	Pitts	Wright, D. R.
Coy	Johnson	Pott	Wright, J. L.
Deluca	Josephs	Pressmann	Wright, R. C.

DeVerter	Kasunic	Preston	Yandrisevits
DeWeese	Kennedy	Punt	
Daley	Kenney	Raymond	Irvis,
Davies	Kosinski	Reber	Speaker

NAYS—0

NOT VOTING—4

Greenwood	Howlett	Richardson	Telek
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EXCUSED—3

Pievsky	Smith, L. E.	Taylor, F.
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The question was determined in the affirmative, and the amendments were agreed to.

On the question recurring,

Will the House agree to the bill on third consideration as amended?

Mr. WAMBACH offered the following amendments No. A4358:

Amend Sec. 9, page 17, lines 26 through 30; pages 18 through 22, lines 1 through 30; page 23, lines 1 through 9, by striking out all of said lines on said pages

Amend Sec. 10, page 23, line 10, by striking out "10" and inserting

9

Amend Sec. 11, page 23, line 11, by striking out "11" and inserting

10

Amend Sec. 12, page 23, line 19, by striking out "12" and inserting

11

Amend Sec. 13, page 23, line 20, by striking out "13" and inserting

12

Amend Sec. 14, page 24, line 14, by striking out "14" and inserting

13

Amend Sec. 15, page 33, line 16, by striking out "15" and inserting

14

Amend Sec. 16, page 33, line 20, by striking out "16" and inserting

15

Amend Sec. 17, page 34, line 8, by striking out "17" and inserting

16

Amend Bill, page 34, lines 19 through 25, by striking out all of lines 19 through 24 and "(B)" in line 25 and inserting

Section 18. (a)

Amend Sec. 20, page 34, line 27, by striking out "(C)" and inserting

(b)

On the question,

Will the House agree to the amendments?

The SPEAKER. On the amendment, the Chair recognizes the gentleman from Dauphin, Mr. Wambach.

Mr. WAMBACH. Thank you, Mr. Speaker.

Mr. Speaker, this is just a technical amendment. Back on June 11 the Governor signed Act 64, which was put into SB's 934, 935, and 936. That language of the alcohol mandate was in there. This merely pulls that out, Mr. Speaker.

So it is just a technical amendment, and I ask for an affirmative vote.

The SPEAKER. The Chair recognizes the gentleman from Dauphin, Mr. Piccola, on the amendment.

Mr. PICCOLA. Mr. Speaker, I would agree to that amendment. It is what Mr. Wambach says it is. It is unnecessary that it be in the bill, and he removes that language.

The SPEAKER. The Chair thanks the gentleman.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—194

Acosta	Dietz	Langtry	Rieger
Afflerbach	Dininni	Lashingier	Robbins
Angstadt	Distler	Laughlin	Roebuck
Argall	Dombrowski	Lescovitz	Rudy
Arty	Donatucci	Letterman	Ryan
Baldwin	Dorr	Levdansky	Rybak
Barber	Duffy	Linton	Saloom
Barley	Durham	Livengood	Saurman
Battisto	Evans	Lloyd	Scheetz
Belardi	Fargo	Lucyk	Schuler
Belfanti	Fattah	McCall	Semmel
Birmelin	Fee	McClatchy	Serafini
Black	Fischer	McHale	Seventy
Blaum	Flick	McVerry	Showers
Book	Foster	Mackowski	Sirianni
Bortner	Fox	Maiale	Smith, B.
Bowley	Freeman	Manderino	Snyder, D. W.
Boyes	Freind	Manmiller	Snyder, G.
Brandt	Fryer	Markosek	Staback
Broujos	Gallagher	Mayernik	Stairs
Bunt	Gallen	Merry	Steighner
Burd	Gamble	Michlovic	Stevens
Burns	Gannon	Micozzie	Stewart
Bush	Geist	Miller	Stuban
Caltagirone	George	Moehlmann	Sweet
Cappabianca	Gladeck	Morris	Swift
Carlson	Godshall	Mowery	Taylor, E. Z.
Carn	Greenwood	Mrkonc	Taylor, J.
Cawley	Gruitza	Murphy	Telek
Cessar	Gruppo	Nahill	Tigue
Chadwick	Hagarty	Noye	Trello
Cimini	Haluska	O'Brien	Truman
Civera	Harper	O'Donnell	Van Horne
Clark	Hasay	Olasz	Veon
Clymer	Hayes	Oliver	Vroon
Cohen	Herman	Perzel	Wambach
Colafella	Hershey	Petrarca	Wass
Cole	Honaman	Petrone	Weston
Cordisco	Hutchinson	Phillips	Wiggins
Cornell	Itkin	Piccola	Wilson
Coslett	Jackson	Pistella	Wogan
Cowell	Jarolin	Pitts	Wozniak
Coy	Johnson	Pott	Wright, D. R.
Deluca	Josephs	Pressmann	Wright, J. L.
DeVertter	Kasunic	Preston	Wright, R. C.
DeWeese	Kennedy	Punt	Yandrisevits
Daley	Kenney	Raymond	
Davies	Kosinski	Reber	Iris,
Deal	Kukovich	Reinard	Speaker

NAYS—0

NOT VOTING—4

Bowser	Dawida	Howlett	Richardson
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EXCUSED—3

Pievsky	Smith, L. E.	Taylor, F.
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The question was determined in the affirmative, and the amendments were agreed to.

On the question recurring,

Will the House agree to the bill on third consideration as amended?

Mr. SAURMAN offered the following amendments No. A4339:

Amend Title, page 1, line 11, by inserting after "laws," " requiring health insurance policies to cover cancer treatment;

Amend Bill, page 2, by inserting between lines 3 and 4

Section 1.1. The act of May 17, 1921 (P.L.682, No.284), known as The Insurance Company Law of 1921, is amended by adding a section to read:

Section 631. Cancer Treatment.—(a) All group policies covered by subdivision (b) providing hospital or medical-surgical coverage and all group subscriber contracts or certificates issued by any entity subject to 40 Pa.C.S. Ch. 61 (relating to hospital plan corporations) or 63 (relating to professional health services plan corporations), the act of December 29, 1972 (P.L.1701, No.364), known as the "Health Maintenance Organization Act," or the act of July 29, 1977 (P.L.105, No.38), known as the "Fraternal Benefit Society Code," providing hospital or medical-surgical coverage, shall include within the coverage, reimbursement for cancer chemotherapy and cancer hormone treatments and services. The coverage shall specifically provide for reimbursement for cancer chemotherapy and cancer hormone therapy approved by the United States Food and Drug Administration for general use in the treatment of cancer and for the insured or any other person covered by the policy, contract or certificate, or health services reimbursement program to be entitled to reimbursement for cancer chemotherapy and cancer hormone treatments, whether performed in a physician's office, in an outpatient department of a hospital, as a hospital inpatient or in any other medically appropriate treatment setting. This subsection shall not apply to policies, contracts or certificates of group or individual health or sickness insurance which provide coverage or reimbursement only for accidents, coverage or reimbursement based solely on the number of days an insured is hospitalized or coverage or reimbursement only when the insured is hospitalized as an inpatient in a hospital.

(b) The benefits specified in subsection (a) may be provided through a combination of such policies, contracts or certificates. The benefits specified in subsection (a) may be provided through prospective payment plans.

(c) Reasonable deductible or copayment plans, or both, after approval by the Insurance Commissioner, may be applied to benefits paid to or on behalf of patients during the course of cancer chemotherapy and cancer hormone treatments but in no case shall be less favorable than those applied to similar classes or categories of treatment for physical illness generally in each policy.

(d) The Insurance Commissioner and the Secretary of Health shall jointly promulgate the rules and regulations as are deemed necessary for the effective implementation and operation of this section.

On the question,

Will the House agree to the amendments?

The SPEAKER. On the amendment, the Chair recognizes the gentleman from Montgomery, Mr. Saurman.

Mr. SAURMAN. Thank you, Mr. Speaker.

Mr. Speaker, the House did approve this amendment to SB 936 earlier. It provides for the payment of chemotherapy

treatment in the doctor's office where the insurance company already covers it in the hospital. It is not a new charge; it just allows that service for the humane reasons that were expressed before. Thank you.

The SPEAKER. On the amendment, the Chair recognizes the gentleman from Allegheny, Mr. Dawida.

Mr. DAWIDA. I think this is an excellent amendment also. It deserves a "yes" vote.

On the question recurring,  
Will the House agree to the amendments?

The following roll call was recorded:

YEAS—194

Acosta	Deal	Kukovich	Reinard
Afflerbach	Dietz	Langtry	Rieger
Angstadt	Dininni	Lashingner	Robbins
Argall	Distler	Laughlin	Roebuck
Arty	Dombrowski	Lescovitz	Rudy
Baldwin	Donatucci	Letterman	Ryan
Barber	Dorr	Levdansky	Rybak
Barley	Duffy	Linton	Saloom
Battisto	Durham	Livengood	Saurman
Belardi	Evans	Lloyd	Scheetz
Belfanti	Fargo	Lucyk	Schuler
Birmelin	Fattah	McCall	Semmel
Black	Fee	McClatchy	Serafini
Blaum	Fischer	McHale	Seventy
Book	Flick	McVerry	Showers
Bortner	Foster	Mackowski	Sirianni
Bowley	Fox	Maiale	Smith, B.
Bowser	Freeman	Manderino	Snyder, D. W.
Boyes	Freind	Manmiller	Snyder, G.
Brandt	Fryer	Markosek	Staback
Broujos	Gallagher	Mayernik	Stairs
Bunt	Gallen	Merry	Steighner
Burd	Gamble	Michlovic	Stevens
Burns	Gannon	Micozzie	Stewart
Bush	Geist	Miller	Stuban
Caltagirone	George	Moehlmann	Sweet
Cappabianca	Gladeck	Morris	Swift
Carlson	Godshall	Mowery	Taylor, E. Z.
Carn	Greenwood	Mrkonic	Taylor, J.
Cawley	Gruitza	Murphy	Telek
Cessar	Gruppo	Nahill	Tigue
Chadwick	Hagarty	Noye	Trello
Cimini	Haluska	O'Brien	Truman
Civera	Harper	O'Donnell	Van Horne
Clark	Hasay	Olasz	Veon
Clymer	Hayes	Oliver	Wambach
Cohen	Herman	Perzel	Wass
Colafella	Hershey	Petrarca	Weston
Cole	Honaman	Petrone	Wiggins
Cordischo	Hutchinson	Phillips	Wilson
Cornell	Itkin	Piccola	Wogan
Coslett	Jackson	Pistella	Wozniak
Cowell	Jarolin	Pitts	Wright, D. R.
Coy	Johnson	Pott	Wright, J. L.
Deluca	Josephs	Pressmann	Wright, R. C.
DeWeese	Kasunic	Preston	Yandrisevits
Daley	Kennedy	Punt	
Davies	Kenney	Raymond	Irvis,
Dawida	Kosinski	Reber	Speaker

NAYS—1

DeVerter

NOT VOTING—3

Howlett Richardson Vroon

EXCUSED—3

Pievsky Smith, L. E. Taylor, F.

The question was determined in the affirmative, and the amendments were agreed to.

On the question recurring,

Will the House agree to the bill on third consideration as amended?

Mr. PICCOLA offered the following amendments No. A4420:

Amend Title, page 1, lines 1 through 20, by striking out all of said lines and inserting

Amending the act of May 17, 1921 (P.L.682, No.284), entitled "An act relating to insurance; amending, revising, and consolidating the law providing for the incorporation of insurance companies, and the regulation, supervision, and protection of home and foreign insurance companies, Lloyds associations, reciprocal and inter-insurance exchanges, and fire insurance rating bureaus, and the regulation and supervision of insurance carried by such companies, associations, and exchanges, including insurance carried by the State Workmen's Insurance Fund; providing penalties; and repealing existing laws," further providing for investments; authorizing stock insurers to establish more than one class or series of shares and to permit different voting rights according to the class of shares; extending provisions relating to the granting of allowances or pensions to include directors; creating the Pennsylvania Liability Underwriting Services Plan; providing for reporting of loss and expense experience; and requiring the filing of annual financial statements.

Amend Bill, page 1, lines 23 through 25; pages 2 through 33, lines 1 through 30; page 34, lines 1 through 27, by striking out all of said lines on said pages and inserting

Section 1. It is the general purpose of this act to provide insurance companies with greater investment flexibility while maintaining reasonable investment standards, and to promote economic development in this Commonwealth by encouraging insurance companies to invest in new and small businesses in Pennsylvania.

Section 2. The act of May 17, 1921 (P.L.682, No.284), known as The Insurance Company Law of 1921, is amended by adding a section to read:

Section 301.2. Classes of Shares.—Every stock insurance company shall have power to create and issue one or more classes of shares or one or more series of shares within any class thereof, any or all of which classes or series may have full, limited, multiple or fractional, or no voting rights, and such designations, preferences, qualifications, privileges, limitations, options, conversion rights and other special rights as shall be stated in the articles or in the resolution or resolutions providing for the issue of such shares adopted by the board of directors pursuant to authority expressly vested in it by the articles. Except as otherwise provided by the articles, each share shall be, in all respects, equal to every other share. Different series of the same class of shares shall not be construed to constitute different classes of shares for the purpose of voting by classes under this act. Unless the articles or by-laws otherwise provide, the board of directors shall have the power, by resolution duly adopted, to issue from time to time, in whole or in part, the classes or series of shares authorized in the articles. The power to increase or decrease or otherwise adjust the stated capital of a stock insurance company, as in this act elsewhere provided, shall apply to all or any such classes of shares authorized by this section.

Section 3. Section 309 of the act is amended to read:



Section 309. Voting by Stockholders and Members; Proxies; Record of Votes.—In the choice of directors or trustees, and at all meetings of the company, each share of stock having voting rights in a stock company, and each member in a mutual company, shall be entitled to [one] vote: Provided, however, That, in the case of mutual companies, other than mutual life companies, each member shall be entitled to one vote or to a number of votes based upon the insurance in force, the number of policies held, or the amount of premiums paid; and in the case of mutual life companies, each member shall be entitled to one vote. Proxies may be authorized by written power of attorney. The record of the votes made by the secretary, which shall show whether the same were cast in person or by proxy, shall be evidence of all such elections.

Section 4. Section 316 of the act, amended May 21, 1943 (P.L.356, No.166), is amended to read:

Section 316. Pensions.—Any stock or mutual insurance company may, out of the earnings of said company, grant allowances or pensions to officers, directors and employes, for faithful and long continued service, who have in such service [become old, infirm, or] reached retirement age or become disabled. [The provisions of this section shall not apply to any director who is not an officer or employe of said company.]

Section 5. The act is amended by adding a section to read:

Section 320.1. Filing of Annual Statements.—(a) Every stock and mutual insurance company, association and exchange doing business in this Commonwealth shall annually on or before the first day of March, file with the National Association of Insurance Commissioners (NAIC) a copy of its annual statement blank, along with such additional filings as prescribed by the Insurance Commissioner for the preceding year. The information filed with the NAIC shall be in the same format and scope as that required by the Insurance Commissioner and shall include the signed jurat page and the actuarial certification. Any amendments and addendums to the annual statement filing subsequently filed with the Insurance Commissioner shall also be filed with the NAIC.

(b) Every stock and mutual insurance company, association or exchange of another state which has a law substantially similar to subsection (a) of this section shall be deemed in compliance with this section.

(c) In the absence of actual malice, members of the NAIC, their duly authorized committees, subcommittees, and tasks forces, their delegates, NAIC employes, and all others charged with the responsibility of collecting, reviewing, analyzing and disseminating the information developed from the filing of the annual statement blanks shall be acting as agents of the Insurance Commissioner under the authority of this act and shall not be subject to civil liability for libel, slander or any other cause of action by virtue of their collection, review and analysis or dissemination of the data and information collected from the filings required hereunder.

(d) All financial analysis ratios and examination synopses concerning insurance companies that are submitted to the Insurance Department by the National Association of Insurance Commissioners' Regulatory Insurance System are confidential and may not be disclosed by the Insurance Department.

(e) The Insurance Commissioner may suspend, revoke or refuse to renew the Certificate of Authority of any insurer failing to file its annual statement with the NAIC when due or within any extension of time which the Insurance Commissioner, for good cause, may have granted.

Section 6. Sections 517 and 518 of the act are repealed.

Section 7. The act is amended by adding sections to read:

Section 518.1. Investment Regulations.—(a) Any domestic company may invest its funds as provided in this act and not otherwise. Notwithstanding the provisions of this act, the Insurance Commissioner may, after notice and hearing, order a

company to limit or withdraw from certain investments, or discontinue certain investment practices, to the extent that the Insurance Commissioner finds that such investments or investment practices endanger the solvency of the company.

(b) No investment or loan or investment practice shall be made or engaged in by any domestic company unless the same has been authorized or ratified by the board of directors or by a committee thereof charged with the duty of supervising investments and loans. No such company shall subscribe to or participate in any underwriting of the purchase or sale of securities or property or enter into any agreement to withhold from sale any of its property, but the disposition of its property shall be at all times within the control of the board of directors. Any agreement or contract providing for the lawful disposition of property wherein such disposition may be determined at the option of a third person at some specified future price or condition or specified time or upon demand shall be construed to be within the control of the board of directors. Nothing contained in this section shall prevent the board of directors of any such company from depositing any of its securities with a committee appointed for the purpose of protecting the interest of security holders or with authorities of any state or country where it is necessary to do so in order to secure permission to transact its appropriate business therein; and nothing contained in this section shall prevent the board of directors of such company from depositing securities as collateral for the securing of any bond required for the business of the company.

Section 518.2. Eligible Investments.—(a) Every domestic stock fire, stock marine or stock fire and marine insurance company shall invest and keep invested all its funds in sound investments enumerated below, except such cash as may be required in the transaction of its business. Such investments shall include:

(1) Bonds, notes or obligations issued, assumed, guaranteed or insured by the United States, or by any state, territory or possession thereof, the District of Columbia or by any county, city, town, village, municipality or district therein or by any political subdivision or public instrumentality of one or more of the foregoing, or by any foreign country or political subdivision thereof.

(2) Bonds, notes, obligations or stock, issued, assumed, guaranteed or insured by the following agencies of the United States or in which such government is a participant, whether or not such obligations are guaranteed by such government:

(i) Farm Loan Bank.

(ii) Commodity Credit Corporation.

(iii) Federal intermediate credit banks.

(iv) Federal land banks.

(v) Central bank for cooperatives.

(vi) Federal home loan banks and stock thereof.

(vii) Federal National Mortgage Association and stock thereof.

(viii) International Bank for Reconstruction and Developments.

(ix) Inter-American Development Bank.

(x) Asian Development Bank.

(xi) African Development Bank.

(xii) Any other similar agency of, or in which there is participation by, the government of the United States, and the instruments are of similar financial quality.

(3) Bonds, notes, obligations or other investments of or in any business unit in or of any foreign country which are of the same kinds, classes and grades as those eligible for investment under this subsection. The cost of investments under this clause shall not exceed thirty percentum (30%) of such company's admitted assets.

