

COMMONWEALTH OF PENNSYLVANIA

LEGISLATIVE JOURNAL

TUESDAY, MAY 17, 1988

SESSION OF 1988 172ND OF THE GENERAL ASSEMBLY

No. 34

SENATE

TUESDAY, May 17, 1988.

The Senate met at 4:48 p.m., Eastern Daylight Saving Time.

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

PRAYER

The Chaplain, Pastor W. C. JONES, of the First Wesleyan Church, New Castle, offered the following prayer:

Lord God, Thou who art the way, the truth and the life, hear us as we pray for the truth that shall make men free. Teach us that liberty is not only to be loved but also to be lived. Liberty is too precious a thing to be buried in books. It costs too much to be hoarded. Make us to see that our liberty is not the right to do as we please, but the opportunity to please to do what is right.

Compel us to be just and honest in all our dealings. Let our motives be above suspicion. Let our words be our bond. Let us be kind in our criticism of others and slow to judge, knowing that we ourselves must one day be judged. Amen.

JOURNAL APPROVED

The PRESIDENT pro tempore. A quorum of the Senate being present, the Clerk will read the Journal of the preceding Session of May 16, 1988.

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

HOUSE MESSAGES

HOUSE CONCURS IN SENATE AMENDMENTS TO HOUSE BILL

The Clerk of the House of Representatives informed the Senate that the House has concurred in amendments made by the Senate to **HB 1992**.

HOUSE INSISTS UPON ITS AMENDMENTS NONCONCURRED IN BY THE SENATE TO SB 26, AND APPOINTS COMMITTEE OF CONFERENCE

The Clerk of the House of Representatives informed the Senate that the House insists upon its amendments nonconcurring in by the Senate to **SB 26**, and has appointed Messrs. DAWIDA, COLE and PITTS as a Committee of Conference to confer with a similar committee of the Senate (already appointed) to consider the differences existing between the two houses in relation to said bill.

HOUSE INSISTS UPON ITS AMENDMENTS NONCONCURRED IN BY THE SENATE TO SB 123, AND APPOINTS COMMITTEE OF CONFERENCE

The Clerk of the House of Representatives informed the Senate that the House insists upon its amendments nonconcurring in by the Senate to **SB 123**, and has appointed Messrs. LLOYD, BORTNER and DeVERTER 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.

SENATE BILLS RETURNED WITH AMENDMENTS

The Clerk of the House of Representatives returned to the Senate **SB 321** and **1132**, 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 bills, as amended, will be placed on the Calendar.

GENERAL COMMUNICATIONS

JOB TRAINING PARTNERSHIP ACT PLAN

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

PRIVATE INDUSTRY COUNCIL
WEST CENTRAL JOB PARTNERSHIP
State Buhl Building
585 E. State Street
Sharon, PA 16146

March 18, 1988

Honorable Robert C. Jubelirer
President Pro Tempore
Senate of Pennsylvania

Main Capitol Building
Harrisburg, PA 17120

Honorable Robert C. Jubelirer:

With this correspondence you are notified West Central Job Partnership Private Industry Council for Service Delivery Area #28 of Lawrence and Mercer Counties is submitting to the Pennsylvania Dept. of Labor and Industry, Bureau of Job Training Partnership Act, its Master Plan for the period of July 1, 1988 to June 30, 1990.

The J.T.P.A. funds made available under this Master Plan will enable Service Delivery Area #28 to provide training to local economically disadvantaged residents in an effort to enable their economic self sufficiency.

This Master Plan is available for public review any weekday from 9:00 a.m. to 3:00 p.m. at West Central Job Partnership Mercer County J.T.P.A. Office located at 585 E. State Street, Sharon, PA or at the West Central Job Partnership Lawrence County J.T.P.A. Office located at 1102 Croton Avenue, New Castle, PA. All questions should be directed to Shelia K. Gregg, Director of Administrative Services at (412) 347-9257 or 1-800-433-9257.

A copy of this Master Plan will be provided to you for review upon request.

Sincerely,
ROBERT C. JAZWINSKI
Chairman
Private Industry Council

The PRESIDENT pro tempore. The communication will be filed in the Library.

