

COMMONWEALTH OF PENNSYLVANIA

LEGISLATIVE JOURNAL

TUESDAY, APRIL 22, 1986

SESSION OF 1986 170TH OF THE GENERAL ASSEMBLY

No. 26

SENATE

TUESDAY, April 22, 1986.

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

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

PRAYER

The Chaplain, the Reverend Mr. RANDALL A. GROSSMAN, Pastor of the Kutztown Bible Fellowship Church, College Hill, offered the following prayer:

Let us pray.

Gracious God and Heavenly Father, we come to You in Jesus' name acknowledging You are the one, true and Almighty Sovereign, that all the kingdoms of men are appointed by You, that the length of their terms and the size of their dominion is established on high. We acknowledge civil government is ordained of You, that this government and this assembly is governed by You, ultimately. We ask, our Father, today, that You might grant wisdom to those who deliberate, that for this Body, this Senate, there might be just and fair decisions made which are in the best interests of all for the welfare of this Commonwealth.

We acknowledge again that Jesus Christ is the Savior sent for men, that if we but turn from sin and look to Him, we shall live forever and that the time when all kingdoms will fall, everything we see passes, individuals shall live on through Jesus Christ. So we pray that each one might trust in Him and live forever.

Again, Father, we commend this time to You asking for Your wisdom to be imparted to all. In Christ's name we pray. Amen.

The PRESIDENT. The Chair thanks the Reverend Grossman who is the guest this week of Senator Brightbill.

JOURNAL APPROVED

The PRESIDENT. A quorum of the Senate being present, the Clerk will read the Journal of the preceding Session of April 21, 1986.

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

COMMUNICATIONS FROM THE GOVERNOR

RECALL COMMUNICATIONS LAID ON THE TABLE

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

MEMBER OF THE PENNSYLVANIA DRUG, DEVICE AND COSMETIC BOARD

April 22, 1986.

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated December 18, 1985 for the appointment of Harold J. Smolinsky, Ph.D., 203 Fawn Hill Road, Broomall 19008, Delaware County, Twenty-sixth Senatorial District, as a member of the Pennsylvania Drug, Device and Cosmetic Board, to serve until December 31, 1987, and until his successor is appointed and qualified, vice Joseph Newman, Ph.D., Pittsburgh, resigned.

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

DICK THORNBURGH.

MEMBER OF THE BOARD OF TRUSTEES OF HAVERFORD STATE HOSPITAL

April 22, 1986.

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated January 27, 1986 for the appointment of Arlynn C. Cohen, 27 Bennington Road, Havertown 19083, Delaware County, Seventeenth Senatorial District, as a member of the Board of Trustees of Haverford State Hospital, to serve until the third Tuesday of January, 1991, and until her successor is appointed and qualified, vice Patricia H. Jenkins, Esquire, Media, whose term expired.

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

DICK THORNBURGH.

MEMBER OF THE STATE BOARD OF VETERINARY MEDICAL EXAMINERS

April 22, 1986.

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated December 30, 1985 for the reappointment of Cameron S. Wilson, V.M.D., Box 696, Richboro 18954, Bucks County, Tenth Senatorial District, as a member of the State Board of Veterinary Medical Examiners, to serve until the third Tuesday of January, 1987, and until his successor shall have been appointed and qualified.

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

DICK THORNBURGH.

JUDGE, COMMONWEALTH COURT
OF PENNSYLVANIA

April 22, 1986.

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated January 6, 1986 for the appointment of Carroll F. Purdy, Jr., Esquire, 211 Briarcliff Road, Harrisburg 17104, Dauphin County, Fifteenth Senatorial District, as Judge, Commonwealth Court of Pennsylvania, to serve until the first Monday of January, 1988, vice the Honorable Robert W. Williams, Jr., resigned.

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

DICK THORNBURGH.

JUDGE, COURT OF COMMON PLEAS,
PHILADELPHIA COUNTY

April 22, 1986.

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated December 18, 1985 for the appointment of Thomas L. McGill, Jr., Esquire, 6809 Emlen Street, Apartment 301, Philadelphia 19119, Philadelphia County, Fourth Senatorial District, as Judge of the Court of Common Pleas of Philadelphia County, to serve until the first Monday of January, 1988, vice the Honorable Doris Harris, deceased.

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

DICK THORNBURGH.

MEMBER OF THE STATE BOARD
OF VETERINARY MEDICAL EXAMINERS

April 22, 1986.

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated December 30, 1985 for the reappointment of Susan McDonough, V.M.D., 226 South 20th Street, Philadelphia 19103, Philadelphia County, Eighth Senatorial District, as a member of the State Board of Veterinary Medical Examiners, to serve until the third Tuesday of January, 1987, and until her successor shall have been appointed and qualified.

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

DICK THORNBURGH.

HOUSE MESSAGES

HOUSE BILLS FOR CONCURRENCE

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

April 22, 1986

HB 349 — Committee on Transportation.

HB 1625 — Committee on Judiciary.

HB 1661 and **2091** — Committee on Finance.

HB 2174 — Committee on Education.

HOUSE CONCURS IN SENATE CONCURRENT RESOLUTION

The Clerk of the House of Representatives informed the Senate that the House has concurred in resolution from the Senate, entitled:

Weekly Adjournment.

GENERAL COMMUNICATIONS

JOB TRAINING PARTNERSHIP ACT PLANS

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

SUSQUEHANNA EMPLOYMENT
& TRAINING CORPORATION
2107 N. Sixth Street
Harrisburg, Pennsylvania 17110

April 11, 1986

Honorable Robert C. Jubelirer
President Pro Tempore
Senate of Pennsylvania
Main Capitol Building
Harrisburg, Pennsylvania 17120

Dear Senator Jubelirer:

As the administrative entity designated to administer the Job Training Partnership Act (JTPA) Program in the counties of Cumberland, Dauphin, Perry, and Lebanon, SETCO is submitting its Title IIA Youth, Adult & Older Worker Annual Plan to the State Bureau of Job Training Partnership. The requirements of the JTPA Act, Section 105 a.(1), require Service Delivery Areas to make these plans available for review and comment.

Attached is a summary of this document which covers the period of July 1, 1986 to June 30, 1987. This plan will soon be available for review and comment. Please do not hesitate to call if you have questions on the summary or if you would like a copy of SETCO's Annual Plan.

Sincerely,

JAMES L. MacDONALD
Executive Director

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

FRANKLIN ADAMS EMPLOYMENT
TRAINING CONSORTIUM
181 Franklin Farm Lane
Chambersburg, PA 17201

April 18, 1986

Honorable Robert C. Jubelirer
President Pro Tempore
Senate of Pennsylvania
Main Capitol Building
Harrisburg, PA 17120

Dear Senator Jubelirer:

This is to inform you that the Program Year 1986 JTPA Title II-A Annual Plan/Contract for the Franklin-Adams SDA is now available for your review. A summary of the plan is included in the public notice attached to this letter.

If you desire to review a complete copy of the plan, you can write to me at the address above.

Sincerely,
E. DAVID BUMBAUGH
Executive Director

The PRESIDENT. The communications will be filed in the Library.

REPORTS FROM COMMITTEES

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

SB 1299 (Pr. No. 2072) (Amended)

An Act amending the act of February 1, 1974 (P. L. 34, No. 15), entitled "Pennsylvania Municipal Retirement Law," further providing for the definitions of "actuarially sound" and "actuary," annual estimates to municipalities, existing local systems, the source of municipal funds, determination of municipal liability, withdrawal from the system, contributions by members and contracts for optional retirement plans.

SB 1300 (Pr. No. 1740)

An Act amending the act of May 25, 1933 (P. L. 1050, No. 242), entitled "Second Class City Firemen Relief Law," further providing for payments by the city and members into the pension fund and for payment of dues to certain members.

SB 1301 (Pr. No. 1741)

An Act amending the act of December 6, 1972 (P. L. 1383, No. 293), entitled "An act requiring municipal pension systems to have an actuarial investigation of the fund made by an actuary who shall report his findings to the Department of Community Affairs," further providing for reports by certain municipalities and local governmental units, for the filing of reports and for failure to file timely reports.

SB 1302 (Pr. No. 1742)

An Act amending the act of May 23, 1945 (P. L. 903, No. 362), entitled "An act authorizing cities of the third class to establish and optional retirement system for officers and employes independently of any pension system or systems existing in such cities," further providing for payments by the city and contributors into the retirement fund.

SB 1303 (Pr. No. 1743)

An Act amending the act of November 10, 1965 (P. L. 835, No. 351), entitled "An act providing pensions for surviving spouses of police officers in cities of the second class A under certain terms and conditions, and providing for contributions by members of the police pension or retirement fund and appropriations by the city for that purpose," further providing for contributions by members and annual appropriations by the city.

SB 1304 (Pr. No. 1744)

An Act amending the act of July 29, 1953 (P. L. 1034, No. 270), entitled, as amended, "Public Auditorium Authorities Law," further providing for an authority's power regarding pension or retirement funds.

SB 1305 (Pr. No. 1745)

An Act amending the act of June 23, 1931 (P. L. 932, No. 317), entitled "The Third Class City Code," further providing for payments into certain pension funds.

SB 1306 (Pr. No. 1746)

An Act amending the act of August 17, 1951 (P. L. 1254, No. 295), entitled "An act fixing the minimum pensions of policemen and firemen in certain cities," further providing for annual appropriations to police and firefighters' pension funds.

SB 1307 (Pr. No. 1747)

An Act amending the act of June 24, 1931 (P. L. 1206, No. 331), entitled "The First Class Township Code," further providing for police pensions and annuities.

SB 1309 (Pr. No. 1749)

An Act amending the act of May 7, 1965 (P. L. 48, No. 38), entitled "A supplement to the act of May 28, 1915 (P. L. 596, No. 259), entitled 'An act requiring cities of the second class to establish a pension fund for employes of said cities, and regulating the administration and the payment of such pensions,' as to employes of second class A cities, reducing the number of years of employment to qualify for a pension; and increasing pension payments and contributions," further providing for contributions by members.

SB 1310 (Pr. No. 1750)

An Act amending the act of May 20, 1949 (P. L. 1488, No. 444), entitled "An act relating to police pension funds in boroughs, towns and townships, and authorizing such political subdivisions to appropriate monies thereto," further providing for payments into the police pension fund.

SB 1311 (Pr. No. 1751)

An Act amending the act of September 23, 1959 (P. L. 970, No. 400), entitled "Second Class A City Employee Pension Law," further providing for administration of the fund, for member contributions and for appropriations by the city to the fund.

SB 1312 (Pr. No. 1752)

An Act amending the act of February 1, 1966 (1965 P. L. 1656, No. 581), entitled "The Borough Code," further providing for compensation for certain aged employees; and providing for funding of police pensions.

SB 1313 (Pr. No. 1753)

An Act amending the act of May 29, 1956 (1955 P. L. 1804, No. 600), entitled "Municipal Police Pension Law," further providing for benefits, determination of actuarial soundness, municipal appropriations to the fund, use of State aid and the expense of administering funds.

SB 1314 (Pr. No. 1754)

An Act amending the act of May 20, 1915 (P. L. 566, No. 242), entitled "An act requiring cities of the first class to establish a pension fund for employes of said cities, and all county or other public employes, if any, paid by appropriation of the city councils thereof, and out of the treasury of said cities; and regulating the administration and the payment of such pensions," further providing for payments by the city and public employees to the board of pensions.

SB 1315 (Pr. No. 1755)

An Act amending the act of May 24, 1893 (P. L. 129, No. 82), entitled "An act to empower boroughs and cities to establish a police pension fund, to take property in trust therefor and regulating and providing for the regulation of the same," further providing for the annual appropriation by cities.

SB 1316 (Pr. No. 1756)

An Act amending the act of April 5, 1917 (P. L. 39, No. 20), entitled "An act relating to police pension funds in cities of the second class, and directing such cities to appropriate certain moneys thereto," further providing for payments by the city into the police pension fund.

SB 1317 (Pr. No. 1757)

An Act amending the act of May 28, 1915 (P. L. 596, No. 259), entitled "Second Class City Employee Pension Law," further providing for payments by contributors and the city to the board of pensions.

SB 1318 (Pr. No. 1758)

An Act amending the act of May 1, 1933 (P. L. 103, No. 69), entitled "The Second Class Township Code," further providing for police pension funds.

SB 1319 (Pr. No. 1759)

An Act amending the act of May 22, 1935 (P. L. 233, No. 99), entitled "Second Class City Policemen Relief Law," further providing for payments by the city and contributions by members into the fund.

SB 1320 (Pr. No. 1760)

An Act amending the act of June 5, 1947 (P. L. 458, No. 208), entitled, as amended, "Parking Authority Law," further providing for the power of an authority regarding pensions.

SB 1321 (Pr. No. 1761)

An Act amending the act of July 3, 1947 (P. L. 1242, No. 507), entitled "An act relating to police and firemen's pension funds in cities of the second class A, and directing such cities to appropriate certain moneys thereto, and requiring reports and audits," further providing for payments by the city into the police and firemen's pension funds and for credit for military service.

SB 1322 (Pr. No. 1762)

An Act amending the act of May 2, 1945 (P. L. 382, No. 164), entitled "Municipality Authorities Act of 1945," further providing for the power of an authority to make contracts of insurance.

SB 1323 (Pr. No. 1763)

An Act amending the act of August 1, 1975 (P. L. 169, No. 87), entitled "An act relating to pensions for employees of the City of Pittsburgh," further providing for the contribution rate of members and contributions by the city; and requiring the board to retain an actuary.

SB 1372 (Pr. No. 2073) (Amended)

An Act authorizing cities of the first class to levy, assess and collect taxes on all subjects of taxation which, with certain exceptions, are not subject to State taxation; and imposing limitations on the taxation of nonresidents.

SB 1422 (Pr. No. 2074) (Amended)

An Act amending the act of March 4, 1971 (P. L. 6, No. 2), entitled "Tax Reform Code of 1971," further providing for estimated tax; and reenacting provisions relating to a credit against gross receipts tax for railroad expenditures on maintenance or right-of-way improvements.

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

SB 215 (Pr. No. 218)

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, imposing surcharges on persons convicted of driving under the influence of alcohol or a controlled substance to be used for payment of catastrophic loss benefits.

SB 727 (Pr. No. 832)

An Act establishing the Self-Funding Administrators Board; and providing for the licensing of Self-Funding Administrators.

SB 1389 (Pr. No. 1873)

An Act amending the act of November 30, 1965 (P. L. 847, No. 356), entitled "Banking Code of 1965," providing for State-wide and nationwide branching by savings banks and for regional, reciprocal interstate banking for savings banks; and making repeals.

SB 1390 (Pr. No. 1874)

An Act amending the act of December 14, 1967 (P. L. 746, No. 345), entitled "Savings Association Code of 1967," providing for nationwide branching by savings associations, regional, reciprocal interstate banking for savings associations and expanding investment powers; and making repeals.

HB 637 (Pr. No. 1719)

An Act requiring banks and other lending institutions to notify the mortgagor when the mortgage has been paid.

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

HB 943 (Pr. No. 2955)

An Act amending the act of July 7, 1947 (P. L. 1368, No. 542), known as the "Real Estate Tax Sale Law," adding and amending definitions; further providing for the creation of bureaus in counties, for appointment and compensation of personnel, for the bonding of certain personnel and for accounting and distribution; increasing certain costs and fees; further providing for tax liens, filings, adjudications and collection; providing for discharge of tax claims; imposing additional notification requirements; further providing for sale and purchase of property; and making editorial changes.

RESOLUTION REPORTED FROM COMMITTEE

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

HR 33 (Pr. No. 461)

Urging the Insurance Department to investigate the availability and the reasonableness of the cost of liability insurance regarding asbestos removal and encapsulation in the public schools of this Commonwealth.

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

LEGISLATIVE LEAVES

Senator LOEPER. Mr. President, I request temporary Capitol leaves on behalf of Senator Helfrick and Senator Pecora.

Senator SCANLON. Mr. President, I request a legislative leave of absence for today for Senator Williams.

The PRESIDENT. Is there any objection to the following temporary Capitol leaves for Senator Helfrick and Senator Pecora and a legislative leave for Senator Williams? The Chair hears none. Those leaves are granted.

CALENDAR

SB 1287 CALLED UP OUT OF ORDER

SB 1287 (Pr. No. 2034) — Without objection, the bill was called up out of order, from page 2 of the Third Consideration Calendar, by Senator STAUFFER, as a Special Order of Business.

**BILL ON THIRD CONSIDERATION
AND FINAL PASSAGE**

SB 1287 (Pr. No. 2034) — The Senate proceeded to consideration of the bill, entitled:

An Act designating Interstate Highway 476 as the Veterans Memorial Highway.

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

On the question,
Shall the bill pass finally?

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

YEAS—48

Andrezeski	Holl	Mellow	Scanlon
Armstrong	Hopper	Moore	Shaffer
Bell	Jones	Musto	Shumaker
Bodack	Jubelirer	O'Pake	Singel
Brightbill	Kelley	Pecora	Stapleton
Corman	Kratzer	Peterson	Stauffer
Early	Lemmond	Reibman	Stout
Fisher	Lewis	Rhoades	Tilghman
Fumo	Lincoln	Rocks	Wenger
Greenleaf	Loeper	Romanelli	Williams
Helfrick	Lynch	Ross	Wilt
Hess	Madigan	Salvatore	Zemprelli

NAYS—0

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

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

LEGISLATIVE LEAVE

Senator ZEMPRELLI. Mr. President, I would request a temporary Capitol leave on behalf of Senator Scanlon.

The PRESIDENT. Is there any objection to a temporary Capitol leave for Senator Scanlon? The Chair hears none. That leave is granted.

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

Senator O'PAKE. Mr. President, we have in the gallery several guests from Berks County. They are members of the Public Affairs Committee of the Junior League of Reading. Some of them live in my district and some of them live in the district of the gentleman from Lebanon, Senator Brightbill. Would the Chair please extend its usual warm welcome to Joan Notter, Linda Nauer Moyer, Ann Kraras and Helen Shaffer.

The PRESIDENT. Would our guests from the Junior League of Reading please rise so the Senate may give you a warm welcome.

(Applause.)

**GUESTS OF SENATOR M. JOSEPH ROCKS
AND SENATOR FRANK A. SALVATORE
PRESENTED TO SENATE**

Senator ROCKS. Mr. President, I am very proud to join with the gentleman from Philadelphia, Senator Salvatore, in making an introduction to the Senate.

It is my understanding that we might be able to move to a special order of business at the conclusion of the introduction for the purpose of consideration of a resolution. This week marks the fifteenth anniversary, a very special anniversary in southeastern Pennsylvania of "The Bridge." The resolution we will be presenting will designate this "The Bridge Week" in the State of Pennsylvania. I would like to briefly explain that "The Bridge" is technically known as the Therapeutic Center at Fox Chase. This program, of some vital importance to our corner of the Commonwealth but, certainly, I think to the entire State of Pennsylvania, deals with the topic that we on many instances in our public careers, either on the floor of this Senate as lawmakers or at home in our communities, have had very, very real concerns. It is the issue of substance abuse. For those young people whom we remain vitally concerned at a time when substance abuse tends to be epidemic amongst our people, the program "The Bridge" is one of the great success stories of the day. On an average stay of one year, youths between the ages of fifteen and nineteen, and the average age of those staying at "The Bridge" is seventeen years of age, voluntarily place themselves into a program that,

while built on a lot of love and a lot of professional expertise, is one very tough program.

We have with us today from "The Bridge" five staff people and seven very special residents. It is my pleasure now to present them to you. John Toto is the dynamic president. He is the Executive Director of the program at "The Bridge" and has been for a number of years. Joe Michaels is the Vice President in charge of residential treatment—understand that these young people live in the program when they sign on to it—Dave Marsh is the Vice President in charge of outpatient treatment, Barbara Simons is the Vice President of special projects and Carol Barlow is the Community Education Specialist. They are here with us, along with Joel, Tim, Steve, Lisa, Paul, Neal and Bill, who currently are residents at "The Bridge."

Mr. President, after your recognition of the gentleman from Philadelphia, Senator Salvatore, I would hope the Senate would join in greeting these very special guests on a very special day for a program that we hold as one of the highest successes in Pennsylvania.

Senator SALVATORE. Mr. President, it is an honor for me to be here today and to extend a warm welcome to "The Bridge." The word "bridge" in itself explains what they do. It is dedicated people on the staff bridging the gap and reaching out to the community and taking the drug and alcoholic people who are on those serious drugs and have alcohol problems and helping them with their problems. They have been a great asset to our community. I am proud to say that "The Bridge" is located in my Senatorial district. They have done a great job for not only Philadelphia but the lower parts of Bucks and Montgomery, and wherever people need help, they have had the programs and they have done a great job. I want to extend a warm welcome to all these people in the balcony.

The PRESIDENT. Would our guests from "The Bridge" please rise so the Senate may give you a warm welcome.

(Applause.)