(4) Business obligations and equity interests:

(i) Stock, warrants, rights or other security, bonds, notes or obligations issued, assumed, guaranteed, insured or accepted by

any solvent corporation, joint stock association, business trust, business partnership, business joint venture or other business entity or combination thereof incorporated or existing under the laws of the United States or of any state, district or territory thereof, and any interest in any of the foregoing: Provided, That except with the prior written approval of the Insurance Commissioner, the aggregate cost of investments in general partnerships held under this clause shall not exceed ten percentum (10%) of the company's admitted assets: Provided, That no domestic company shall invest in any general partnership but may become a limited partner in a partnership in any investment on the following conditions:

(A) the partnership must be organized under the Limited Partnership Act of the state of the partnership formation; and

(B) a company may not invest under this clause (4) more than fifty percentum (50%) of the excess of its capital and surplus over the minimum requirements of a new stock or mutual company to qualify for a certificate of authority to write the kind of insurance which the company is authorized to write;

(C) a company may not invest more than ten percentum (10%) of its capital and surplus in any one such partnership; and

(D) investments made by a company under this clause (4) shall be aggregated with common stock investments in determining compliance with the overall common stock percentage limitation: Provided, however, That the aggregate cost of investment in limited partnerships shall not exceed ten percentum (10%) of the company's admitted assets.

(ii) Interest-bearing deposits, or certificates of deposit in banks, bank and trust companies, savings banks, savings associations, savings and loan associations or national banking associations, incorporated or existing under the laws of the United States or any state, district or territory thereof, including branches of any of the foregoing, or foreign banking institutions or branches thereof located in the United States or any state, district or territory thereof: Provided, That investments under this clause in interest-bearing deposits and certificates of deposit issued by institutions incorporated under foreign law, exclusive of such deposits and certificates issued by branches of such institutions located in the United States or any state, district or territory thereof, shall be limited to twenty percentum (20%) of such company's assets, such investments qualifying in addition to those authorized by clause (3).

(iii) Obligations which are not issued, assumed, guaranteed or accepted by any person described under subclause (i), but are adequately secured by an assignment of a right to receive rent, purchase or other payment or revenues, for the use or purchase of real or personal property sufficient to repay the investment, and payable or guaranteed by any one or more persons or entities whose bonds, notes or obligations would qualify for investment under this clause (4) or a mortgage, interest in a mortgage pool or mortgage participation or lien or security interest in real or personal property or any interest therein.

(5) Obligations or participations therein, secured by liens on real property or interests therein: Provided, That the value of such real property or interest therein, together with such other security as shall secure any such obligation, shall be adequate to secure the investment as well as any lien senior to the lien created by the investment in such real estate. No investment in a single transaction shall exceed an amount equal to five percentum (5%) of such company's admitted assets.

(6) Such real estate or interests therein as it is authorized by this act to hold.

(7) Tangible personal property or fixtures or interest therein, however evidenced, as an investment for the production of income.

(8) The investment practice of financial futures contracts issued under terms and conditions regulated by a Federal regulatory agency is authorized on the following conditions:

(i) A company shall not enter into financial futures contracts except as a hedging transaction as that term is defined in a rule or regulation promulgated pursuant to this act.

(ii) A company shall not have initial or maintenance margin outstanding under this clause (8) of more than ten percentum (10%) of the excess of its capital and surplus over the minimum requirements of a new stock or mutual company to qualify for a certificate of authority to write the kind of insurance which the company is authorized to write.

(iii) The Insurance Commissioner may promulgate reasonable rules and regulations for transactions under this clause (8), to include, but not be limited to, rules and regulations which impose financial solvency standards, valuation standards and reporting requirements.

(9) The investment practice of put options and call options issued under terms and conditions regulated by, or substantially similar to those terms and conditions required by, a national securities exchange registered under the Securities Exchange Act of 1934 (48 Stat. 881, 15 U.S.C. § 78a et seq.), as amended, or any board of trade designated as a contract market by the Commodity Futures Trading Commission (CFTC) under the Commodity Exchange Act (49 Stat. 1491), as amended, is authorized on the following conditions:

(i) a company shall not sell a call option on either (A) securities it does not own, or (B) in an amount greater than securities which it presently owns: Provided, however, That in the case of financial futures contracts and stock or bond index contracts where it is not feasible to own the underlying security, a company may sell a call option only in connection with a hedging transaction;

(ii) a company shall not sell a put option unless its obligations under such put option are fully secured by a deposit by the company with a bank or other custodian of cash or cash equivalents;

(iii) a company shall not purchase as opening transactions under this clause (9) more than ten percentum (10%) of the excess of its capital and surplus over the minimum requirements of a new stock or mutual company to qualify for a certificate of authority to write the kind of insurance which the company is authorized to write; and

(iv) the Insurance Commissioner may promulgate reasonable rules and regulations for transactions under this clause (9), to include, but not be limited to, rules and regulations which impose financial solvency standards, valuation standards and reporting requirements.

(10) Options or futures contracts traded in markets regulated under the laws of the United States or by an agency thereof and other contracts or instruments for the purpose of reducing the insurer's economic risk in connection with potential changes in the value of specifically identified assets which the insurer owns or could reasonably expect to acquire or specifically identified liabilities which the insurer has or reasonably expects to incur. Except with the prior written approval of the Insurance Commissioner, the aggregate cost of investments held under this clause (10) shall not exceed five percentum (5%) of the company's admitted assets.

(11) Lending of securities, repurchase agreements and reverse repurchase agreements.

(i) Definitions:

(A) "Lending of securities" means an investment other than a repurchase agreement, whereby an agreement is entered into which transfers ownership rights and possession of securities to the borrower of such securities with the agreement providing for a return of ownership rights and possession of the securities to the lender at a specified date or upon demand.

(B) "Repurchase agreement" means a bilateral agreement whereby a company purchases securities with a related agreement that the seller will purchase or repurchase at a specified price the

equivalent or similar securities within a specified period of time or on demand.

(C) "Reverse repurchase agreement" means a bilateral agreement whereby a company (I) sells securities with a related agreement to purchase or repurchase at a specified price the equivalent or similar securities within a specified period of time or upon demand, or (II) borrows funds and transfers securities to the lender with a related agreement that equivalent or similar securities will be returned to the company upon repayment of the loan within a specified period of time or on demand.

(ii) Lending of securities, repurchase agreements and reverse repurchase agreements transactions are authorized on the following conditions:

(A) The agreement for each transaction or the master agreement for a series of transactions shall be reduced to writing.

(B) Securities acquired by a company owned subject to reacquisition pursuant to an outstanding repurchase agreement may not be sold pursuant to a reverse repurchase agreement nor lent pursuant to a lending of securities agreement. Consideration, or collateral, received from a reverse repurchase agreement or lending of securities agreement may be used to acquire securities which are equivalent or similar to the securities transferred pursuant to such repurchase agreement or lending of securities agreement; however, such acquired securities may not be sold pursuant to a reverse repurchase agreement nor lent pursuant to a lending of securities agreement.

(C) A company is limited to no more than two percentum (2%) of its admitted assets being subject to lending of securities, repurchase agreements or reverse repurchase agreements transactions outstanding with any one business entity under this section.

(D) A company may engage in lending its securities or repurchase or reverse repurchase agreements up to forty percentum (40%) of its admitted assets: Provided, however, That such transactions are fully collateralized.

(E) The Insurance Commissioner may promulgate reasonable rules and regulations for investments and transactions under this section, to include, but not be limited to, rules and regulations which impose financial solvency standards, valuation standards and reporting requirements.

(12) Other loans and investments:

(i) Loans or investments not authorized by any of the clauses of this section, to an amount not exceeding the aggregate of twenty percentum (20%) of such company's admitted assets. The twenty percentum (20%) limitation provided above shall be increased in the same amount that investments approved by the Insurance Commissioner are made in the following categories of investments provided that their principal operations or locations are located in this Commonwealth:

(A) Investments in venture capital limited partnerships or in new and young small businesses which are making an initial public offering of securities or utilizing a limited private placement.

(B) Investments in minority-owned and operated businesses as domiciles in Pennsylvania, as provided in the act of July 22, 1974 (P.L. 598, No. 206), known as the "Pennsylvania Minority Business Development Authority Act."

(C) Investments in businesses located in enterprise zones designated by the Department of Community Affairs.

(D) Investments in housing for families and persons of low income, or in housing in enterprise zones designated by the Department of Community Affairs.

(E) Investments in seed capital funds established pursuant to the provisions of the act of July 2, 1984 (P.L. 555, No. 111), known as the "Small Business Incubators Act."

(F) Investments in business development credit corporations established pursuant to the act of December 1, 1959 (P.L. 1647, No. 606), known as the "Business Development Credit Corporation Law."

(G) Investments in small business investment corporations and minority enterprise small business investment companies certified pursuant to applicable Federal laws.

However, in no event may the percentage limitation under this clause (12) exceed the aggregate of twenty-five percentum (25%).

(H) Investments in and direct management of or participation in private placement accounts, including investments by private and public employe pension funds, and investments in and direct management of or participation in long and intermediate loans to small and large corporations within Pennsylvania for purposes such as plant construction, equipment purchases and working capital.

(I) Investments in, and financial assistance to, Pennsylvania-based employe-owned enterprises, as defined and described by the Internal Revenue Code of 1954 (68A Stat. 3, 26 U.S.C. § 1 et seq.), including worker cooperatives, employe stock ownership plans and businesses in which a majority of the voting rights are held or controlled by employes or held in trust for and passed through to employes.

(J) Investments in, and financial assistance to, Pennsylvania-based employe-ownership groups, including corporations, labor unions or other entities formed by or on behalf of the current or former employes of an industrial or commercial firm or facility for the purpose of assuming ownership or control of the firm or facility and operating it as an employe-owned enterprise.

(K) Investments in construction loans to builders and developers of low-income to moderate-income housing in Pennsylvania involved in the new construction or rehabilitation of single-family or multi-family housing in census tracts or neighborhoods, in both urban and rural communities, designated by State or Federal law as economically deprived or financially underserved, and mortgage loans and other credit to individuals seeking to purchase this type of housing.

(ii) For each one-half percentum (.5%) of such company's admitted assets invested in categories (A) through (G) of subclause (i) of this clause (12) whose principal operations or locations are located in this Commonwealth, investments under other clauses of this section may exceed the volume limitations set forth in such other clauses by an aggregate of two and one-half percentum (2.5%) of the company's admitted assets, but in no event may such excess investments exceed a maximum of five percentum (5%) of admitted assets; however, such excess investments shall be charged against the limitation established in subclause (i) of this clause (12).

(b) No such company shall lend any of its funds on personal security except a loan for defraying, in whole or part, the expenses of an employe transferred or about to be transferred to a new place of employment with such company.

(c) Any such company may, with the approval of its board of directors, acquire, retain, cancel or dispose of shares of its own capital stock, provided that:

(1) No such company shall acquire such stock without the prior approval of the Insurance Commissioner.

(2) No such company shall effect a reduction in its capital stock without complying with the applicable provisions of law.

(3) No such company shall directly or indirectly vote shares of its own stock held by it.

Section 518.3. Valuation of Investments.—

(a) Investments shall be valued in accordance with the published valuation standards of the National Association of Insurance Commissioners. Securities investments as to which the National Association of Insurance Commissioners has not published valuation standards in its valuation of securities manual or its successor publication shall be valued as follows:

(1) Any investment by any insurer that is not valued by Standards published by the National Association of Insurance Commissioners shall, at the time of acquisition, be submitted to the

National Association of Insurance Commissioners for evaluation.

(2) Other securities investments shall be valued in accordance with regulations promulgated by the Insurance Commissioner pursuant to subsection (d) of this section.

(b) Other investments, including real property, shall be valued in accordance with regulations promulgated by the Insurance Commissioner pursuant to subsection (d) of this section, but in no event shall such other investments be valued at more than their purchase price. Purchase price for real property includes capitalized permanent improvements, less depreciation spread evenly over the life of the property or, at the option of the company, less depreciation computed on any basis permitted under the Internal Revenue Code of 1954 (68A Stat. 3, 26 U.S.C. § 1 et seq.), and regulations thereunder. Such investments that have been affected by permanent declines in value shall be valued at not more than their market value.

(c) Any investment, including real property, not purchased by a company but acquired in satisfaction of a debt or otherwise shall be valued in accordance with the applicable procedures for that type of investment contained in this section. For purposes of applying the valuation procedures, the purchase price shall be deemed to be the market value at the time the investment is acquired or in the case of any investment acquired in satisfaction of debt, the amount of the debt, including interest, taxes and expenses, whichever amount is less.

(d) The Insurance Commissioner may promulgate rules and regulations for determining and calculating values to be used in financial statements submitted to the department for investments not subject to published National Association of Insurance Commissioners' valuation standards.

(e) The eligibility of an investment shall be determined as of the date of its making or acquisition or the date of commitment in the case of commitment to invest.

(f) If any investment is made in a manner not authorized by this act, the officers, directors and trustees making or authorizing such investment shall be personally liable for any loss occasioned thereby.

(g) Nothing in this act shall prohibit the acquisition by an insurer of other or additional securities or property if received as a dividend or as a lawful distribution of assets, or upon a debt or judgment, or under a lawful and bona fide agreement of bulk reinsurance, merger or consolidation, or if acquired by it through the exercise of warrants, options or similar rights to acquire securities received by it in accordance with this act. Nothing in this act shall prevent any insurer from entering into an agreement for the purpose of protecting the interests of the insurer in securities lawfully held by it, or for the purpose of reorganization of a corporation which issued securities so held, and from depositing such securities with a committee or depositaries appointed under such agreement, nor from accepting stock, bonds or other securities or other property which may be distributed pursuant to any such agreement, or to any plan of reorganization or arrangement; and no provision of this act shall prevent any insurer from acquiring or holding any property acquired in satisfaction of any debt previously contracted, or that shall be obtained by sale or foreclosure of any security held by it. Any security or property so acquired which is not otherwise an eligible investment under this act shall be disposed of within five (5) years from date of acquisition, unless within such period the security or property has attained to the standard of eligibility, except that any security or personal property acquired under any agreement of bulk reinsurance, merger or consolidation may be retained for a longer period if so provided in the plan for such reinsurance, merger or consolidation. The commissioner may grant from time to time reasonable extensions of the period within which an insurer shall dispose of any such property or security.

Section 8. Section 518A of the act, added June 23, 1931 (P.L.904, No.301), is amended to read:

Section [518A] 518.4. Estimation of Surplus for the Purpose of Making Dividends.—In estimating the surplus of a stock fire, stock marine, and stock fire and marine insurance company, for the purpose of making any dividend upon its capital stock, there shall be reserved from its admitted assets a sum equal to the unearned premiums on unexpired risks and policies and all outstanding liabilities. But no company may declare dividends to the stockholders exceeding ten per centum on its capital stock in any one year unless, in addition to the amount of its capital stock, such dividend, all outstanding liabilities, and the amount of all unearned premiums on unexpired risks and policies as aforesaid, it shall have and be in possession of a surplus to an amount equaling thirty per centum of its unearned premiums, or fifty per centum of its capital stock, whichever shall be greater.

Any dividend declared and paid contrary to the provisions of this section shall make the directors of the company voting in favor of such dividend jointly and severally liable, to the creditors of the company, to the extent of the dividend so declared and paid, and each stockholder receiving any such dividend shall be liable to the creditors of the company to the extent of the dividend received, in addition to other penalties and punishments prescribed by law.

Section 9. Section 519 of the act, amended June 2, 1965 (P.L.77, No.54), is amended to read:

Section 519. Real Estate Which May Be [Purchased] Acquired, Held, and Conveyed.—[No] A domestic stock fire, stock marine, or stock fire and marine insurance company [shall] may, directly or indirectly, alone or in combination with one or more other persons or entities (except that no domestic stock fire, stock marine or stock fire and marine insurance company may participate in a general partnership), acquire by purchase, lease or otherwise, or receive, hold, or convey real estate, [except for the purpose and in the manner herein set forth, to wit] or any interest therein:

(a) [Such as shall be requisite] Required for its convenient accommodation in the transaction of its business, including residential real estate purchased from employes transferred or about to be transferred to new places of employment with such company.

(b) [Such as shall have been conveyed] Conveyed to it in satisfaction of debts previously contracted in the course of its dealing.

(c) [Such as shall have been purchased] Purchased at sales upon judgments, decrees, or mortgages, obtained or made for debts due the company, or for debts due other persons where said company may have liens or encumbrances on the same, and the purchase is deemed necessary to save the company from loss. [It shall not be lawful for any such company to purchase or hold real estate in any other case or for any other purpose. Any real estate purchased, received, or acquired under clauses (b) and (c) of this section, which has been held for a period of more than five years from the date of its purchase, receipt, or acquisition, shall be sold and disposed of within a period of six months after due notice to the company from the Insurance Commissioner to sell and convey the same. The commissioner may extend the time for such disposition if he believes the interest of the company will suffer materially by a forced sale.]

(d) Reasonably necessary for the purpose of maintaining or enhancing the sale value of real property previously acquired or held by it under subsection (a), (b), (c) or (e).

(e) As an investment for the production of income or capital appreciation, or so acquired for development, improvement, maintenance or construction and maintenance for such investment purposes.

Section 10. Section 602 of the act is repealed.

Section 11. The act is amended by adding a section to read:

Section 602.1. Eligible Investments.—Every domestic stock casualty insurance company shall invest and keep invested all its funds in accordance with the laws of this Commonwealth relating to the investment of funds of domestic stock fire, stock marine or stock fire and marine insurance companies.

Section 12. Sections 603 and 604 of the act are repealed.

Section 13. The act is amended by adding a section to read:

Section 604.1. Real Estate Which May Be Acquired, Held and Conveyed.—No domestic stock casualty insurance company shall acquire by purchase, lease or otherwise, or receive, hold or convey real estate, or any interest therein except in accordance with the laws of this Commonwealth relating to real estate that may be acquired by purchase, lease or otherwise, or received, held, or conveyed by stock fire, or stock marine, or stock fire and marine insurance companies.

Section 14. Section 802 of the act is repealed.

Section 15. The act is amended by adding a section to read:

Section 802.1. Investment of Assets.—Every domestic mutual insurance company, other than a mutual life insurance company, shall invest and keep invested all its funds in accordance with the laws of this Commonwealth relating to the investment of funds of domestic stock fire, stock marine or stock fire and marine insurance companies.

Section 16. Section 803 of the act is repealed.

Section 17. The act is amended by adding sections to read:

Section 803.1. Real Estate Which May Be Acquired, Held and Conveyed.—A domestic mutual insurance company, other than a mutual life insurance company, may acquire by purchase, lease or otherwise, or receive, hold or convey real estate, or any interest therein in accordance with the laws of this Commonwealth relating to real estate that may be acquired by purchase, lease or otherwise, or received, held or conveyed by stock fire, or stock marine, or stock fire and marine insurance companies.