**DEPARTMENT OF EDUCATION
VOCATIONAL EDUCATION TOOL
AND EQUIPMENT INVENTORY**

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

**COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF EDUCATION**

May 16, 1988

Subject: Vocational Education Tool and
Equipment Report

To: The Honorable John J. Zubeck,
Chief Clerk
House of Representatives

The Honorable Mark R. Corrigan,
Secretary
Senate of Pennsylvania

From: ROBERT E. FEIR
Director of Policy
& Government Relations

When the General Assembly enacted legislation to implement the Pennsylvania Economic Revitalization Fund in 1984, one program which was authorized was a \$27 million effort to purchase vocational education tools and equipment. The authorizing legislation, Act 107 of 1984, required the Department of Education to report to the legislature on the implementation of the program.

The attached report is designed to serve that purpose. Among the conclusions is that the \$27 million equipment purchase program came at a good time for vocational-technical schools, community colleges, and comprehensive high schools, as much of the funding was used to replace reduced federal funds. In 1983,

the schools indicated a need for \$45 million in new equipment, and the \$27 million met a substantial part of that need. Nonetheless, a survey conducted for the preparation of this report indicates that the schools now believe their current equipment needs—to bring their equipment up to industry standards—is about \$70 million in the aggregate.

Copies of this report are also being provided to the chairmen of the House and Senate Education and Appropriations Committees.

I hope you find the attached report to be useful. If you have any questions, please give me a call at 7-7575.

The PRESIDENT pro tempore. This report will be filed in the Library.

BILLS SIGNED

The PRESIDENT pro tempore (Robert C. Jubelirer) in the presence of the Senate signed the following bills:

SB 803 and HB 1992.

REPORTS FROM COMMITTEES

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

HB 1755 (Pr. No. 3313) (Amended) (Rereported)

An Act amending the act of March 10, 1949 (P. L. 30, No. 14), known as the "Public School Code of 1949," further providing for allocations of State appropriations; increasing the size of the Board of Governors; further providing for student membership on the Board of Governors and the Council of Trustees; expanding the powers of institution presidents; and authorizing the State System of Higher Education to enter into contracts for maintenance projects to repair buildings and other facilities.

HB 1900 (Pr. No. 2987)

An Act requiring institutions of higher education to provide students and employees with information relating to crime statistics and security measures and to provide similar information to prospective students and employees upon request; granting powers to the State Board of Education; and providing for penalties.

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

SB 1017 (Pr. No. 2055) (Amended)

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

APPROVAL OF REGULATIONS

Senator BELL, from the Committee on Consumer Protection and Professional Licensure, reported the following regulations have been recommended for approval by the Independent Regulatory Review Commission:

State Board of Examiners in Speech-Language and Hearing Regulation #16A-182; and
State Board of Examiners of Nursing
Home Administrators Regulation #16A-180.

LEGISLATIVE LEAVES

Senator LOEPER. Mr. President, I request legislative leaves for today's Session on behalf of Senator Fisher and Senator Hopper and a temporary Capitol leave on behalf of Senator Holl.

The PRESIDENT pro tempore. Senator Loeper requests legislative leaves for Senator Fisher and Senator Hopper and a temporary Capitol leave for Senator Holl. The Chair hears no objection. Those leaves will be granted.

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

The PRESIDENT pro tempore. Senator Lincoln has requested a temporary Capitol leave for Senator Lynch. The Chair hears no objection. That leave is granted.

LEAVES OF ABSENCE

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

CALENDAR

HB 1717 CALLED UP OUT OF ORDER

HB 1717 (Pr. No. 2142) — Without objection, the bill was called up out of order, from page 1 of the Third Consideration Calendar, by Senator LOEPER, as a Special Order of Business.

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

HB 1717 (Pr. No. 2142) — The Senate proceeded to consideration of the bill, entitled:

An Act designating January 30, Franklin Delano Roosevelt's birthday, as "Day of the Disabled."

Considered the third time and agreed to,

On the question,
Shall the bill pass finally?