SPECIAL ORDER OF BUSINESS

SENATE RESOLUTION

COMMEMORATING THE THERAPEUTIC CENTER AT FOX CHASE BY DESIGNATING APRIL 21 THROUGH 27, 1986, AS "THE BRIDGE WEEK"

Senators ROCKS, SALVATORE, FUMO, SHUMAKER, LEWIS, HELFRICK, WILLIAMS, LYNCH, JONES and HANKINS offered the following resolution (*Senate Resolution No. 152*), which was read, considered and adopted:

In the Senate, April 22, 1986.

A RESOLUTION

Commemorating the Therapeutic Center at Fox Chase by designating April 21 through 27, 1986, as "The Bridge Week."

WHEREAS, The Therapeutic Center at Fox Chase, better known as "The Bridge," is celebrating its 15th Anniversary this week; and

WHEREAS, "The Bridge" consists of citizens and professionals from the community who provide a comprehensive human services program which reaches out to youths and families experiencing some form of drug and/or alcohol problem; and

WHEREAS, "The Bridge" was established in April 1971 not only to address drug and alcohol problems of the community, but also to respond to other associated problems such as poor self-esteem, serious social and emotional problems, difficult family situations, school-related difficulties, inability to hold a job and the lack of positive friendships; and

WHEREAS, "The Bridge" provides a unique concept in dealing with these societal problems by integrating the medical and social professionals with the clients who look to each other for a positive response and feedback so they begin to lead proud, honest, meaningful, and responsible lives; and

WHEREAS, By providing these appropriate services over the past 15 years, "The Bridge" has served thousands of our youth well, not only in the Philadelphia area but also throughout the rest of the State; and

WHEREAS, "The Bridge" embraces a flexible overall approach by providing residential programs as well as outpatient programs in order to faithfully and consistently stand ready in responding and assisting our communities' needs; and

WHEREAS, "The Bridge" operates "The Bridge School," which is a licensed private academic school in this Commonwealth and is approved for both regular and special educational programs, thereby allowing clients to earn credits attributable to their high school diploma; and

WHEREAS, "The Bridge" promotes a "Community Educational Service" program which has already served over 80,000 people who have experienced presentations by clients, thereby enhancing and encouraging the preventive approach to our Commonwealth's citizenry; and

WHEREAS, "The Bridge" has been recognized by numerous community and civic associations for providing outstanding, distinguished health services to this Commonwealth's citizenry; therefore be it

RESOLVED, That the Senate of the Commonwealth of Pennsylvania commend and congratulate the staff, clients, professionals and volunteers of the Therapeutic Center at Fox Chase, "The Bridge," for their service and commitment to the community, and hereby declares the week of April 21 through 27, 1986, as "The Bridge Week" and be it further

RESOLVED, That a copy of this resolution be presented to the Executive Director of "The Bridge," John J. Toto, as evidence of the sentiments of this legislative body.

PERMISSION TO ADDRESS SENATE

Senator ROCKS asked and obtained unanimous consent to address the Senate.

Senator ROCKS. Mr. President, I would like to thank the Senate leadership for this special consideration for what is a very special moment for the program we affectionately call "The Bridge."

GUESTS OF SENATOR JOHN E. PETERSON PRESENTED TO SENATE

Senator PETERSON. Mr. President, it is a pleasure for me at this time to ask the Senate to welcome three guests from my district. I would like to have them stand in the balcony. They are the wife of Representative William Mackowski, LaVerne Mackowski; Ann Evers, who runs my Bradford office; and

Jill Pantuso, who works for Representative Mackowski. Please give them a warm welcome.

The PRESIDENT. If the guests of Senator Peterson would please rise, the Senate would like to give you a warm welcome. (Applause.)

RESIGNATION OF W. RUSSELL FABER AS CHIEF CLERK OF THE SENATE

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

SENATE OF PENNSYLVANIA

March 19, 1986

The Honorable Robert C. Jubelirer
President Pro Tempore
Senate of Pennsylvania
Room 292 Main Capitol Building
Harrisburg, PA 17120

Dear Senator Jubelirer:

In his autobiography, Benjamin Franklin says "I shall never ask, never refuse, nor ever resign an office."

Until recently, I felt that my service as Chief Clerk of the State Senate was an accurate reflection of Franklin's view of public service. Unfortunately, I have found that there is a time for moving on. And, indeed, that time has come for me.

It is not without deep regret that I submit to you my resignation as Chief Clerk of the Pennsylvania State Senate effective with the close of business on May 15, 1986.

I find the emotions of this decision quite bothersome.

My feelings for the State Senate as an institution are strong and positive but, frankly, they pale beside my sentiments for the "people" of the Senate. It is the leaving behind of the daily work with you and other Members of both Caucuses and the dedicated staff of this and other Senate offices that has made the decision so difficult.

When I began the job five years ago, you and the other Leaders of both Caucuses invested me with certain responsibilities for reorganizing, modernizing and professionalizing the operations of the Office of Chief Clerk. I know, at the time, that all of us saw the task as difficult and, perhaps, never-ending.

The challenge was great for all of us and that fact is one of the things that made the job so enjoyable for me.

The interaction with the Members of the Senate as we worked to achieve our goals gave me an incredibly valuable perspective of the dedication of the fifty men and women who serve our Commonwealth as Senators. I have shared an experience that few of our citizens can claim but all should know. That "citizen knowledge" of the integrity and concern for our State which is held by each Member of the Senate would raise the public perception of this institution to a level never attained by any other governmental entity.

From this date until May 15, I will be most happy to assist you and the other Leaders in making the transition to my successor as uneventful and professional as is humanly possible. Then, too, I would be willing to counsel with you and my successor at any time after May 15th, as you may deem necessary.

Please accept my resignation in the spirit in which it is offered. It is a spirit of friendship and warm regard for you and each of your colleagues.

Very truly yours,
W. RUSSELL FABER

ELECTION OF CHIEF CLERK OF THE SENATE

The PRESIDENT. The next order of business will be the election of a new officer to serve as Chief Clerk for the remainder of the Chief Clerk's current term.

The newly elected Chief Clerk will commence his duties effective May 16, 1986.

Before we take up the nominations, the Chair would again, as usual, like to suggest, if there is no objection, in the event there is only one candidate for the office, we will dispense with the calling of the roll and ask for a voice vote on the nomination.

The Chair hears no objection.

The Chair will accept nominations for the office of Chief Clerk.

The PRESIDENT pro tempore. Mr. President, counted among the achievements of recent years is the effort to modernize and professionalize the operation of the office of Chief Clerk of the Senate of Pennsylvania. We have been able to accomplish this in many respects because of the contributions of Russ Faber whose service throughout this period has helped make this office a source of pride for the Senate and, frankly, all the people of the Commonwealth of Pennsylvania.

In searching for a successor to Russ, we were committed to finding someone to build upon this record. After reviewing the credentials of some diversely talented and capable individuals, I became convinced we had found such an individual whose unique blend of governmental experience and managerial expertise highly recommended him for this position.

Mr. President, it is my privilege to nominate Gary Crowell to serve as the next Chief Clerk of the Senate. I am impressed by his demeanor as someone who is forthright, sensible and sincere, and he evidences the dedication we seek, and, yes, we expect. Whether serving his country in Vietnam as a Captain in the Marines or serving his state as a Deputy Secretary in General Services and, most recently, as Executive Director of the Independent Regulatory Review Commission, he has shown leadership, commitment and a great deal of energy. Given his familiarity with the legislative process and his demonstrated administrative capabilities, Gary Crowell will be an asset to this institution, the Members and to the people we serve in carrying out effectively the demanding responsibilities of that high office of Chief Clerk.

Senator STAUFFER. Mr. President, in analyzing the credentials of the candidate, I was impressed with the experience he has had in a variety of important jobs in state government. I was impressed by the broad background he has in state government, which I am convinced gives him a total recognition of what takes place in the operation of the Senate of Pennsylvania. I further believe he will manage the office of Chief Clerk of the Senate with the same degree of professionalism and evenhandedness that all of us expect and desire in that important position. Based on those qualities, I am pleased to second the nomination of Gary E. Crowell as Chief Clerk of the Senate of the Commonwealth of Pennsylvania.

Senator ZEMPRELLI. Mr. President, I am very pleased to join in seconding the nomination. I want to make some remarks I think are also germane and pertinent to the situation. First of all, it is not often I say what I am about to say because it is commendatory of the Majority. We appreciated the opportunity to interview the nominee. It was a courtesy that has not always been extended in the past. We also were very pleased with the fact that the selected Chief Clerk, Russ, in fact, did precisely what was committed he would do, and I think he served us well. I know the job is one that often offends Members of the Senate, but, to quote the Majority Leader, in suggesting that evenhandedness is a criterion of importance, to suggest that the employee in that office must work for the entire Senate, regardless of political persuasion, and to suggest that the person must have the qualifications to perform that job and the fact that we interviewed the new nominee and found him to meet all of those criteria and we look forward to his service. I am satisfied he will be an individual who will respect each and every Member of this Senate and he will understand that, in fact, the Senate is an institution and he is employed by that institution to try to maintain a sense of integrity and meet the aspirations all of us would like to think about of our Senate.

It is for those reasons, Mr. President, that I am pleased to join in this nomination, and I am perfectly satisfied, as are the Members of my caucus. Gary represents a fine choice at this time, and we wish him well.

The PRESIDENT. Are there other nominations?

Senator SALVATORE. Mr. President, I wanted to commend the leadership for having made such a selection. Having worked with Gary Crowell in the past, I can assure you he is a very professional person. He is a nonpolitical person and the type of individual who is reasonable and understandable. I worked very well with him a few years ago. Welcome aboard, Gary.

Senator KELLEY. Mr. President, in no way do I intend to diminish this occasion for Gary, but I think the record would be incomplete without a reference to his immediate predecessor and, in saying to you, Gary, that a very, very high standard of achievement of your position was immediately held by Mr. Faber in serving this institution of the Senate of the Commonwealth. It is a high standard of which you are, obviously, qualified, and because of that, as the gentleman from Allegheny indicated, you are well qualified and you are committed to serve each Member, but you are serving each Member in the concept of the institution of the Senate. If you follow in the footsteps of your immediate predecessor, sir, you will do a job worthy of your qualifications and we have confidence in you.

NOMINATIONS CLOSED

The PRESIDENT. Are there any other nominations? The Chair hears none and declares the nominations for Chief Clerk of the Senate closed.

The candidate for the Office of Chief Clerk is Gary E. Crowell of Cumberland County.

(A voice vote having been taken, the question was determined in the affirmative.)

The PRESIDENT. The Chair takes pleasure in declaring Gary Crowell unanimously elected Chief Clerk of the Senate of Pennsylvania.

(Applause.)

OATH OF OFFICE ADMINISTERED TO THE CHIEF CLERK-ELECT

The PRESIDENT. Will Gary Crowell please present himself at the bar of the Senate in order that the oath of office may be administered. I believe he is going to be joined by his wife, Donna, and I would also invite his son, Errin, to join him as well. We are glad they could be here with us today.

The oath of office will be administered to the newly elected Chief Clerk by the Honorable John A. MacPhail, Judge of the Commonwealth Court of Pennsylvania.

Please rise.

Judge MacPHAIL. Would you raise your right hand, please, and repeat after me:

I, Gary Crowell, do solemnly swear that I will support, obey and defend the Constitution of the United States and the Constitution of the Commonwealth of Pennsylvania, and that I will discharge the duties of my office with fidelity.

Congratulations.

(Applause.)

The PRESIDENT. The Chair wishes to thank Judge MacPhail for taking time to come here today to administer the oath of office to Gary Crowell and, on behalf of all the Members of the Senate, congratulates Gary Crowell and his family as well.

RECESS

Senator STAUFFER. Mr. President, I request a recess of the Senate until 4:00 p.m., for the purpose of holding a Republican caucus and a Democratic caucus.

The PRESIDENT. Are there any objections? The Chair hears no objection, and declares a recess of the Senate until 4:00 p.m., Eastern Standard Time.

AFTER RECESS

The PRESIDENT pro tempore (Robert C. Jubelirer) in the Chair.

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

LEGISLATIVE LEAVES CANCELLED

The PRESIDENT pro tempore. The Chair notes the presence on the floor of Senator Helfrick and Senator Pecora and their temporary Capitol leaves will be cancelled.

LEGISLATIVE LEAVES

Senator ZEMPRELLI. Mr. President, I would request legislative leaves on behalf of Senator Reibman and Senator Lewis.

The PRESIDENT pro tempore. Senator Zempirelli has requested temporary Capitol leaves for Senator Reibman and Senator Lewis. The Chair hears no objection. The leaves will be granted.

CONSIDERATION OF CALENDAR RESUMED

SB 1386 CALLED UP OUT OF ORDER

SB 1386 (Pr. No. 1870) — Without objection, the bill was called up out of order, from page 3 of the Third Consideration Calendar, by Senator STAUFFER, as a Special Order of Business.

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

SB 1386 (Pr. No. 1870) — The Senate proceeded to consideration of the bill, entitled:

An Act directing the Department of Transportation to designate that portion of Legislative Route A-1012 which runs between the Luzerne and Carbon County boroughs of White Haven and Weatherly as Lehigh Gorge Drive.

Considered the third time and agreed to,

On the question,
Shall the bill pass finally?

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

YEAS—49

Andrezeski	Holl	Mellow	Scanlon
Armstrong	Hopper	Moore	Shaffer
Bell	Jones	Musto	Shumaker
Bodack	Jubelirer	O'Pake	Singel
Brightbill	Kelley	Pecora	Stapleton
Corman	Kratzer	Peterson	Stauffer
Early	Lemmond	Reibman	Stout
Fisher	Lewis	Rhoades	Tilghman
Fumo	Lincoln	Rocks	Wenger
Greenleaf	Loeper	Romanelli	Williams
Hankins	Lynch	Ross	Wilt
Helfrick	Madigan	Salvatore	Zempirelli
Hess			

NAYS—0

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

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

GUESTS OF SENATOR WILLIAM J. MOORE PRESENTED TO SENATE

Senator MOORE. Mr. President, in the gallery today are some very distinguished constituents of mine from the Thirty-third Senatorial District who are in the capital city to meet and

discuss matters which are very important to the agricultural industry, the largest industry in Pennsylvania. They are members of the Pennsylvania Farmers Association. I would request my colleagues in the Senate to give my constituents their usual warm reception.

The PRESIDENT pro tempore. Would those guests of Senator Moore please rise so the Senate may give them their usual warm welcome.

(Applause.)

SPECIAL ORDER OF BUSINESS

COMMUNICATIONS FROM THE GOVERNOR TAKEN FROM THE TABLE

Senator BRIGHTBILL, as a Special Order of Business, called from the table communications from His Excellency, the Governor of the Commonwealth, recalling the following nominations, which were read by the Clerk as follows:

MEMBER OF THE PENNSYLVANIA DRUG, DEVICE AND COSMETIC BOARD

April 22, 1986.

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated December 18, 1985 for the appointment of Harold J. Smolinsky, Ph.D., 203 Fawn Hill Road, Broomall 19008, Delaware County, Twenty-sixth Senatorial District, as a member of the Pennsylvania Drug, Device and Cosmetic Board, to serve until December 31, 1987, and until his successor is appointed and qualified, vice Joseph Newman, Ph.D., Pittsburgh, resigned.

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

DICK THORNBURGH.

MEMBER OF THE BOARD OF TRUSTEES OF HAVERFORD STATE HOSPITAL

April 22, 1986.

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated January 27, 1986 for the appointment of Arlynn C. Cohen, 27 Bennington Road, Havertown 19083, Delaware County, Seventeenth Senatorial District, as a member of the Board of Trustees of Haverford State Hospital, to serve until the third Tuesday of January, 1991, and until her successor is appointed and qualified, vice Patricia H. Jenkins, Esquire, Media, whose term expired.

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

DICK THORNBURGH.

JUDGE, COMMONWEALTH COURT OF PENNSYLVANIA

April 22, 1986.

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated January 6, 1986 for the appointment of Carroll F. Purdy, Jr., Esquire, 211 Briarcliff Road, Harrisburg 17104, Dauphin County, Fifteenth Senatorial District, as Judge, Commonwealth Court of Pennsylvania, to serve until the first Monday of January, 1988, vice the Honorable Robert W. Williams, Jr., resigned.

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

DICK THORNBURGH.
JUDGE, COURT OF COMMON PLEAS,
PHILADELPHIA COUNTY

April 22, 1986.

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated December 18, 1985 for the appointment of Thomas L. McGill, Jr., Esquire, 6809 Emlen Street, Apartment 301, Philadelphia 19119, Philadelphia County, Fourth Senatorial District, as Judge of the Court of Common Pleas of Philadelphia County, to serve until the first Monday of January, 1988, vice the Honorable Doris Harris, deceased.

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

DICK THORNBURGH.
MEMBER OF THE STATE BOARD
OF VETERINARY MEDICAL EXAMINERS

April 22, 1986.

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated December 30, 1985 for the reappointment of Susan McDonough, V.M.D., 226 South 20th Street, Philadelphia 19103, Philadelphia County, Eighth Senatorial District, as a member of the State Board of Veterinary Medical Examiners, to serve until the third Tuesday of January, 1987, and until her successor shall have been appointed and qualified.

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

DICK THORNBURGH.
MEMBER OF THE STATE BOARD
OF VETERINARY MEDICAL EXAMINERS

April 22, 1986.

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated December 30, 1985 for the reappointment of Cameron S. Wilson, V.M.D., Box 696, Richboro 18954, Bucks County, Tenth Senatorial District, as a member of the State Board of Veterinary Medical Examiners, to serve until the third Tuesday of January, 1987, and until his successor shall have been appointed and qualified.

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

DICK THORNBURGH.

NOMINATIONS RETURNED TO THE GOVERNOR

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

The motion was agreed to.

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

EXECUTIVE NOMINATIONS

EXECUTIVE SESSION

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

Which was agreed to.

NOMINATION TAKEN FROM THE TABLE

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

The Clerk read the nomination as follows:

INSURANCE COMMISSIONER

January 6, 1986.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate George F. Grode, 109 Allendale Way, Camp Hill 17007, Cumberland County, Thirty-first Senatorial District, for appointment as Insurance Commissioner, to serve until the third Tuesday of January, 1987, and until his successor is appointed and qualified, vice Michael L. Browne, Esquire, Philadelphia, resigned.

DICK THORNBURGH.

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

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

The PRESIDENT pro tempore. The gentleman will be so recorded.

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

YEAS—47

Andrezeski	Hopper	Mellow	Scanlon
Armstrong	Howard	Moore	Shaffer
Bodack	Jones	Musto	Shumaker
Brightbill	Jubelirer	O'Pake	Singel
Corman	Kelley	Pecora	Stapleton
Early	Kratzer	Peterson	Stauffer
Fisher	Lemmond	Reibman	Stout
Fumo	Lewis	Rhoades	Wenger
Greenleaf	Lincoln	Rocks	Williams
Hankins	Loeper	Romanelli	Wilt
Helfrick	Lynch	Ross	Zemprelli
Hess	Madigan	Salvatore	

NAYS—3

Bell Holl Tilghman

A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.
Ordered, That the Governor be informed accordingly.

NOMINATIONS TAKEN FROM THE TABLE

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

The Clerk read the nominations as follows:

MEMBER OF THE STATE BOARD
OF COSMETOLOGY

December 30, 1985.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate John M. Aichele, 278 East Chocolate Avenue, Hershey 17033, Dauphin County, Fifteenth Senatorial District, for appointment as a member of the State Board of Cosmetology, to serve for a term of one year and until his successor shall have been appointed and qualified, but not longer than six months beyond that period, vice Richard A. Eastman, Macungie, whose term expired.

DICK THORNBURGH.

MEMBER OF THE STATE BOARD
OF COSMETOLOGY

February 18, 1986.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Rodman C. Barton, 2744 North Sixth Street, Harrisburg 17110, Dauphin County, Fifteenth Senatorial District, for appointment as a member of the State Board of Cosmetology, to serve for a term of one year and until his successor is appointed and qualified, but not longer than six months beyond that period, vice Frances F. Carducci, Williamsport, whose term expired.

DICK THORNBURGH.

MEMBER OF THE STATE BOARD
OF COSMETOLOGY

April 1, 1986.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Lisa A. Smith (Public Member), 313 Pine Street, Hanover 17331, York County, Twenty-eighth Senatorial District, for appointment as a member of the State Board of Cosmetology, to serve for a term of two years and until her successor is appointed and qualified, but not longer than six months beyond that period, pursuant to Act 100, approved June 30, 1984, to fill a new position.

DICK THORNBURGH.

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

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

YEAS—45

Andrezeski	Hess	Lynch	Scanlon
Armstrong	Hopper	Mellow	Shaffer
Bell	Howard	Moore	Shumaker
Bodack	Jones	Musto	Singel
Brightbill	Jubelirer	O'Pake	Stapleton
Corman	Kelley	Pecora	Stauffer
Early	Kratzer	Peterson	Stout
Fisher	Lemmond	Reibman	Wenger
Fumo	Lewis	Rocks	Williams
Greenleaf	Lincoln	Romanelli	Wilt
Hankins	Loeper	Ross	Zemprelli
Helfrick			

NAYS—5

Holl Rhoades Salvatore Tilghman
Madigan

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

Ordered, That the Governor be informed accordingly.