Section 1008.1. Eligible Investments.—Every reciprocal and inter-insurance exchange shall invest and keep invested all its funds in accordance with the laws of this Commonwealth relating to the investment of funds of domestic stock fire, stock marine or stock fire and marine insurance companies.

Section 1008.2. Real Estate Which May Be Acquired, Held and Conveyed.—No reciprocal and inter-insurance exchange shall acquire by purchase, lease or otherwise, or receive, hold or convey real estate, or any interest therein except in accordance with the laws of this Commonwealth relating to real estate that may be acquired by purchase, lease or otherwise, or received, held or conveyed by stock fire, or stock marine, or stock fire and marine insurance companies.

Section 18. The act is amended by adding articles to read:

#### ARTICLE X-A.

#### PENNSYLVANIA LIABILITY UNDERWRITING SERVICES PLAN.

Section 1001-A. Definitions.—The following words and phrases when used in this article shall have the meanings given to them in this section unless the context clearly indicates otherwise:

- (1) "Board," means the board of directors of the plan.
- (2) "Commercial liability insurance," means insurance coverage against the legal liability of the insured against loss, damage or expense incident to a claim arising out of the death or injury of any person or property damage as the result of or incident to the lawful conduct of a business enterprise or public purpose.
- (3) "Commissioner," means the Insurance Commissioner of the Commonwealth.
- (4) "Department," means the Insurance Department of the Commonwealth.
- (5) "Plan," means the Pennsylvania Liability Underwriting Services Plan.

Section 1002-A. Creation of Plan.—The commissioner shall be authorized to establish from, time to time, as may be necessary

the Pennsylvania Liability Underwriting Services Plan as a legal entity to operate during periods of time designated by the commissioner with all the rights which are reasonable and necessary to fulfill its purpose, including, but not limited to, the following:

- (1) To own property.
- (2) To enter into contracts.
- (3) To sue and be sued, provided that no judgment against the plan shall create any liability in the individual members.

Section 1003-A. Purpose.—The purpose of the plan is to assist in the placement of commercial liability insurance for eligible Pennsylvania commercial risks and public entities that have tried and failed to find such coverage.

Section 1004-A. Membership.—Every commercial liability insurer admitted to do business in this Commonwealth shall, as a condition of its authority to write such kinds of insurance within this Commonwealth, be a member of the plan and have the rights and obligations as hereinafter described. The commissioner may require eligible surplus lines insurers or their agents to participate in the plan.

Section 1005-A. Participation.—Each member of the plan shall participate in funding the administrative costs of the plan, to the extent that application fees do not defray those costs, and in the review of applications for insurance. Each member's share of participation obligations shall be equitable and set forth in the plan of operation. However, members of the plan shall not be required to review applications of eligible commercial risks or public entities where the member has not underwritten such coverage for two consecutive years preceding the effective date of this section.

Section 1006-A. Board of Directors.—The plan shall be governed by nine directors and the Insurance Commissioner, who shall serve as a non-voting ex officio chairman. The nine directors shall be appointed to the board as voting members by the commissioner, each to serve a term of two years. Five members shall be representatives of insurance companies, two members shall be licensed insurance agents or brokers and two members shall be consumers of commercial insurance. Members shall serve as representatives of their employers, who may have the right to substitute individuals with the prior approval of the commissioner.

Section 1007-A. Voting Rights.—Whenever so designated by the board pursuant to its plan of operation, each commercial liability insurer shall be allotted votes in proportion to its share of the Statewide total written premium during the prior year relating to general liability coverage, plus the liability portion, as determined by the commissioner, of commercial multi-peril coverage.

Section 1008-A. Organization.—(a) Within sixty days following the issuance of an order by the commissioner to establish a plan the board shall submit to the commissioner, for his review, a proposed plan of operation of the plan, consistent with the provisions of this act, which shall provide for the formation of the plan and the economical and efficient administration of the plan, including, but not limited to, management of the plan, preliminary assessment of all members for initial expenses necessary to commence operations, establishment of necessary facilities within this Commonwealth, assessment of members to defray continuing expenses, reasonable underwriting standards and limits of liability, eligibility requirements, procedures for securing timely referrals and quotes on insurance applications and governance of the plan.

(b) The plan of operation shall be subject to approval by the commissioner and shall take effect ten days after having been approved by him. If the commissioner disapproves the proposed plan of operation, the plan shall, within fifteen days, submit for review an appropriately revised plan of operation, and, if the plan fails to do so or if the revised plan so filed is unacceptable, the commissioner shall promulgate a plan of operation.

(c) The plan may, by its own initiative, subject to prior approval by the commissioner, amend the plan of operation.

Section 1009-A. Application Fees.—Subject to approval by the commissioner, the plan shall require applications to be accompanied by reasonable application fees, which may vary for different classes of applicants. Initially, application fees should not exceed one hundred dollars (\$100) nor be less than ten dollars (\$10) for any class of insured and shall be reviewed annually by the commissioner. The application fee is nonrefundable if the applicant is determined to be eligible for coverage, regardless of whether coverage is found for the applicant through the plan.

Section 1010-A. Eligibility.—All applications for commercial liability coverage may be eligible for consideration by the plan if they are accompanied by the application fee appropriate to that class of risk, three refusals of coverage from admitted Pennsylvania commercial lines writers and evidence that one surplus lines agent could not obtain the required coverage from eligible surplus lines insurers, and a completed questionnaire as shall be supplied to the applicant by the plan and approved by the commissioner, except for applications relating to:

- (1) Insurance on motor vehicles.
- (2) Insurance for pollution or environmental impairment.
- (3) Insurance for workers' compensation and employers' liability.
- (4) Insurance for medical malpractice professional liability.
- (5) Insurance on activities conducted substantially outside this Commonwealth unless the insurance is required by State or Federal statute.
- (6) Other risks as may be excluded by the plan and approved by the commissioner.

Section 1011-A. Immunity.—There shall be no liability or cause of action against any member of the plan or its agents or employes, the plan or its agents or employes, members of the board of directors, or the department or its representatives for any action taken by or statement made by them in the performance of their powers and duties under this article.

Section 1012-A. Funds.—All fees, assessments and other moneys received by the plan shall be deposited into a restricted revenue account within the General Fund and are hereby appropriated to the board for the purposes set forth in this article.

#### ARTICLE X-B.

##### FINANCIAL DISCLOSURE.

Section 1001-B. Reporting of Loss and Expense Experience.—Insurers licensed to write property or casualty insurance in this Commonwealth are required to record and report annually to the Insurance Commissioner loss and expense experience data necessary to review insurance rates. The commissioner may designate one or more rate service organizations to gather and compile such data. The commissioner shall prescribe the form and method by which all data shall be furnished to the Insurance Department or its designee.

Section 1002-B. Insurers with Duty to Report.—(a) Insurers reporting annually to the commissioner shall be those identified in the latest Annual Report of the Insurance Commissioner, as provided by section 219 of the act of May 17, 1921 (P.L.789, No.285), known as "The Insurance Department Act of one thousand nine hundred and twenty-one," and having underwritten at least one per centum (1%) of the total Pennsylvania premium volume for the following lines of insurance:

- (1) Private passenger auto liability, including first party coverage.
- (2) Commercial auto liability, including first party coverage.
- (3) Medical malpractice liability.
- (4) Workmen's compensation.
- (5) Other liability.

(b) Information reported by insurers shall consist of voluntary business, written on a direct basis, for all classes combined, and based on total limits information for each line of insurance set forth in subsection (a).

Section 1003-B. Data Comparisons.—(a) The following data shall be reported by insurers on a countrywide basis for each line of insurance:

- (1) Written premium.
- (2) Earned premium.
- (3) Earned premium at current level.
- (4) Paid losses.
- (5) Outstanding reported case reserves.
- (6) Increment for loss development.
- (7) Paid allocated loss adjustment expenses.
- (8) Reported case reserves for allocated loss adjustment expenses.
- (9) Increment for allocated loss adjustment expense development.
- (10) Increment for trend, including annual percentage change, basis for the annual percentage change and length of trend.

(b) The following data shall be reported by insurers on a Statewide basis for each line of insurance:

- (1) Written premium.
- (2) Earned premium.
- (3) Earned premium at current level.
- (4) Paid losses.
- (5) Outstanding reported case reserves.
- (6) Increment for loss development.
- (7) Paid allocated loss adjustment expenses.
- (8) Reported case reserves for allocated loss adjustment expenses.
- (9) Increment for allocated loss adjustment expense development.
- (10) Increment for trend, including annual percentage change, basis for the annual percentage change and length of trend.
- (11) Dollars of Pennsylvania commission and acquisition expenses.
- (12) Dollars of Pennsylvania taxes, licenses and fees.
- (13) Dollars of general expenses allocated by line to Pennsylvania.
- (14) Dollars of unallocated loss adjustment expenses by line to Pennsylvania.
- (15) Dollars of investment income on assets equivalent to Pennsylvania unearned premiums and loss reserves and the rate of return on invested funds.

(9) Increment for allocated loss adjustment expense development.

(10) Increment for trend, including annual percentage change, basis for the annual percentage change and length of trend.

(11) Dollars of Pennsylvania commission and acquisition expenses.

(12) Dollars of Pennsylvania taxes, licenses and fees.

(13) Dollars of general expenses allocated by line to Pennsylvania.

(14) Dollars of unallocated loss adjustment expenses by line to Pennsylvania.

(15) Dollars of investment income on assets equivalent to Pennsylvania unearned premiums and loss reserves and the rate of return on invested funds.

Section 1004-B. Filing Dates.—The initial report by insurers on the items identified in section 1002-B(a)(1), (2) and (4) shall consist of calendar accident years 1985 and 1986 evaluated as of March 31, 1987. For items identified in section 1002-B(a)(3) and (5), the initial report shall consist of policy years ending 1985 and 1986 evaluated as of March 31, 1987. The two years shall be separately reported. Subsequent reports shall include the latest two years, evaluated as of March 31. The initial report by insurers shall be filed on or before May 31, 1987. Each subsequent report shall be filed on or before May 31 following the March 31 evaluation date. All insurer reports shall be accompanied by an affidavit, signed by an officer of the insurer, certifying the completeness and accuracy of the reports.

Section 1005-B. Commissioner's Duty to Report Data Compiled.—The commissioner or his designee shall compile the initial individual reports and the commissioner shall prepare findings, if any, by November 1, 1987. Subsequent reports and findings of the commissioner shall be compiled on or before November 1 of each year. All reports compiled by the commissioner shall be filed by the commissioner with the standing committees of the General Assembly having responsibility for insurance affairs and shall be deemed public records for the purposes of the act of June 21, 1957 (P.L.390, No.212), referred to as the "Right-to-Know Law."

Section 1006-B. Penalty.—Insurers which fail to comply with any reporting requirements under this section shall pay a fine of five thousand dollars (\$5,000) and a fine of two hundred dollars (\$200) daily until the reporting requirements are fully satisfied.

Section 19. Any investments properly made pursuant to applicable provisions of the act prior to the effective date of this amendatory act shall continue as permitted investments.

Section 20. This act is not intended to repeal section 641 of the act of May 17, 1921 (P.L.789, No.285), known as "The Insurance Department Act of one thousand nine hundred and twenty-one," or its application as provided in the act of December 30, 1974 (P.L.1148, No.365), entitled "An act amending the act of May 17, 1921 (P.L.789, No.285), entitled, as amended, 'An act relating to insurance; establishing an insurance department; and amending, revising, and consolidating the law relating to the licensing, qualification, regulation, examination, suspension, and dissolution of insurance companies, Lloyds associations, reciprocal and inter-insurance exchanges, and certain societies and orders, the examination and regulation of fire insurance rating bureaus, and the licensing and regulation of insurance agents, and brokers; the service of legal process upon foreign insurance companies, associations or exchanges; providing penalties, and repealing existing laws,' prohibiting the licensing of lending institutions, public utilities and holding companies except for the sale of certain types of insurance."

Section 21. The provisions of this act relating to the Pennsylvania Liability Underwriting Services Plan shall expire December 31, 1988.

Section 22. This act shall take effect immediately.

On the question,  
Will the House agree to the amendments?

The SPEAKER. On the amendment, the Chair recognizes the gentleman from Dauphin, Mr. Piccola.

Mr. PICCOLA. Thank you, Mr. Speaker.

I believe that this amendment, if inserted into SB 934, will go some way in solving or at least alleviating the liability insurance crisis. This amendment is basically three parts. The first part is the portion of the original bill which deals with the investment reform of the insurance industry in the State. It is basically the bill with some technical changes made.

The second portion of the amendment is a statutory MAP program, a market assistance plan. In this bill we call it the Pennsylvania Liability Underwriting Services Plan, and I believe Mr. Dawida had made reference to that in his speech and said that his amendment was very similar to this.

Finally, Mr. Speaker, it contains a section requiring additional financial disclosure to the Insurance Department by insurance companies. I would like to point out to the House that under current law, every one of the 1,500-and-some-odd insurance companies that do business in Pennsylvania have to, at least on an annual basis and some even more frequently, complete a document such as this, called the annual statement. It is a numerous number of pages, a numerous amount of information—voluminous, as a matter of fact—and I will not take the time to read it or even insert it into the record, but I invite any one of you to come up and see what insurance companies have to submit to the Insurance Department today under current law. My amendment will add some significant additions to that and additions that will be important in determining whether or not rates are assessed fairly or not.

I urge the adoption of the amendment, Mr. Speaker.

**PARLIAMENTARY INQUIRY**

The SPEAKER. On the amendment, the Chair recognizes the gentleman from Allegheny, Mr. Dawida.

Mr. DAWIDA. Mr. Speaker, a point of parliamentary inquiry.

Much of what Mr. Piccola does in the second and third sections of his amendment are duplicative of what was put in in mine.

The SPEAKER. If they amend the same lines and if they are adopted by the House floor, the House will have adopted the latest amendment, and if they wipe out part of your amendment, that will happen. Now, if they are assigned to different lines of the bill, then both may be accepted on the floor of the House. We cannot tell by a quick look whether or not they are assigned to the same lines of the bill as yours, but if they are assigned to the same lines as yours and if they are in conflict, they will supersede yours if the House adopts them.

Mr. DAWIDA. Is this amendment, Mr. Speaker, able to be divided?

The SPEAKER. Where would the gentleman suggest the division be?

Mr. DAWIDA. There would be three sections. There are three distinct sections in this amendment. One deals with the original part of the bill and goes until— Mr. Piccola might be able to help me here. This is 16 pages; mine was only 12.

The SPEAKER. The House will stand at ease. Would you two get together and see if you can agree, not if it should be divided but if it is capable of being divided. Then the Chair will rule on the division.

The House will be at ease.

Mr. DAWIDA. Mr. Speaker, I am sorry.

Rather than try to divide this, since we have already done the appropriate things in my amendment, I urge a negative vote here. To pass the Piccola amendment would be to very much weaken and soften and take away from what we have done already, and I urge a "no" vote.

On the question recurring,  
Will the House agree to the amendments?

The following roll call was recorded:

**YEAS—97**

Angstadt	Dininni	Kennedy	Robbins
Argall	Distler	Kenney	Ryan
Arty	Dorr	Langtry	Saurman
Barley	Durham	Lashinger	Scheetz
Birmelin	Fargo	McClatchy	Schuler
Black	Fischer	Mackowski	Semmel
Book	Flick	Manmiller	Serafini
Bowser	Foster	Merry	Sirianni
Boyes	Fox	Micozzie	Smith, B.
Brandt	Freind	Miller	Snyder, D. W.
Bunt	Gallen	Moehlmann	Snyder, G.
Burd	Gannon	Mowery	Stairs
Burns	Geist	Nahill	Stevens
Bush	Gladeck	Noye	Sweet
Carlson	Godshall	O'Brien	Swift
Cessar	Greenwood	Perzel	Taylor, E. Z.
Chadwick	Gruppo	Phillips	Taylor, J.

Cimini	Hasay	Piccola	Vroon
Civera	Hayes	Pitts	Wass
Clymer	Herman	Pott	Weston
Cornell	Hershey	Punt	Wilson
Coslett	Honaman	Raymond	Wogan
DeVerter	Jackson	Reber	Wright, J. L.
Davies	Johnson	Reinard	Wright, R. C.
Dietz			

NAYS—98

Acosta	Deal	Letterman	Rieger
Afflerbach	Dombrowski	Levdansky	Roebuck
Baldwin	Donatucci	Linton	Rudy
Barber	Duffy	Livengood	Rybak
Battisto	Evans	Lloyd	Saloom
Belardi	Fattah	Lucyk	Seventy
Belfanti	Fee	McCall	Showers
Blaum	Freeman	McHale	Staback
Bortner	Fryer	McVerry	Steighner
Bowley	Gallagher	Maiale	Stewart
Broujos	Gamble	Manderino	Stuban
Caltagirone	George	Markosek	Telek
Cappabianca	Gruitza	Mayermik	Tigue
Carn	Hagarty	Michlovic	Trello
Cawley	Haluska	Morris	Truman
Clark	Harper	Mrkonic	Van Horne
Cohen	Hutchinson	Murphy	Veon
Colafella	Itkin	O'Donnell	Wambach
Cole	Jarolin	Olasz	Wiggins
Cowell	Josephs	Oliver	Wozniak
Coy	Kasunic	Petrarca	Wright, D. R.
Deluca	Kosinski	Petrone	Yandrisevits
DeWeese	Kukovich	Pistella	
Daley	Laughlin	Pressmann	Irvis,
Dawida	Lescovitz	Preston	Speaker

NOT VOTING—3

Cordisco	Howlett	Richardson
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EXCUSED—3

Pievsky	Smith, L. E.	Taylor, F.
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The question was determined in the negative, and the amendments were not agreed to.

On the question recurring,

Will the House agree to the bill on third consideration as amended?

The SPEAKER. Do you have additional amendments, Mr. Piccola, or do you want to file a reconsideration? Which is it?

Mr. PICCOLA. I am withdrawing the other amendments, Mr. Speaker, but I would like to file a reconsideration on that one.

The SPEAKER. We will await your filing.

On the question recurring,

Will the House agree to the bill on third consideration as amended?

AMENDMENT A4420 RECONSIDERED

The SPEAKER. The Chair recognizes the gentleman from Dauphin, Mr. Piccola, who files a motion to reconsider the vote by which amendment A4420 was defeated on this the 1st day of October.

On the question,

Will the House agree to the motion?