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

YEAS—48

| | | | |
|------------|-----------|-----------|-----------|
| Andrezeski | Holl | Moore | Scanlon |
| Armstrong | Hopper | Musto | Shaffer |
| Bell | Jones | O'Pake | Shumaker |
| Bodack | Jubelirer | Pecora | Stapleton |
| Brightbill | Kelley | Peterson | Stauffer |
| Corman | Lemmond | Regoli | Stewart |
| Fisher | Lewis | Reibman | Stout |
| Fumo | Lincoln | Rhoades | Tilghman |
| Greenleaf | Loeper | Rocks | Wenger |
| Greenwood | Lynch | Romanelli | Williams |
| Helfrick | Madigan | Ross | Wilt |
| Hess | Mellow | 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 return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

**MAHANAY AREA HIGH SCHOOL CLASS
A BASKETBALL STATE CHAMPIONS
PRESENTED TO SENATE**

Senator RHOADES. Mr. President, it is an extra special honor for me today to introduce the people who are with us here on the floor. They are from my hometown, from Mahanoy Area High School. They are the girls Class A State Champions for 1988. I will point out that this is the first time in sixty-six years that we have had a state championship, and these are special young ladies who accomplished this. I will note that not only do they have great basketball talent, but they are also leaders not only in the classroom but in school activities as well. I would also note we only have 138 girls in tenth, eleventh and twelfth grades. Nine of the thirteen girls on the team are members of the Honor Society. The other thing, too, is they learned a lesson in stamina today, what we call political stamina, when we have to sit here for four or five hours. They had that stamina all along. Let me give you an example. On their way to the championship in what would have been the Eastern final, they played Notre Dame of Greenpond and had only scored two points in the first quarter. They went on in that ball game and won it by about twenty points, and they scored a total of seventy-four points. In the Eastern final, before they went to the State Championship, they were down nine points with three minutes to go and won the game by ten points. They have a record this year of thirty-two wins and two losses. You say, how did they lose the two? The two games they lost were to a team from our league that lost in the Eastern final before the State Championship, so that tells you the caliber of our league. We have had many state championships and state finalists come out of our league over many years. So it is a great deal of pleasure for me to introduce the girls. They beat Ferndale Area High School 74-52 in the State final.

I would ask if I could just read their names off and have them stand up. I am not going to go through their whole list of accomplishments because I would probably be here just as long as that Special legislative Session lasted and, God knows, we do not want to do that. The girls did such an excellent job this year and we are extremely proud of them at home and throughout our area and throughout our league. Natalie Alansky is a senior tri-captain. She will attend Bloomsburg University. Renee Kern is a senior tri-captain. She will attend Boston University on a full athletic scholarship valued at \$72,000. Lori Krukak is a tri-captain senior. She will also attend Bloomsburg University. Brenda Wishnefsky is a senior. She will attend Penn State University. Donna Bova is a senior. She will be employed with the FBI. Meggan Yedsena is a sophomore and she has two more years of active varsity competition. Cindy Benjamin is a freshman. She has three more years of varsity competition. Ali Rhoades is a sopho-

more and she also happens to be my daughter. Ali will have two more years of varsity competition. Jean Marie Gavula is a senior. She has been on the basketball team for three years. She hurt her knee as a junior but came back and was with the team all the way through. Again, there is a junior class officer and a senior class officer. We have another special young lady, Meg Grigalonis. Meg is a junior. Holly Richardson is in eighth grade. She is a manager but she was also on the junior high team, so look out for what is coming up. Michele Wlodarczyk was also a manager who is in the eighth grade and on the junior high team. Pauline Danisavich is a junior. She has also been a class president for three years. Robin Wolfgang is a sophomore. She also has two more years. Also Ceane Haughney and Marsha Kaminsky. There is a fellow sitting up front here next to Coach Alansky. He is Robert "Lammie" Gallagher who is our statistician. He is a good friend and a special friend. The last guy who is a friend of mine—who I taught with—has been a teacher for twenty years. He is what you would call a dedicated teacher. He is also one super coach. I have coached with him in football, and I will put it this way: He may have an overall record of 74-28, but the important thing is what he has done—and I say this as a father—he has been an excellent example to my daughter and to all these young ladies. He has given them that which they want to achieve and accomplish. They set a goal of a state championship. I am happy to introduce Coach Joe Alansky and the Mahanoy Area Lady "Golden Bears" Class A State Champions.

The PRESIDENT pro tempore. I want you to all stand for a real well-deserved round of applause.

(Applause.)