NOMINATIONS TAKEN FROM THE TABLE

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

The Clerk read the nominations as follows:

STATE CONSERVATION COMMISSION

March 31, 1986.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Edward D. Kuckuck, R. D. 1, Saltsburg 15681, Indiana County, Thirty-ninth Senatorial District, for appointment as a member of the State Conservation Commission, to serve until January 30, 1990, and until his successor is appointed and qualified, vice John L. Hoover, Evans City, deceased.

DICK THORNBURGH.

MEMBER OF THE PENNSYLVANIA
DRUG, DEVICE AND COSMETIC BOARD

March 4, 1986.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Joseph C. Toland, M.D., 5927 North Fifth Street, Philadelphia 19120, Philadelphia County, Fourth Senatorial District, for reappointment as a member of the Pennsylvania Drug, Device and Cosmetic Board, to serve for a term of four years, or until his successor is appointed and qualified, but no longer than six months beyond that period.

DICK THORNBURGH.

MEMBER OF THE PENNSYLVANIA
DRUG, DEVICE AND COSMETIC BOARD

March 4, 1986.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Diane M. Zilinskas, 302 Giffan Avenue, Pittsburgh 15210, Allegheny County, Forty-third Senatorial District, for reappointment as a member of the Pennsylvania Drug, Device and Cosmetic Board, to serve for a term of four years, or until her successor is appointed and qualified, but no longer than six months beyond that period.

DICK THORNBURGH.

MEMBER OF THE INDUSTRIAL BOARD

March 31, 1986.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Lela E. Shultz, 2427 Adrian Street, Harrisburg 17104, Dauphin County, Fifteenth Senatorial District, for appointment as a member of the Industrial Board, to serve until the third Tuesday of January, 1987, and until her successor shall have been appointed and qualified, vice Carol Fitzgerald, Philadelphia, resigned.

DICK THORNBURGH.

MEMBER OF THE BOARD OF TRUSTEES OF WARREN STATE HOSPITAL

March 17, 1986.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the Honorable Robert J. Kusse, 390 Follett Run Road, Warren 16365, Warren County, Twenty-fifth Senatorial District, for appointment as a member of the Board of Trustees of Warren State Hospital, to serve until the third Tuesday of January 1989, and until his successor is appointed and qualified, vice David J. Cornelius, Derrick City, resigned.

DICK THORNBURGH.

MEMBER OF THE BOARD OF TRUSTEES OF WARREN STATE HOSPITAL

March 17, 1986.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Harold T. Mallery, R. D. 1, Box 63-B, Bear Lake 16402, Warren County, Twenty-fifth Senatorial District, for reappointment as a member of the Board of Trustees of Warren State Hospital, to serve until the third Tuesday of January 1991, and until his successor is appointed and qualified.

DICK THORNBURGH.

MEMBER OF THE BOARD OF TRUSTEES OF WARREN STATE HOSPITAL

March 17, 1986.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate E. Neil Ruhlman, 22 Lamberton Street, Franklin 16323, Venango County, Twenty-first Senatorial District, for appointment as a member of the Board of Trustees of Warren State Hospital, to serve until the third Tuesday of January 1987, and until his successor is appointed and qualified, vice R. R. Whitmer, Clarion, resigned.

DICK THORNBURGH.

DISTRICT JUSTICE

March 31, 1986.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Michael K. Steffee, 325 South Main Street, Homer City 15748, Indiana County, Forty-first Senatorial District, for appointment as District Justice in and for the County of Indiana, Magisterial District 40-3-02, to serve until the first Monday of January, 1988, vice Louis J. Nocco, resigned.

DICK THORNBURGH.

On the question,

Will the Senate advise and consent to the nominations?

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

YEAS—50

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

NAYS—0

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

Ordered, That the Governor be informed accordingly.

EXECUTIVE SESSION RISES

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

The motion was agreed to.

GUESTS OF SENATOR NOAH W. WENGER PRESENTED TO SENATE

Senator WENGER. Mr. President, it is certainly my pleasure and privilege to introduce a group of distinguished farmers from Lancaster and Chester Counties. I would appreciate the Senate welcoming those representatives from the Pennsylvania Farmers Association from Lancaster and Chester Counties who are the guests of myself, the gentleman from Lancaster, Senator Armstrong and the gentleman from Chester, Senator Stauffer.

The PRESIDENT pro tempore. Would those guests of Senator Wenger, Senator Armstrong and Senator Stauffer from Lancaster and Chester Counties, please rise so we may give you a warm welcome.

(Applause.)

SB 1391 TAKEN FROM THE TABLE

Senator STAUFFER. Mr. President, I move that Senate Bill No. 1391, Printer's No. 1914, be taken from the table and placed on the Calendar.

The motion was agreed to.

The PRESIDENT pro tempore. The bill will be placed on the Calendar.

LEGISLATIVE LEAVE CANCELLED

The PRESIDENT pro tempore. The Chair notes the presence on the floor of Senator Scanlon and his temporary Capitol leave will be cancelled.

SUPPLEMENTAL CALENDAR NO. 1

SB 1391 CALLED UP OUT OF ORDER

SB 1391 (Pr. No. 1914) — Without objection, the bill was called up out of order, from page 1 of the Third Consideration Calendar, by Senator STAUFFER, as a Special Order of Business.

BILL ON THIRD CONSIDERATION AMENDED

SB 1391 (Pr. No. 1914) — The Senate proceeded to consideration of the bill, entitled:

An Act requiring notice of rate increases, policy cancellations and nonrenewals by property and casualty insurers.

Considered the third time,

On the question,

Will the Senate agree to the bill on third consideration?

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

Amend Bill, page 1, line 17; pages 2 and 3, lines 1 through 30, by striking out all of said lines on said pages and inserting:

Section 1. Notice of increase in premium.

Notwithstanding any other provision of law, a policy of insurance covering commercial property or casualty risks in this Commonwealth shall provide for not less than 60 days' notice of intent to increase the insured's renewal premium with 30 days notice of an estimate of the renewal premium. This section shall not apply to policies written on a retrospective rating plan.

Section 2. Grounds for cancellation.

Canceling in midterm a policy of insurance covering commercial property and casualty risks is prohibited for any reason other than the following:

(1) A condition, factor or loss experience material to insurability has changed substantially or a substantial condition, factor or loss experience material to insurability has become known during the policy term.

(2) Loss of reinsurance or a substantial decrease in reinsurance has occurred, which loss or decrease shall, at the time

of cancellation, be certified to the Insurance Commissioner as directly affecting in-force policies.

(3) The insured has made a material misrepresentation which affects the insurability of the risk.

(4) The policy was obtained through fraudulent statements, omissions or concealment of fact material to the acceptance of the risk or to the hazard assumed by the company.

(5) The insured has failed to pay a premium when due, whether the premium is payable directly to the company or its agents or indirectly under a premium finance plan or extension of credit.

(6) The insured has requested cancellation.

(7) Material failure to comply with policy terms, conditions or contractual duties.

(8) Other reasons that the Insurance Commissioner may approve.

Section 3. Notice requirements for midterm cancellations and nonrenewals.

(a) Requirements.—Notices of midterm cancellation and nonrenewal shall meet the following requirements:

(1) The midterm cancellation or nonrenewal notice shall be forwarded by registered or first class mail or delivered by the insurance company directly to the named insured or insureds.

(2) Written notice of nonrenewal in the manner prescribed in this section must be forwarded directly to the named insured or insureds at least 60 days in advance of the effective date of termination.

(3) Written notice of cancellation in the manner prescribed in this section must be forwarded directly to the named insured or insureds at least 60 days in advance of the effective date of termination unless one or more of the following exist:

(i) The insured has made a material misrepresentation which affects the insurability of the risk, in which case the prescribed written notice of cancellation shall be forwarded directly to the named insured at least 15 days in advance of the effective date of termination.

(ii) The insured has failed to pay a premium when due, whether the premium is payable directly to the company or its agents or indirectly under a premium finance plan or extension of credit, in which case the prescribed written notice of cancellation shall be forwarded directly to the named insured at least 15 days in advance of the effective date of termination.

(iii) The policy was canceled by the named insured, in which case written notice of cancellation shall not be required and coverage shall be terminated on the date requested by the insured.

Nothing in this paragraph shall restrict the insurer's right to rescind an insurance policy *ab initio* upon discovery that the policy was obtained through fraudulent statements, omissions or concealment of fact material to the acceptance of the risk or to the hazard assumed by the company.

(4) The notice shall be clearly labeled "Notice of Cancellation" or "Notice of Nonrenewal."

(5) A midterm cancellation or nonrenewal notice shall state the specific reasons for the cancellation or nonrenewal. The reasons shall identify the condition, factor or loss experience which caused the midterm cancellation or nonrenewal. The notice shall provide sufficient information or data for the insured to correct the deficiency.

(6) A midterm cancellation or nonrenewal notice shall state that, at the insured's request, the insurer shall provide loss information to the insured for at least three years or the period of time during which the insurer has provided coverage to the insured, whichever is less. Loss information on the insured shall consist of the following:

(i) Information on closed claims, including date and description of occurrence, and amount of payments, if any.

(ii) Information on open claims, including date and description of occurrence, amount of payment, if any, and amount of reserves, if any.

(iii) Information on notices of occurrence, including date and description of occurrence and amount of reserves, if any.

(7) The insured's written request for loss information must be made within ten days of the insured's receipt of the midterm cancellation or nonrenewal notice. The insurer shall have 30 days from the date of receipt of the insured's written request to provide the requested information.

(b) Effective notice.—Until an insurer issues a nonrenewal or cancellation notice that complies with the provisions set forth in this act, insurance coverage will remain in effect. However, if the insured obtains replacement coverage, the noncomplying insurer's obligation to continue coverage ceases.

Section 4. Return of unearned premium.

(a) Cancellation initiated by insurer.—Unearned premium must be returned to the insured not later than ten business days after the effective date of termination where commercial property or casualty risks are canceled in midterm by the insurer.

(b) Cancellation initiated by insured.—Unearned premium must be returned to the insured not later than 30 days after the effective date of termination where commercial property or casualty risks are canceled in midterm by the insured.

(c) Where the amount of premium to be returned cannot be calculated precisely within the required time period for return of premium because:

(1) the policy was written on the basis of an estimated premium; or

(2) the policy was issued subject to a premium audit, unearned premium shall be returned to the insured on an estimated basis.

Upon the insurer's completion of computation of the exact premium to be returned, an additional return premium or charge shall be made to the named insured or insureds within 15 days of the final computation.

(d) This section shall not apply to policies written on a retrospective rating plan.

(e) For a period of 60 days from the effective date of this act, insurers failing to comply with subsection (a) shall not be subject to any fine under section 8(2).

Section 5. Extended reporting endorsement.

Insurers must provide a 60-day period, after cancellation or nonrenewal of a claims made policy is effective, during which time the insured may purchase an extended reporting coverage endorsement, also referred to as tail coverage. If the insured purchases the extended reporting coverage endorsement at any time within the 60-day period following cancellation or nonrenewal of a claims made policy, the extended reporting coverage shall become effective as of the date the claims made policy terminated.

Section 6. Compliance.

Policy form filings received by the Insurance Department on or after the effective date of this act shall conform to the requirements set forth in this act. Amendatory endorsements shall be submitted to the Insurance Department for approval not more than 60 days after the date this act becomes effective.

Section 7. Applicability.

(a) General rule.—This act applies to insurance policies, exclusive of reinsurance policies, covering commercial property and casualty risks located in this Commonwealth.

(b) Limited applicability in certain areas.—Workmens' compensation policies, and medical malpractice policies subject to the act of October 15, 1975 (P.L.390, No.111), known as the

Health Care Services Malpractice Act, are not subject to the cancellation provisions set forth in this act.

(c) Exceptions.—This act does not apply to commercial property and casualty insurance policies that are in effect less than 60 days, unless they are renewals. An insurer may cancel the policy provided it gives at least 30 days notice of the termination and provided it gives notice no later than the 60th day unless the policy provides for a longer period of notification.

Section 8. Penalties.

Upon satisfactory evidence of a violation of this act by an insurer subject to its terms, the Insurance Commissioner may pursue one or more of the following causes of action:

(1) Order that the insurer cease and desist from the violation.

(2) Impose a fine of not more than \$5,000 for each violation.

Section 9. Rulemaking authority.

The Insurance commissioner shall promulgate rules and regulations necessary for the administration of this act.

Section 10. Effective date.

This act shall take effect immediately.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

Without objection, the bill, as amended, was passed over in its order at the request of Senator PECORA.

CONSIDERATION OF CALENDAR RESUMED

BILL ON CONCURRENCE IN HOUSE AMENDMENTS AS AMENDED BY THE SENATE

SENATE AMENDS HOUSE AMENDMENTS AND BILL OVER IN ORDER TEMPORARILY

SB 1037 (Pr. No. 2039) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of May 17, 1921 (P. L. 789, No. 285), entitled, as amended, "The Insurance Department Act of one thousand nine hundred and twenty-one," creating a task force to conduct a review of various factors used in determining automobile insurance premiums; further providing for admitted assets; and making an appropriation.

Senator STAUFFER. Mr. President, I move that the Senate Rules be suspended in order to offer amendments to House amendments to Senate Bill No. 1037.

The PRESIDENT pro tempore. Senator Stauffer moves that Senate Rule XV be suspended in order to offer amendments to House amendments.

On the question,

Will the Senate agree to the motion?

PARLIAMENTARY INQUIRY

Senator ZEMPRELLI. Mr. President, I rise to a question of parliamentary inquiry.

The PRESIDENT pro tempore. The gentleman from Allegheny, Senator Zemprelli, will state it.

Senator ZEMPRELLI. Mr. President, is the status of the record such that I can address the motion at this time?

The PRESIDENT pro tempore. The motion is not debatable.

Senator ZEMPRELLI. Mr. President, I am not debating the motion. It is a matter of information.

Mr. President, the only reason I asked for a slight recess—not a matter of recess, but that we stop in the proceedings—was because we have not and had not discussed the motion to suspend the Rules in caucus. I wish to also advise the caucus the amendment that is being considered is not precisely the same as the amendment that was discussed yesterday in caucus. Mr. President, based on that information, I would ask at the appropriate time—if the gentleman's motion is going to be passed, and I have no problem with a voice vote on that—that I be given an opportunity to ask him to explain precisely what his amendment does so I am not in a very precarious position with my caucus.

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

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

YEAS—50

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

NAYS—0

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

Senator STAUFFER, by unanimous consent, offered the following Senate amendments to House amendments:

Amend Title, page 1, line 15, by inserting after "AUTOMOBILE": and commercial third-party liability

Amend Sec. 1 (Sec. 107), page 2, line 12, by inserting after "AUTOMOBILE": and Commercial Third-Party Liability

Amend Sec. 1 (Sec. 107), page 2, line 13, by inserting after "AUTOMOBILE": , including liability, first-party, collision and physical damage, and commercial third-party liability

Amend Sec. 1 (Sec. 107), page 2, line 16, by striking out "AUTOMOBILE" and inserting: such

Amend Sec. 1 (Sec. 107), page 2, line 17, by striking out "NINE MEMBERS" and inserting: thirteen members, including the Chairman and Minority Chairman of the Senate Banking and Insurance Committee and the Chairman and the Minority Chairman of the House Insurance Committee.

Amend Sec. 1 (Sec. 107), page 2, line 21, by striking out "AUTOMOBILE" and inserting: such

Amend Sec. 1 (Sec. 107), page 2, line 22, by striking out "AUTOMOBILE" and inserting: such

Amend Sec. 1 (Sec. 107), page 2, line 24, by striking out "AUTOMOBILE"

Amend Sec. 1 (Sec. 107), page 2, line 28, by striking out "MEMBERS" and inserting: Except as otherwise provided, members

Amend Sec. 1 (Sec. 107), page 3, line 10, by inserting after "AUTOMOBILE": , including liability, first-party, collision and physical damage, and commercial third-party liability

Amend Sec. 1 (Sec. 107), page 3, line 12, by striking out "DRIVERS" and inserting: consumers

Amend Sec. 1 (Sec. 107), page 3, line 13, by striking out "GENDER AS A FACTOR" and inserting: existing rating factors

Amend Sec. 1 (Sec. 107), page 3, line 14, by striking out "EXISTING" and inserting: such

Amend Sec. 1 (Sec. 107), page 3, line 19, by striking out "SIX" and inserting: eight

Amend Sec. 1 (Sec. 107), page 3, line 24, by inserting after "CONTRACTOR.": may

Amend Sec. 1 (Sec. 107), page 3, line 25, by inserting after "AND": shall

Amend Sec. 3, page 6, line 19, by striking out "\$125,000" and inserting: \$250,000

Amend Sec. 3, page 6, line 21, by striking out "\$100,000" and inserting: \$200,000

Amend Sec. 3, page 6, line 23, by inserting after "AUTOMOBILE": and commercial third-party facility

Amend Sec. 3, page 6, line 24, by striking out "\$25,000" and inserting: \$50,000

On the question,

Will the Senate agree to Senate amendments to House amendments?

Senator ZEMPRELLI. Mr. President, I desire to interrogate the gentleman from Chester, Senator Stauffer.

The PRESIDENT pro tempore. Will the gentleman from Chester, Senator Stauffer, permit himself to be interrogated?

Senator STAUFFER. I will, Mr. President.

Senator ZEMPRELLI. Mr. President, I would simply ask the gentleman if he would explain his amendment.

Senator STAUFFER. Mr. President, the amendment really does two substantive things. Number one, it increases the size of the proposed task force from nine members to thirteen members. The four additional members would be the respective chairmen and ranking Minority Member of the Committees on Banking and Insurance in the Senate and the House. The second substantive provision is to expand the scope of the study from just reviewing the ratemaking structure for automobile insurance to include the third-party casualty insurance lines generally.

In addition, Mr. President, the appropriation to conduct the study, since it has been broadened, has been increased to \$250,000.

Senator ZEMPRELLI. Mr. President, do I understand that the language a "Task Force of Rating Factors Used in Determining Automobile Insurance Premiums" continues to be a part of the bill?

Senator STAUFFER. Yes, Mr. President. That is correct.

Senator ZEMPRELLI. Is it a fair statement, Mr. President, that the amendment would embrace an expansion of the task force's work to include liability, first-party, collision and physical damage, and commercial third-party liability?

Senator STAUFFER. That is correct, Mr. President.

Senator ZEMPRELLI. Mr. President, I would ask the gentleman why he has made selective determinations of study and

has not, in fact, included other forms of insurance that might be included by the task force, and I refer specifically to those kinds of insurance that might be generally regarded as life insurance policies.

Senator STAUFFER. There was the general feeling in discussions in which I participated, Mr. President, that this study should not include life insurance. The issues which are of great general concern were not involved in the life insurance area and, therefore, we were restricting the study to those issues that are within the amendment.

Senator ZEMPRELLI. Mr. President, am I to assume from the gentleman's answer that he believes it is not necessary to have a task force to study life insurance premiums in the Commonwealth of Pennsylvania?

Senator STAUFFER. As part of this study, Mr. President, that is correct.

Senator ZEMPRELLI. Is it also fair to conclude, Mr. President, from the gentleman's remarks that he does believe a task force is necessary to study auto insurance premiums, liability, first-party, collision and physical damage, and commercial third-party liability premiums?

Senator STAUFFER. The answer is, yes, Mr. President.

Senator ZEMPRELLI. Therefore, I conclude from the gentleman's answers, Mr. President—and this is more in the form of a statement than an inquiry—that the area of concern to the gentleman, and apparently to those who would vote in favor of this, is automobile liability, first-party, collision and physical damage, and commercial third-party liability and not necessarily any other type of premium of insurance, is subject to regulation in the Commonwealth of Pennsylvania. Is that a correct and fair statement?

Senator STAUFFER. That is correct, Mr. President.

Mr. President, in addition, I might say to the gentleman that you have to start somewhere. The broad issues that can be involved in all of insurance cover a tremendous amount of territory, and it was my judgment and our judgment that limiting any study to those elements would certainly be sufficient as a first step or a beginning in that regard.

Senator ZEMPRELLI. Mr. President, now I understand from the gentleman's remarks that this may be just the start of a total task force proposal in the future to embrace premiums generally in the insurance industry in Pennsylvania. I am getting a little different reading, and I would hope the gentleman might verify my thoughts as to where he is coming from with respect to this amendment.

Senator STAUFFER. That last interpretation, Mr. President, is incorrect. I have no further plans as far as my activities are concerned. I did not want to foreclose the possibility that at some time in the future some other Member or Members may want to present other issues, and I was trying to respond precisely to the earlier questions of the gentleman.

Senator ZEMPRELLI. Mr. President, I have one final question. Is the gentleman aware of any special circumstance or condition or suspicion that would give rise to a need to have a task force selectively make an investigation or otherwise involve itself with premiums that deal with specific kinds of insurance rather than all kinds of insurance?