The following roll call was recorded:

YEAS—181

Afflerbach	Deal	Kosinski	Rieger
Angstadt	Dietz	Langtry	Robbins
Argall	Dininni	Lashinger	Roebuck
Arty	Distler	Lescovitz	Rudy
Baldwin	Dombrowski	Letterman	Ryan
Barber	Donatucci	Linton	Rybak
Barley	Dorr	Livengood	Saloom
Battisto	Duffy	Lloyd	Saurman
Belardi	Durham	Lucyk	Scheetz
Belfanti	Evans	McCall	Schuler
Birmelin	Fargo	McClatchy	Semmel
Black	Fattah	McHale	Serafini
Blaum	Fee	McVerry	Showers
Book	Fischer	Mackowski	Sirianni
Bortner	Flick	Maiale	Smith, B.
Bowley	Foster	Manderino	Snyder, G.
Bowser	Fox	Manmiller	Stairs
Boyes	Freeman	Markosek	Steighner
Brandt	Freind	Mayermik	Stevens
Broujos	Fryer	Merry	Stewart
Bunt	Gallagher	Michlovic	Stuban
Burd	Gallen	Micozzie	Swift
Burns	Gamble	Miller	Taylor, E. Z.
Bush	Gannon	Moehlmann	Taylor, J.
Cappabianca	Geist	Mowery	Telek
Carlson	George	Mrkonic	Tigue
Carn	Gladeck	Murphy	Trello
Cawley	Godshall	Nahill	Truman
Cessar	Greenwood	Noye	Van Horne
Chadwick	Gruitza	O'Brien	Veon
Cimini	Gruppo	O'Donnell	Vroon
Civera	Hagarty	Olasz	Wambach
Clark	Haluska	Oliver	Wass
Clymer	Harper	Perzel	Weston
Colafella	Hasay	Petrarca	Wiggins
Cole	Hayes	Petrone	Wilson
Cornell	Herman	Phillips	Wogan
Coslett	Hershey	Piccola	Wozniak
Cowell	Honaman	Pistella	Wright, D. R.
Coy	Jackson	Pitts	Wright, J. L.
Deluca	Jarolin	Pott	Wright, R. C.
DeVerter	Johnson	Preston	Yandrisevits
DeWeese	Josephs	Punt	
Daley	Kasunic	Raymond	Irvis,
Davies	Kennedy	Reber	Speaker
Dawida	Kenney	Reinard	

NAYS—5

Caltagirone	Levdansky	Pressmann	Seventy
Kukovich			

NOT VOTING—12

Acosta	Howlett	Laughlin	Snyder, D. W.
Cohen	Hutchinson	Morris	Staback
Cordisco	Itkin	Richardson	Sweet

EXCUSED—3

Pievsky	Smith, L. E.	Taylor, F.
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The question was determined in the affirmative, and the motion was agreed to.

On the question recurring,

Will the House agree to the amendments?

The clerk read the following amendments No. A4420:

Amend Title, page 1, lines 1 through 20, by striking out all of said lines and inserting



Amending the act of May 17, 1921 (P.L.682, No.284), entitled "An act relating to insurance; amending, revising, and consolidating the law providing for the incorporation of insurance companies, and the regulation, supervision, and protection of home and foreign insurance companies, Lloyds associations, reciprocal and inter-insurance exchanges, and fire insurance rating bureaus, and the regulation and supervision of insurance carried by such companies, associations, and exchanges, including insurance carried by the State Workmen's Insurance Fund; providing penalties; and repealing existing laws," further providing for investments; authorizing stock insurers to establish more than one class or series of shares and to permit different voting rights according to the class of shares; extending provisions relating to the granting of allowances or pensions to include directors; creating the Pennsylvania Liability Underwriting Services Plan; providing for reporting of loss and expense experience; and requiring the filing of annual financial statements.

Amend Bill, page 1, lines 23 through 25; pages 2 through 33, lines 1 through 30; page 34, lines 1 through 27, by striking out all of said lines on said pages and inserting

Section 1. It is the general purpose of this act to provide insurance companies with greater investment flexibility while maintaining reasonable investment standards, and to promote economic development in this Commonwealth by encouraging insurance companies to invest in new and small businesses in Pennsylvania.

Section 2. The act of May 17, 1921 (P.L.682, No.284), known as The Insurance Company Law of 1921, is amended by adding a section to read:

Section 301.2. Classes of Shares.—Every stock insurance company shall have power to create and issue one or more classes of shares or one or more series of shares within any class thereof, any or all of which classes or series may have full, limited, multiple or fractional, or no voting rights, and such designations, preferences, qualifications, privileges, limitations, options, conversion rights and other special rights as shall be stated in the articles or in the resolution or resolutions providing for the issue of such shares adopted by the board of directors pursuant to authority expressly vested in it by the articles. Except as otherwise provided by the articles, each share shall be, in all respects, equal to every other share. Different series of the same class of shares shall not be construed to constitute different classes of shares for the purpose of voting by classes under this act. Unless the articles or by-laws otherwise provide, the board of directors shall have the power, by resolution duly adopted, to issue from time to time, in whole or in part, the classes or series of shares authorized in the articles. The power to increase or decrease or otherwise adjust the stated capital of a stock insurance company, as in this act elsewhere provided, shall apply to all or any such classes of shares authorized by this section.

Section 3. Section 309 of the act is amended to read:

Section 309. Voting by Stockholders and Members; Proxies; Record of Votes.—In the choice of directors or trustees, and at all meetings of the company, each share of stock having voting rights in a stock company, and each member in a mutual company, shall be entitled to [one] vote: Provided, however, That, in the case of mutual companies, other than mutual life companies, each member shall be entitled to one vote or to a number of votes based upon the insurance in force, the number of policies held, or the amount of premiums paid; and in the case of mutual life companies, each member shall be entitled to one vote. Proxies may be authorized by written power of attorney. The record of the votes made by the secretary, which shall show whether the same were cast in person or by proxy, shall be evidence of all such elections.

Section 4. Section 316 of the act, amended May 21, 1943 (P.L.356, No.166), is amended to read:

Section 316. Pensions.—Any stock or mutual insurance company may, out of the earnings of said company, grant allowances or pensions to officers, directors and employes, for faithful and long continued service, who have in such service [become old, infirm, or] reached retirement age or become disabled. [The provisions of this section shall not apply to any director who is not an officer or employe of said company.]

Section 5. The act is amended by adding a section to read:

Section 320.1. Filing of Annual Statements.—(a) Every stock and mutual insurance company, association and exchange doing business in this Commonwealth shall annually on or before the first day of March, file with the National Association of Insurance Commissioners (NAIC) a copy of its annual statement blank, along with such additional filings as prescribed by the Insurance Commissioner for the preceding year. The information filed with the NAIC shall be in the same format and scope as that required by the Insurance Commissioner and shall include the signed jurat page and the actuarial certification. Any amendments and addendums to the annual statement filing subsequently filed with the Insurance Commissioner shall also be filed with the NAIC.

(b) Every stock and mutual insurance company, association or exchange of another state which has a law substantially similar to subsection (a) of this section shall be deemed in compliance with this section.

(c) In the absence of actual malice, members of the NAIC, their duly authorized committees, subcommittees, and tasks forces, their delegates, NAIC employes, and all others charged with the responsibility of collecting, reviewing, analyzing and disseminating the information developed from the filing of the annual statement blanks shall be acting as agents of the Insurance Commissioner under the authority of this act and shall not be subject to civil liability for libel, slander or any other cause of action by virtue of their collection, review and analysis or dissemination of the data and information collected from the filings required hereunder.

(d) All financial analysis ratios and examination synopses concerning insurance companies that are submitted to the Insurance Department by the National Association of Insurance Commissioners' Regulatory Insurance System are confidential and may not be disclosed by the Insurance Department.

(e) The Insurance Commissioner may suspend, revoke or refuse to renew the Certificate of Authority of any insurer failing to file its annual statement with the NAIC when due or within any extension of time which the Insurance Commissioner, for good cause, may have granted.

Section 6. Sections 517 and 518 of the act are repealed.

Section 7. The act is amended by adding sections to read:

Section 518.1. Investment Regulations.—(a) Any domestic company may invest its funds as provided in this act and not otherwise. Notwithstanding the provisions of this act, the Insurance Commissioner may, after notice and hearing, order a company to limit or withdraw from certain investments, or discontinue certain investment practices, to the extent that the Insurance Commissioner finds that such investments or investment practices endanger the solvency of the company.

(b) No investment or loan or investment practice shall be made or engaged in by any domestic company unless the same has been authorized or ratified by the board of directors or by a committee thereof charged with the duty of supervising investments and loans. No such company shall subscribe to or participate in any underwriting of the purchase or sale of securities or property or enter into any agreement to withhold from sale any of its property, but the disposition of its property shall be at all times within the control of the board of directors. Any agreement or contract providing for the lawful disposition of property wherein such disposition may be determined at the option of a third person at some specified future price or condition or specified time or upon

demand shall be construed to be within the control of the board of directors. Nothing contained in this section shall prevent the board of directors of any such company from depositing any of its securities with a committee appointed for the purpose of protecting the interest of security holders or with authorities of any state or country where it is necessary to do so in order to secure permission to transact its appropriate business therein; and nothing contained in this section shall prevent the board of directors of such company from depositing securities as collateral for the securing of any bond required for the business of the company.

Section 518.2. Eligible Investments.—(a) Every domestic stock fire, stock marine or stock fire and marine insurance company shall invest and keep invested all its funds in sound investments enumerated below, except such cash as may be required in the transaction of its business. Such investments shall include:

(1) Bonds, notes or obligations issued, assumed, guaranteed or insured by the United States, or by any state, territory or possession thereof, the District of Columbia or by any county, city, town, village, municipality or district therein or by any political subdivision or public instrumentality of one or more of the foregoing, or by any foreign country or political subdivision thereof.

(2) Bonds, notes, obligations or stock, issued, assumed, guaranteed or insured by the following agencies of the United States or in which such government is a participant, whether or not such obligations are guaranteed by such government:

- (i) Farm Loan Bank.
- (ii) Commodity Credit Corporation.
- (iii) Federal intermediate credit banks.
- (iv) Federal land banks.
- (v) Central bank for cooperatives.
- (vi) Federal home loan banks and stock thereof.
- (vii) Federal National Mortgage Association and stock thereof.

(viii) International Bank for Reconstruction and Developments.

(ix) Inter-American Development Bank.

(x) Asian Development Bank.

(xi) African Development Bank.

(xii) Any other similar agency of, or in which there is participation by, the government of the United States, and the instruments are of similar financial quality.

(3) Bonds, notes, obligations or other investments of or in any business unit in or of any foreign country which are of the same kinds, classes and grades as those eligible for investment under this subsection. The cost of investments under this clause shall not exceed thirty per centum (30%) of such company's admitted assets.

(4) Business obligations and equity interests:

(i) Stock, warrants, rights or other security, bonds, notes or obligations issued, assumed, guaranteed, insured or accepted by any solvent corporation, joint stock association, business trust, business partnership, business joint venture or other business entity or combination thereof incorporated or existing under the laws of the United States or of any state, district or territory thereof, and any interest in any of the foregoing: Provided, That except with the prior written approval of the Insurance Commissioner, the aggregate cost of investments in general partnerships held under this clause shall not exceed ten per centum (10%) of the company's admitted assets: Provided, That no domestic company shall invest in any general partnership but may become a limited partner in a partnership in any investment on the following conditions:

(A) the partnership must be organized under the Limited Partnership Act of the state of the partnership formation; and

(B) a company may not invest under this clause (4) more than fifty per centum (50%) of the excess of its capital and surplus

over the minimum requirements of a new stock or mutual company to qualify for a certificate of authority to write the kind of insurance which the company is authorized to write;

(C) a company may not invest more than ten per centum (10%) of its capital and surplus in any one such partnership; and

(D) investments made by a company under this clause (4) shall be aggregated with common stock investments in determining compliance with the overall common stock percentage limitation: Provided, however, That the aggregate cost of investment in limited partnerships shall not exceed ten per centum (10%) of the company's admitted assets.

(ii) Interest-bearing deposits, or certificates of deposit in banks, bank and trust companies, savings banks, savings associations, savings and loan associations or national banking associations, incorporated or existing under the laws of the United States or any state, district or territory thereof, including branches of any of the foregoing, or foreign banking institutions or branches thereof located in the United States or any state, district or territory thereof: Provided, That investments under this clause in interest-bearing deposits and certificates of deposit issued by institutions incorporated under foreign law, exclusive of such deposits and certificates issued by branches of such institutions located in the United States or any state, district or territory thereof, shall be limited to twenty per centum (20%) of such company's assets, such investments qualifying in addition to those authorized by clause (3).

(iii) Obligations which are not issued, assumed, guaranteed or accepted by any person described under subclause (i), but are adequately secured by an assignment of a right to receive rent, purchase or other payment or revenues, for the use or purchase of real or personal property sufficient to repay the investment, and payable or guaranteed by any one or more persons or entities whose bonds, notes or obligations would qualify for investment under this clause (4) or a mortgage, interest in a mortgage pool or mortgage participation or lien or security interest in real or personal property or any interest therein.

(5) Obligations or participations therein, secured by liens on real property or interests therein: Provided, That the value of such real property or interest therein, together with such other security as shall secure any such obligation, shall be adequate to secure the investment as well as any lien senior to the lien created by the investment in such real estate. No investment in a single transaction shall exceed an amount equal to five per centum (5%) of such company's admitted assets.

(6) Such real estate or interests therein as it is authorized by this act to hold.

(7) Tangible personal property or fixtures or interest therein, however evidenced, as an investment for the production of income.

(8) The investment practice of financial futures contracts issued under terms and conditions regulated by a Federal regulatory agency is authorized on the following conditions:

(i) A company shall not enter into financial futures contracts except as a hedging transaction as that term is defined in a rule or regulation promulgated pursuant to this act.

(ii) A company shall not have initial or maintenance margin outstanding under this clause (8) of more than ten per centum (10%) of the excess of its capital and surplus over the minimum requirements of a new stock or mutual company to qualify for a certificate of authority to write the kind of insurance which the company is authorized to write.

(iii) The Insurance Commissioner may promulgate reasonable rules and regulations for transactions under this clause (8), to include, but not be limited to, rules and regulations which impose financial solvency standards, valuation standards and reporting requirements.

(9) The investment practice of put options and call options issued under terms and conditions regulated by, or substantially

similar to those terms and conditions required by, a national securities exchange registered under the Securities Exchange Act of 1934 (48 Stat. 881, 15 U.S.C. § 78a et seq.), as amended, or any board of trade designated as a contract market by the Commodity Futures Trading Commission (CFTC) under the Commodity Exchange Act (49 Stat. 1491), as amended, is authorized on the following conditions:

(i) a company shall not sell a call option on either (A) securities it does not own, or (B) in an amount greater than securities which it presently owns: Provided, however, That in the case of financial futures contracts and stock or bond index contracts where it is not feasible to own the underlying security, a company may sell a call option only in connection with a hedging transaction;

(ii) a company shall not sell a put option unless its obligations under such put option are fully secured by a deposit by the company with a bank or other custodian of cash or cash equivalents;

(iii) a company shall not purchase as opening transactions under this clause (9) more than ten percentum (10%) of the excess of its capital and surplus over the minimum requirements of a new stock or mutual company to qualify for a certificate of authority to write the kind of insurance which the company is authorized to write; and

(iv) the Insurance Commissioner may promulgate reasonable rules and regulations for transactions under this clause (9), to include, but not be limited to, rules and regulations which impose financial solvency standards, valuation standards and reporting requirements.

(10) Options or futures contracts traded in markets regulated under the laws of the United States or by an agency thereof and other contracts or instruments for the purpose of reducing the insurer's economic risk in connection with potential changes in the value of specifically identified assets which the insurer owns or could reasonably expect to acquire or specifically identified liabilities which the insurer has or reasonably expects to incur. Except with the prior written approval of the Insurance Commissioner, the aggregate cost of investments held under this clause (10) shall not exceed five percentum (5%) of the company's admitted assets.

(11) Lending of securities, repurchase agreements and reverse repurchase agreements.

(i) Definitions:

(A) "Lending of securities" means an investment other than a repurchase agreement, whereby an agreement is entered into which transfers ownership rights and possession of securities to the borrower of such securities with the agreement providing for a return of ownership rights and possession of the securities to the lender at a specified date or upon demand.

(B) "Repurchase agreement" means a bilateral agreement whereby a company purchases securities with a related agreement that the seller will purchase or repurchase at a specified price the equivalent or similar securities within a specified period of time or on demand.

(C) "Reverse repurchase agreement" means a bilateral agreement whereby a company (I) sells securities with a related agreement to purchase or repurchase at a specified price the equivalent or similar securities within a specified period of time or upon demand, or (II) borrows funds and transfers securities to the lender with a related agreement that equivalent or similar securities will be returned to the company upon repayment of the loan within a specified period of time or on demand.

(ii) Lending of securities, repurchase agreements and reverse repurchase agreements transactions are authorized on the following conditions:

(A) The agreement for each transaction or the master agreement for a series of transactions shall be reduced to writing.

(B) Securities acquired by a company owned subject to reacquisition pursuant to an outstanding repurchase agreement may not be sold pursuant to a reverse repurchase agreement nor lent pursuant to a lending of securities agreement. Consideration, or collateral, received from a reverse repurchase agreement or lending of securities agreement may be used to acquire securities which are equivalent or similar to the securities transferred pursuant to such repurchase agreement or lending of securities agreement; however, such acquired securities may not be sold pursuant to a reverse repurchase agreement nor lent pursuant to a lending of securities agreement.

(C) A company is limited to no more than two percentum (2%) of its admitted assets being subject to lending of securities, repurchase agreements or reverse repurchase agreements transactions outstanding with any one business entity under this section.

(D) A company may engage in lending its securities or repurchase or reverse repurchase agreements up to forty percentum (40%) of its admitted assets: Provided, however, That such transactions are fully collateralized.

(E) The Insurance Commissioner may promulgate reasonable rules and regulations for investments and transactions under this section, to include, but not be limited to, rules and regulations which impose financial solvency standards, valuation standards and reporting requirements.

(12) Other loans and investments:

(i) Loans or investments not authorized by any of the clauses of this section, to an amount not exceeding the aggregate of twenty percentum (20%) of such company's admitted assets. The twenty percentum (20%) limitation provided above shall be increased in the same amount that investments approved by the Insurance Commissioner are made in the following categories of investments provided that their principal operations or locations are located in this Commonwealth:

(A) Investments in venture capital limited partnerships or in new and young small businesses which are making an initial public offering of securities or utilizing a limited private placement.

(B) Investments in minority-owned and operated businesses as domiciles in Pennsylvania, as provided in the act of July 22, 1974 (P.L.598, No.206), known as the "Pennsylvania Minority Business Development Authority Act."

(C) Investments in businesses located in enterprise zones designated by the Department of Community Affairs.

(D) Investments in housing for families and persons of low income, or in housing in enterprise zones designated by the Department of Community Affairs.

(E) Investments in seed capital funds established pursuant to the provisions of the act of July 2, 1984 (P.L.555, No.111), known as the "Small Business Incubators Act."

(F) Investments in business development credit corporations established pursuant to the act of December 1, 1959 (P.L.1647, No.606), known as the "Business Development Credit Corporation Law."

(G) Investments in small business investment corporations and minority enterprise small business investment companies certified pursuant to applicable Federal laws.

However, in no event may the percentage limitation under this clause (12) exceed the aggregate of twenty-five percentum (25%).