GUESTS OF SENATOR JAMES J. RHOADES PRESENTED TO SENATE

Senator RHOADES. Mr. President, in the gallery with us is a group from Nativity BVM High School Business Club from Pottsville. Ms. Berger is their chaperone. I would also note that in years past they were also state champions. I told you we come from a tough area, a tough league. I would appreciate if the Senate would extend their usual warm courtesy to them.

The PRESIDENT pro tempore. Would those additional guests of Senator Rhoades, the state champions of the past, please stand so we may give you our usual warm welcome.

(Applause.)

GUESTS OF SENATOR JAMES C. GREENWOOD AND SENATOR H. CRAIG LEWIS PRESENTED TO SENATE

Senator GREENWOOD. Mr. President, one of the ways in Pennsylvania that we test the mettle of some of our best and brightest students is through the mock trial debate competition. This year a Bucks County team from Bensalem High School won the Pennsylvania state championship, went on to Dallas to represent Pennsylvania in the national competition

and did very well there. They are in the gallery with us today. Their debate coach is Linda Brown and their attorney/advisor is Rea Mabon. The team members are Peggy Balsawer, Paul Entis, Gaurang Hirpara, Ilene Kalish, Doug Richman, Lee Rosenfeld and Jeremy Strauser. This Senate frequently raises questions about the quality of our public education, but I think in this case it is important for us to note some fine, fine examples of our educational system. Pennsylvania is producing a good group of students this year and every year. I may add on behalf of Senator Lewis and myself that we think the best and brightest are still coming from Bucks County. I would like the Senate to welcome the team.

The PRESIDENT pro tempore. Would those guests of Senator Greenwood and Senator Lewis from Bucks County please rise so we may give you a warm welcome.

(Applause.)

WIFE OF SENATOR M. JOSEPH ROCKS PRESENTED TO SENATE

Senator ROCKS. Mr. President, I am reminded, not just by the Chair but by Senator Rhoades, as he introduced a team of young and talented and attractive women, that I have a guest, a special friend of mine for thirteen years from the City of Philadelphia. She is the pride of Manayunk. She is the first woman of Roxborough, which is truly a reflection on her, and, believe me, virtually none on me. I am privileged, also, to tell you that she is the mother of our three children, my wife Nancy.

The PRESIDENT pro tempore. Would the very, very special guest of Senator Rocks please rise so we may give you a very warm welcome.

(Applause.)

The PRESIDENT pro tempore. Nancy is way up in the back. It certainly has been a championship day.

LEGISLATIVE LEAVES

Senator LINCOLN. Mr. President, I would request additional temporary Capitol leaves for Senator O'Pake, Senator Ross and Senator Scanlon.

The PRESIDENT pro tempore. Senator Lincoln requests Capitol leaves for Senator O'Pake, Senator Ross and Senator Scanlon. The Chair hears no objection. Those leaves will be granted.

HB 854 TAKEN FROM THE TABLE

Senator LOEPER. Mr. President, I move that House Bill No. 854, Printer's No. 3324, 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.

RECESS

Senator LOEPER. Mr. President, at this time I would ask for a very brief recess of the Senate for the purpose of a Republican caucus to begin in the Rules Committee room at the rear of the Senate Chamber, with an expectation of returning to the floor, hopefully, by 5:30 p.m.

Senator LINCOLN. Mr. President, I would request that all Members of the Democratic caucus report to the caucus room immediately upon the recess for a very brief but very important caucus.

The PRESIDENT pro tempore. Senator Loeper and Senator Lincoln have requested the respective Members of their caucuses to report to the caucus rooms; in this case the Rules Committee room for the Republican Members of the Senate and the Democratic caucus room for the Democratic Members of the Senate, with the hopes and expectations of returning in a very short period of time. For that purpose, the Senate will stand in recess.

AFTER RECESS

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

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

LEGISLATIVE LEAVES

Senator LOEPER. Mr. President, I would request temporary Capitol leaves for Senator Hess, Senator Moore, Senator Brightbill and Senator Greenwood.

The PRESIDENT. Senator Loeper requests temporary Capitol leaves for Senator Hess, Senator Moore, Senator Brightbill and Senator Greenwood. The Chair hears no objection. The leaves will be granted.

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

The PRESIDENT. Senator Zemprelli requests temporary Capitol leave on behalf of Senator Stewart. The Chair hears no objection. The leave will be granted.