Senator STAUFFER. Mr. President, I am very much aware of the fact there is a crisis existing with regard to the lines of insurance that are enumerated in the amendment, and it occurred that a review, a careful studied review, of the elements that make up those rate structures is in order so that we may determine if, as a solution to the problems that exist, consideration to changing that structure might be in order or should be considered, and, of course, that would be a mission of the task force to determine whether, indeed, things are fine as they are or whether, perhaps, there are some elements that should be reviewed and possibly restructured.

Senator ZEMPRELLI. Mr. President, I have one final question. If the gentleman's amendment passes, how would he fund the task force?

Senator STAUFFER. Through a General Fund appropriation, Mr. President.

Senator KELLEY. Mr. President, would the gentleman from Chester, Senator Stauffer, consent to further interrogation?

The PRESIDENT pro tempore. Will the gentleman from Chester, Senator Stauffer, permit himself to be interrogated?

Senator STAUFFER. I will, Mr. President.

Senator KELLEY. Mr. President, as I understand the responses of the gentleman to the questions propounded by the gentleman from Allegheny, the amendment directs itself to enlarging automobile insurance to include the liability, first-party, collision and physical damage, and commercial third-party liability, is that correct?

Senator STAUFFER. Mr. President, that is correct.

Senator KELLEY. Mr. President, I further understand in the answer to the question about including life insurance, the gentleman from Chester responded that was not a crisis issue in rates as it has been called to our attention, is that correct?

Senator STAUFFER. That is correct, Mr. President. In addition, I might add, the elements that go into life insurance are so different from those that go into the casualty types of insurance that the suggestion was made and, I might add, the suggestion came from Members on both sides of the aisle, that the amendment be expanded in this direction and that is what I was attempting to respond to.

Senator KELLEY. Mr. President, as I understand, therefore, from the reading of the bill and amendment, as well as the answers from the gentleman, there is no inclusion of professional liability and governmental liability coverage, is that correct?

Senator STAUFFER. I believe the gentleman's interpretation is incorrect, Mr. President. I believe those lines fall under commercial third-party liability.

Senator KELLEY. Mr. President, is it the intention of the gentleman to cover by the task force under commercial third-party liability, governmental liability? Is that correct?

Senator STAUFFER. That is correct, Mr. President.

Senator HOLL. Mr. President, I think and I am convinced as Chairman of the Committee on Banking and Insurance that the question of insurance has been studied to death. It has been studied and restudied and studied and studied. What

we need is action. Yesterday the Governor, speaking before local government people at Hershey, made it abundantly clear that he would present, along with the leaders in the Legislature and in other departments, an action package of bills on governmental liability and on other actions, much of which would be included in this study. So, on the one hand we have our Governor saying he is ready to go with a package of bills and here we are today saying we are going to spend a quarter of a million dollars to study the very same thing that he says he has a package coming forthwith. I think if you talk to any reasonable person, they will make it abundantly clear that they are sick and tired of delays and procrastination and what they want is action. Yesterday, the Committee on Banking and Insurance did meet and reported several important bills, last week they did the same thing and next week we will be considering more. We are endeavoring to do what we can which is prudent and which will get the desired result.

I would conclude by urging that the Members of the Senate reject these amendments.

Senator ARMSTRONG. Mr. President, I have been on task forces myself and I do not know what really happens when you are on a task force. Many times it seems to buy time. I think the Majority Leader put it correctly when he said this is a crisis and I think we have to address a crisis situation by not putting it off. These insurance costs are out of control and the business people will be out of business in another year or another few months. I think my constituents want action and they want action now. They do not want action a year from now. Let us not put this off. We are elected to serve the people and try to do their wishes as much as we can. I urge my colleagues to vote against this amendment.

Senator SHUMAKER. Mr. President, I, too, rise in opposition to this amendment to the amendment. I do not want to appear to be redundant but every time we throw out another perception to the public that we are going to conduct one more study, we are sending out a message that we are not going to do anything about it at this time. This amendment really gives another year to study this question. As I understand it, it is April 1st when this report is supposed to be completed and then after that, it will be studied for legislation, then after that it will be submitted to a committee, and then we will take up the process. It could be a year or a year and a half into the following year of 1988 until we do something. I feel the time has come to do something.

In addition, I do not want to send out even a subjective signal of legislative intent that we did not have that intent when we recently voted on the unisex bill. No way can we send out, even subjectively, an intent that we were not positive in what we did. I think that only clouds the issue again. I also would strongly urge all of my colleagues to vote "no."

LEGISLATIVE LEAVE

Senator LOEPER. Mr. President, Senator Corman has been called from the floor to his office and I would request a legislative leave on his behalf.

The PRESIDENT pro tempore. Senator Loeper requests a temporary Capitol leave for Senator Corman. The Chair hears no objection. The leave will be granted.

And the question recurring,
Will the Senate agree to Senate amendments to House amendments?

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

YEAS—27

Andrezeski	Hess	Lincoln	Shaffer
Bell	Howard	Mellow	Singel
Bodack	Jubelirer	Musto	Stapleton
Brightbill	Kelley	Reibman	Stauffer
Fisher	Kratzer	Rhoades	Stout
Greenleaf	Lemmond	Romanelli	Wilt
Hankins	Lewis	Scanlon	

NAYS—23

Armstrong	Hopper	O'Pake	Shumaker
Corman	Jones	Pecora	Tilghman
Early	Loeper	Peterson	Wenger
Fumo	Lynch	Rocks	Williams
Helfrick	Madigan	Ross	Zemprelli
Holl	Moore	Salvatore	

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

On the question,
Will the Senate agree to the bill, as amended?

MOTION TO REREFER

Senator FUMO. Mr. President, I move that Senate Bill No. 1037, as amended, be rereferred to the Committee on Appropriations.

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

Senator STAUFFER. Mr. President, I would ask for a "no" vote on the motion.

Senator FUMO. Mr. President, there is a need for a fiscal note on this bill as it requires the expenditure of funds. I recognize that the amendment did, in fact, have money in it, but this bill still needs a fiscal note, and I would like to have it go there for that purpose.

Senator STAUFFER. Mr. President, I would point out to the Members that the Senate Rules do not require a bill on amendment to go for a fiscal note. It is only bills that are to be considered for third consideration that are required under our Rules to go to the Committee on Appropriations for fiscal note purposes.

Senator FUMO. Mr. President, the Rules say that we will not consider a bill on third consideration if it involved the expenditure of money without a fiscal note. This bill has not been to that committee yet and yet it is on third consideration. Somewhere along the line the system let us down, but it should not even be on the Third Consideration Calendar without a fiscal note, now it is there. I did not invoke the Rules of the Senate but I think now that the Majority Leader has rejected that, I think it is perfectly proper that this bill now go to that committee for a fiscal note. It does not even belong on third consideration pursuant to Rule 16 (b), because it requires the expenditure of funds and it has not yet received a fiscal note from the committee.

Senator STAUFFER. Mr. President, I would point out to the gentleman that the bill is not on third consideration. It is a bill on concurrence in House amendments.

Senator ZEMPRELLI. Mr. President, what the gentleman is suggesting is that we should frustrate the full intent and purpose of why a bill goes to the Committee on Appropriations in the first instance. By circumvention by a motion to suspend the Rules and then by direct answer to me, the gentleman suggested that there would be monies spent from the state for these task forces or whatever, whether it is for automobile or whatever the case may be. If we are going to hinge on the word as to the meaning of third consideration, we are talking about the status of a bill that it should not be considered on third consideration until there has been a fiscal note. Third consideration is an indication of final passage. In this context, final passage also means third consideration. Mr. President, if the gentleman is relying on the fact that it is on final passage instead of third consideration, he is relying upon a circumstance without distinction. I would say the purpose and intent of having a bill not appear on third consideration until it has been considered is the same whether it is third consideration, final passage or any position on the Calendar which would allow it to become a final action by this Body. That is the clear intent of the meaning of having a bill referred to the Committee on Appropriations. If the gentleman is going to rely upon his premise and if this Body is going to rely upon the premise that we have a distinction without merit, then I would ask you to be concerned about the action you are taking because it will establish a precedent that an appropriation has no meaning with respect to being considered before finally enacted by this Body. There is no other logical, consistent definition that can be given to the meaning of referral to the Committee on Appropriations than that committee should review a cost item before we dispose of the measure. I do not care if you call it anything that you will, the purpose and intent still remains the same. It is on that basis upon which we have legitimately and respectfully requested that this matter be considered. It is not a majority issue, it is not a minority issue, there is the chairman. It is supported by the same party that represents the Majority. When a fiscal note has been determined, then this bill can be reported out of committee. I rest my case. I ask us not to frustrate what the Rules obviously mean simply because of a technicality. I am concerned about the precedent. I am repeating myself, but I think it is a cause that justifies being repeated because of the precedent that is being established.

Senator HOLL. Mr. President, I join with the gentleman from Allegheny, Senator Zemprelli, in urging that the Members of this Body vote to recommit this bill to the Committee on Appropriations. We are talking about a quarter of a million dollars. We are talking about a normal procedure which we have done here so many times and should continue to do.

Senator MELLOW. Mr. President, I rise with some mixed feelings, the mixed feelings being the fact that I would like to support my Minority Leader in his request that the bill go to

the Committee on Appropriations for the purpose of a fiscal note. The Minority Chairman of the Committee on Appropriations has also made that same request, Mr. President, that the bill go to the Committee on Appropriations for that same fiscal note, but I am also very much concerned, Mr. President, as to what may, in fact, happen if something as important as this issue does go to the Committee on Appropriations. We all know, every one of us in this Body this evening, all fifty Members, regardless of what our political affiliations may be, regardless of what our feelings may be towards unisex, each and every one of us has the same problem within our constituency with regard to insurance, whether it be automobile insurance, whether it be municipal insurance, whether it be day care insurance, or what have you. My greatest fear, Mr. President, is not the fact that the bill may someday not be reported out, but my greatest fear is that we are delaying a much needed study to tell the people of the Commonwealth of Pennsylvania and those of us who represent those people what, in fact, we may do to come to grips with a very, very serious problem. I have to take the unfortunate position on this particular vote knowing full well that I may be setting some type of precedent by voting against what appears on the surface to be a Rule of the Senate. But, I think today, Mr. President, we have to vote for our people whom we represent, our constituency who have a tremendous problem, whether it be in the municipal area or other, with regard to insurance. I think it is important we do form a task force and it is very important that task force makes its findings known to the Commonwealth. Any delay in that regard, Mr. President, in my opinion, is a delay to the people of Pennsylvania.

Senator KELLEY. Mr. President, I do not believe it is a question of mixed feelings as much as it is the integrity of the institution of the Senate. If we have Rules, I suppose it would be appropriate for us to follow them. Reluctantly, I have to say I agree with everything the gentleman from Allegheny said in this regard. I do not know what his dietary consumptions have been of late, but I have agreed with him twice today. I do not think anybody can improve upon the arguments he advanced in support of the integrity of our complying with the Rules of the Senate. However, I would like to suggest to somebody—I do not care to do it, but maybe the gentleman from Lackawanna or anyone else who is opposed to sending it there—that it would probably be appropriate in that case to suspend the Rules of the Senate in regards to sending it to committee. I happen to believe we should send it there for the knowledge we would have and the fiscal responsibility each of us would have to our constituencies in knowing full well what the cost would be for this task force, and that would maintain the integrity of the Senate.

Senator ZEMPRELLI. Mr. President, would the gentleman, the Chairman of the Committee on Appropriations, stand for interrogation?

The PRESIDENT pro tempore. I cannot answer that, Senator, because he is not on the floor right now.

Senator ZEMPRELLI. Mr. President, if the gentleman were on the floor, I would ask him one simple matter and that

would be, would he report the bill out after having made a determination? That would be the full extent of my inquiry.

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

Senator ZEMPRELLI. Mr. President, may we go over the bill temporarily until the Chairman of the Committee on Appropriations returns?

The PRESIDENT pro tempore. Senator Stauffer, Senator Zemprelli has requested to go over the bill temporarily until such time as the Chairman of the Committee on Appropriations is on the floor so that he may be interrogated.

Senator STAUFFER. I am satisfied to do that, Mr. President.

The PRESIDENT pro tempore. Senate Bill No. 1037, as amended, will go over temporarily in its order.

BILL ON CONCURRENCE IN HOUSE AMENDMENTS

BILL LAID ON THE TABLE

SB 776 (Pr. No. 1901) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of April 9, 1929 (P. L. 177, No. 175), entitled "The Administrative Code of 1929," restricting the operations of certain units at various State hospitals.

Upon motion of Senator STAUFFER, and agreed to, the bill was laid on the table.

LEGISLATIVE LEAVE

Senator ZEMPRELLI. Mr. President, I request a temporary Capitol leave on behalf of Senator O'Pake.

The PRESIDENT pro tempore. Senator Zemprelli has requested a temporary Capitol leave for Senator O'Pake. The Chair hears no objection. The leave will be granted.

CONSIDERATION OF CALENDAR RESUMED

BILL ON CONCURRENCE IN HOUSE AMENDMENTS

BILL OVER IN ORDER

SB 1342 — Without objection, the bill was passed over in its order at the request of Senator STAUFFER.

FINAL PASSAGE CALENDAR

BILL OVER IN ORDER

HB 843 — Without objection, the bill was passed over in its order at the request of Senator STAUFFER.

THIRD CONSIDERATION CALENDAR

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

HB 488 (Pr. No. 3342) — The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for annual permits for and inspection of construction trucks.

Considered the third time and agreed to,

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

On the question,

Shall the bill pass finally?

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

YEAS—50

Andrezeski	Holl	Mellow	Scanlon
Armstrong	Hopper	Moore	Shaffer
Bell	Howard	Musto	Shumaker
Bodack	Jones	O'Pake	Singel
Brightbill	Jubelirer	Pecora	Stapleton
Corman	Kelley	Peterson	Stauffer
Early	Kratzer	Reibman	Stout
Fisher	Lemmond	Rhoades	Tilghman
Fumo	Lewis	Rocks	Wenger
Greenleaf	Lincoln	Romanelli	Williams
Hankins	Loeper	Ross	Wilt
Helfrich	Lynch	Salvatore	Zemprelli
Hess	Madigan		

NAYS—0

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

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

BILL OVER IN ORDER

SB 601 — Without objection, the bill was passed over in its order at the request of Senator STAUFFER.

BILL ON THIRD CONSIDERATION AMENDED

SB 1341 (Pr. No. 2036) — The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, providing a statute of limitations regarding the institution of lawsuits against professional land surveyors and landscape architects.

Considered the third time,

On the question,

Will the Senate agree to the bill on third consideration?

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

Amend Sec. 1 (Sec. 5538), page 2, line 8, by inserting before "All":

(a) General rule.—

Amend Sec. 1 (Sec. 5538), page 2, by inserting between lines 20 and 21:

(b) Exception.—The limitation prescribed by subsection (a) shall not be asserted by way of defense by any person in actual possession or control, as owner, tenant or otherwise, of such an improvement at the time any deficiency in such an improvement constitutes the proximate cause of the injury or wrongful death for which it is proposed to commence an action or proceeding.

On the question,
Will the Senate agree to the amendment?
It was agreed to.

Without objection, the bill, as amended, was passed over in its order at the request of Senator STAUFFER.

**BILLS ON THIRD CONSIDERATION
AND FINAL PASSAGE**

SB 1373 (Pr. No. 1846) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of June 30, 1984 (P. L. 458, No. 96), entitled "An act amending the act of April 9, 1929 (P. L. 177, No. 175), entitled 'The Administrative Code of 1929,' changing provisions relating to crime victim's compensation; reestablishing and continuing the Crime Victim's Compensation Board; further providing for the Crime Victim's Compensation Fund; changing provisions relating to the rights of victims of crime; making an editorial change; and making an appropriation," further providing for the continuation of the Crime Victim's Compensation Board.

Considered the third time and agreed to,

On the question,
Shall the bill pass finally?

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

YEAS—50

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

NAYS—0

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

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

SB 1425 (Pr. No. 1937) — The Senate proceeded to consideration of the bill, entitled:

An Act designating a certain park in Philadelphia as the Judge Emanuel W. Beloff Park.

Considered the third time and agreed to,

On the question,
Shall the bill pass finally?

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

YEAS—50

Andrezeski	Holl	Mellow	Scanlon
Armstrong	Hopper	Moore	Shaffer
Bell	Howard	Musto	Shumaker
Bodack	Jones	O'Pake	Singel

Brightbill	Jubelirer	Pecora	Stapleton
Corman	Kelley	Peterson	Stauffer
Early	Kratzer	Reibman	Stout
Fisher	Lemmond	Rhoades	Tilghman
Fumo	Lewis	Rocks	Wenger
Greenleaf	Lincoln	Romanelli	Williams
Hankins	Loeper	Ross	Wilt
Helfrick	Lynch	Salvatore	Zemprelli
Hess	Madigan		

NAYS—0

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

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

BILLS ON THIRD CONSIDERATION AMENDED

HB 1639 (Pr. No. 3210) — The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 66 (Public Utilities) of the Pennsylvania Consolidated Statutes, further providing for the appointment, terms, compensation and qualifications of and restrictions on commissioners; providing for a director of operations, the Office of Trial Staff, the Office of Special Assistants and the Director of Operations and their powers and duties; further providing for procedures, reports, budget requests and audits; providing for management efficiency investigators and for fuel purchase audits; limiting recovery of certain employee meeting expenses; making provisions for retirement of electric generating units and outages of electric generating units; providing procedures relating to new electric capacity; restricting rate setting procedures of telephone companies; requiring that certain data be supplied by electric utilities; further regulating the recovery of advertising expenses and the recovery of club dues; authorizing the commission to order conservation and load management; regulating coin telephone service; and reestablishing the Pennsylvania Public Utility Commission.

Considered the third time,

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

PECORA AMENDMENT I

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

Amend Sec. 1 (Sec. 301), page 3, line 2, by striking out "SIX" and inserting: four

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

Senator PECORA. Mr. President, the amendment is a four year term for PUC members instead of the proposed six year term.

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

**STAUFFER AMENDMENT
TO PECORA AMENDMENT**

Senator STAUFFER, by unanimous consent, offered the following amendment to the amendment:

Amend Amendments, page 1, line 3, by striking out "four" and inserting: five

On the question,

Will the Senate agree to the amendment to the amendment?

Senator STAUFFER. Mr. President, the effect of the amendment would be to strike out the four year term as proposed in the original amendment and in its place substitute a five year term for members of the Public Utility Commission.

Senator PECORA. Mr. President, I would prefer we vote on my amendment first and then vote on the amendment offered by the gentleman from Chester, Senator Stauffer, second.

The PRESIDENT pro tempore. Senator, we appreciate your wishes, but we must follow the parliamentary rules and they would require that the amendment to the amendment would be voted first.

Senator ZEMPRELLI. Mr. President, as far as I understand, my caucus has, at least, expressed to me—the ones who were in caucus—that the amendment to the amendment is agreeable.

And the question recurring,

Will the Senate agree to the amendment to the amendment?

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

YEAS—45

Andrezeski	Howard	Moore	Shaffer
Bell	Jones	Musto	Shumaker
Bodack	Jubelirer	O'Pake	Singel
Brightbill	Kratzer	Peterson	Stapleton
Corman	Lemmond	Reibman	Stauffer
Fisher	Lewis	Rhoades	Stout
Greenleaf	Lincoln	Rocks	Tilghman
Hankins	Loeper	Romanelli	Wenger
Helfrick	Lynch	Ross	Williams
Hess	Madigan	Salvatore	Wilt
Holl	Mellow	Scanlon	Zemprelli
Hopper			

NAYS—5

Armstrong	Fumo	Kelley	Pecora
Early			

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

On the question,

Will the Senate agree to the amendment offered by Senator Pecora, as amended?

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

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

Senator ZEMPRELLI. Mr. President, I would like to join in self-rhetorical answers to questions proposed, and I would simply refrain from doing that and say this to the Members of my caucus, at least, and those who would want to listen, that the bill provides for six years. The amendment before us is an amendment to an amendment that, in effect, makes it five years, and the effect of voting for this amendment would be

to reduce it to five years. The effect of defeating the amendment is to have it remain at six years. Four years is not any longer a part of this ball game. I only explain that because there may be some confusion due to the irregularity of the process of amending amendments favorably.

The PRESIDENT pro tempore. The Chair agrees with the Minority Leader.

And the question recurring,

Will the Senate agree to the amendment, as amended?

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

YEAS—44

Andrezeski	Holl	Moore	Shaffer
Armstrong	Hopper	Musto	Shumaker
Bell	Howard	O'Pake	Singel
Bodack	Jubelirer	Pecora	Stapleton
Brightbill	Kratzer	Peterson	Stauffer
Corman	Lemmond	Rhoades	Stout
Early	Lewis	Rocks	Tilghman
Fisher	Lincoln	Romanelli	Wenger
Greenleaf	Loeper	Ross	Williams
Helfrick	Madigan	Salvatore	Wilt
Hess	Mellow	Scanlon	Zemprelli

NAYS—6

Fumo	Jones	Lynch	Reibman
Hankins	Kelley		

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

On the question,

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

PECORA AMENDMENT II

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

Amend Title, page 1, line 3, by striking out "COMPENSATION"

Amend Sec. 1, page 1, line 22, by striking out " (C) AND (E)" and inserting: and (c)

Amend Sec. 1 (Sec. 301), page 6, lines 6 through 10, by striking out all of said lines

Amend Sec. 18, page 46, lines 10 through 14, by striking out all of said lines

Amend Sec. 19, page 46, line 15, by striking out "19" and inserting: 18

On the question,

Will the Senate agree to the amendment?