(H) Investments in and direct management of or participation in private placement accounts, including investments by private and public employe pension funds, and investments in and direct management of or participation in long and intermediate loans to small and large corporations within Pennsylvania for purposes such as plant construction, equipment purchases and working capital.

(I) Investments in, and financial assistance to, Pennsylvania-based employe-owned enterprises, as defined and described

by the Internal Revenue Code of 1954 (68A Stat. 3, 26 U.S.C. § 1 et seq.), including worker cooperatives, employe stock ownership plans and businesses in which a majority of the voting rights are held or controlled by employes or held in trust for and passed through to employes.

(J) Investments in, and financial assistance to, Pennsylvania-based employe-ownership groups, including corporations, labor unions or other entities formed by or on behalf of the current or former employes of an industrial or commercial firm or facility for the purpose of assuming ownership or control of the firm or facility and operating it as an employe-owned enterprise.

(K) Investments in construction loans to builders and developers of low-income to moderate-income housing in Pennsylvania involved in the new construction or rehabilitation of single-family or multi-family housing in census tracts or neighborhoods, in both urban and rural communities, designated by State or Federal law as economically deprived or financially underserved, and mortgage loans and other credit to individuals seeking to purchase this type of housing.

(ii) For each one-half percentum (.5%) of such company's admitted assets invested in categories (A) through (G) of subclause (i) of this clause (12) whose principal operations or locations are located in this Commonwealth, investments under other clauses of this section may exceed the volume limitations set forth in such other clauses by an aggregate of two and one-half percentum (2.5%) of the company's admitted assets, but in no event may such excess investments exceed a maximum of five percentum (5%) of admitted assets; however, such excess investments shall be charged against the limitation established in subclause (i) of this clause (12).

(b) No such company shall lend any of its funds on personal security except a loan for defraying, in whole or part, the expenses of an employe transferred or about to be transferred to a new place of employment with such company.

(c) Any such company may, with the approval of its board of directors, acquire, retain, cancel or dispose of shares of its own capital stock, provided that:

(1) No such company shall acquire such stock without the prior approval of the Insurance Commissioner.

(2) No such company shall effect a reduction in its capital stock without complying with the applicable provisions of law.

(3) No such company shall directly or indirectly vote shares of its own stock held by it.

#### Section 518.3. Valuation of Investments.—

(a) Investments shall be valued in accordance with the published valuation standards of the National Association of Insurance Commissioners. Securities investments as to which the National Association of Insurance Commissioners has not published valuation standards in its valuation of securities manual or its successor publication shall be valued as follows:

(1) Any investment by any insurer that is not valued by Standards published by the National Association of Insurance Commissioners shall, at the time of acquisition, be submitted to the National Association of Insurance Commissioners for evaluation.

(2) Other securities investments shall be valued in accordance with regulations promulgated by the Insurance Commissioner pursuant to subsection (d) of this section.

(b) Other investments, including real property, shall be valued in accordance with regulations promulgated by the Insurance Commissioner pursuant to subsection (d) of this section, but in no event shall such other investments be valued at more than their purchase price. Purchase price for real property includes capitalized permanent improvements, less depreciation spread evenly over the life of the property or, at the option of the company, less depreciation computed on any basis permitted under the Internal Revenue Code of 1954 (68A Stat. 3, 26 U.S.C.

§ 1 et seq.), and regulations thereunder. Such investments that have been affected by permanent declines in value shall be valued at not more than their market value.

(c) Any investment, including real property, not purchased by a company but acquired in satisfaction of a debt or otherwise shall be valued in accordance with the applicable procedures for that type of investment contained in this section. For purposes of applying the valuation procedures, the purchase price shall be deemed to be the market value at the time the investment is acquired or in the case of any investment acquired in satisfaction of debt, the amount of the debt, including interest, taxes and expenses, whichever amount is less.

(d) The Insurance Commissioner may promulgate rules and regulations for determining and calculating values to be used in financial statements submitted to the department for investments not subject to published National Association of Insurance Commissioners' valuation standards.

(e) The eligibility of an investment shall be determined as of the date of its making or acquisition or the date of commitment in the case of commitment to invest.

(f) If any investment is made in a manner not authorized by this act, the officers, directors and trustees making or authorizing such investment shall be personally liable for any loss occasioned thereby.

(g) Nothing in this act shall prohibit the acquisition by an insurer of other or additional securities or property if received as a dividend or as a lawful distribution of assets, or upon a debt or judgment, or under a lawful and bona fide agreement of bulk reinsurance, merger or consolidation, or if acquired by it through the exercise of warrants, options or similar rights to acquire securities received by it in accordance with this act. Nothing in this act shall prevent any insurer from entering into an agreement for the purpose of protecting the interests of the insurer in securities lawfully held by it, or for the purpose of reorganization of a corporation which issued securities so held, and from depositing such securities with a committee or depositaries appointed under such agreement, nor from accepting stock, bonds or other securities or other property which may be distributed pursuant to any such agreement, or to any plan of reorganization or arrangement; and no provision of this act shall prevent any insurer from acquiring or holding any property acquired in satisfaction of any debt previously contracted, or that shall be obtained by sale or foreclosure of any security held by it. Any security or property so acquired which is not otherwise an eligible investment under this act shall be disposed of within five (5) years from date of acquisition, unless within such period the security or property has attained to the standard of eligibility, except that any security or personal property acquired under any agreement of bulk reinsurance, merger or consolidation may be retained for a longer period if so provided in the plan for such reinsurance, merger or consolidation. The commissioner may grant from time to time reasonable extensions of the period within which an insurer shall dispose of any such property or security.

Section 8. Section 518A of the act, added June 23, 1931 (P.L.904, No.301), is amended to read:

Section [518A] 518.4. Estimation of Surplus for the Purpose of Making Dividends.—In estimating the surplus of a stock fire, stock marine, and stock fire and marine insurance company, for the purpose of making any dividend upon its capital stock, there shall be reserved from its admitted assets a sum equal to the unearned premiums on unexpired risks and policies and all outstanding liabilities. But no company may declare dividends to the stockholders exceeding ten per centum on its capital stock in any one year unless, in addition to the amount of its capital stock, such dividend, all outstanding liabilities, and the amount of all unearned premiums on unexpired risks and policies as aforesaid, it shall have and be in possession of a surplus to an amount equaling thirty per centum of its unearned premiums, or fifty per centum of its capital stock, whichever shall be greater.

Any dividend declared and paid contrary to the provisions of this section shall make the directors of the company voting in favor of such dividend jointly and severally liable, to the creditors of the company, to the extent of the dividend so declared and paid, and each stockholder receiving any such dividend shall be liable to the creditors of the company to the extent of the dividend received, in addition to other penalties and punishments prescribed by law.

Section 9. Section 519 of the act, amended June 2, 1965 (P.L.77, No.54), is amended to read:

Section 519. Real Estate Which May Be [Purchased] Acquired, Held, and Conveyed.—[No] A domestic stock fire, stock marine, or stock fire and marine insurance company [shall] may, directly or indirectly, alone or in combination with one or more other persons or entities (except that no domestic stock fire, stock marine or stock fire and marine insurance company may participate in a general partnership), acquire by purchase, lease or otherwise, or receive, hold, or convey real estate, [except for the purpose and in the manner herein set forth, to wit] or any interest therein:

(a) [Such as shall be requisite] Required for its convenient accommodation in the transaction of its business, including residential real estate purchased from employes transferred or about to be transferred to new places of employment with such company.

(b) [Such as shall have been conveyed] Conveyed to it in satisfaction of debts previously contracted in the course of its dealing.

(c) [Such as shall have been purchased] Purchased at sales upon judgments, decrees, or mortgages, obtained or made for debts due the company, or for debts due other persons where said company may have liens or encumbrances on the same, and the purchase is deemed necessary to save the company from loss. [It shall not be lawful for any such company to purchase or hold real estate in any other case or for any other purpose. Any real estate purchased, received, or acquired under clauses (b) and (c) of this section, which has been held for a period of more than five years from the date of its purchase, receipt, or acquisition, shall be sold and disposed of within a period of six months after due notice to the company from the Insurance Commissioner to sell and convey the same. The commissioner may extend the time for such disposition if he believes the interest of the company will suffer materially by a forced sale.]

(d) Reasonably necessary for the purpose of maintaining or enhancing the sale value of real property previously acquired or held by it under subsection (a), (b), (c) or (e).

(e) As an investment for the production of income or capital appreciation, or so acquired for development, improvement, maintenance or construction and maintenance for such investment purposes.

Section 10. Section 602 of the act is repealed.

Section 11. The act is amended by adding a section to read:

Section 602.1. Eligible Investments.—Every domestic stock casualty insurance company shall invest and keep invested all its funds in accordance with the laws of this Commonwealth relating to the investment of funds of domestic stock fire, stock marine or stock fire and marine insurance companies.

Section 12. Sections 603 and 604 of the act are repealed.

Section 13. The act is amended by adding a section to read:

Section 604.1. Real Estate Which May Be Acquired, Held and Conveyed.—No domestic stock casualty insurance company shall acquire by purchase, lease or otherwise, or receive, hold or convey real estate, or any interest therein except in accordance with the laws of this Commonwealth relating to real estate that may be acquired by purchase, lease or otherwise, or received, held, or conveyed by stock fire, or stock marine, or stock fire and marine insurance companies.

Section 14. Section 802 of the act is repealed.

Section 15. The act is amended by adding a section to read:

Section 802.1. Investment of Assets.—Every domestic mutual insurance company, other than a mutual life insurance company, shall invest and keep invested all its funds in accordance with the laws of this Commonwealth relating to the investment of funds of domestic stock fire, stock marine or stock fire and marine insurance companies.

Section 16. Section 803 of the act is repealed.

Section 17. The act is amended by adding sections to read:

Section 803.1. Real Estate Which May Be Acquired, Held and Conveyed.—A domestic mutual insurance company, other than a mutual life insurance company, may acquire by purchase, lease or otherwise, or receive, hold or convey real estate, or any interest therein in accordance with the laws of this Commonwealth relating to real estate that may be acquired by purchase, lease or otherwise, or received, held or conveyed by stock fire, or stock marine, or stock fire and marine insurance companies.

Section 1008.1. Eligible Investments.—Every reciprocal and inter-insurance exchange shall invest and keep invested all its funds in accordance with the laws of this Commonwealth relating to the investment of funds of domestic stock fire, stock marine or stock fire and marine insurance companies.

Section 1008.2. Real Estate Which May Be Acquired, Held and Conveyed.—No reciprocal and inter-insurance exchange shall acquire by purchase, lease or otherwise, or receive, hold or convey real estate, or any interest therein except in accordance with the laws of this Commonwealth relating to real estate that may be acquired by purchase, lease or otherwise, or received, held or conveyed by stock fire, or stock marine, or stock fire and marine insurance companies.

Section 18. The act is amended by adding articles to read:

#### ARTICLE X-A.

#### PENNSYLVANIA LIABILITY UNDERWRITING SERVICES PLAN.

Section 1001-A. Definitions.—The following words and phrases when used in this article shall have the meanings given to them in this section unless the context clearly indicates otherwise:

(1) "Board," means the board of directors of the plan.

(2) "Commercial liability insurance," means insurance coverage against the legal liability of the insured against loss, damage or expense incident to a claim arising out of the death or injury of any person or property damage as the result of or incident to the lawful conduct of a business enterprise or public purpose.

(3) "Commissioner," means the Insurance Commissioner of the Commonwealth.

(4) "Department," means the Insurance Department of the Commonwealth.

(5) "Plan," means the Pennsylvania Liability Underwriting Services Plan.

Section 1002-A. Creation of Plan.—The commissioner shall be authorized to establish from, time to time, as may be necessary the Pennsylvania Liability Underwriting Services Plan as a legal entity to operate during periods of time designated by the commissioner with all the rights which are reasonable and necessary to fulfill its purpose, including, but not limited to, the following:

(1) To own property.

(2) To enter into contracts.

(3) To sue and be sued, provided that no judgment against the plan shall create any liability in the individual members.

Section 1003-A. Purpose.—The purpose of the plan is to assist in the placement of commercial liability insurance for eligible Pennsylvania commercial risks and public entities that have tried and failed to find such coverage.

Section 1004-A. Membership.—Every commercial liability insurer admitted to do business in this Commonwealth shall, as a condition of its authority to write such kinds of insurance within this Commonwealth, be a member of the plan and have the rights

and obligations as hereinafter described. The commissioner may require eligible surplus lines insurers or their agents to participate in the plan.

**Section 1005-A. Participation.**—Each member of the plan shall participate in funding the administrative costs of the plan, to the extent that application fees do not defray those costs, and in the review of applications for insurance. Each member's share of participation obligations shall be equitable and set forth in the plan of operation. However, members of the plan shall not be required to review applications of eligible commercial risks or public entities where the member has not underwritten such coverage for two consecutive years preceding the effective date of this section.

**Section 1006-A. Board of Directors.**—The plan shall be governed by nine directors and the Insurance Commissioner, who shall serve as a non-voting ex officio chairman. The nine directors shall be appointed to the board as voting members by the commissioner, each to serve a term of two years. Five members shall be representatives of insurance companies, two members shall be licensed insurance agents or brokers and two members shall be consumers of commercial insurance. Members shall serve as representatives of their employers, who may have the right to substitute individuals with the prior approval of the commissioner.

**Section 1007-A. Voting Rights.**—Whenever so designated by the board pursuant to its plan of operation, each commercial liability insurer shall be allotted votes in proportion to its share of the Statewide total written premium during the prior year relating to general liability coverage, plus the liability portion, as determined by the commissioner, of commercial multi-peril coverage.

**Section 1008-A. Organization.**—(a) Within sixty days following the issuance of an order by the commissioner to establish a plan the board shall submit to the commissioner, for his review, a proposed plan of operation of the plan, consistent with the provisions of this act, which shall provide for the formation of the plan and the economical and efficient administration of the plan, including, but not limited to, management of the plan, preliminary assessment of all members for initial expenses necessary to commence operations, establishment of necessary facilities within this Commonwealth, assessment of members to defray continuing expenses, reasonable underwriting standards and limits of liability, eligibility requirements, procedures for securing timely referrals and quotes on insurance applications and governance of the plan.

(b) The plan of operation shall be subject to approval by the commissioner and shall take effect ten days after having been approved by him. If the commissioner disapproves the proposed plan of operation, the plan shall, within fifteen days, submit for review an appropriately revised plan of operation, and, if the plan fails to do so or if the revised plan so filed is unacceptable, the commissioner shall promulgate a plan of operation.

(c) The plan may, by its own initiative, subject to prior approval by the commissioner, amend the plan of operation.

**Section 1009-A. Application Fees.**—Subject to approval by the commissioner, the plan shall require applications to be accompanied by reasonable application fees, which may vary for different classes of applicants. Initially, application fees should not exceed one hundred dollars (\$100) nor be less than ten dollars (\$10) for any class of insured and shall be reviewed annually by the commissioner. The application fee is nonrefundable if the applicant is determined to be eligible for coverage, regardless of whether coverage is found for the applicant through the plan.

**Section 1010-A. Eligibility.**—All applications for commercial liability coverage may be eligible for consideration by the plan if they are accompanied by the application fee appropriate to that class of risk, three refusals of coverage from admitted Pennsylvania commercial lines writers and evidence that one surplus lines agent could not obtain the required coverage from eligible surplus lines insurers, and a completed questionnaire as

shall be supplied to the applicant by the plan and approved by the commissioner, except for applications relating to:

- (1) Insurance on motor vehicles.
- (2) Insurance for pollution or environmental impairment.
- (3) Insurance for workers' compensation and employers' liability.
- (4) Insurance for medical malpractice professional liability.
- (5) Insurance on activities conducted substantially outside this Commonwealth unless the insurance is required by State or Federal statute.
- (6) Other risks as may be excluded by the plan and approved by the commissioner.

**Section 1011-A. Immunity.**—There shall be no liability or cause of action against any member of the plan or its agents or employes, the plan or its agents or employes, members of the board of directors, or the department or its representatives for any action taken by or statement made by them in the performance of their powers and duties under this article.

**Section 1012-A. Funds.**—All fees, assessments and other moneys received by the plan shall be deposited into a restricted revenue account within the General Fund and are hereby appropriated to the board for the purposes set forth in this article.

#### ARTICLE X-B.

#### FINANCIAL DISCLOSURE.

**Section 1001-B. Reporting of Loss and Expense Experience.**—Insurers licensed to write property or casualty insurance in this Commonwealth are required to record and report annually to the Insurance Commissioner loss and expense experience data necessary to review insurance rates. The commissioner may designate one or more rate service organizations to gather and compile such data. The commissioner shall prescribe the form and method by which all data shall be furnished to the Insurance Department or its designee.

**Section 1002-B. Insurers with Duty to Report.**—(a) Insurers reporting annually to the commissioner shall be those identified in the latest Annual Report of the Insurance Commissioner, as provided by section 219 of the act of May 17, 1921 (P.L. 789, No. 285), known as "The Insurance Department Act of one thousand nine hundred and twenty-one," and having underwritten at least one per centum (1%) of the total Pennsylvania premium volume for the following lines of insurance:

- (1) Private passenger auto liability, including first party coverage.
- (2) Commercial auto liability, including first party coverage.
- (3) Medical malpractice liability.
- (4) Workmen's compensation.
- (5) Other liability.

(b) Information reported by insurers shall consist of voluntary business, written on a direct basis, for all classes combined, and based on total limits information for each line of insurance set forth in subsection (a).

**Section 1003-B. Data Comparisons.**—(a) The following data shall be reported by insurers on a countrywide basis for each line of insurance:

- (1) Written premium.
- (2) Earned premium.
- (3) Earned premium at current level.
- (4) Paid losses.
- (5) Outstanding reported case reserves.
- (6) Increment for loss development.
- (7) Paid allocated loss adjustment expenses.
- (8) Reported case reserves for allocated loss adjustment expenses.
- (9) Increment for allocated loss adjustment expense development.
- (10) Increment for trend, including annual percentage change, basis for the annual percentage change and length of trend.

(b) The following data shall be reported by insurers on a Statewide basis for each line of insurance:

- (1) Written premium.
- (2) Earned premium.
- (3) Earned premium at current level.
- (4) Paid losses.
- (5) Outstanding reported case reserves.
- (6) Increment for loss development.
- (7) Paid allocated loss adjustment expenses.
- (8) Reported case reserves for allocated loss adjustment expenses.
- (9) Increment for allocated loss adjustment expense development.
- (10) Increment for trend, including annual percentage change, basis for the annual percentage change and length of trend.
- (11) Dollars of Pennsylvania commission and acquisition expenses.
- (12) Dollars of Pennsylvania taxes, licenses and fees.
- (13) Dollars of general expenses allocated by line to Pennsylvania.
- (14) Dollars of unallocated loss adjustment expenses by line to Pennsylvania.
- (15) Dollars of investment income on assets equivalent to Pennsylvania unearned premiums and loss reserves and the rate of return on invested funds.