LEGISLATIVE LEAVE CANCELLED

Senator LOEPER. I request that the Chair note the presence on the floor of Senator Holl and I ask that his temporary Capitol leave be cancelled.

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

SPECIAL ORDER OF BUSINESS**SUPPLEMENTAL CALENDAR NO. 1****PREFERRED APPROPRIATION BILL ON CONCURRENCE IN HOUSE AMENDMENTS****SENATE CONCURS IN HOUSE AMENDMENTS**

SB 1132 (Pr. No. 2056) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of July 3, 1987 (P. L. 459, No. 9A), entitled "The General Appropriation Act of 1987," adding, increasing and decreasing certain State appropriations to the various components of the Judicial Department.

Senator LOEPER. Mr. President, I move the Senate do concur in the amendments made by the House to Senate Bill No. 1132.

On the question,

Will the Senate agree to the motion?

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

YEAS—48

| | | | |
|------------|-----------|-----------|-----------|
| Andrezeski | Holl | Moore | Scanlon |
| Armstrong | Hopper | Musto | Shaffer |
| Bell | Jones | O'Pake | Shumaker |
| Bodack | Jubelirer | Pecora | Stapleton |
| Brightbill | Kelley | Peterson | Stauffer |
| Corman | Lemmond | Regoli | Stewart |
| Fisher | Lewis | Reibman | Stout |
| Fumo | Lincoln | Rhoades | Tilghman |
| Greenleaf | Loeper | Rocks | Wenger |
| Greenwood | Lynch | Romanelli | Williams |
| Helfrick | Madigan | Ross | Wilt |
| Hess | Mellow | 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 inform the House of Representatives accordingly.

SPECIAL ORDER OF BUSINESS**SUPPLEMENTAL CALENDAR NO. 2****THIRD CONSIDERATION CALENDAR****BILL ON THIRD CONSIDERATION AMENDED**

HB 854 (Pr. No. 2912) — The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, placing certain limitations on insurance premium increases; and further providing exemptions for the use of certain sun screening materials.

Considered the third time,

On the question,

Will the Senate agree to the bill on third consideration?

Senator LOEPER, by unanimous consent, offered the following amendment No. A2387:

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

Amend Title, page 1, line 4, by removing the period after "materials" and inserting: ; providing for the imposition of surcharges on persons convicted of driving under influence of alcohol or controlled substance and for the deposit of the surcharges into the Catastrophic Loss Trust Fund; repealing certain provisions relating to the Catastrophic Loss Trust Fund; mandating the offering of certain insurance coverage; further regulating compulsory judicial arbitration; and making a repeal.

Amend Bill, page 1, lines 7 and 8, by striking out all of said lines and inserting:

Section 1. Section 1306(7) of Title 75 of the Pennsylvania Consolidated Statutes is repealed.

Section 2. Section 1309 of Title 75 is amended to read:

§ 1309. Renewal of registration.

At least 60 days prior to the expiration of each registration, the department shall send to the registrant an application for renewal of registration. Upon return of the application, accompanied by self-certification of financial responsibility[,] and the applicable fee or fees [and proof that the Catastrophic Loss Trust Fund charge has been paid], the department shall send to the registrant a renewed registration card. Failure to receive a renewal application shall not relieve a registrant from the responsibility to renew the registration.

Section 3. Section 1373(7) of Title 75 is repealed.

Section 4. Sections 1715 and 1723 of Title 75 are amended to read:

§ 1715. Availability of adequate limits.

(a) General rule.—An insurer shall make available for purchase first party benefits as follows:

(1) For medical benefits, up to at least \$100,000.

(1.1) For extraordinary medical benefits, from \$100,000 to \$1,000,000, as limited by subsection (d).

(2) For income loss benefits, up to at least \$2,500 per month up to a maximum benefit of at least \$50,000.

(3) For accidental death benefits, up to at least \$25,000.

(4) For funeral benefits, \$2,500.

(5) For combination of benefits enumerated in paragraphs (1) through (4) and subject to a limit on the accidental death benefit of up to \$25,000 and a limit on the funeral benefit of \$2,500, up to at least [\$277,500] \$1,177,500 of benefits in the aggregate or benefits payable up to three years from the date of the accident, whichever occurs first.

(b) Higher or lower limits and additional benefits.—Insurers may make available higher or lower limits or benefits in addition to those enumerated in subsection (a).