Senator PECORA. Mr. President, this amendment is to keep the present compensation the present PUC and future PUC members would receive at \$40,000 a year. The reason, Mr. President, is it is a part-time position and I have been embarrassed by some past PUC members who were playing golf with the lobbyists for utilities and businesses. These types of procedures are only an embarrassment to us as Senators and our constituents. I hear the booing on the other side because it was a Democrat who was playing golf with Bell Telephone lobbyists. This is the type of embarrassment I do

not condone. I feel this is sufficient salary for a part-time position because I cannot afford to be on a golf course.

The PRESIDENT pro tempore. For what purpose does Senator Rocks rise?

Senator ROCKS. To be heard on the amendment, Mr. President.

Mr. President, I had no intention of rising on this floor and speaking on this amendment but having heard the reason being offered for the presentation of the amendment, I would feel irresponsible as one Member of this Body not to take this floor if, in fact, the rationale explained by the maker of the amendment is the purpose for it being offered here today. I am embarrassed by the offering of the amendment, Mr. President, and I will add this in a very positive way in my opposition to this amendment. I think a member of the Public Utility Commission of the Commonwealth of Pennsylvania today is one of the most technically demanding jobs in this state and I am absolutely convinced that only if we compensate those people for the public service we are calling upon them to take upon themselves in a job that demands, not just a level of expertise but, certainly, a commitment of time for one of the most technically demanding areas of government today. If we cannot compensate the members of that commission, we will find the greatest disservice that we can provide to the people of this state by having no qualified people to be in that vital role.

For those purposes and for those purposes alone, Mr. President, I would be against this amendment. I would be adamantly heard in opposing this amendment for the offering of it as it came forward on this floor. Based on that embarrassment alone, I hope many other Senators would join with me in opposition to this.

Senator BELL. Mr. President, I think I have closely observed the activities of the PUC over the past ten years, and even longer than that, and I can verify to the Senate that this is not only a forty hour a week job, it is probably a sixty or seventy hour a week job, and if anybody takes this job thinking it is part-time, they are going to be fooled. The people of Pennsylvania need a full-time commissioner with proper salary.

Senator MELLOW. Mr. President, I support the statements made by the gentleman from Delaware, Senator Bell, and those of the gentleman from Philadelphia, Senator Rocks. I think the statements made by the sponsor of the amendment are kind of appalling, especially when he refers to it as a part-time job and is critical of a member or members of the Pennsylvania Public Utility Commission playing golf with the lobbyists. I happen to question in my own mind if any of our Members on the floor here could come under that same fate or, perhaps, the sponsor of the amendment.

REMARKS EXPUNGED

Senator PECORA. Mr. President, I made those comments...

PERSONAL PRIVILEGE

Senator ZEMPRELLI. Mr. President, I rise to a point of personal privilege.

The PRESIDENT pro tempore. The gentleman from Allegheny, Senator Zemprelli, will state it.

Senator ZEMPRELLI. Mr. President, I resent on behalf of every Member of the Senate what we are being called...

The PRESIDENT pro tempore. The gentleman's point is well taken.

Senator Pecora, would you confine your arguments to the merits and would those who have a disagreement with Senator Pecora's point, if they want to debate the matter at the microphone, that is the place to do it.

Senator ZEMPRELLI. Mr. President, I did not finish my remark.

The PRESIDENT pro tempore. I agreed with your point, Senator. I did not know—

Senator ZEMPRELLI. Mr. President, you have not heard my remark completely. You may want to rule on it after you hear it...

Mr. President, in addition to having made these remarks, I move that the gentleman's remarks be expunged so that my grandchildren will not someday come back to the record—

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

The PRESIDENT pro tempore. The Senate is at ease, Senator.

Senator ZEMPRELLI. And my great grandchildren, Mr. President.

The PRESIDENT pro tempore. Without objection, the gentleman's remarks will be expunged from the record.

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

Senator PECORA. Mr. President, pertaining to the amendment, Mr. President, one thing we do not understand here is that many people are looking for reasons to vote for a pay increase for their friends on the PUC but, Mr. President, that pay increase condones the previous actions of the PUC members. Many of you may be satisfied with them, but my constituents whom I represent are definitely not satisfied with them, Mr. President. I do not feel anyone should receive additional remuneration in their salary when the people of Pennsylvania do not appreciate them. I am glad there are some Members here that do appreciate them, but I, as one, do not.

Senator EARLY. Mr. President, I rise to support this amendment. I would like to call to the attention of the Members that any pay raise that is given to the members of the PUC is paid for by individuals through their utility bills. The money that supports the PUC, as you know, is money that comes from the utility bills. I think at this particular time when senior citizens are having a tough time making ends meet, a tough time paying their bills, to tell them there will be a pay increase for the PUC and they will pay for it the next time they pay their utility bills is unfair. I think it is a good amendment and I think we should all support it.

LEGISLATIVE LEAVE

Senator LOEPER. Mr. President, Senator Helfrick has been called from the floor and I would request a temporary legislative leave on his behalf.

The PRESIDENT pro tempore. Senator Loeper has requested a temporary Capitol leave for Senator Helfrick. The Chair hears no objection. The leave will be granted.

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

Senator FUMO. Mr. President, I intend to vote against this amendment for the reasons that have been espoused before, that the people there have a good, hard job to do. I think the gentleman from Allegheny should be aware of the fact that unless you pay people proper salaries, you are not going to get qualified and quality people into those jobs. I think it is an insult to the present people there that he would attempt to tie this into rate increases or things like that. Everyone is upset about rate increases. That does not mean that you cannot adequately compensate the Members of the PUC who have to do the job, and I think that is the issue. Many times in Pennsylvania, Mr. President, we do not like the decision of our judges. Does that mean we should cut their pay? I want to advise the gentleman from Allegheny there are many people out there who do not like the decisions of this Chamber. Is he about to put in an amendment to cut our salaries? This is ludicrous, Mr. President. I think the compensation should be based upon the amount of work that has to be done. Those people there do work full-time. Also, under the ethics provisions, they are prohibited from having just about any other kind of income and any other kind of interest. This then becomes their sole method of support for them and their families. The gentleman from Allegheny, I know, is grandstanding because it is an election year and he thinks this will play well in the papers back home. The issue still remains, Mr. President, that those people must be compensated and the people who come to the PUC in the future must be adequately compensated.

Senator TILGHMAN. Mr. President, I am not going to extend this. I am going to vote for the pay increase, but two or three people have said they work full-time. That is not correct, Mr. President. Let us get it straight. They may work hard when they are here, but they are not here all the time.

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

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

YEAS—8

Andrezeski	Early	Holl	Kratzer
Bodack	Greenleaf	Hopper	Pecora

NAYS—39

Armstrong	Kelley	Peterson	Singel
Bell	Lemmond	Reibman	Stapleton
Brightbill	Lewis	Rhoades	Stauffer
Corman	Lincoln	Rocks	Stout
Fumo	Loeper	Romanelli	Tilghman
Hankins	Madigan	Ross	Wenger

Helfrick	Mellow	Salvatore	Williams
Hess	Moore	Scanlon	Wilt
Jones	Musto	Shaffer	Zemprelli
Jubelirer	O'Pake	Shumaker	

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

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

LEAVES OF ABSENCE

Senator LOEPER asked and obtained leaves of absence for Senator FISHER and Senator HOWARD, for the remainder of today's Session, for personal reasons.

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

STAUFFER AMENDMENT I

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

Amend Sec. 18, page 46, lines 10 through 14, by striking out all of said lines

Amend Sec. 19, page 46, line 15, by striking out "19" and inserting: 18

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

Senator STAUFFER. Mr. President, this amendment also pertains to the compensation issue for members of the Public Utility Commission. The bill as it is before us provides for an increase in the salaries of Public Utility commissioners effective for those who in the future become members of the commission. This would mean that if the bill were to be enacted into law in its current form, we would have a two-tiered salary structure and current commissioners would be receiving one salary and new commissioners would be receiving a higher salary. This amendment proposes to remedy that inconsistency by providing that the salary increase would take effect immediately so all members of the Public Utility Commission would be paid the same salary for the same job.

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

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

YEAS—41

Armstrong	Kelley	Pecora	Shumaker
Bell	Lemmond	Peterson	Singel
Brightbill	Lewis	Reibman	Stapleton
Corman	Lincoln	Rhoades	Stauffer
Fumo	Loeper	Rocks	Stout
Hankins	Madigan	Romanelli	Tilghman
Helfrick	Mellow	Ross	Wenger
Holl	Moore	Salvatore	Williams
Hopper	Musto	Scanlon	Wilt
Jones	O'Pake	Shaffer	Zemprelli
Jubelirer			

NAYS—6

Andrezeski Early Hess Kratzer
Bodack Greenleaf

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

And the question recurring,

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

STAUFFER AMENDMENT II

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

Amend Sec. 1 (Sec. 301), page 2, line 10, by striking out "on or after" and inserting: to fill a vacancy existing on

Amend Sec. 1 (Sec. 301), page 2, line 12, by striking out "April 1," and inserting: March 31,

Amend Sec. 1 (Sec. 301), page 5, line 29, by inserting after "or": , in his absence,

Amend Sec. 1 (Sec. 306), page 8, line 11, by striking out the bracket before "may" and inserting: Attorneys assigned to the Office of Trial Staff

Amend Sec. 1 (Sec. 306), page 8, line 12, by striking out the bracket after "cause."

Amend Sec. 1 (Sec. 308), page 11, line 29, by striking out "The" and inserting: Except for litigation referred to the Attorney General or other appropriate outside counsel, the

Amend Sec. 2, page 16, lines 1 through 15, by striking out all of said lines

Amend Sec. 3, page 16, line 16, by striking out "3" and inserting: 2

Amend Sec. 4, page 17, line 12, by striking out "4" and inserting: 3

Amend Sec. 4 (Sec. 516), page 23, line 27, by striking out "to" where it appears the first time

Amend Sec. 4 (Sec. 516), page 24, line 9, by striking out "its" and inserting: such

Amend Sec. 4 (Sec. 516), page 24, line 21, by inserting brackets before and after "audited"

Amend Sec. 4 (Sec. 516), page 24, line 21, by inserting brackets before and after "audit"

Amend Sec. 4 (Sec. 516), page 24, line 22, by inserting brackets before and after "audited"

Amend Sec. 4 (Sec. 516), page 24, line 23, by inserting brackets before and after "audit" where it appears the first time

Amend Sec. 4 (Sec. 516), page 24, line 23, by inserting brackets before and after "audit" where it appears the second time

Amend Sec. 5, page 25, line 6, by striking out "5" and inserting: 4

Amend Sec. 6, page 31, line 26, by striking out "6" and inserting: 5

Amend Sec. 6 (Sec. 1316), page 32, line 20, by striking out the bracket before "A"

Amend Sec. 6 (Sec. 1316), page 32, line 20, by inserting a bracket before "GAS"

Amend Sec. 6 (Sec. 1316), page 32, line 21, by striking out "UTILITIES" and inserting: utility

Amend Sec. 7, page 33, line 20, by striking out "7" and inserting: 6

Amend Sec. 8, page 33, line 26, by striking out "8" and inserting: 7

Amend Sec. 9, page 35, line 22, by striking out "9" and inserting: 8

Amend Sec. 9 (Sec. 1323), page 39, line 14, by striking out "IF" and inserting: unless

Amend Sec. 10, page 42, line 1, by striking out "10" and inserting: 9

Amend Sec. 11, page 42, line 23, by striking out "11" and inserting: 10

Amend Sec. 11 (Sec. 2913), page 44, line 15, by inserting after "PUBLIC": and semipublic

Amend Sec. 12, page 45, line 4, by striking out "12" and inserting: 11

Amend Sec. 13, page 45, line 10, by striking out "13" and inserting: 12

Amend Sec. 14, page 45, line 16, by striking out "14" and inserting: 13

Amend Sec. 15, page 45, line 20, by striking out "15" and inserting: 14

Amend Sec. 16, page 45, line 29, by striking out "16" and inserting: 15

Amend Sec. 17, page 46, line 3, by striking out "17" and inserting: 16

Amend Sec. 18, page 46, line 10, by striking out "18" and inserting: 17

Amend Sec. 19, page 46, line 15, by striking out "19" and inserting: 18

Amend Sec. 19, page 46, lines 15 and 16, by striking out all of said lines and inserting:

Section 19. (a) The amendments to sections 305(a), 306 and 308(a), (b), (e) and (g) shall take effect in 60 days.

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

On the question,

Will the Senate agree to the amendment?

Senator STAUFFER. Mr. President, this amendment can best be described as being the omnibus technical amendment.

And the question recurring,

Will the Senate agree the amendment?

It was agreed to.

And the question recurring,

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

STAUFFER AMENDMENT III

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

Amend Sec. 1:(Sec. 306), page 8, line 7, by inserting after "Staff: , except as the commission may on a temporary case-by-case basis permit where the performance of such other duties will not represent, or create the appearance of, a conflict of interest

On the question,

Will the Senate agree to the amendment?

Senator STAUFFER. Mr. President, this is the amendment which deals with the issue of the bifurcation of the Public Utility Commission's staff.

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

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

And the question recurring,

Will the Senate agree to the amendment?

It was agreed to.

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

MELLOW AMENDMENT

Senator MELLOW, on behalf of himself and Senators MUSTO and LEMMOND, by unanimous consent, offered the following amendment:

Amend Title, page 1, line 8, by inserting after "audits": and for rate increase requests

Amend Sec. 5, page 31, by inserting between lines 25 and 26:

§ 525. Rejection of rate increase requests due to inadequate quality or quantity of service.

(a) General rule.—The commission may reject, in whole or in part, a public utility's request to increase its rates where the commission concludes, after hearing, that the service rendered by the public utility is inadequate in that it fails to meet quantity or quality for the type of service provided.

(b) Other powers and duties preserved.—This section shall not be construed to diminish the powers and duties of the commission under any other provision of law to remedy inadequate service by a public utility.

Amend Bill, page 46, by inserting between lines 14 and 15:

Section 19. 66 Pa.C.S. § 525 (relating to rejection of rate increase requests due to inadequate quality or quantity of service) shall be applicable to all cases pending before the commission or courts, whether on appeal or otherwise.

Amend Sec. 19, page 46, line 15, by striking out "19" and inserting: 20

On the question,

Will the Senate agree to the amendment?

Senator STAUFFER. Mr. President, I believe it would be advisable if the gentleman from Lackawanna, Senator Mellow, would give a brief explanation of the amendment.

Senator MELLOW. Mr. President, we, unfortunately, in northeastern Pennsylvania have been going through a very difficult time for the past three years because of a problem with the adequacy of our water. Our water has been potable, but it is not palatable. We have been going through this, Mr. President, for the past three years plus. Basically, what this amendment will allow the Public Utility Commission to do, evidence of the fact it has been supported in sponsorship by myself, the gentleman from Luzerne, Senator Lemmond, and the gentleman from Luzerne, Senator Musto, is to reject a rate increase due to inadequate service of the utility and not necessarily, Mr. President, a water utility. We also have in this Commonwealth a problem with the utility service granted by some of our telephone utilities and others. What this would do, Mr. President, is establish a new section, Section 525, and would allow for the first time, actually as part of the code, the right for the Public Utility Commission to reject a rate increase based on inadequate quantity or quality of service.

Senator LEMMOND. Mr. President, this amendment offered by the gentleman from Lackawanna, Senator Mellow, is the result of much negotiation and deals with a very severe problem common to us all in the northeast. I am delighted to join the gentleman from Lackawanna, Senator Mellow, and the gentleman from Luzerne, Senator Musto, in presenting this amendment for our consideration.

And the question recurring,
Will the Senate agree to the amendment?
It was agreed to.

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

STAUFFER AMENDMENT IV

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

Amend Sec. 9 (Sec. 1323), page 38, line 30; page 39, lines 1 through 16, by striking out all of said lines on said pages and inserting:

(a) Excess capacity costs.—Whenever a public utility claims the costs of an electric generating unit in its rates for the first time, and the commission finds that the unit results in the utility having excess capacity and which is thus not used and useful, the commission shall disallow from the utility's rates, in the same proportion as found to be excess capacity:

(1) the return on the unit or units of any excess generating reserve;

(2) the return on the average net original cost of the utility's generating capacity; or

(3) the return on the equity investment in the new unit.

In addition to the disallowances set forth above, the commission may disallow any other costs of the unit or units which the commission deems appropriate. For the purposes of this section a unit or units or portion thereof shall be determined to be excess capacity unless it is found to be used and useful to meet the utility's customer demand plus a reasonable reserve margin in the test year or in the year following the test year, and, if it is a base load generating unit, it is also found to produce annual economic benefits which will exceed the total annual costs of the plant during the test year or within a reasonable period following the test year. Any disallowance made under this section shall be made on the basis of specific findings upon evidence of record, which findings shall be set forth explicitly, together with their underlying rationale, in the final order of the commission.

On the question,

Will the Senate agree to the amendment?

Senator STAUFFER. Mr. President, this amendment deals with the issue of excess capacity, an issue I know all of us have been engaged in a great deal of discussion on over the last few days, and I offer this amendment to remedy that situation.

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

RHOADES AMENDMENT TO STAUFFER AMENDMENT

Senator RHOADES, by unanimous consent, offered the following amendment to the amendment:

Amend Amendments, page 1, by striking lines 1 through 30 and inserting:

Amend Title, page 1, lines 12 and 13, by striking out "PROCEDURES RELATING TO NEW ELECTRIC GENERATING CAPACITY" and inserting: for the regulation of excess capacity costs

Amend Sec. 9 (Sec. 1323), page 38, lines 29 and 30; page 39, lines 1 through 30; page 40, lines 1 through 10, by striking out all of said lines on said pages and inserting:

§ 1323. Excess capacity costs.

Whenever a public utility claims the costs of an electric generating unit in its rates for the first time and the commission finds that the unit results in the utility having excess capacity which is not used and useful, the commission may disallow from the utility's rates, in the same proportion as found to be excess capacity:

- (1) the return on specific unit or units of any excess generating reserve;
- (2) the return on the average net original cost per megawatt of the utility's generating capacity; or
- (3) the equity investment in the new base load unit.

In addition to the disallowance set forth in this section, the commission may disallow any other costs of the unit or units which the commission deems appropriate. For the purposes of this section, a unit or units or portion thereof shall be determined to be excess unless found to be used and useful to meet the utility's customer demand plus a reasonable reserve margin in the test year or the year following the test year, or, if it is a base load unit, it is found to produce annual economic benefits which will exceed the total annual cost of the plant during the test year or within a reasonable period following the test year. Any disallowance made under this section shall be made on the basis of specific findings upon evidence of record, which findings shall be set forth explicitly, together with their underlying rationale, in the final order of the commission.

On the question,

Will the Senate agree to the amendment to the amendment?

Senator RHOADES. Mr. President, this amendment is basically the same as what the gentleman from Chester, Senator Stauffer, has offered, except that what we are doing is where the commission "shall," we say the commission "may," where the question of the test of allowances or disallowances is instead of an "and" is an "or" issue. Basically, what I am looking at is developing within the PUC the responsibility which I think we are doing in today's act of giving them the authority and the flexibility to say where there is a potential need for energy which is going to be long-term we will meet this need. Anything else would be restrictive to the degree of hindering, I think, any development we have within the Commonwealth in service to the consumers. The other thing is I would want to express that this in no way is based on the assumption that excess capacity will be included in rates, not unless they meet PUC criteria. I also have a very personal reason in this, and that is the fact I think nuclear is on its way out. It is too costly, it is too late and it creates too many problems for us that we have to address. I look and see that coal-fired energy is going to be our next source of power. If we are restrictive in addressing this, we will only have potential developed for a year or two out. When that occurs, we are not going to meet the need. The second thing is that coal has been an integral part of our economy. We can aid in creating jobs and developing through the use of this energy. One other personal thing is, although it is not directly related, the issue of co-generation, and I say this because within my county right now I have on the boards six projects which would generate around 300 megawatts for our local utility to be put out. This means \$500 million to \$600 million in projects. This means 1,000 construction jobs. This means 300 to 400 full-time jobs, and it also means a draw to industry to say we can provide you

with a low amount. If we limit the amount our utilities can work with, they are going to come back and stop this co-generation project. As I said, from this particular standpoint, it is limiting. Therefore, I would ask for an affirmative vote on my amendment.

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

The PRESIDENT pro tempore. The Senate will be at ease.

(The Senate was at ease.)