Section 1004-B. Filing Dates.—The initial report by insurers on the items identified in section 1002-B(a)(1), (2) and (4) shall consist of calendar accident years 1985 and 1986 evaluated as of March 31, 1987. For items identified in section 1002-B(a)(3) and (5), the initial report shall consist of policy years ending 1985 and 1986 evaluated as of March 31, 1987. The two years shall be separately reported. Subsequent reports shall include the latest two years, evaluated as of March 31. The initial report by insurers shall be filed on or before May 31, 1987. Each subsequent report shall be filed on or before May 31 following the March 31 evaluation date. All insurer reports shall be accompanied by an affidavit, signed by an officer of the insurer, certifying the completeness and accuracy of the reports.

Section 1005-B. Commissioner's Duty to Report Data Compiled.—The commissioner or his designee shall compile the initial individual reports and the commissioner shall prepare findings, if any, by November 1, 1987. Subsequent reports and findings of the commissioner shall be compiled on or before November 1 of each year. All reports compiled by the commissioner shall be filed by the commissioner with the standing committees of the General Assembly having responsibility for insurance affairs and shall be deemed public records for the purposes of the act of June 21, 1957 (P.L.390, No.212), referred to as the "Right-to-Know Law."

Section 1006-B. Penalty.—Insurers which fail to comply with any reporting requirements under this section shall pay a fine of five thousand dollars (\$5,000) and a fine of two hundred dollars (\$200) daily until the reporting requirements are fully satisfied.

Section 19. Any investments properly made pursuant to applicable provisions of the act prior to the effective date of this amendatory act shall continue as permitted investments.

Section 20. This act is not intended to repeal section 641 of the act of May 17, 1921 (P.L.789, No.285), known as "The Insurance Department Act of one thousand nine hundred and twenty-one," or its application as provided in the act of December 30, 1974 (P.L.1148, No.365), entitled "An act amending the act of May 17, 1921 (P.L.789, No.285), entitled, as amended, 'An act relating to insurance; establishing an insurance department; and amending, revising, and consolidating the law relating to the licensing, qualification, regulation, examination, suspension, and dissolution of insurance companies, Lloyds asso-

ciations, reciprocal and inter-insurance exchanges, and certain societies and orders, the examination and regulation of fire insurance rating bureaus, and the licensing and regulation of insurance agents, and brokers; the service of legal process upon foreign insurance companies, associations or exchanges; providing penalties, and repealing existing laws,' prohibiting the licensing of lending institutions, public utilities and holding companies except for the sale of certain types of insurance."

Section 21. The provisions of this act relating to the Pennsylvania Liability Underwriting Services Plan shall expire December 31, 1988.

Section 22. This act shall take effect immediately.

On the question recurring,

Will the House agree to the amendments?

The SPEAKER. On the amendment, the Chair recognizes the gentleman from Dauphin, Mr. Piccola.

Mr. PICCOLA. Mr. Speaker, I am somewhat at a loss as to understand why Mr. Dawida made the statement he did on the prior vote.

This amendment, if anything, is stronger than his amendment. It offers the insurance companies provisions in the investment portion of the amendment to strengthen the insurance industry here in Pennsylvania. It offers a statutory construction for the market assistance plan, which has proven to be a great success. We have just received a report on that aspect of the program. And it adds reasonable financial disclosure, which everybody, including Mr. Dawida, indicated is necessary.

I think this is a reasonable approach to the insurance crisis in Pennsylvania. It does have a chance of passage and becoming law sometime in the future, and I would hope the House would endorse it and pass this amendment. Thank you, Mr. Speaker.

The SPEAKER. On the amendment, the Chair recognizes the gentleman from Allegheny, Mr. Dawida.

Mr. DAWIDA. Mr. Speaker, no offense intended, but the previous speaker, I will have trouble believing, really believes this is stronger language for the insurance industry.

The facts are, what we voted is going to be a strong, dramatic, and helpful kind of disclosure for everyone in Pennsylvania - for businesses, for people, for nonprofits - much stronger, I believe, than this. If you want to emasculate the bill, then vote for this amendment. If you want to do something strong to take home, to show that we are attempting, after 2 years of study—2 years; this is not a Johnny-come-lately idea; 2 years of study—then vote against the Piccola amendment.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—97

Angstadt	Dininni	Johnson	Ryan
Argall	Distler	Kennedy	Saurman
Arty	Dorr	Kenney	Scheetz
Barley	Durham	Langtry	Schuler
Birmelin	Fargo	Lashingier	Semmel
Black	Fischer	McClatchy	Serafini
Book	Flick	Mackowski	Sirianni
Bowser	Foster	Manmiller	Smith, B.

Boyes	Fox	Merry	Snyder, D. W.
Brandt	Freind	Micozzie	Snyder, G.
Bunt	Gallen	Moehlmann	Stairs
Burd	Gannon	Mowery	Stevens
Burns	Geist	Nahill	Sweet
Bush	Gladeck	Noye	Swift
Carlson	Godshall	O'Brien	Taylor, E. Z.
Cessar	Greenwood	Perzel	Taylor, J.
Chadwick	Gruppo	Phillips	Telek
Cimini	Hagarty	Piccola	Vroon
Civera	Hasay	Pitts	Wass
Clymer	Hayes	Pott	Weston
Cornell	Herman	Punt	Wilson
Coslett	Hershey	Raymond	Wogan
DeVerter	Honaman	Reinard	Wright, J. L.
Davies	Jackson	Robbins	Wright, R. C.
Dietz			

**NAYS—99**

Acosta	Deal	Letterman	Reber
Afflerbach	Dombrowski	Levdansky	Rieger
Baldwin	Donatucci	Linton	Roebuck
Barber	Duffy	Livengood	Rudy
Battisto	Evans	Lloyd	Rybak
Belardi	Fattah	Lucyk	Saloom
Belfanti	Fee	McCall	Seventy
Blaum	Freeman	McHale	Showers
Bortner	Fryer	McVerry	Staback
Bowley	Gallagher	Maiale	Steighner
Broujos	Gamble	Manderino	Stewart
Caltagirone	George	Markosek	Stuban
Cappabianca	Gruitza	Mayernik	Tigue
Carn	Haluska	Michlovic	Trello
Cawley	Harper	Morris	Truman
Clark	Howlett	Mrkonic	Van Horne
Cohen	Hutchinson	Murphy	Veon
Colafella	Itkin	O'Donnell	Wambach
Cole	Jarolin	Olasz	Wiggins
Cordisco	Josephs	Oliver	Wozniak
Cowell	Kasunic	Petrarca	Wright, D. R.
Coy	Kosinski	Petrone	Yandrisevits
Deluca	Kukovich	Pistella	
DeWeese	Laughlin	Pressmann	Irvis,
Daley	Lescovitz	Preston	Speaker
Dawida			

**NOT VOTING—2**

Miller Richardson

**EXCUSED—3**

Pievsky Smith, L. E. Taylor, F.

The question was determined in the negative, and the amendments were not agreed to.

On the question recurring,

Will the House agree to the bill on third consideration as amended?

**BILL PASSED OVER TEMPORARILY**

The SPEAKER. The Chair has been advised that there is another amendment still being drafted. Who has that?

Mr. Fox has an amendment still up in the Reference Bureau, so we cannot go further with this bill.

**CONSIDERATION OF SB 483 CONTINUED**

On the question recurring,

Will the House agree to the bill on third consideration as amended?

Mr. BELFANTI offered the following amendments No. A4622:

Amend Bill, page 6, by inserting between lines 10 and 11

Section 4. Every insurer who insures a motor vehicle shall reduce the premiums charged for motor vehicle insurance by not less than 5% upon the effective date of the passage of this amendatory act.

Amend Sec. 4, page 6, line 11, by striking out "4" and inserting

5

On the question,

Will the House agree to the amendments?

The SPEAKER. On the amendment, the Chair recognizes the gentleman from Northumberland, Mr. Belfanti.

Mr. BELFANTI. Thank you, Mr. Speaker.

Mr. Speaker, I had two amendments drafted, one of which I am not going to offer.

The amendment that I am offering, however, very readily clarifies the intention—

The SPEAKER. Just a moment, Mr. Belfanti. Let us see if we are both talking about the same thing here.

Are you offering amendment A4622? Is that correct?

Mr. BELFANTI. Yes, Mr. Speaker; I am.

The SPEAKER. All right. Fine. Then you may proceed. We read that.

Mr. BELFANTI. Mr. Speaker, amendment 4622, in very simple terms, addresses the thought pattern that I was on prior to the lunch break.

I have tried to eliminate any and all references or ties to any form of restraining systems and tied this amendment directly to the passage of the act, which was my original intent. The act of its own volition, by passing this chamber and the Senate and being signed into law, is going to—and no one disputes this, including the insurance industry—is going to cause many more Pennsylvanians and policyholders in this Commonwealth to buckle up. I think this is a fine opportunity for us to tell our constituents that we are not promising them that there will be a reduction in their premiums if the experience rating that the insurance industry develops will bear out the fact that more people are buckling up and that more people's lives will be saved and that injuries will be greatly reduced. We are telling them, in fact, they are going to receive a 5-percent, across-the-board premium reduction as a net result of the passage of this act.

I think it is a very short and sweet amendment. I realize that some spokesmen who are close to the industry will probably not have the arguments on the technicalities that they used in the last amendment that I offered, but I do expect there will be some comments made about this being an unfair amendment. I do not see how. I do not see why. I think it is time to give back to the ratepayers some of the money the insurance industry took from them when we threw no-fault out the window. Five percent is not too much to ask. I would have liked to make it higher. I do not think it is going to kill the industry, and I do think we can show our constituents that we care a little bit about how they feel when it comes to auto insurance. Thank you, Mr. Speaker.



The SPEAKER. On the amendment, the Chair recognizes the gentleman from Chester, Mr. Vroon.

Mr. VROON. Mr. Speaker, I rise to oppose this amendment.

This amendment is premature, to say the least. The time to react on insurance rates is if this bill, a good bill, passes in final form which does really accomplish the objective of use of seatbelts. Then and only then can we say that there will be some money saved. If the bill is not passed, and the bill may not pass in the way that it should pass, the effect of the bill is uncertain at this point, both as to format and as to the effects on insurance.

I think this is premature. I do not object to the basic idea of trying to save insurance premiums for our public. I would enjoy those savings, too, because I use my seatbelt all the time, but I think this is the wrong way to go at this time.

I would ask the membership to please vote "no," because there is not a good, sound, basic reason for doing this and there is absolutely no accuracy at all in the 5 percent involved here. This is a wild guess as to how much it should save, a wild guess at best, and I do not think this is the right thing to do at this time.

The SPEAKER. On the amendment, the Chair recognizes the gentleman from Mifflin, Mr. DeVerter.

Mr. DeVERTER. Thank you, Mr. Speaker.

Mr. Speaker, as you pointed out many times, we tend to learn slow around here, I guess. You know, the gentleman discussed the fact that we threw out no-fault. Well, we threw the baby out with the bath water, and I guess that is what we are going to do if we adopt this kind of an amendment.

It just seems to me that we never learn how these kinds of things operate. You know, first of all, you can almost rest assured that when this bill ends up in a conference committee, this is not going to be part of it. That is for certain. Yes, it looks good as a vote up here, but I guess the part that I most strenuously object to is that it will receive significant headlines from the media. And what do you do? You build false hope for those people whom you are sent here to serve, and quite frankly, I think that is a fraud.

You know, if we thought for a minute that this was going to help people buckle up, it would be one thing, but it is not going to do that. It sure as heck, someplace along the way— You know, if those members who were here back when no-fault was originally passed, back in the 1974-75 session, if they will recall, there was a mandated decrease in premium then, and a year later you know what happened? Premiums went out of sight, and in those areas where premium was restricted, they were raised in other areas. I can assure you that if we do this, we are going to end up with the same scenario all over again. The companies will be back in a year and you will more than offset the costs that you are trying to save in this amendment.

I would ask for opposition. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes the gentleman from Centre, Mr. Letterman, on the amendment.

Mr. LETTERMAN. Mr. Speaker, I just rise to ask for an affirmative vote.

Mr. Vroon made the statement that this is premature. Evidently he did not read the amendment, because the amendment says that it takes effect on the effective date of the passage of this bill. So that means if you pass this bill, then this amendment takes effect, and if you do not pass it, which we should not do in the first place, then you do not have to worry about this amendment, Mr. Speaker.

The whole thing is, Mr. DeVerter is saying that we will have to come back and give somebody a raise if we do this. Well, that would be nice to have to argue that at a later date. But because the insurance company has spent so much money getting this thing started, this farce that they have started, and they want to see it passed, we will probably pass it. I do not think you are going to get as much passage as you expect, but you might pass it. The whole thing that I am looking at is that they have spent a tremendous amount of money just getting this far and they want to use all their statistics to show us why we need it because it will drop that many more deaths and that many more serious accidents. If that is the case, a 5-percent reduction in the cost of insurance is certainly not enough. We should have asked, Mr. Belfanti, for 15 percent.

By the way, we are not looking for any headlines. Both people who sponsored this amendment, neither of us have any contest to be in. So we do not need the headlines, and that is why we are doing it. Thank you.

The SPEAKER. For the second time on the amendment, the Chair recognizes the gentleman from Northumberland, Mr. Belfanti.

Mr. BELFANTI. Thank you, Mr. Speaker.

I think the gentleman, Mr. Letterman's remarks only go to show that regardless of what side of the seatbelt issue you are on, because we are probably on opposite wavelengths as far as whether or not we need a seatbelt law, we can all agree that rates should be reduced because accidents are going to be reduced and fatal injuries and very serious injuries are going to be reduced as a result of whatever percentage of Pennsylvanians start to buckle up because of the passage of this act.

Mr. Speaker, I see no reason why every member of this chamber cannot vote "yes" on this amendment, and I would urge them to do so.

The SPEAKER. On the amendment for the second time, the Chair recognizes the gentleman from Chester, Mr. Vroon.

Mr. VROON. Just very briefly, Mr. Speaker.

Insurance rates are based on actuarial statistics developed by expert actuaries, and they use the basis of claims, claims produced. There is not an actuary in the United States who can tell you at this point that there will be a savings in insurance premiums of any percentages, let alone 5 percent. That is why I said it is premature. It just cannot be determined. For us to act as experts on insurance and tell them you have to give us 5 percent back, I think it is unfair and I think it is rather presumptive on our part.

I urge a "no" vote on this amendment.

The SPEAKER. On the amendment, the Chair recognizes the gentleman from Dauphin, Mr. Piccola.

Mr. PICCOLA. Thank you, Mr. Speaker.

I assume that this argument will be falling on deaf ears, but I think the record has to be made as to why the House should oppose this amendment.

First, I believe it is not constitutional. There is no rational basis to connect insurance premiums with the seatbelt law. There has been no connection made whatsoever between the two.

Secondly, if you look at your automobile insurance premium, it is made up of not just a blanket premium but it is made up of a number of items - your personal injury protection, which pays your medical bills if you are in an accident; it contains collision; it contains the liability premium; it contains a death-benefit premium. Some of those do directly relate to injury that you might sustain in an accident. For example, your PIP (personal injury protection) protection might appropriately be reduced if we had a seatbelt law. I do not know. I do not know of any figures that indicate that, but that is a possibility. But certainly your collision is not going to be affected by whether or not there is a seatbelt law. There is still going to be the same number of accidents, the same amount of property damage in Pennsylvania whether there is a seatbelt law or is not a seatbelt law, and to mandate a 5-percent reduction across the board in the entire premium is just not making any sense.

The amendment deserves to be looked at more closely, fine-tuned, and perhaps with some study, some reduction mandated or otherwise might be appropriate, but certainly not across the board for all companies, for all premiums, whether or not they relate to seatbelts. I urge that the amendment be defeated.

The SPEAKER. For the second time on the amendment, the Chair recognizes Mr. Letterman.

Mr. LETTERMAN. Mr. Speaker, this amendment does not specify what section of insurance you must reduce the premium on. Any insurance company can take any part of that entire insurance package and reduce it to their satisfaction. We did not pick on any one section of it, and we ask for an affirmative vote. Thank you.

The SPEAKER. On the amendment, the Chair recognizes the gentleman from Bucks, Mr. Greenwood.

Mr. GREENWOOD. Thank you, Mr. Speaker.

Will the gentleman stand for brief interrogation?

Mr. BELFANTI. Yes; I will, sir.

The SPEAKER. Mr. Belfanti indicates he will stand for interrogation. You may proceed, Mr. Greenwood.

Mr. GREENWOOD. Thank you, Mr. Speaker.

Would the mandated 5-percent reduction in rates apply to policies for operators who are not covered under this act? For instance, those operators who are insuring a vehicle that was manufactured prior to 1966?

Mr. BELFANTI. This amendment will cover all insurers who insure a motor vehicle in this Commonwealth.

Mr. GREENWOOD. I understand that. The question is, if I own an automobile that was manufactured before 1966, and therefore I am excluded from coverage under the seatbelt act, is my insurance company required to reduce my premium as well?

Mr. BELFANTI. It would be my intention, but I would prefer not to hold up the session and wait for another amendment to come down on a technicality to make sure that both classes of insured motorists in this Commonwealth are covered, but if you do not feel that the legislative intent is there, I would be glad to do that as well.

Mr. GREENWOOD. Would an insurer providing coverage for schoolbuses have to reduce the premiums to the schoolbus companies by 5 percent as well?

Mr. BELFANTI. Anyone who is covered under this act by seatbelts would be given a 5-percent reduction. This is the seatbelt act that we are discussing now, and my opinion would be that anyone covered under this act will also be covered under the 5-percent reduction.

Mr. GREENWOOD. And finally, is there anything in this amendment that would prohibit the insurance companies from increasing their rates by 5 percent sometime after this sudden reduction?

Mr. BELFANTI. Unfortunately, no. We have no power here in the General Assembly to do that. I think we do have the power to reduce, and I do not believe that we have the power to state that the Insurance Commission will never be permitted in the future to raise rates. Hopefully, the experience that Mr. Vroon alluded to will allow for future reductions as opposed to future increases because of the amount of lives that will be saved as a result of passing a seatbelt law. That would be my hope.