(c) Restriction on providing first party benefits.—An insurer shall not issue or deliver a policy providing first party benefits in accordance with this subchapter unless the policy also contains coverage for liability in amounts at least equal to the limits required for financial responsibility.

(d) Limitations.—The maximum medical benefit which shall be paid on behalf of any one eligible claimant under subsection (a)(1.1) shall be \$50,000 per year and \$1,000,000 lifetime aggregate. During the first 18 months of eligibility, the insurer shall approve payments on behalf of a claimant without regard to the \$50,000 per year limit but subject to the \$1,000,000 lifetime aggregate.

§ 1723. Reporting requirements.

Beginning December 31, 1986, and each year thereafter, each insurance company writing automobile insurance in this Commonwealth shall file with the Insurance Department the number of its insureds, the number of its insureds who have purchased first party medical benefits in excess of the minimum required by section 1711 (relating to required benefits) and the number of insureds who have purchased first party medical benefits [in the amount of \$100,000] under section 1715(a)(1) and (1.1) (relating to availability of adequate limits). The Insurance Department shall furnish this information to the General Assembly annually.

Section 5. Sections 1762 and 1763 of Title 75 are repealed.

Section 6. Section 1764(b) of Title 75 is amended to read:

§ 1764. Catastrophic Loss Trust Fund.

(b) Composition.—The fund shall be composed of moneys contributed pursuant to section 1762 (relating to funding), surcharges imposed pursuant to section 3731.1 (relating to surcharge upon conviction of driving under influence of alcohol or controlled substance), fines imposed pursuant to section 4581(b) (relating to restraint systems) upon conviction of a violation of section 4581(a)(2), and funds earned by the investment and reinvestment of such moneys. The fund shall be held in trust, be deposited in a separate account and be the sole and exclusive source of funding for the payment of catastrophic loss benefits and the administration of the fund.

Section 7. Sections 1765(c)(6) and 1766 of Title 75 are repealed.

Section 8. Section 1767 of Title 75 is amended to read:

§ 1767. [Annual reports] Reports.

(a) Annual reports.—By March 1 of each year subsequent to the first full calendar year after the effective date of this subchapter, the Insurance Department shall prepare and provide to the Governor and to the General Assembly a written report of the status and activities of the Catastrophic Loss Trust Fund. In its second annual report and in every second annual report thereafter, the department shall include in its report findings and recommendations with respect to the operation of the fund and the actuarial soundness of the fund. Each annual report shall also include an audit by the Auditor General of the amounts paid to each eligible person so as to avoid duplications, errors or fraud.

(b) Special report.—By January 1, 1989, the Insurance Department shall prepare and provide to the Governor and to the General Assembly a report on the actuarial soundness of the fund and recommendations with respect to the elimination of any unfunded liability. If such report includes recommendations for collecting a surcharge to eliminate the unfunded liability, the report shall compare the consequences of imposing that surcharge on each motor vehicle required to be registered under Chapter 13 (relating to registration of vehicles) except trailers, recreational vehicles not intended for highway use, motorcycles, motor-driven cycles, motorized pedalcycles or like type vehicles; on each insured as defined in section 1702 (relating to definitions); and on each motor vehicle for which coverage is purchased under section 1715(a)(1.1) (relating to availability of adequate limits) and shall compare the consequences of eliminating the unfunded liability over a period of five years, a period of ten years, a period of 15 years, and a period of 20 years.

Section 9. Section 1787(d) of Title 75 is repealed.

Section 10. Section 1791 of Title 75 is amended to read:

§ 1791. Notice of available benefits and limits.

It shall be presumed that the insured has been advised of the benefits and limits available under this chapter provided the following notice in bold print of at least ten-point type is given to the applicant at the time of application for original coverage or at the time of the first renewal after October 1, 1984, and no other notice or rejection shall be required:

IMPORTANT NOTICE

Insurance companies operating in the Commonwealth of Pennsylvania are required by law to make available for purchase the following benefits for you, your spouse or other relatives or minors in your custody or in the custody of your relatives, residing in your household, occupants of your motor vehicle or persons struck by your motor vehicle:

(1) Medical benefits, up to at least \$100,000.

(1.1) Extraordinary medical benefits, from \$100,000 to \$1,000,000.