Senator BELL. Mr. President, I have been informed this is probably one of the most important bills that this Session will see and this is the most important question in this important bill. What it boils down to is someplace in that amendment the word "or" replaces "and." It is not right up at the top, but I do not have it in front of me. The difference between "used and useful," and "used or useful," as is contained later on in this amendment, will mean to the ratepayers of the Philadelphia Electric area, which is one-third of Pennsylvania, \$675 million on Limerick 1 and another possible \$675 million on Limerick 2. In the Pennsylvania Power and Light area, I have been informed it could mean \$200 million transferred from the backs of stockholders to the ratepayers. The Three Mile Island case of December 9th very clearly set out guidelines, and one of the guidelines is a truth that every one of you should listen to, even those with your ears closed. The Supreme Court said the ratepayers of today should not have to pay for the needs of the ratepayers of sometime down the line. The Supreme Court of Pennsylvania said when there is excess capacity, the costs should be borne by the stockholders until such time as the ratepayers need it.

Mr. President, you know, I have seen a lot of lobbyists around today, outside my office and elsewhere in the Senate wing, and they are all electric company lobbyists, but I have not seen any lobbyists for the people. The people of Pennsylvania, the people of southeastern Pennsylvania are going to be faced with \$675 million two times if this amendment goes through. I also would like to ask who is here today representing the senior citizens? Who is here representing the other people, the small businessman? Who is here representing industry? I have not seen them around today. I have seen the electric company lobbyists here. This roll call is going to probably be one of the most important ones I have ever cast a vote in my career of eight Senate terms and three House terms. I know there are three candidates for Governor who recognize the importance of this, because I have seen their press releases of two weeks ago where they have stressed that it is time that the concerns of the people of Pennsylvania be addressed instead of what the electric companies want. Today my vote will be interpreted whether I am voting for the electric utility interests or for the interests of the people of my district. I have received petitions containing 24,400 signatures and I have forwarded these to the PUC, and these petitions are against the Philadelphia Electric's rate increase of 28 percent for Limerick 1. We can fight Limerick 1 being cranked into the rate base and raising the cost of electricity 28 percent in southeastern Pennsylvania. If the Three Mile Island ruling of December

9th continues to be the law of Pennsylvania, this amendment will erase that protection to the people of Pennsylvania. The Three Mile Island guidelines do not say you cannot build coal generating plants, it does not say anything like that. The Three Mile Island guidelines say that if the electric company builds it, until the need is there, the costs shall be borne by the stockholders. Again, here is your vote tonight. You are either going to vote for the senior citizens, the small businessmen, the workingmen and women, even the big industries, or you are going to be voting in the interests of the stockholders of the electric companies. I say it is critical.

Mr. President, have you ever tried circulating petitions? I have. I have tried getting people to sign my petition to run for reelection. It is hard to even get a couple hundred signatures. But, 24,400 bona fide signatures came in because the people of southeastern Pennsylvania—the same way with PP&L, I can recall their protests up in the coal regions against the massive rate increases—said, we did not ask for Limerick 1, we do not need it and we do not want to pay for it. There was a hidden message. It was a message of fear. When people fear, they welcome these petitions and circulate them. What are the people afraid of? Again, the Three Mile Island guidelines say you balance the equities of the stockholders of a utility against the equities of the ratepayers, the people who pay the electric bills. Here is what the people who signed those petitions are afraid of. I know what happens if a utility goes bankrupt. It goes into receivership. What happens when little people go bankrupt? Little people need money for food, for shelter, for heat and for light. We have a situation with tens of thousands of people in southeastern Pennsylvania—and I know this will be in the other parts of Pennsylvania also, but I do not come from the other parts—who are fearful they will not have enough money to cover those essentials. In other words, they will either eat and freeze, or stay warm and starve. My fellow Members of the Senate, that is your decision tonight. Your decision on this amendment is you either vote for the utilities or you vote for the people of Pennsylvania.

Senator STAUFFER. Mr. President, I hope the Members will pay careful attention to my words because I just discovered an issue has developed that I do not believe has been discussed and considered by too many Members. In the debate and discussions I have heard throughout the day, with regard to changing the word “and” to “or,” seemed to be the totality of the discussion. Mr. President, I would point out there is another amendment in this amendment offered by the gentleman from Schuylkill, Senator Rhoades, which is a very critical amendment and one I think you must carefully consider. The amendment I offered proposes that if excess capacity has been determined, the Public Utility Commission shall disallow the utility from including that capacity in its rate structure. The amendment to my amendment changes the word “shall” to “may,” and says they may consider that. That is an issue that did not enter into any of the debates or the discussions, the negotiations, if you will, the attempt at compromise, if you will, to which I was a party or had any knowledge of or any of the people I am aware of who participated in

those discussions and negotiations. I think that is a critical point and, on that point alone, I would believe there should be a negative vote on this amendment.

Senator ROCKS. Mr. President, I rise in support of the amendment of the gentleman from Schuylkill, Senator Rhoades, and I would like to make a couple of points. First, I would like to introduce myself to the distinguished and very senior Senator from Delaware, Senator Bell. I am Senator Rocks. I am a lobbyist for the people, at least the people of the Fourth Senatorial District. I have also listened to the Majority Leader and I have to say honestly we have struggled through one brief caucus session over the “and’s” or the “or’s,” and now the “may’s,” as he raises them. I came here trained enough to understand that the subordinate conjunctions were as, because, for, if, provided, since, then, though, and unless. I am really not sure exactly what the “and’s” and “or’s” are doing in this amendment, but I understand this much about the amendment as it is proposed by the gentleman from Schuylkill, Senator Rhoades. This issue of excess capacity to me must be addressed in the most sincere, serious and full context of an economic development plan for this state’s future. Somewhere in this debate, Mr. President, we are going to face the question as to whether or not in the Commonwealth of Pennsylvania we are going to be a producer of energy. My view of economic development of jobs in this state, shared by many other Senators here, is that somehow the production of energy has to factor into an economic plan for the rebuilding of a state that has seen some of its basic industries not only go but never to return and be the same in our Commonwealth. I think the production of energy really fits that view of the economy of Pennsylvania’s future. Excess capacity must be included. I think what the amendment offered by the gentleman from Schuylkill, Senator Rhoades, does and it said very clearly in language, and we know this language comes to us as a compromise as many of the difficult issues we try to resolve here are compromised, but I think this says it very clearly in a few lines. “Whenever a public utility claims the costs of an electric generating unit in its rates for the first time and the commission finds that the unit results in the utility having excess capacity which is not used and useful, the commission may disallow from the utility’s rates, in the same proportion as found to be excess capacity...”

Mr. President, I think for this night that is a very reasonable position to put this legislation into for its passage. I would hope we would support the amendment offered by the gentleman from Schuylkill, Senator Rhoades. Short of that, I think we need much more time to understand some of the subtleties the Majority Leader is now sharing with us. But for the issue of excess capacity, at least as I am able to understand it here tonight for the people of the Fourth Senatorial District of this state, I think this amendment does the job for us from my perspective and many another, and that is that we need to produce jobs in this Commonwealth, and somewhere in the economic development plan of this state we are going to allow for excess capacity so that in the production of energy we are competitive with surrounding states and a marketplace whereby we have to see future economic growth.

Mr. President, I would hope we would support this amendment.

Senator SINGEL. Mr. President, I appreciate the comments from the previous speaker and I also want to acknowledge all of the very valuable input that has been provided by all of the other speakers. Contrary to what has been said by the gentleman from Delaware, this issue is not quite that cut and dried. We have, on the one hand, a faction saying it is necessary to guard against excess capacity in order to keep the rates to consumers as low as possible, and that makes sense. We have, on the other hand, individuals and groups saying that we need some leeway for a slight amount of excess capacity to assure it is going to be possible to build new power plants. Coming, as I do, from a recent history of urging economic development, of saying that jobs are the most important issue facing us in this Commonwealth today, it is difficult for me to ignore the latter arguments. On the other hand, there is no question that we have an obligation to keep consumers' rates as low as possible. I am genuinely torn on this issue, and I agree with the gentleman from Philadelphia, Senator Rocks, that it is something we really need to dissect a little more. It is something I honestly feel we have to take a closer look at to make sure we are doing the very best thing for the consumers and the very best thing for the economy of Pennsylvania.

MOTION FOR BILL OVER IN ORDER

Senator SINGEL. Given that thought, Mr. President, and given the fact that my voice is about to give out anyway, I would move that we take this bill over in its order.

On the question,

Will the Senate agree to the motion?

Senator STAUFFER. Mr. President, I would ask for a "no" vote on the motion to put the bill over.

Senator BODACK. Mr. President, I will be brief. Yesterday I was asked to give the Majority twenty-four hours, or overnight, to go over the amendments I was to offer to this bill. I extended that courtesy to the Majority. I was not extended the same courtesy today when that bill came before me five minutes after walking into the caucus. I agree with my colleague, the gentleman from Delaware, Senator Bell. He has done a tremendous job on this piece of legislation. He has put in considerable work. We have all put in considerable work. What the amendment to the amendment is about to do is strip this bill. I object to it and I would ask for the same consideration to allow me the overnight privilege of looking at this amendment to the amendment before we vote on it.

And the question recurring,

Will the Senate agree to the motion?

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

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

The PRESIDENT pro tempore. The gentleman will be so recorded.

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

YEAS—23

Andrezeski	Kelley	O'Pake	Singel
Bodack	Lewis	Reibman	Stapleton
Early	Lincoln	Rocks	Stout
Fumo	Lynch	Romanelli	Williams
Hankins	Mellow	Ross	Zemprelli
Jones	Musto	Scanlon	

NAYS—25

Armstrong	Holl	Madigan	Shaffer
Bell	Hopper	Moore	Shumaker
Brightbill	Jubelirer	Pecora	Stauffer
Corman	Kratzer	Peterson	Tilghman
Greenleaf	Lemmond	Rhoades	Wenger
Helfrick	Loeper	Salvatore	Wilt
Hess			

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

And the question recurring,

Will the Senate agree to the amendment to the amendment?

Senator SHUMAKER. Mr. President, I, too, am concerned about this amendment to the amendment. Until I came in here a few minutes ago, I understood that the word "shall" was invalid and, apparently, that is not so. I shudder because all the work as has been stated that the gentleman from Delaware, Senator Bell, and his committee have done is almost completely removed by the transition of this word from "shall" to "may." I have heard people say that the PUC would not do this. The fact is we have not given them the license to ignore completely this question of excess capacity and to do absolutely nothing, and to do nothing would only be to the detriment of the consumers of this state as indicated to small businessmen, the senior citizens and so many others. That alone has me concerned.

In addition, by changing the "and" to "or" when it says "the test year or the year following the test year," what we have done, in effect, is we now have taken it from a two-tiered test and requirement whereby you have to show an economic benefit greater than the annual cost to the taxpayer and it meets consumer demand to meeting only one of those tests. I feel this has, again, taken the teeth out of what is a good provision to prevent the adding to the rate base of unnecessary excess capacity costs. I do understand this: It has been said that some of our people do not understand what is being done here today, but we are going to go ahead and, perhaps, pass this amendment to the amendment. Until we do understand what has happened, this could be a disaster or tragedy for our consumers and the other classifications I have mentioned, who, in the meantime, will bear the cost of our understanding our mistakes. I understand what is trying to be done. I only say to the people of this Senate we should pass the bill as it came to us and defeat this amendment because the benefactors are not going to be our consumers, the small business people and our senior citizens. I would very strongly urge a "no" vote.

Senator PETERSON. Mr. President, I rise to support the amendment offered by the gentleman from Schuylkill, Senator Rhoades. I think many of us have a very serious concern that the language in the bill, as it is presently written without being amended, will stop the utilities from building within the Commonwealth. I believe there is a lot of concern about excess power without really looking at the facts. What is wrong with excess power? Who has historically given Pennsylvania consumers the cheapest power? The companies that have historically had the most excess capacity. What happens to excess power? It is often exported. It is put into the grid. It is not the evil many think it is.

I believe this language in the bill without amendment is going to curtail the building of utility plants in the Commonwealth. In some parts of the state that is not a problem and will not be a problem for a long period of time, but there are parts in the west where the economy has been tough, where plants are being proposed and considered right now and, if those plants are not built, some of the cheapest power in the Commonwealth and some of the utilities that have done the best job will have to purchase their future needs. When the economy in the west gets rebuilt, and it will—many of us are working on it and we are going to get that economy back on line—the needs are going to be there, not too far in the distant future. What is going to happen if we do not continue to build plants in the areas where they are needed? The need will come along and we will have to build the kind you can build in a few years. They are oil plants and they are costly. It is not cheap power.

I believe the PUC has never shown a hesitancy to deny excess capacity to be included in the rate base. They have that right. The language remaining in this bill gives them even more right and gives them guidelines, but I think to not accept the amendment offered by the gentleman from Schuylkill, Senator Rhoades, will mean many parts of this state will be denied the power they need in the future and will be forced to buy expensive power.

I urge all my colleagues to support the amendment offered by the gentleman from Schuylkill, Senator Rhoades.

Senator BODACK. Mr. President, I desire to interrogate the gentleman from Forest, Senator Peterson.

The PRESIDENT pro tempore. Will the gentleman from Forest, Senator Peterson, permit himself to be interrogated?

Senator PETERSON. I will, Mr. President.

Senator BODACK. Mr. President, I would ask the gentleman what those good things are to which he refers about excess capacity?

Senator PETERSON. Mr. President, the bill as it is proposed, in my opinion and in the opinion of many, in the future, a decade or two down the road, will assure that Pennsylvania is an importer of power not an exporter of power. I said in my statement, what happens to excess power today that has been denied to be put in the rate base? They sell it often out of state. We are an exporter of power in this Commonwealth and that is healthy, that is taking Pennsylvania coal, making electricity and selling it to other states. That is

jobs within the Commonwealth. I would prefer that situation rather than having a situation where we do not have an excess capacity and we are purchasing power off of a grid and maybe coming in from a neighboring state.

Senator BODACK. Mr. President, I did not hear an answer to my question. The gentleman refers to the Pennsylvania coal we are using in the generation of power, and I would like to ask if he is aware of how much Pennsylvania coal is being used in that, in addition to knowing what good excess capacity is?

Senator PETERSON. Mr. President, a lot of coal is being used in developing energy in Pennsylvania. My argument of what the good things are of excess power is that you have a product. It is a product that you sell and you do not necessarily just sell it to people in Pennsylvania, you sell it to other states. That puts people to work in Pennsylvania. I think that is good.

Senator BODACK. Mr. President, it is obvious I am not going to get an answer to that question.

I would ask the gentleman if he knows what the costs of the excess capacity is to the consumers of this state right now, today?

Senator PETERSON. Mr. President, I guess that would be debated from plant to plant, utility to utility, but the record shows the utilities that have historically had the most excess capacity ongoingly have had the best rates in the Commonwealth and the best rates in the whole Northeast. They have always had an abundant supply of power and, whenever they have had excess, they have sold it in a smart, intelligent, businesslike way. I think that is proof enough.

Senator BODACK. I would ask the next question, Mr. President, if the gentleman knows what the percentage of excess capacity is today in this state?

Senator PETERSON. Mr. President, I do not have the exact figures but I know in the part of the state I come from and the part of the state I represent, we are going to soon need a new coal plant and we want the right to build that coal plant to create jobs for that area that has been hard hit with high unemployment and we do not want legislation that will restrict that ability because there are particular problems in some areas with nuclear plants. The part of the state I represent is going to need additional generation and we want the ability to meet our needs in the same efficient manner that some of those utilities have in the past.

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

Mr. President, it is obvious to me, as it is I am sure to most of the Members in this Body, that the gentleman certainly is not an expert in that which he professes to be. Excess capacity to the consumers of Pennsylvania, Mr. President, is a very dirty word. It is almost as bad as phantom taxes. I addressed the phantom tax issue in this Body for many years. I asked for help by this Body to correct that wrong as it played upon the Pennsylvania electric consumers in this state. I was lucky once, I got the votes. In subsequent tries I was not so lucky, I did not get the votes. There were a lot of people in here who did not understand the issue and there were a lot of people in

here who did not want to understand the issue. They elected, Mr. President, to listen to their friends on the Hill who happen to lobby for the most capitally intensive business, not only in this state but in the United States. Mr. President, that battle was won before the Supreme Court of this state, who happened to agree with me when I could not get a legislative remedy for the situation.

Mr. President, there is currently in the neighborhood of 40 percent excess capacity in this state and, if the figures are looked into, because of the working climate in this state, because of the economics of this state, I am sure that figure has risen in the past few years. Excess capacity is a very, very expensive proposition for each of our constituents. I am sure they all use electricity. Mr. President, what most of the people in this Body do not care to own up to is the public is very much aware of excess capacity. They are very much aware of the outrageous figures they are paying for their electric energy. The public who sends me down here is not at all interested in the kind of legislative maneuvering and the shenanigans that have taken place here today in order to make one look like one is trying to do the right thing for the consumers of this state. Mr. President, this has been a sham I have viewed here today. There are many, many months' work involved in the piece of legislation which is before us. Most of what I have read in the amendment of the gentleman from Chester, Senator Stauffer, would add to the bill. I only had to look at a few words in the amendment of the gentleman from Schuylkill, Senator Rhoades, to see that all of the work and all of the credit I am giving to my colleague from the other side of the aisle, who has done a superb job, the gentleman from Delaware, Senator Bell, is about to be wiped out with a couple of words. Mr. President, for the sake of all of our consumers in the Commonwealth, I would urge a "no" vote on the amendment to the amendment and, for a change, let us do a favor to the consumers of this state.

LEGISLATIVE LEAVE

Senator LOEPER. Mr. President, Senator Pecora has been called from the floor to his office and I would request a temporary legislative leave on his behalf.

The PRESIDENT pro tempore. Senator Loeper has requested a temporary Capitol leave on behalf of Senator Pecora. The Chair hears no objection. That leave will be granted.

And the question recurring,

Will the Senate agree to the amendment to the amendment?

Senator RHOADES. Mr. President, I would call attention to the amendment which does not say it is going to allow excess capacity costs to be incurred. What it says is the commission may disallow from the utility rates as in the same proportion as found to be excess capacity. That comes out of the section that the gentleman from Philadelphia, Senator Rocks, referred to. In another paragraph, if I may paraphrase, the commission may disallow any other costs of the unit or units which the commission deems appropriate. So the commission has to make a decision. It is also giving three choices in there

as to actions it has taken before. Either it takes the old units off, the new units off or the combination average of the units in between. It is not allowing it, it is developing a procedure in which it will disallow it.

And the question recurring,

Will the Senate agree to the amendment to the amendment?

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

YEAS—25

Armstrong	Kelley	Peterson	Stout
Brightbill	Lemmond	Rhoades	Tilghman
Corman	Lincoln	Rocks	Wenger
Fumo	Loeper	Salvatore	Williams
Helfrick	Madigan	Shaffer	Wilt
Holl	Moore	Stapleton	Zemprelli
Hopper			

NAYS—20

Andrezeski	Hess	Mellow	Romanelli
Bell	Jones	Musto	Ross
Bodack	Jubelirer	O'Pake	Shumaker
Early	Kratzer	Pecora	Singel
Greenleaf	Lewis	Reibman	Stauffer

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

On the question,

Will the Senate agree to the amendment offered by Senator Stauffer, as amended?

LEGISLATIVE LEAVE

Senator ZEMPRELLI. Mr. President, I would request a temporary Capitol leave on behalf of Senator Stapleton.

The PRESIDENT pro tempore. Senator Zemprelli requests a temporary Capitol leave on behalf of Senator Stapleton. The Chair hears no objection. The leave will be granted.

And the question recurring,

Will the Senate agree to the amendment, as amended?

The PRESIDENT pro tempore. For the benefit of the Members, an "aye" vote is for the amendment, as amended. A "no" vote is against the amendment, as amended. So, in essence, it would be the same issue as you just faced.

Senator BODACK. Mr. President, there seems to be some confusion on the vote. I would call attention to all of those Members who want to be recorded as being for the people in this Commonwealth to vote "no."

And the question recurring,

Will the Senate agree to the amendment, as amended?

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

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

The PRESIDENT pro tempore. The gentleman will be so recorded.

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

The PRESIDENT pro tempore. The gentleman will be so recorded.

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

YEAS—25

Armstrong	Kelley	Peterson	Stout
Brightbill	Lemmond	Rhoades	Tilghman
Corman	Lincoln	Rocks	Wenger
Fumo	Loeper	Salvatore	Williams
Helfrick	Madigan	Shaffer	Wilt
Holl	Moore	Stapleton	Zemprelli
Hopper			

NAYS—22

Andrezeski	Hess	Musto	Ross
Bell	Jones	O'Pake	Scanlon
Bodack	Jubelirer	Pecora	Shumaker
Early	Kratzer	Reibman	Singel
Greenleaf	Lewis	Romanelli	Stauffer
Hankins	Mellow		

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

And the question recurring,

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

HANKINS AMENDMENT

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

Amend Sec. 1 (Sec. 301), page 2, line 24, by striking out "A MAJORITY" and inserting: two-thirds

Amend Sec. 1 (Sec. 301), page 3, line 2, by striking out "A MAJORITY" and inserting: two-thirds

Amend Bill, page 45, lines 29 and 30; page 46, lines 1 through 9, by striking out all of said lines on said pages

Amend Sec. 18, page 46, line 10, by striking out "18" and inserting: 16

Amend Sec. 19, page 46, line 15, by striking out "19" and inserting: 17

On the question,

Will the Senate agree to the amendment?