Mr. GREENWOOD. Thank you, Mr. Speaker.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—137

Afflerbach	Deal	Letterman	Rudy
Angstadt	Dombrowski	Levdansky	Rybak
Argall	Donatucci	Linton	Saloom
Arty	Duffy	Livengood	Saurman
Baldwin	Durham	Lloyd	Serafini
Battisto	Fattah	Lucyk	Seventy
Belardi	Fee	McCall	Showers
Belfanti	Fischer	McHale	Smith, B.
Blaum	Fox	McVerry	Snyder, G.
Bortner	Freeman	Mackowski	Staback
Bowley	Fryer	Manderino	Steighner
Brandt	Gallagher	Markosek	Stevens
Broujos	George	Mayernik	Stewart
Burns	Gladeck	Michlovic	Stuban
Caltagirone	Greenwood	Morris	Taylor, E. Z.
Cappabianca	Gruitza	Mrkonic	Taylor, J.
Carlson	Hagarty	Murphy	Telek
Carn	Haluska	Nahill	Tigue
Cawley	Harper	O'Donnell	Trello
Cessar	Hasay	Olasz	Van Horne
Chadwick	Herman	Oliver	Veon
Clark	Honaman	Perzel	Wambach
Clymer	Howlett	Petrarca	Wass
Cohen	Hutchinson	Petrone	Weston
Colafella	Itkin	Phillips	Wilson

Cole	Jarolin	Pistella	Wogan
Cordisco	Johnson	Pott	Wozniak
Cornell	Josephs	Pressmann	Wright, D. R.
Coslett	Kasunic	Preston	Wright, J. L.
Cowell	Kenney	Punt	Wright, R. C.
Coy	Kosinski	Raymond	Yandrisevits
Deluca	Kukovich	Reber	
DeWeese	Lashinger	Reinard	Irvis,
Daley	Laughlin	Rieger	Speaker
Dawida	Lescovitz	Roebuck	

NAYS—46

Barley	Dietz	Gruppo	Piccola
Birmelin	Dininni	Hayes	Robbins
Black	Distler	Hershey	Ryan
Book	Dorr	Jackson	Scheetz
Bowser	Fargo	Kennedy	Schuler
Boyes	Flick	Langtry	Semmel
Bunt	Foster	McClatchy	Sirianni
Burd	Gallen	Manmiller	Snyder, D. W.
Bush	Gamble	Merry	Swift
Cimini	Gannon	Moehlmann	Truman
Civera	Geist	Mowery	Vroon
DeVerter	Godshall		

NOT VOTING—15

Acosta	Freind	Noye	Stairs
Barber	Maiale	O'Brien	Sweet
Davies	Micozzie	Pitts	Wiggins
Evans	Miller	Richardson	

EXCUSED—3

Pievsky      Smith, L. E.      Taylor, F.

The question was determined in the affirmative, and the amendments were agreed to.

On the question recurring,

Will the House agree to the bill on third consideration as amended?

Bill as amended was agreed to.

The SPEAKER. This bill has been considered on three different days and agreed to and is now on final passage.

The question is, shall the bill pass finally?

Agreeable to the provisions of the Constitution, the yeas and nays will now be taken.

YEAS—126

Acosta	Daley	Langtry	Rieger
Afflerbach	Davies	Lashinger	Roebuck
Argall	Dawida	Laughlin	Rudy
Arty	Deal	Lescovitz	Ryan
Baldwin	Dietz	Levdansky	Rybak
Barber	Distler	Linton	Saurman
Battisto	Dombrowski	Lucy	Semmel
Belardi	Donatucci	McClatchy	Serafini
Belfanti	Dorr	McHale	Seventy
Book	Duffy	McVerry	Showers
Bortner	Durham	Mackowski	Sirianni
Bowley	Evans	Manderino	Snyder, D. W.
Brandt	Fattah	Markosek	Staback
Bunt	Fee	Mayernik	Stevens
Burns	Fischer	Merry	Sweet
Bush	Fox	Micozzie	Taylor, E. Z.
Caltagirone	Gallagher	Morris	Taylor, J.
Cappabianca	Gamble	Murphy	Tigue
Carn	Gannon	Nahill	Trello
Cawley	Gladeck	O'Brien	Van Horne
Cessar	Godshall	Olasz	Vroon
Chadwick	Greenwood	Oliver	Wambach
Cimini	Gruppo	Perzel	Wass
Civera	Hagarty	Petrone	Wiggins

Clymer	Harper	Phillips	Wilson
Cohen	Hayes	Pistella	Wogan
Colafella	Hershey	Pitts	Wright, J. L.
Cordisco	Itkin	Pott	Wright, R. C.
Cornell	Josephs	Pressmann	Yandrisevits
Coslett	Kenney	Preston	
Cowell	Kosinski	Raymond	Irvis,
Deluca	Kukovich	Reinard	Speaker

NAYS—71

Angstadt	Foster	Kennedy	Robbins
Barley	Freeman	Letterman	Saloom
Birmelin	Freind	Livengood	Scheetz
Black	Fryer	Lloyd	Schuler
Blaum	Gallen	McCall	Smith, B.
Bowser	Geist	Maiale	Snyder, G.
Boyes	George	Manmiller	Stairs
Broujos	Gruitza	Michlovic	Steighner
Burd	Haluska	Miller	Stewart
Carlson	Hasay	Moehlmann	Stuban
Clark	Herman	Mowery	Swift
Cole	Honaman	Mrkonic	Telek
Coy	Howlett	Noye	Truman
DeVerter	Hutchinson	O'Donnell	Veon
DeWeese	Jackson	Petrarca	Weston
Dininni	Jarolin	Piccola	Wozniak
Fargo	Johnson	Punt	Wright, D. R.
Flick	Kasunic	Reber	

NOT VOTING—1

Richardson

EXCUSED—3

Pievsky      Smith, L. E.      Taylor, F.

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the bill passed finally.

Ordered, That the clerk return the same to the Senate with the information that the House has passed the same with amendment in which the concurrence of the Senate is requested.

REMARKS ON VOTES

The SPEAKER. Why does the gentleman from Allegheny, Mr. Gamble, rise?

Mr. GAMBLE. Mr. Speaker, my switch was voted incorrectly on the Belfanti amendment A4622 to SB 483. I wanted to be voted in the affirmative.

The SPEAKER. The gentleman's remarks will be spread upon the record.

Why does the gentleman from Berks, Mr. Davies, rise?

Mr. DAVIES. Mr. Speaker, on amendment 4622 to SB 483 I was not recorded. I would like to be recorded in the negative.

The SPEAKER. The gentleman's remarks will be spread upon the record.

Why does the gentleman from Perry, Mr. Noye, rise?

Mr. NOYE. Mr. Speaker, for the same reason. On the Belfanti amendment A4622 I was not recorded. I would like the record to reflect a negative vote. Thank you, sir.

The SPEAKER. Why does the gentleman from Butler, Mr. Steighner, rise?

Mr. STEIGHNER. Mr. Speaker, on the last vote I was incorrectly recorded. I would like to be recorded in the affirmative on final passage of SB 483.

The SPEAKER. The gentleman's remarks will be spread upon the record.

Why does the gentleman from Cambria, Mr. Telek, rise?

Mr. TELEK. On amendment A1806 to SB 934, the Argall amendment, I want to be registered in the affirmative.

The SPEAKER. Why does the gentleman from Montgomery, Mr. Godshall, rise?

Mr. GODSHALL. Thank you, Mr. Speaker.

On amendment No. 4622 to SB 483 I was recorded in the negative. I would like to be recorded in the affirmative.

The SPEAKER. The gentleman's remarks will be spread upon the record.

The Chair recognizes the gentleman from Allegheny, Mr. Cessar. Why do you rise, sir?

Mr. CESSAR. To change a vote, Mr. Speaker. On amendment A4622 to SB 483 I was voted in the affirmative. I want to be recorded in the negative.

The SPEAKER. The gentleman's remarks will be spread upon the record.

#### REMARKS SUBMITTED FOR THE RECORD

The SPEAKER. The Chair recognizes the gentleman from Chester, Mr. Flick. Why do you rise, sir?

Mr. FLICK. Mr. Speaker, I would like to submit remarks for the record on the introduction of legislation, HB 2814.

The SPEAKER. The gentleman will send the remarks forward. They will be entered into the record.

Mr. FLICK submitted the following remarks for the Legislative Journal:

Each of us has been contacted on a regular basis by our constituents and by various local organizations urging us to take action to restore balance and fairness to the increasingly costly problem of damage suits and the availability and cost for liability insurance.

Several legislative initiatives have been proposed, focusing on various aspects of the civil liability problem. Each has its supporters and opponents who staunchly advocate their position. An area yet to be addressed is a reasonable and comprehensive approach that focuses on problems of concern to local and State governmental agencies and their taxpayers. Accordingly, I am introducing legislation on Wednesday, October 1, which:

1. Maximizes the portion of liability awards that go to the deserving, injured party.
2. Makes liability for damages more proportionate to the degree of responsibility for the injury.
3. Ensures that damage awards fairly reflect the degree of injury or loss.
4. Maintains access to the courts for injury victims.
5. Discourages frivolous litigation.
6. Encourages out-of-court settlement or arbitration of minor claims.

When coupled with insurance reform initiatives currently being considered, this legislation will go a long way in resolving major problem areas. Information about the 12 point proposal is attached. Because the State, some units of government, and some transit authorities are self-insured and do not purchase insurance

from insurance companies, the beneficiaries of these proposals are taxpayers and insurance consumers, not insurance companies.

#### REMARKS ON VOTE

The SPEAKER. The Chair recognizes the gentleman from Chester, Mr. Pitts. Why do you rise, sir?

Mr. PITTS. I was out of my seat at the last vote. I would like to be recorded in the affirmative on the seatbelt bill, SB 483. Thank you.

The SPEAKER. The gentleman's remarks will be spread upon the record.

#### SUPPLEMENTAL CALENDAR A

##### BILL ON CONCURRENCE IN SENATE AMENDMENTS TO HOUSE AMENDMENTS

The clerk of the Senate, being introduced, returned the following **SB 1145, PN 2477**, with information that the Senate has concurred in the amendments made by the House by amending said amendments in which the concurrence of the House of Representatives is requested:

An act amending the act of April 13, 1972 (P.L. 184, No. 62), entitled "Home Rule Charter and Optional Plans Law," providing for election district amendments and for questions on the ballot.

On the question,

Will the House concur in Senate amendments to House amendments?

##### BILL PASSED OVER TEMPORARILY

The SPEAKER. The Chair recognizes the minority leader.

Mr. RYAN. Mr. Speaker, this bill came over here, as far as I was concerned, about 10 minutes ago. I would appreciate, if there is anything else on the calendar to do, passing this over temporarily, until I can see what it says.

The SPEAKER. Are you perfectly willingly to do that, Mr. Murphy? Pass over temporarily?

Mr. MURPHY. Yes.

The SPEAKER. Fine.

#### CITATION PRESENTED

The SPEAKER. Mr. DeWeese, while we are waiting for Mr. Fox's amendment to come down, do you want to enter a citation for the record?

The Chair recognizes the gentleman from Greene, Mr. DeWeese.

This is the time now for anybody who wants to make announcements. We still have to wait for Mr. Fox to have his amendment brought down. We will take announcements now so we are not held any longer than necessary.

Mr. DeWeese.

Mr. DeWEESE. Mr. Speaker, this month we celebrate the 200th anniversary of a very special time for those of us who are in the Masonic fraternity. I would like to present the citation to the chamber and have it read across the record. Thank you very much.

The SPEAKER. The gentleman will send the citation forward. The clerk will read the citation for the record.

The following citation was read:

COMMONWEALTH OF PENNSYLVANIA  
CITATION BY THE HOUSE OF REPRESENTATIVES

WHEREAS, On September 25-26, 1786, the Grand Lodge of Pennsylvania sundered its fraternal connection with its parent Grand Lodge of England due to the multitudinous political energies unleashed by the victorious conclusion to the American Revolutionary War of Independence; and

WHEREAS, The bicentennial of this special event rapidly approaches; and

WHEREAS, The United States of America will soon commemorate, with all proper tokens, signs, and lineaments, the signing of the Constitution of our Nation in Philadelphia a year hence; that weighty and propulsive event which launched our land upon the shoreless sea of time, providing the peoples of the globe with a quenchless beacon of hope, trust in humankind, and in the worthiness of purpose with which all members of the human race ought to conduct themselves; and

WHEREAS, History records the many deeds and writings brought forth from noted Masons of the era, to wit, Benjamin Franklin, George Washington, amongst others, whose works have bestowed radiant hope upon mankind; and

WHEREAS, The Grand Lodge of Pennsylvania can rightfully claim more than merely reflected glory from the fecundity of the deeds of the Founding Fathers, and of the Framers of the United States Constitution.

Now therefore, the House of Representatives of the Commonwealth of Pennsylvania convey its heartiest congratulations and most auspicious felicitations to the Grand Master of the Grand Lodge of Free and Accepted Masons of Pennsylvania, in the City of Philadelphia, on behalf of the numerous labors of the Commonwealth's Masons, both past and present, so that this Commonwealth will long continue its tradition of good works, benevolence of spirit, and gentle charity to all who reside within the evergreen borders of Penn's Woods; and further directs that a copy of this citation be delivered to the Grand Master of the Grand Lodge of Free and Accepted Masons.

Submitted by:  
H. William DeWeese  
Sponsor  
Jeffrey W. Coy  
Sponsor

K. Leroy Irvis  
Speaker

ATTEST:  
John J. Zubeck  
Chief Clerk

Cosponsors:  
Roger Raymond Fischer  
Donald W. Dorr  
Peter C. Wambach  
Anthony M. DeLuca  
Eugene G. Saloom  
Ronald C. Raymond  
Robert D. Robbins  
Kenneth E. Brandt  
Thomas R. Caltagirone  
James R. Merry

Lester K. Fryer  
Alvin C. Bush  
Howard L. Fargo  
Karl W. Boyes  
Robert C. Wright  
Richard J. Cessar  
Jon D. Fox  
Fred C. Noye

September 30, 1986

**BILLS REPORTED FROM COMMITTEES,  
CONSIDERED FIRST TIME, AND TABLED**

**HB 2000, PN 4058 (Amended)**

By Rep. OLIVER

A Joint Resolution proposing an amendment to the Constitution of the Commonwealth of Pennsylvania, establishing criteria to be followed by the Legislative Reapportionment Commission in performing its duties.

STATE GOVERNMENT.

**HB 2087, PN 2845**

By Rep. COHEN

An Act amending the act of June 1, 1937 (P. L. 1168, No. 294), known as the "Pennsylvania Labor Relations Act," further providing for unfair labor practices; and imposing an obligation upon persons who acquire certain businesses.

LABOR RELATIONS.

**CALENDAR CONTINUED**

**BILLS ON THIRD CONSIDERATION**

The House proceeded to third consideration of **HB 823, PN 942**, entitled:

An Act amending the act of March 10, 1949 (P. L. 30, No. 14), known as the "Public School Code of 1949," increasing reimbursement for school building construction; and making editorial changes.

On the question,

Will the House agree to the bill on third consideration?

**BILL TABLED**

The SPEAKER. The Chair recognizes the majority leader.  
Mr. MANDERINO. Mr. Speaker, I move that HB 823 be placed upon the tabled calendar.

On the question,

Will the House agree to the motion?

Motion was agreed to.

\* \* \*

The House proceeded to third consideration of **HB 1698, PN 3753**, entitled:

An Act amending the act of March 10, 1949 (P. L. 30, No. 14), known as the "Public School Code of 1949," changing provisions relating to school terms and sessions.

On the question,

Will the House agree to the bill on third consideration?

**BILL TABLED**

The SPEAKER. The Chair recognizes the majority leader.  
Mr. MANDERINO. Mr. Speaker, I move that HB 1698 be placed upon the tabled calendar.

On the question,  
Will the House agree to the motion?  
Motion was agreed to.

**BILLS REMOVED FROM TABLE**

The SPEAKER. The Chair recognizes the majority leader.  
Mr. MANDERINO. Mr. Speaker, I move that HB 823 and HB 1698 be removed from the tabled calendar and placed on the active calendar.

On the question,  
Will the House agree to the motion?  
Motion was agreed to.

\* \* \*

The House proceeded to third consideration of **HB 1166, PN 3752**, entitled:

An Act relating to the protection of the occupational health and safety of public employees; providing penalties; and making an appropriation.

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

**BILL TABLED**

The SPEAKER. The Chair recognizes the majority leader.  
Mr. MANDERINO. Mr. Speaker, I move that HB 1166 be placed on the tabled calendar.

On the question,  
Will the House agree to the motion?  
Motion was agreed to.

**BILL REMOVED FROM TABLE**

The SPEAKER. The Chair recognizes the majority leader.  
Mr. MANDERINO. Mr. Speaker, I move that HB 1166 be returned to the active calendar.

On the question,  
Will the House agree to the motion?  
Motion was agreed to.

**SB 483 RECONSIDERED**

The SPEAKER. The floor will be delighted to know that after we have voted on the seatbelt bill and debated it for approximately 9 1/2 to 10 hours, we now have a motion to reconsider the final vote. This is merely the motion to reconsider, not the seatbelt bill, please.

Those in favor of reconsideration will vote "aye"; those opposed, "no."

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

The following roll call was recorded:

**YEAS—175**

Acosta	Davies	Kenney	Reber
Afflerbach	Dawida	Kosinski	Reinard
Angstadt	Deal	Langtry	Rieger
Argall	Dietz	Lashingner	Robbins
Arty	Distler	Laughlin	Roebuck
Baldwin	Dombrowski	Lescovitz	Rudy
Barley	Donatucci	Levdansky	Ryan
Belardi	Dorr	Linton	Rybak
Belfanti	Duffy	Livengood	Saloom
Birmelin	Durham	Lloyd	Saurman
Black	Evans	Lucyk	Scheetz
Blaum	Fargo	McCall	Schuler
Book	Fattah	McClatchy	Semmel
Bortner	Fee	McHale	Serafini
Bowley	Fischer	McVerry	Seventy
Bowser	Flick	Mackowski	Showers
Boyes	Foster	Maiale	Sirianni
Brandt	Fox	Manderino	Smith, B.
Broujos	Freeman	Markosek	Snyder, D. W.
Bunt	Freind	Mayernik	Snyder, G.
Burd	Fryer	Merry	Staback
Burns	Gallen	Michlovic	Stairs
Bush	Gamble	Micozzie	Steighner
Caltagirone	Gannon	Miller	Stevens
Cappabianca	Geist	Moehlmann	Stuban
Carlson	George	Mowery	Sweet
Carn	Gladeck	Murphy	Swift
Cawley	Godshall	Nahill	Taylor, E. Z.
Cessar	Greenwood	Noye	Taylor, J.
Chadwick	Gruitza	O'Brien	Telek
Cimini	Gruppo	O'Donnell	Tigue
Civera	Hagarty	Olasz	Trello
Clymer	Harper	Oliver	Truman
Cohen	Hasay	Perzel	Vroon
Colafella	Hayes	Petrone	Wambach
Cole	Herman	Phillips	Wass
Cordisco	Hershey	Piccola	Wilson
Cornell	Honaman	Pistella	Wogan
Coslett	Howlett	Pitts	Wozniak
Cowell	Jackson	Pott	Wright, R. C.
Coy	Jarolin	Pressmann	Yandrisevits
Deluca	Johnson	Preston	
DeVerter	Josephs	Punt	Irvis,
DeWeese	Kennedy	Raymond	Speaker
Daley			

**NAYS—19**

Barber	Hutchinson	Manmiller	Veon
Clark	Itkin	Mrkonic	Wiggins
Dininni	Kasunic	Petrarca	Wright, D. R.
Gallagher	Kukovich	Stewart	Wright, J. L.
Haluska	Letterman	Van Horne	

**NOT VOTING—4**

Battisto	Morris	Richardson	Weston
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**EXCUSED—3**

Pievsky	Smith, L. E.	Taylor, F.
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The question was determined in the affirmative, and the motion was agreed to.