Senator HANKINS. Mr. President, this amendment will strike out the words "a majority" in two places and insert "two-thirds" for the confirmation of a PUC commissioner. I feel if we are going to compromise on the length of the commissioner's term at five years, then an effort must be made to ensure that the commission, which was created as a legislative entity, will remain as nonpolitical and bipartisan as possible. When you consider a body as important to our entire constituency as the PUC, I think we have to admit that the Majority party, whatever that party may be, should at least have the opportunity to confirm. The Minority party should have representation to confirm the appointments suggested by the Governor. Mr. President, I ask for an affirmative vote on the amendment.

LEGISLATIVE LEAVE

Senator LINCOLN. Mr. President, I request a temporary Capitol leave for Senator Singel.

The PRESIDENT pro tempore. Senator Lincoln requests a temporary Capitol leave for Senator Singel. The Chair hears no objection. The leave will be granted.

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

Senator STAUFFER. Mr. President, this amendment would, of course, propose for confirmation of a Public Utility commissioner the requirement of a two-thirds vote instead of a majority of the Senate. This is an issue we have discussed on a number of occasions. We did make the change with regard to the Turnpike Commission, as the Members know. The bill provides for a majority confirmation and I think the wisdom of the committee was profound in coming forth with that proposal. I would ask for a "no" vote on the amendment.

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

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

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

The PRESIDENT pro tempore. The gentleman will be so recorded.

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

YEAS—24

Andrezeski	Jones	Musto	Scanlon
Bodack	Kratzer	O'Pake	Singel
Early	Lewis	Reibman	Stapleton
Fumo	Lincoln	Rocks	Stout
Hankins	Lynch	Romanelli	Williams
Holl	Mellow	Ross	Zemprelli

NAYS—24

Armstrong	Hess	Madigan	Shaffer
Bell	Hopper	Moore	Shumaker
Brightbill	Jubelirer	Pecora	Stauffer
Corman	Kelley	Peterson	Tilghman
Greenleaf	Lemmond	Rhoades	Wenger
Helfrick	Loeper	Salvatore	Wilt

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

And the question recurring,

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

LINCOLN AMENDMENT

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

Amend Title, page 1, line 18, by inserting after "SERVICE,": authorizing certain costs to be part of rate base in electric generating facilities utilizing coal;

Amend Sec. 6, page 31, line 26, by striking out "SECTION 1316 OF TITLE 66 IS" and inserting: Sections 1315 and 1316 of Title 66 are

Amend Sec. 6, page 31, by inserting between lines 26 and 27:

§ 1315. Limitation on consideration of certain costs for electric utilities.

(a) General rule.—Except for such nonrevenue producing, nonexpense reducing investments as may be reasonably shown to be necessary to improve environmental conditions at existing facilities or improve safety at existing facilities or as may be required to convert facilities to the utilization of coal, the cost of construction or expansion of a facility undertaken by a public

utility producing, generating, transmitting, distributing or furnishing electricity shall not be made a part of the rate base nor otherwise included in the rates charged by the electric utility until such time as the facility is used and useful in service to the public. Except as stated in this section, no electric utility property shall be deemed used and useful until it is presently providing actual utility service to the customers.

(b) Special rule for generating facilities utilizing coal.—The cost of constructing or expanding a generating facility designed to utilize coal mined in Pennsylvania may be made a part of the rate base or otherwise included in the rates charged by the electric utility before such time as the facility is providing actual utility service to the customers. In exercising its discretion under this subsection, the commission shall consider, in addition to other relevant factors, the following:

(1) Whether it appears that the facility will provide economic benefits to the ratepayers over the life of the plant compared to other alternatives for increasing the supply of electricity or decreasing the demand for electricity.

(2) Whether the utility has designed the plant or will operate the plant in a manner which minimizes the environmental damage caused by the facility.

On the question,

Will the Senate agree to the amendment?

Senator LINCOLN. Mr. President, the amendment I offer today would allow public utilities to include in the base rate during the construction period construction and expansion costs for a generating facility designed to use coal mined in Pennsylvania. During the past decade we lost more than one-third of our work force in mining. Although there are several factors which contribute to this decline, some of which we at the state level cannot address, there are areas in which we can take action, and encouraging the use of Pennsylvania mined coal for electric generation is one of them. While Pennsylvania coal production decreased by 31 percent during the past decade, national output increased by 33 percent. For many years, Pennsylvania was one of the top three producers in the country. We have now slipped to number four. Coal served as the economic backbone of this state for many generations. It is still an important industry.

In 1984, the industry generated an estimated \$2.4 billion in sales, directly employed 22,677 people and thousands more who worked in jobs which service the industry. To illustrate how important the industry is to the state economy, consider that one million tons of coal generates \$32.7 million. It creates 307 direct mining jobs and 246 jobs in support industries. It provides business tax revenues of some \$3.4 million and state personal income tax revenues of \$320,000.

I feel this amendment is something we need to breathe life back into our coal industry and, as you can see by the figures that I read, whenever life is in that industry, there is life in the state. I think this is a step in the right direction for boosting the economy and I ask for a "yes" vote.

Senator BELL. Mr. President, this is very crudely called the rape of CWIP. We in the Legislature—

I will be at ease, Mr. President. Can we have some order? If they want a victory party, the electric people are outside.

Senator LINCOLN. Mr. President, I object to that. That conversation and that remark had no place in what we are doing right now.

Senator BELL. And neither did the people who are making all the comments when I started to talk, Mr. President.

Senator LINCOLN. Mr. President, that does not indicate it is a party because of a victory.

The PRESIDENT pro tempore. Senator Lincoln, please. Would Members please take their seats. The hour is growing late. It is a very, very difficult bill. It is hard to hear when Members are up and I recognize that as the time gets late, we are getting a little hungry and a little tired. I am asking the Members to please let us just debate the issue before us. Senator Lincoln has offered an amendment. Senator Bell, you have the right to debate it. Would you please proceed.

Senator BELL. Mr. President, I apologize if I was too noisy, but I could not even hear myself talk.

Mr. President, this is an attack on CWIP. CWIP means construction work in progress. The Legislature of Pennsylvania, in its wisdom to protect the consumer a few years ago, said that until a generating plant is completed, the carrying cost of that plant is on the stockholders. But when the plant comes on the line, if it is used and useful, it shall then be cranked into the rate base and the consumers, senior citizens, industry, business, whatever they are, have to pay it. That is what CWIP says. For those who feel that CWIP is wrong, remember the electric utilities are not publicly owned, they are owned by stockholders. To be more specific, Philadelphia Electric stock sold in the summer of 1984 for \$11 a share and presently it is selling for \$20 a share. The stockholders who cannot afford to pay the costs of construction in the Pennsylvania Power and Light Company, in the summer of 1984 the stock sold for around \$20 a share and I believe it is now around \$36 a share. The vote tonight on this question is once again a vote between protecting the consumer and protecting Wall Street.

Senator STAUFFER. Mr. President, I listened very carefully to the words of the gentleman from Fayette, Senator Lincoln, and I might say I very much subscribe to his goals to sell more Pennsylvania coal. I believe, Mr. President, his goals are very noble and very worthy but the amendment does not go along with the goal because, Mr. President, there is not going to be the sale of one additional ton of coal because we do away with CWIP. First of all, Mr. President, if you analyze the utility situation in Pennsylvania today, I think it is fairly accurate to predict it will be a long, long time, if ever, that we have another nuclear plant built in the Commonwealth. I think it is also a long way off, if ever, that you will have an oil-fired utility or utilities built in the Commonwealth. I believe the next range of utility plants that will be built in the Commonwealth will be coal fired and, Mr. President, that means in order to operate those generating stations, the coal the gentleman from Fayette, Senator Lincoln, wants to see used will be used. The issue is not the sale of the coal, the issue is whether or not the ratepayers will have to pay in increased utility rates the cost of building a plant that is not yet completed and is not yet on line in operation—used and useful as the term is used in the industry—or whether, as we provided in the legislation that passed the General Assembly

in the last Session, you cannot crank into the rate structure the cost of constructing a plant until it is on line and is used and useful. On that basis, Mr. President, I believe the gentleman from Fayette, Senator Lincoln, will get what he wants without the amendment and would ask for a "no" vote.

Senator LINCOLN. Mr. President, I have spent fourteen years between serving in this Body and serving in the House, and during that period of time I have witnessed and been part of many different changes in law, what applied and what was done in the wisdom of the House and Senate Members in 1972, 1974 and 1978 changes. Even though there was an effort made to do away with CWIP in the last Session, I do not think anyone realized what was happening to the coal industry in Pennsylvania. I do not think anybody realized how important maintaining a healthy coal market and a coal industry was until this year when everyone started to take a look at what was happening. I will give a further lesson to those of you who are not fortunate enough to live in the twenty or so counties in Pennsylvania that produce coal. When you talk about the demise of the steel industry, metallurgical coal, which Pennsylvania and southwestern Pennsylvania had a great abundance of and helped build this great nation over the years, is still there, but there is no need for it. The production of coal for the metallurgical area has dropped drastically. The only place where there is a legitimate market for Pennsylvania coal today is in the generation of electricity.

What is wrong with rethinking your position on CWIP today versus two years ago and saying to the people you represent that we have a serious problem in one of the best industries that has ever been in this Commonwealth, an industry that supported this Commonwealth for many, many years when there were not 22,000 people working in that industry but over 100,000, an industry that returns the highest dollar to the employee and to the area where they live, an industry that has worked hard and long through these last six years to try to survive? Do not tell me there will not be any plants built because there are two right now that are being talked about being built in the Armstrong County area, and this would maybe speed them up so we would not have to wait until 1995. We could get started immediately so that jobs would be created, jobs would be kept, a number of dollars would be going into one of the saddest areas in this country, this industry, if it comes back, will bring other industries back with it. I know every Member in here has had to vote on that same issue a number of times. In 1976 things were different than in 1986, but I am telling you if we have a sincere concern for helping people who want to work—and those same people are ratepayers, too, and in most cases will probably be higher ratepayers because of their income levels they will be able to afford a few more of the things that use electricity in their homes—and if we are sincere about trying to help the bituminous coal industry get back on its feet, if we are sincere about putting people back to work in the western part of the state, we have to weigh that against the groups of consumers out there who are crying for relief. Over a period of years the cost that is rolled into the base rate because of the two plants that

would be built would be negligible. The positive results which would come out of that so far outweigh that increase in the rates that you are not going to get a complaint from anybody because you are going to have people working. The same senior citizens I hear talking about how difficult it is, their sons and their daughters and their grandchildren are going to be able to stay in the same area and work because there will be a job there for them.

We need this help. We need this help to move forward. We need this help to provide jobs. We need this help to give us hope so that there will be something two, four, six or eight years from now. A vote against this is not going to make you a hero with your consumer groups because somewhere along the line you are going to have to answer as to why that area that would have been helped economically is going downhill farther. A vote for this amendment is a vote for keeping Pennsylvania strong, helping it to grow and bringing one of its industries back up to the top where it belongs. I urge you to vote "yes" on this amendment.

Senator RHOADES. Mr. President, I rise to support this amendment for a number of different reasons. We are talking about coal and developing industry, and this is our opportunity to do it. Maybe we are putting a carrot out in front and we are saying it, but then I do not want nuclear energy. I do not want gas and I do not want oil. I want coal because it creates jobs for us. Another very astounding fact is as I get into this co-generation I begin to see we put it on the grid and only give it to New Jersey and Maryland. We have to begin to look westward and put our lines out there. When we generate, we can do this and save.

The other thing is we import fifteen million tons of coal into Pennsylvania. If we begin to use Pennsylvania coal, just think how many people we can put back to work.

Senator KELLEY. Mr. President, I agree with the expressions of the goals by the maker of the amendment, the gentleman from Fayette, and the gentleman from Schuylkill who expressed the desire to use Pennsylvania coal in our power generation plants, but I want to remind everybody that there is also a balance here. The Department of Environmental Resources has made it almost impossible to extract the coal from the soils and subsoils of Pennsylvania at a competitive cost, and so those of us who support this amendment let us keep the spirit alive and make sure we follow through with the department so they will start being reasonable, reasonable to the extent of those people who mine this gold in black form, so that it will be in such a way that we will protect the environment and have responsible operators and still be able to extract the minerals. I urge an affirmative vote, but encourage everyone in the affirmative to continue—and others as well in the negative who would continue on—to make sure the department is reasonable in the enforcement of the regulations of the Commonwealth.

Senator ZEMPRELLI. Mr. President, the scenario now becomes rather clear as to where some of us were in our votes that would appear we were pro-utility. The most difficult job we from western Pennsylvania have is to have others through-

out the state understand the desperation of our economy. Several years ago we were told that coal was king. We saw the demise of the steel industry that impacted upon excess capacity as far as some of our utilities were concerned. I want this Chamber to know and the world to know that even though some Members of my caucus are extremely disappointed in how I may have voted on the amendment offered by the gentleman from Schuylkill, Senator Rhoades, the bottom line was only one thing and that is I perceived the present bill and those proponents of removing the base of the cost of the rate from excess capacity as being a stagnation of the coal industry and nothing more, because if we placed in jeopardy the need for utility energy by saying that you built or made additions at your peril because of the excess capacity, I was in a sense putting a knife in the back of the coal industry because, as your Majority Leader has suggested, coal will be the source of generating power.

The thesis I have and the point I make is for those of you who do not understand the despair of the economy in western Pennsylvania have to understand that the resource we have is the bituminous coal industry. I have a house that is built over coal. Everybody from western Pennsylvania has built either over a void or a pillar of bituminous coal that remains available to foster the economy of this Commonwealth in every way. The plea is a basic one, and that is we have to start giving some of our periled industries a little shot in the arm, a little benefit, so the spin-off can be for a greater economy for jobs, if you will, as the bottom line. That is the urgent plea at this moment. That was the scenario for why some of us appeared to be pro-utility. It is not pro-utility, it is pro-coal. It is an urgent plea, and I certainly ask your respectful vote for the amendment offered by the gentleman from Fayette, Senator Lincoln.

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

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

YEAS—25

Armstrong	Lemmond	O'Pake	Singel
Corman	Lewis	Peterson	Stapleton
Fumo	Lincoln	Rhoades	Stout
Hankins	Madigan	Rocks	Williams
Helfrick	Mellow	Scanlon	Wilt
Jones	Musto	Shaffer	Zemprelli
Kelley			

NAYS—22

Andrezeski	Hess	Moore	Salvatore
Bell	Holl	Pecora	Shumaker
Bodack	Hopper	Reibman	Stauffer
Brightbill	Jubehrer	Romanelli	Tilghman
Early	Kratzer	Ross	Wenger
Greenleaf	Loeper		

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

The PRESIDENT pro tempore. House Bill No. 1639 will go over, as amended.

HB 1676 (Pr. No. 3116) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of April 9, 1929 (P. L. 343, No. 176), known as "The Fiscal Code," further providing for requisitions out of any fund in the State Treasury.

Considered the third time,

On the question,

Will the Senate agree to the bill on third consideration?

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

Amend Sec. 1 (Sec. 1501), page 2, line 20, by striking out the brackets before and after "written"

Amend Sec. 1 (Sec. 1501), page 2, line 21, by striking out the brackets before and after "department heads and"

Amend Sec. 1 (Sec. 1501), page 2, line 27, by striking out the bracket before "shall"

Amend Sec. 1 (Sec. 1501), page 2, line 28, by striking out the bracket after "and,"

Amend Sec. 1 (Sec. 1501), page 3, line 1, by striking out the brackets before and after "head and the"

On the question,

Will the Senate agree to the amendment?

It was agreed to.

Without objection, the bill, as amended, was passed over in its order at the request of Senator STAUFFER.

ANNOUNCEMENT BY MAJORITY LEADER

Senator STAUFFER. Mr. President, for the benefit of the Members, it is my intention to put over all of the Calendar with the exception of those bills which have amendments that have been agreed to because of the lateness of the hour, so we will finish up those few items prior to adjournment for this evening.

Senator ZEMPRELLI. Mr. President, I see some confusion on the floor. I wish to remind the Chair and the Majority Leader and all the Members of the Senate, if I may have someone's short attention, that we went over temporarily Senate Bill No. 1037 and I think we will have a motion with respect to that issue. There is, in fact, a motion on the floor that has to be dealt with. In the sense of fairness, those who would want to be recorded on that matter should remain.

Senator STAUFFER. Mr. President, if I may respond to the gentleman, there is an issue before us that does not have to be dealt with, and it was my intention to put that bill over as well as the others, unless the majority, obviously, votes otherwise.

Senator ZEMPRELLI. Mr. President, in the galaxy of bills that we would pass over, it was a negative thing in my talking to a member of your staff and I did not anticipate that would be one of the bills that was going over because there was a motion that has to be disposed of on the issue. I believe the motion would prevail as to a motion to go over. This is my recollection. However, I would remind the Chair that I would oppose any effort to go over Senate Bill No. 1037 this evening.

CONSIDERATION OF CALENDAR RESUMED

SB 1037 CALLED UP

SB 1037 (Pr. No. 2039) — Without objection, the bill, which previously went over in its order temporarily, was called up, from page 1 of the Calendar, under Bill on Concurrency in House Amendments as Amended by the Senate, by Senator STAUFFER.

BILL OVER IN ORDER

SB 1037 (Pr. No. 2039) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of May 17, 1921 (P. L. 789, No. 285), entitled, as amended, "The Insurance Department Act of one thousand nine hundred and twenty-one," creating a task force to conduct a review of various factors used in determining automobile insurance premiums; further providing for admitted assets; and making an appropriation.

And the question recurring,

Will the Senate agree to the motion to rerefer Senate Bill No. 1037, as amended, to the Committee on Appropriations?

Senator STAUFFER. Mr. President, I move that Senate Bill No. 1037 go over in its order.

On the question,

Will the Senate agree to the motion?

LEGISLATIVE LEAVE

Senator ZEMPRELLI. Mr. President, Senator Lincoln has left for his office. I am requesting a temporary Capitol leave for him.

The PRESIDENT pro tempore. Senator Zemprelli requests a temporary Capitol leave for Senator Lincoln. The Chair hears no objection. The leave will be granted.

And the question recurring,

Will the Senate agree to the motion?

Senator FUMO. Mr. President, I rise to oppose the motion to go over because originally it was my motion to send this bill back to the Committee on Appropriations and I yielded in the sense of good faith so we could proceed with the Calendar. I recognize the lateness of the hour, but it is only one vote and I do not think it is going to delay us much longer. I would ask the gentleman to withdraw his motion, if he is really interested in time, so we can vote on the motion to refer it to the Committee on Appropriations. If he will not, I then ask for a roll call vote on the motion which is going to take just as long anyway. I think basic fairness indicates he proceed with the way he led this Chamber to believe he was going to proceed, and that was to go over this vote temporarily.

And the question recurring,

Will the Senate agree to the motion?

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

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

The PRESIDENT pro tempore. The gentleman will be so recorded.

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

The PRESIDENT pro tempore. The gentleman will be so recorded.

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

YEAS—25

Armstrong	Holl	Madigan	Shaffer
Bell	Hopper	Moore	Shumaker
Brightbill	Jubelirer	Pecora	Stauffer
Corman	Kratzer	Peterson	Tilghman
Greenleaf	Lemmond	Rhoades	Wenger
Helfrick	Loeper	Salvatore	Wilt
Hess			

NAYS—23

Andrezeski	Kelley	O'Pake	Singel
Bodack	Lewis	Reibman	Stapleton
Early	Lincoln	Rocks	Stout
Fumo	Lynch	Romanelli	Williams
Hankins	Mellow	Ross	Zemprelli
Jones	Musto	Scanlon	

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

The PRESIDENT pro tempore. Senate Bill No. 1037, as amended, will go over in its order.

SB 562 CALLED UP OUT OF ORDER

SB 562 (Pr. No. 630) — Without objection, the bill was called up out of order, from page 5 of the Second Consideration Calendar, by Senator STAUFFER, as a Special Order of Business.

BILL ON SECOND CONSIDERATION AMENDED

SB 562 (Pr. No. 630) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of December 7, 1982 (P. L. 784, No. 225), entitled "Dog Law," requiring that dogs must be vaccinated against rabies as a condition for licensure; and authorizing the department to establish antirabies clinics.

The bill was considered.

On the question,

Will the Senate agree to the bill on second consideration?

HELFRICK AMENDMENT I

Senator STAUFFER, on behalf of Senator HELFRICK, offered the following amendment:

Amend Sec. 1 (Sec. 201), page 2, line 5, by inserting after "vaccinated" and inserting: by or under the supervision of a licensed veterinarian

Amend Sec. 1 (Sec. 201), page 2, line 15, by inserting after "vaccinated": by or under the supervision of a licensed veterinarian

Amend Sec. 1 (Sec. 201), page 2, line 22, by inserting after "vaccinated": by or under the supervision of a licensed veterinarian

Amend Sec. 1 (Sec. 201), page 2, line 28, by inserting after "vaccinated": by or under the supervision of a licensed veterinarian

Amend Sec. 3 (Sec. 1001.1), page 3, line 17, by inserting after "local": licensed

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

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

HELFRICK AMENDMENT II

Senator STAUFFER, on behalf of Senator HELFRICK, offered the following amendment:

Amend Sec. 4, page 3, line 23, by striking out "1986" and inserting: 1987

Amend Sec. 4, page 3, line 24, by striking out "1986" and inserting: 1987

On the question,

Will the Senate agree to the amendment?