The SPEAKER. The Chair has immediately before it, on final passage, SB 483, PN 2291.

On the question recurring,

Shall the bill pass finally?

The SPEAKER. The Chair recognizes the majority leader on final passage.

Mr. MANDERINO. Mr. Speaker, SB 483, now on final passage, is the seatbelt legislation we have been debating for 3 days. It is the third time we are going to vote it, and we are going to vote it for the third time because everyone keeps forgetting to vote for it, or at least enough keep forgetting to vote for it or vote wrong and come up to change their vote that it is being reconsidered. Please, seatbelt legislation - you are either for it or against it. Please vote.

On the question recurring,  
Shall the bill pass finally?

The SPEAKER. Agreeable to the provisions of the Constitution, the yeas and nays will now be taken.

YEAS—124

Acosta	Davies	Laughlin	Rudy
Afflerbach	Dawida	Lescovitz	Ryan
Argall	Dietz	Levdansky	Rybak
Arty	Distler	Linton	Saurman
Baldwin	Dombrowski	Lucyk	Semmel
Barber	Donatucci	McClatchy	Serafini
Battisto	Dorr	McHale	Seventy
Belardi	Duffy	McVerry	Showers
Belfanti	Durham	Mackowski	Sirianni
Book	Evans	Manderino	Snyder, D. W.
Bortner	Fattah	Markosek	Staback
Bowley	Fee	Mayernik	Steighner
Brandt	Fischer	Merry	Stevens
Bunt	Fox	Micozzie	Sweet
Burns	Gallagher	Morris	Taylor, E. Z.
Bush	Gamble	Murphy	Taylor, J.
Caltagirone	Gannon	Nahill	Tigue
Cappabianca	Gladeck	O'Brien	Trello
Carn	Godshall	Oliver	Van Horne
Cawley	Greenwood	Perzel	Vroon
Cessar	Gruppo	Petrone	Wambach
Chadwick	Hagarty	Phillips	Wass
Cimini	Harper	Pistella	Wiggins
Civera	Hayes	Pitts	Wilson
Clymer	Hershey	Pott	Wogan
Cohen	Itkin	Pressmann	Wright, J. L.
Colafella	Josephs	Preston	Wright, R. C.
Cordisco	Kenney	Raymond	Yandrisevits
Cornell	Kosinski	Reinard	
Cowell	Kukovich	Rieger	Irvis,
Deluca	Langtry	Roebuck	Speaker
Daley	Lashingier		

NAYS—73

Angstadt	Flick	Kasunic	Punt
Barley	Foster	Kennedy	Reber
Birmelin	Freeman	Letterman	Robbins
Black	Freind	Livengood	Saloom
Blaum	Fryer	Lloyd	Scheetz
Bowser	Gallen	McCall	Schuler
Boyes	Geist	Maiale	Smith, B.
Broujos	George	Manmiller	Snyder, G.
Burd	Gruitza	Michlovic	Stairs
Carlson	Haluska	Miller	Stewart
Clark	Hasay	Moehlmann	Stuban
Cole	Herman	Mowery	Swift
Coslett	Honaman	Mrkonic	Telek
Coy	Howlett	Noye	Truman
DeVerter	Hutchinson	O'Donnell	Veon
DeWeese	Jackson	Olasz	Weston
Deal	Jarolin	Petrarca	Wozniak
Dininni	Johnson	Piccola	Wright, D. R.
Fargo			

NOT VOTING—1

Richardson

EXCUSED—3

Pievsky

Smith, L. E.

Taylor, F.

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the bill passed finally.

Ordered, That the clerk return the same to the Senate with the information that the House has passed the same with amendment in which the concurrence of the Senate is requested.

BILLS REMOVED FROM TABLE

The SPEAKER. The Chair recognizes the majority leader.

Mr. MANDERINO. Mr. Speaker, I move that the following bills be lifted from the tabled calendar:

- HB 259;
- SB 1486;
- HB 2656; and
- HB 2734.

On the question,  
Will the House agree to the motion?  
Motion was agreed to.

BILLS RECOMMITTED

The SPEAKER. The Chair recognizes the majority leader.

Mr. MANDERINO. Mr. Speaker, I move that HB 259 and SB 1486 be recommitted to the Committee on Appropriations for fiscal notes.

On the question,  
Will the House agree to the motion?  
Motion was agreed to.

CONSIDERATION OF SB 934 CONTINUED

On the question recurring,  
Will the House agree to the bill on third consideration as amended?

The SPEAKER. We are still waiting for an amendment to SB 934.

The Chair has been advised that the gentleman, Mr. Fox, is withdrawing his amendment.

On the question recurring,  
Will the House agree to the bill on third consideration as amended?  
Bill as amended was agreed to.

The SPEAKER. This bill has been considered on three different days and agreed to and is now on final passage.

The question is, shall the bill pass finally?

On final passage, the Chair recognizes the gentleman from Crawford, Mr. Merry.

Mr. MERRY. I would really like a ruling of the Chair, Mr. Speaker. Due to the procedures that I have seen here and the addition of a very major amendment, I am wondering if the bill in its amended form does not require a fiscal note.

The SPEAKER. The Chair is not going to ignore your question; the Chair has another problem. The Chair heard your question. Just a moment.

All right, Mr. Merry. If the gentleman, Mr. Merry, can point out any area which would require a fiscal note, the Chair will address itself to that question. The Chair does not see any right now. Is the gentleman saying that this is so complicated it must need a fiscal note or does he have a specific area?

Mr. MERRY. Partially that, because we did not get a chance to caucus on the bill and I did not get a chance to read it and neither did the committee chairman. I just thought perhaps our Appropriations Committee chairman could make a ruling on that—

The SPEAKER. Apparently your microphone is not working or you are not talking into the microphone. We heard only part of what you said.

Mr. MERRY. Pardon me just a minute, Mr. Speaker.

The SPEAKER. All right. The House will be at ease.

The Chair recognizes the gentleman, Mr. Merry.

Mr. MERRY. I would like to direct your attention to the top of page 2. Those lines up there indicate expenses—

The SPEAKER. Are you talking about the original bill, page 2?

Mr. MERRY. No; I am talking about the amendment A4569 that has been added to the bill.

The SPEAKER. Just a moment. We will take a look at it.

**POINT OF ORDER**

Mr. MANDERINO. Mr. Speaker?

The SPEAKER. The Chair recognizes the majority leader.

Mr. MANDERINO. Point of order.

The SPEAKER. The gentleman will state the point of order.

Mr. MANDERINO. What is before the House at this moment?

The SPEAKER. Final passage of the bill, and Mr. Merry has asked a question whether or not it should be referred to Appropriations for a fiscal note. The Chair is about to rule that he is too late, that had that question been raised at the pertinent time, then it could have been answered, but unfortunately for you, Mr. Merry, it was not so raised.

Therefore, the House has moved, without objection, to final passage, and it is too late to raise that question on final passage.

Mr. MERRY. Well, my question was not directed to the amendment immediately, but now in its amended form, I am suggesting that the bill as amended requires a fiscal note.

The SPEAKER. The time to have raised that was at the time the bill was amended, Mr. Merry. We are not saying that because I am anxious to pass the bill or not pass it, but those are our rules.

Now we have only before us the question of final passage. Do you wish to speak on that issue?

Mr. MERRY. Yes; I do.

The SPEAKER. If you wish to speak on that issue, the Chair recognizes you for that purpose.

**MOTION TO RECOMMIT**

Mr. MERRY. Mr. Speaker, I move that SB 934, as amended, be recommitted to the committee from whence it came, which was the Appropriations Committee.

The SPEAKER. Moved by the gentleman, Mr. Merry, that SB 934, as amended, be recommitted to the Committee on Appropriations. That is a proper motion.

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

The SPEAKER. On the motion, the Chair recognizes the gentleman from Allegheny, Mr. Dawida.

Mr. DAWIDA. Mr. Speaker, we all know what we voted on. Let us get on with it; let us take it home. Vote "no" on this and "yes" on the bill and we can go home.

The SPEAKER. Those in favor of recommitment will vote "aye"; those opposed, "no."

On the question recurring,  
Will the House agree to the motion?

The following roll call was recorded:

**YEAS—52**

Angstadt	Chadwick	Gladeck	Piccola
Argall	Cimini	Godshall	Pitts
Barley	Clymer	Greenwood	Raymond
Birmelin	Cornell	Honaman	Reinard
Black	Coslett	Jackson	Robbins
Book	DeVerter	Kennedy	Ryan
Bowser	Dininni	Langtry	Saurman
Boyes	Distler	Manmiller	Scheetz
Brandt	Fargo	Merry	Swift
Bunt	Flick	Moehlmann	Vroon
Burd	Foster	Mowery	Weston
Bush	Gallen	Noye	Wogan
Carlson	Geist	O'Brien	Wright, J. L.

**NAYS—141**

Acosta	Durham	Levdansky	Saloom
Afflerbach	Evans	Linton	Schuler
Arty	Fattah	Livengood	Semmel
Baldwin	Fee	Lloyd	Serafini
Barber	Fischer	Lucyk	Seventy
Battisto	Fox	McCall	Showers
Belardi	Freeman	McClatchy	Smith, B.
Belfanti	Freind	McHale	Snyder, D. W.
Blaum	Fryer	McVerry	Snyder, G.
Bortner	Gallagher	Mackowski	Staback
Bowley	Gamble	Markosek	Stairs
Broujos	Gannon	Mayernik	Steighner
Burns	George	Michlovic	Stevens
Caltagirone	Gruitza	Micozzie	Stewart
Cappabianca	Gruppo	Miller	Stuban
Carn	Hagarty	Morris	Sweet
Cawley	Haluska	Mrkonic	Taylor, E. Z.
Cessar	Harper	Murphy	Taylor, J.
Civera	Hasay	Nahill	Telek
Clark	Hayes	O'Donnell	Tigue
Cohen	Herman	Olasz	Trello
Colafella	Hershey	Oliver	Truman
Cole	Howlett	Perzel	Van Horne



Cowell	Hutchinson	Petrarca	Veon
Coy	Itkin	Petrone	Wambach
Deluca	Jarolin	Phillips	Wass
DeWeese	Johnson	Pistella	Wiggins
Daley	Josephs	Pott	Wilson
Davies	Kasunic	Pressmann	Wozniak
Dawida	Kenney	Preston	Wright, D. R.
Deal	Kosinski	Punt	Wright, R. C.
Dietz	Kukovich	Reber	Yandrisevits
Dombrowski	Lashinger	Rieger	
Donatucci	Laughlin	Roebuck	Irvis,
Dorr	Lescovitz	Rudy	Speaker
Duffy	Letterman	Rybak	

NOT VOTING—5

Cordisco	Manderino	Richardson	Sirianni
Maiale			

EXCUSED—3

Pievsky      Smith, L. E.      Taylor, F.

The question was determined in the negative, and the motion was not agreed to.

On the question recurring,  
Shall the bill pass finally?

The SPEAKER. Agreeable to the provisions of the Constitution, the yeas and nays will now be taken.

YEAS—168

Acosta	Donatucci	Letterman	Rybak
Afflerbach	Dorr	Levdansky	Saloom
Angstadt	Duffy	Linton	Saurman
Argall	Durham	Livengood	Schuler
Arty	Evans	Lloyd	Semmel
Baldwin	Fattah	Lucyk	Serafini
Barber	Fee	McCall	Seventy
Barley	Fischer	McClatchy	Showers
Battisto	Foster	McHale	Sirianni
Belardi	Fox	McVerry	Smith, B.
Belfanti	Freeman	Mackowski	Snyder, D. W.
Blaum	Fryer	Maiale	Snyder, G.
Book	Gallagher	Manderino	Staback
Bortner	Gamble	Manmiller	Stairs
Bowley	Gannon	Markosek	Steighner
Brandt	Geist	Mayernik	Stevens
Broujos	George	Michlovic	Stewart
Burd	Gladeck	Micozzie	Stuban
Burns	Greenwood	Miller	Sweet
Caltagirone	Gruitza	Morris	Taylor, E. Z.
Cappabianca	Gruppo	Mrkonic	Taylor, J.
Carn	Hagarty	Murphy	Telek
Cawley	Haluska	Nahill	Tigue
Cessar	Harper	O'Brien	Trello
Civera	Hasay	O'Donnell	Truman
Clark	Hayes	Olasz	Van Horne
Clymer	Herman	Oliver	Veon
Cohen	Hershey	Perzel	Vroon
Colafranca	Honaman	Petrarca	Wambach
Cole	Howlett	Petrone	Wass
Cordisco	Hutchinson	Phillips	Weston
Cornell	Itkin	Pistella	Wiggins
Coslett	Jarolin	Pott	Wilson
Cowell	Johnson	Pressmann	Wogan
Coy	Josephs	Preston	Wozniak
Deluca	Kasunic	Punt	Wright, D. R.
DeWeese	Kenney	Raymond	Wright, J. L.
Daley	Kosinski	Reber	Wright, R. C.
Davies	Kukovich	Reinard	Yandrisevits
Dawida	Langtry	Rieger	
Deal	Lashinger	Roebuck	Irvis,
Dininni	Laughlin	Rudy	Speaker
Dombrowski	Lescovitz		

NAYS—29

Birmelin	Cimini	Gallen	Noye
Black	DeVerter	Godshall	Piccola
Bowser	Dietz	Jackson	Pitts
Boyes	Distler	Kennedy	Robbins
Bunt	Fargo	Merry	Ryan
Bush	Flick	Moehlmann	Scheetz
Carlson	Freind	Mowery	Swift
Chadwick			

NOT VOTING—1

Richardson

EXCUSED—3

Pievsky      Smith, L. E.      Taylor, F.

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the bill passed finally.

Ordered, That the clerk return the same to the Senate with the information that the House has passed the same with amendment in which the concurrence of the Senate is requested.

**SUPPLEMENTAL CALENDAR A CONTINUED  
CONSIDERATION OF SB 1145 CONTINUED**

**BILL PASSED OVER**

The SPEAKER. On supplemental calendar A, SB 1145 will go over, without objection. The Chair hears no objection.

The Chair recognizes the minority leader.

Mr. RYAN. Mr. Speaker, with respect to SB 1145, I have attempted to understand this bill in a very short period of time; questions have come up. I have met with Mr. Murphy and I have met with our Mr. Murphy, the attorney, and we have some hopes that we can figure out just how this bill affects communities other than communities such as Pittsburgh and Harrisburg. For instance, the bill in a number of places makes reference to the mayor doing this or the mayor doing that. In my county and in many of the other counties, we have home-rule municipalities that do not have mayors. This is the type thing that on the spur of the moment we cannot get an intelligent answer to, and we are asking that it be held over until Monday to give us a chance to check with our own county solicitors.

The SPEAKER. All right. The Chair thanks the gentleman. That was the explanation that was given to him by Mr. Murphy.

**PARLIAMENTARY INQUIRY**

Mr. RYAN. Mr. Speaker, I have one other further question of the Chair, if I may.

The SPEAKER. You may.

Mr. RYAN. Mr. Speaker, HB 2072 passed the Senate yesterday 50 to nothing, and I know the House is in receipt of that bill, and I have no recollection of it having been read over the desk so that it can be put on the calendar for concurrence in the following week. Is this an oversight?

The SPEAKER. The Chair will check and see what happened to that.

Mr. RYAN. It is right here, Mr. Speaker.

The SPEAKER. We did not read it over the desk; we will read it over the desk Monday.

Mr. RYAN. Mr. Speaker?

The SPEAKER. Yes, Mr. Ryan.

Mr. RYAN. I am not trying to nitpick with the Speaker. It is really kind of a trivial matter to read it over the desk—

The SPEAKER. We will read it over the desk Monday and there will be time to print a special calendar for it if we have to.

Mr. RYAN. Oh, thank you very much.

Mr. MANDERINO. Mr. Speaker?

The SPEAKER. The Chair recognizes the majority leader.

Mr. MANDERINO. We will pass over SB 1145. If the Republican leader has problems with SB 1145, we are asking him to communicate those before Monday's session to the majority leader's office.

The SPEAKER. Any response, Mr. Ryan?

Mr. RYAN. I apologize. I think I caught only the end of the gentleman's statement. He said if we have problems, we will communicate it to the majority leader's office?

The SPEAKER. He asked if you would please do that for Monday's session.

Mr. RYAN. I will do better than that. I would ask that perhaps one of the various attorneys working for the majority leader could work with our attorneys in hopes that they collectively can come to a solution.

Mr. MANDERINO. I have no problem, but I do not know that you have a problem yet. If you have a problem, we will accept that they can work together to try to solve it.

Mr. RYAN. Thank you.

#### ANNOUNCEMENT BY SPEAKER

The SPEAKER. Because of the importance of the Health Care Cost Containment Council, the Chair reads now a letter that the Chair addressed to the Governor:

Pursuant to Act 89 of 1986, which created the Health Care Cost Containment Council, this is to advise you that the following persons are hereby appointed to the Council as the Speaker's business and organized labor representatives:

##### Business Representatives

Louis Pollock

(for a term expiring 6/30/87)

Floyd Warner

(for a term expiring 6/30/88)

Richard Wardrop

(for a term expiring 6/30/89)

##### Labor Representatives

Bob Brand

(for a term expiring 6/30/87)

Donald Cutler

(for a term expiring 6/30/88)

William George

(for a term expiring 6/30/89)

Senator Jubelirer and I agreed that the names of the three consumer representatives will be submitted shortly.

And for the information of all the members, Senator Bob Jubelirer and the Speaker agreed on both the Speaker's nominations and Mr. Jubelirer's nominations.

#### ANNOUNCEMENT BY MR. COY

The SPEAKER. Why does the gentleman from Franklin, Mr. Coy, rise?

Mr. COY. Mr. Speaker, to make an announcement.

The SPEAKER. The gentleman is in order to make an announcement.

Mr. COY. Representative DeWeese and I have had a citation drawn honoring the Grand Lodge of Pennsylvania of Free and Accepted Masons. The resolution is in the hands of the reporters, and if anyone would like to add their name as a cosponsor, the ladies will gladly take it.

#### BILLS AND RESOLUTION PASSED OVER

The SPEAKER. Without objection, all remaining bills and the resolution on today's calendar will be passed over. The Chair hears no objection.

#### ADJOURNMENT

The SPEAKER. There being no further business to be brought before this day's session, the Chair recognizes the gentleman from Lycoming, Mr. Bush.

Mr. BUSH. Mr. Speaker, I move that this House do now adjourn until Monday, October 6, 1986, at 1 p.m., e.d.t., unless sooner recalled by the Speaker.

On the question,

Will the House agree to the motion?

Motion was agreed to, and at 4:53 p.m., e.d.t., the House adjourned.