It was agreed to.

And the question recurring,

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

HELFRICK AMENDMENT III

Senator STAUFFER, on behalf of Senator HELFRICK, offered the following amendment:

Amend Bill, page 3, by inserting between lines 20 and 21:

Section 4. Section 1201 of the act is amended to read:
Section 1201. Applicability to cities of the first class, second class and second class A.

Insofar as this act provides for the individual licensing of dogs and the payment of damages for livestock or poultry injured by dogs or for licensed dogs illegally killed, it shall not apply to cities of the first class, second class and second class A. Such individual dog licensing and payment of damages in cities of the first class, second class and second class A shall continue to be carried on under the provisions of existing laws. However, the provisions of section 201 requiring proof that a dog has been adequately vaccinated against rabies as a condition for issuance of a license shall apply to persons issuing dog licenses anywhere in this Commonwealth, including cities of the first class, second class and second class A.

Amend Sec. 4, page 3, line 21, by striking out "4" and inserting: 5

Amend Sec. 5, page 3, line 25, by striking out "5" and inserting: 6

On the question,

Will the Senate agree to the amendment?

It was agreed to.

Without objection, the bill, as amended, was passed over in its order at the request of Senator STAUFFER.

HB 1680 CALLED UP OUT OF ORDER

HB 1680 (Pr. No. 3303) — Without objection, the bill was called up out of order, from page 6 of the Second Consideration Calendar, by Senator STAUFFER, as a Special Order of Business.

BILL ON SECOND CONSIDERATION AMENDED

HB 1680 (Pr. No. 3303) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of June 6, 1980 (P. L. 197, No. 57), known as the "Optometric Practice and Licensure Act," reestablishing the State Board of Optometric Examiners as the State Board of Optometry; providing for its composition, powers and duties; further providing for renewal, revocation and suspension of licenses; providing for fees; and making repeals.

The bill was considered.

On the question,

Will the Senate agree to the bill on second consideration?

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

Amend Sec. 3 (Sec. 3), page 7, line 12, by inserting after "representing": the Commonwealth in

Amend Sec. 9, page 14, line 8, by striking out "December 31, 1985" and inserting: the effective date of this act

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

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

It was agreed to.

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

HB 2023 CALLED UP OUT OF ORDER

HB 2023 (Pr. No. 2758) — Without objection, the bill was called up out of order, from page 7 of the Second Consideration Calendar, by Senator STAUFFER, as a Special Order of Business.

BILL ON SECOND CONSIDERATION AMENDED

HB 2023 (Pr. No. 2758) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of June 18, 1984 (P. L. 384, No. 81), known as the "Amusement Ride Inspection Act," further providing for the minimum amount of insurance.

The bill was considered.

On the question,

Will the Senate agree to the bill on second consideration?

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

Amend Sec. 1 (Sec. 14), page 1, line 18, by inserting a bracket before "an"

Amend Sec. 1 (Sec. 14), page 1, line 19, by striking out the bracket before "\$1,000,000"

Amend Sec. 1 (Sec. 14), page 1, line 19, by striking out "'] \$500,000"

Amend Sec. 1 (Sec. 14), page 1, line 19, by inserting after "aggregate.":

] the following amounts:

(1) For an owner or operator of an amusement ride or attraction qualified to meet the Class I designation according to a listing maintained by the department, such insurance shall contain minimum limits of \$100,000 per occurrence and \$300,000 in the aggregate.

(2) For an owner or operator of an amusement ride or attraction qualified to meet the Class II designation according to a listing maintained by the department, such insurance shall contain minimum limits of \$250,000 per occurrence and \$500,000 in the aggregate.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

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

It was agreed to.

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

REMAINING CALENDAR OVER IN ORDER

All remaining bills on today's Calendar not considered were passed over in their order at the request of Senator STAUFFER.

UNFINISHED BUSINESS

REPORTS FROM COMMITTEES

Senator HOWARD, from the Committee on Finance, reported the following bill:

HB 1196 (Pr. No. 3347) (Amended) (Rereported)

An Act amending the act of April 9, 1929 (P. L. 343, No. 176), known as "The Fiscal Code," further providing for the disposition of certain personal property held by municipalities.

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

SB 1397 (Pr. No. 1882)

An Act amending the act of March 4, 1971 (P. L. 6, No. 2), entitled "Tax Reform Code of 1971," providing for the exclusion of construction of hydroelectric generating facilities from the tax on utilities.

SB 1423 (Pr. No. 1935)

An Act amending the act of November 26, 1978 (P. L. 1415, No. 333), entitled "Schuylkill Scenic River Act," extending the designation to an additional portion of the Schuylkill River and to two of its tributaries.

SB 1457 (Pr. No. 1987)

An Act amending the act of April 9, 1929 (P. L. 177, No. 175), entitled "The Administrative Code of 1929," converting State heating systems to the use of coal which has been produced in Pennsylvania.

HB 684 (Pr. No. 3355) (Amended)

An Act providing for abandoned mine subsidence emergency assistance.

HB 2002 (Pr. No. 2718)

An Act amending the act of December 15, 1980 (P. L. 1203, No. 222), known as the "Building Energy Conservation Act," making a technical change relating to the application of energy conservation standards.

BILL IN PLACE

Senator ANDREZESKI presented to the Chair a bill.

SENATE RESOLUTION

PROCLAIMING APRIL 24, 1986, AS "ARMENIAN MARTYRS' DAY" AND THE WEEK OF APRIL 20 THROUGH 26, 1986, AS "ARMENIAN MARTYRS' WEEK" THROUGHOUT THE COMMONWEALTH OF PENNSYLVANIA

Senators ROCKS, FUMO, SHUMAKER, HELFRICK, SALVATORE, WILLIAMS and PECORA offered the following resolution (Senate Resolution No. 153), which was read, considered and adopted:

In the Senate, April 22, 1986.

A RESOLUTION

Proclaiming April 24, 1986, as "Armenian Martyrs' Day" and the week of April 20 through 26, 1986, as "Armenian Martyrs' Week" throughout the Commonwealth of Pennsylvania.

WHEREAS, The Armenians are an ancient people, having settled in the vicinity of Mount Ararat in the seventh century B.C., and have long been fervent believers in Christianity. That religion became the state religion of Armenia in the fourth century A.D., making Armenia one of the first nations to accept Christianity; and

WHEREAS, Through the actions of St. Gregory the Illuminator, the Armenian Apostolic Church was established in the fourth century A.D. and continues to exist to this present day, along with various other Christian communions to be found among Armenians in the United States, in Armenia, and elsewhere throughout the world; and

WHEREAS, Armenians have always believed in the principles of freedom of conscience and worship and hold these principles sacred to this very day; and

WHEREAS, From the period 1915 to 1918, some 1,500,000 Armenians were massacred as a result of actions of the Turkish Ottoman Empire. Many others were forced to flee from Armenia; and

WHEREAS, These tragic events constitute the first instance of genocide in the 20th century, serving as a precedent to the Holocaust occurring prior to and during World War II and as a reminder of man's inhumanity to man; and

WHEREAS, Armenian-Americans have contributed greatly to the progress of America by their activities in the arts, business, the learned professions, academia, philanthropy, and also in government, wherein Armenian-Americans occupy the highest executive offices; and

WHEREAS, April 24 has been observed for over 70 years as Armenian Martyrs' Day, to honor the memory of those who died for their beliefs and principles as a result of Turkish persecution; therefore be it

RESOLVED, That the Senate of the Commonwealth of Pennsylvania proclaim April 24, 1986, as "Armenian Martyrs' Day" and the week of April 20 through 26, 1986, as "Armenian Martyrs' Week" throughout the Commonwealth of Pennsylvania; and be it further

RESOLVED, That a copy of this resolution be transmitted to the Chairman of the Armenian National Committee of Philadelphia, Joseph Frounjan.

CONGRATULATORY RESOLUTIONS

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

Congratulations of the Senate were extended to Mr. and Mrs. Rohrer Hershey by Senator Armstrong.

Congratulations of the Senate were extended to John Cardinal Krol by Senator Bell.

Congratulations of the Senate were extended to Robert E. Beatty and to W. Wayne Brandon by Senator Early.

Congratulations of the Senate were extended to Francis H. Luxbacher, Douglas D. Danforth, Mike Ditka and to the Bethel Park League of Women Voters by Senator Fisher.

Congratulations of the Senate were extended to James A. Flaherty Council 3128 of the Knights of Columbus by Senator Greenleaf.

Congratulations of the Senate were extended to Floyd "Jake" Frederick and to Officer Donald D. Delp by Senator Holl.

Congratulations of the Senate were extended to Joseph Bellesi by Senator Lewis.

Congratulations of the Senate were extended to Blanche Burns by Senators Lewis and Stapleton.

Congratulations of the Senate were extended to Mr. and Mrs. Joseph S. Mozino, James Cavanaugh and to the citizens of Springfield Township by Senator Loeper.

Congratulations of the Senate were extended to Ann S. Eastabrook, W. Thomas Blackall, Frank K. Orr, Robert P. Brenner and to E.I. DuPont Nemours and Company, Incorporated by Senator Madigan.

Congratulations of the Senate were extended to Patrick J. McCabe and to Abington Memorial Post No. 7069, Veterans of Foreign Wars by Senator Mellow.

Congratulations of the Senate were extended to the Gettysburg Hospital Auxiliary by Senator Moore.

Congratulations of the Senate were extended to Nikolas Krause, William H. Shirer, IV and to the Freemansburg American Legion Post 31 by Senator Reibman.

Congratulations of the Senate were extended to George R. Berger, Reverend James L. Lofton and to the Marian High School Fillies Girls' Basketball Team by Senator Rhoades.

Congratulations of the Senate were extended to Mr. and Mrs. John Malis by Senator Shaffer.

Congratulations of the Senate were extended to Frank C. Dlubak by Senator Stapleton.

BILLS ON FIRST CONSIDERATION

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

The motion was agreed to.

The bills were as follows:

SB 215, 727, 1299, 1300, 1301, 1302, 1303, 1304, 1305, 1306, 1307, 1309, 1310, 1311, 1312, 1313, 1314, 1315, 1316, 1317, 1318, 1319, 1320, 1321, 1322, 1323, 1372, 1389, 1390, 1397, 1422, 1423, 1457, HB 637, 684, 943 and 2002.

And said bills having been considered for the first time,

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

PETITIONS AND REMONSTRANCES

Senator ANDREZESKI. Mr. President, I would like to offer for the record some floor remarks to be entered on the record on the bill I introduced today.

The PRESIDENT pro tempore. Thank you, Senator Andrezeski, for your understanding of the hour. The Chair would direct that the gentleman's remarks be spread upon the record.

(The following prepared statement was made a part of the record at the request of the gentleman from Erie, Senator ANDREZESKI:)

Mr. President, yesterday was the last day for residents of our Commonwealth to register to vote in the upcoming Primary Election in May. And, while the right to vote is one of the most cherished and most revered symbols of our democracy, it is also, at times, one of the most frustrating. I say frustrating because every year we witness, as we did yesterday, a burst of last minute activity as the deadline approaches. Just as frustrating, thirty days later, is the fact that the percentages invariably show that only about half of the people who are registered to vote actually voted, and that only about 60 percent of voting-age Americans are actually registered.

As elected officials, that fact should concern us. It should disturb us and force us to look closely at the barriers that stand in the way of people who want to register to vote and, ultimately, want to participate in the democratic process.

The truth is, Mr. President, there is a very simple answer to the question, "Why do people vote?" They vote because they are registered. It may be more difficult to find out why more people are not registered and why more people do not vote on election day, but I think we can assume that part of the problem lies in the procedural maze which we subject all would-be voters to. Quite simply, Mr. President, if we make it easier for people to register, we can make it easier for people to vote.

As products ourselves of this process, we should take the lead in removing some of the cumbersome and antiquated legal and administrative barriers that stand in the way of registering voters.

In observance of yesterday's voter registration deadline, I am introducing legislation today that would allow for "motor-voter registration" here in Pennsylvania. Motor-voter registration is currently used successfully in the States of Maine, Colorado, Michigan, Oregon, Ohio and Arizona. This

approach recognizes that when citizens can register to vote at the same time and with the same ease as they get their driver's license, registration increases. Thanks to motor-voter registrations in Michigan, the last minute rush of registrants has all but disappeared. Motor-voter registration also opens the door to other advantages besides increased registration. For one, voter records can be cross-checked with driver's license records to improve the integrity of voting lists.

I would hope, Mr. President, that we can take advantage of this election year activity to focus our attention and the attention of the people of Pennsylvania on removing the barriers that stand in the way of full participation in the democratic process. The more people who have a voice in the workings of this Legislature and this Senate Body, the more effective we as lawmakers will be.

Senator MADIGAN. Mr. President, I am remiss in not doing this previously, but I felt that I would like it on the record.

At 5:00 a.m. on March 16th, my mother, Ada C. Madigan, widow of Senator Albert E. Madigan, passed away. On behalf of the children of my late sister, Laverne M. Clark; my sister, Phyllis M. McMoran and family; and my family and myself, I wish to express the deepest appreciation for the sharing of our sorrow by the Members, staff members and the Senate as a whole. Thank you so very much.

The PRESIDENT pro tempore. The Chair thanks the gentleman for his most appropriate remarks.

COMMUNICATIONS FROM THE GOVERNOR

NOMINATIONS BY THE GOVERNOR REFERRED TO COMMITTEE

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

MEMBER OF THE STATE BOARD OF AUCTIONEER EXAMINERS

April 22, 1986.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Robert A. Reimold, R. D. 2, Transfer 16154, Mercer County, Fiftieth Senatorial District, for appointment as a member of the State Board of Auctioneer Examiners, to serve for a term of three years and until his successor is appointed and qualified, but not longer than six months beyond that period.

DICK THORNBURGH.

MEMBER OF THE BOARD OF TRUSTEES OF DANVILLE STATE HOSPITAL

April 22, 1986.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Michael E. Ambrosino, 115 West Mahoning Street, Danville 17821, Montour County, Twenty-seventh Senatorial District, for appointment as a member of the Board of Trustees of Danville State Hospital, to serve until the third Tuesday of January, 1987, and until his successor is appointed and qualified, vice Jesse B. Bell, Danville, deceased.

DICK THORNBURGH.

MEMBER OF THE STATE BOARD OF EXAMINERS OF NURSING HOME ADMINISTRATORS

April 22, 1986.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Paul H. Boll, 225 South Grant Street, Palmyra 17078, Lebanon County, Forty-eighth Senatorial District, for appointment as a member of the State Board of Examiners of Nursing Home Administrators, to serve for a term of four years or until his successor is appointed and qualified, vice Bernard Liebowitz, Elkins Park, whose term expired.

DICK THORNBURGH.

MEMBER OF THE STATE BOARD OF EXAMINERS OF NURSING HOME ADMINISTRATORS

April 22, 1986.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Edward Brody, Park Pleasant, Inc., 4712 Chester Avenue, Philadelphia 19143, Philadelphia County, Eighth Senatorial District, for appointment as a member of the State Board of Examiners of Nursing Home Administrators, to serve for a term of four years or until his successor is appointed and qualified, vice Mary Jane Leader, Philadelphia, resigned.

DICK THORNBURGH.

MEMBER OF THE STATE BOARD OF EXAMINERS OF NURSING HOME ADMINISTRATORS

April 22, 1986.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Hilda Gibbel (Public Member), 1924 Market Street, Camp Hill 17011, Cumberland County, Thirty-first Senatorial District, for reappointment as a member of the State Board of Examiners of Nursing Home Administrators, to serve until November 19, 1988, and until her successor is appointed and qualified.

DICK THORNBURGH.

MEMBER OF THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

April 22, 1986.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Robert S. Ross, Jr., 307 Rex Avenue, Philadelphia 19118, Philadelphia County, Fourth Senatorial District, for appointment as a member of the Pennsylvania Public Utility Commission, for the residue of the term ending April 1, 1987, vice James H. Cawley, Esquire, Camp Hill, resigned.

DICK THORNBURGH.
MEMBER OF THE PENNSYLVANIA
PUBLIC UTILITY COMMISSION

April 22, 1986.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Kirk Wilson, 413 South Pitt Street, Carlisle 17013, Cumberland County, Thirty-first Senatorial District, for appointment as a member of the Pennsylvania Public Utility Commission, for the residue of the term ending April 1, 1995, vice Michael Johnson, Bryn Mawr, whose term expired.

DICK THORNBURGH.

HOUSE MESSAGES

SENATE BILL RETURNED WITH AMENDMENTS

The Clerk of the House of Representatives returned to the Senate **SB 336**, with the information the House has passed the same with amendments in which the concurrence of the Senate is requested.

The PRESIDENT pro tempore. The bill, as amended, will be placed on the Calendar.

HOUSE CONCURS IN SENATE AMENDMENTS TO HOUSE BILLS

The Clerk of the House of Representatives informed the Senate that the House has concurred in amendments made by the Senate to **HB 772** and **1774**.

HOUSE ADOPTS REPORTS OF COMMITTEES OF CONFERENCE

The Clerk of the House of Representatives informed the Senate that the House has adopted Reports of Committees of Conference on **SB 901** and **902**.

HOUSE INSISTS UPON ITS NONCONCURRENCE IN AMENDMENTS TO HB 1498, AND APPOINTS COMMITTEE OF CONFERENCE

The Clerk of the House of Representatives informed the Senate that the House insists upon its nonconcurrence in Senate amendments to **HB 1498**, and has appointed Messrs. McHALE, DeWEESE and PICCOLA as a Committee of Conference to confer with a similar committee of the Senate (if the Senate shall appoint such committee) to consider the differences existing between the two houses in relation to said bill.

COMMITTEE OF CONFERENCE APPOINTED ON HB 383

The PRESIDENT pro tempore. The Chair announces the appointment of Senators TILGHMAN, STAUFFER and FUMO as a Committee of Conference on the part of the Senate to confer with a similar committee of the House (already appointed) to consider the differences existing between the two houses in relation to House Bill No. 383.

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

BILLS SIGNED

The PRESIDENT pro tempore (Robert C. Jubelirer) in the presence of the Senate signed the following bills:

SB 901, 902, HB 772 and 1774.

ANNOUNCEMENTS BY THE SECRETARY

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

SENATE OF PENNSYLVANIA

COMMITTEE MEETINGS

WEDNESDAY, APRIL 23, 1986

10:00 A.M.	AGRICULTURE AND RURAL AFFAIRS (to consider House Bill No. 2264)	Room 460, 4th Floor Conference Rm., North Wing
1:00 P.M.	Recessed meeting of TRANSPORTATION (to consider Senate Bill No. 528; House Bills No. 401, 1350 and 2211)	Room 461, 4th Floor Conference Rm., North Wing

FRIDAY, APRIL 25, 1986

10:00 A.M.	ENVIRONMENTAL RESOURCES AND ENERGY (Public Hearing on Senate Bill No. 1211)	Gold Room, Allegheny County Court House, Pittsburgh
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TUESDAY, APRIL 29, 1986

9:30 A.M.	ENVIRONMENTAL RESOURCES AND ENERGY (Public Hearing on the Pennsylvania Hazardous Waste Facilities Plan and the Center for Hazardous Materials Research)	Room 460, 4th Floor Conference Rm., North Wing
10:30 A.M.	URBAN AFFAIRS AND HOUSING (Public Hearing on Senate Bill No. 1244- Charter Revision)	Room 461, 4th Floor Conference Rm., North Wing

10:30 A.M. LAW AND JUSTICE Room 459,
 (to consider Senate Bill 4th Floor
 No. 1478) Conference Rm.,
 North Wing

WEDNESDAY, APRIL 30, 1986

9:30 A.M. CONSUMER PROTECTION Room 461,
 AND PROFESSIONAL 4th Floor
 LICENSURE (to consider Conference Rm.,
 House Bill No. 1362) North Wing

10:30 A.M. MILITARY AND Room 460,
 VETERANS AFFAIRS 4th Floor
 (to consider Senate Bill Conference Rm.,
 No. 1163; Senate Resolution North Wing
 No. 45 and House Bill
 No. 968)

TUESDAY, MAY 13, 1986

10:00 A.M. CONSUMER PROTECTION Senate Majority
 AND PROFESSIONAL Caucus Rm.
 LICENSURE (Public Hearing
 on Senate Bills No. 210
 and 1470)

ADJOURNMENT

Senator STAUFFER. Mr. President, I move the Senate do now adjourn until Wednesday, April 23, 1986, at 11:00 a.m., Eastern Standard Time.

The motion was agreed to.

The Senate adjourned at 8:45 p.m., Eastern Standard Time.