(2) Income loss benefits, up to at least \$2,500 per month up to a maximum benefit of at least \$50,000.

(3) Accidental death benefits, up to at least \$25,000.

(4) Funeral benefits, \$2,500.

(5) As an alternative to paragraphs (1) through (4), a combination benefit, up to at least [\$277,500] \$1,177,500 of benefits in the aggregate or benefits payable up to three years from the date of the accident, whichever occurs first, subject to a limit on accidental death benefit of up to \$25,000 and a limit on funeral benefit of \$2,500.

(6) Uninsured, underinsured and bodily injury liability coverage up to at least \$100,000 because of injury to one person in any one accident and up to at least \$300,000 because of injury to two or more persons in any one accident or, at the option of the insurer, up to at least \$300,000 in a single limit for these coverages, except for policies issued under the Assigned Risk Plan. Also, at least \$5,000 for damage to property of others in any one accident.

Additionally, insurers may offer higher benefit levels than those enumerated above as well as additional benefits. However, an insured may elect to purchase lower benefit levels than those enumerated above.

Your signature on this notice or your payment of any renewal premium evidences your actual knowledge and understanding of the availability of these benefits and limits as well as the benefits and limits you have selected.

Section 11. Section 1793(a) of Title 75 is amended by adding a paragraph to read:

Amend Bill, page 1, by inserting after line 17:

Section 12. Section 1794 of Title 75 is amended to read:

§ 1794. Compulsory judicial arbitration jurisdiction.

Beginning January 1, 1987, the monetary limit in 42 Pa.C.S. § 7361(b)(2)(i) (relating to compulsory arbitration) for the submission of matters to judicial arbitration in judicial districts embracing [first and second class] counties of the first, second or second A class shall be \$25,000 for actions arising from the maintenance or use of a motor vehicle.

Section 13. Title 75 is amended by adding a section to read:

§ 3731.1. Surcharge upon conviction of driving under influence of alcohol or controlled substance.

Upon conviction of a violation of section 3731 (relating to driving under influence of alcohol or controlled substance), the sentencing court shall impose upon and collect from the defendant a surcharge of \$100 in addition to and independent of any fine and costs imposed on the defendant. The court shall forward the surcharge to the department in the manner prescribed for the forwarding of fines and bail forfeited pursuant to sections 6322 (relating to reports by issuing authorities) and 6323 (relating to reports by courts). Within ten days after the end of each month, the department shall remit all surcharges received during the prior month to the Insurance Department for deposit in the Catastrophic Loss Trust Fund to be used for the purposes and administered in the manner prescribed by Subchapter F of Chapter 17 (relating to Catastrophic Loss Trust Fund).

Amend Sec. 2, page 2, line 1, by striking out "2" and inserting: 14

Amend Bill, page 4, by inserting after line 30:

Section 15. Section 4581(b) of Title 75, amended November 23, 1987 (P.L.399, No.82), is amended to read:

§ 4581. Restraint systems.

(b) Offense.—Anyone who fails to comply with the provisions of subsection (a)(1) shall be guilty of a summary offense with a maximum fine of \$25. The court imposing and collecting any such fines shall transfer the fines thus collected to the State Treasurer for deposit in the Child Passenger Restraint Fund, pursuant

to section 4582 (relating to Child Passenger Restraint Fund). Anyone who violates subsection (a)(2) commits a summary offense and shall, upon conviction, be sentenced to pay a fine of \$10. No persons shall be convicted of a violation of subsection (a)(2) unless the person is also convicted of another violation of this title which occurred at the same time. No costs as described in 42 Pa.C.S. § 1725.1 (relating to costs) shall be imposed for summary conviction of subsection (a)(2). Conviction under this subsection shall not constitute a moving violation. The court shall forward fines imposed upon conviction of a violation of subsection (a)(2) to the department in the manner prescribed for the forwarding of fines and bail forfeited pursuant to sections 6322 (relating to reports by issuing authorities) and 6323 (relating to reports by courts). Within ten days after the end of each month, the department shall remit all such fines received during the prior month to the Insurance Department for deposit in the Catastrophic Loss Trust Fund to be used for the purposes and administered in the manner prescribed by Subchapter F of Chapter 17 (relating to Catastrophic Loss Trust Fund).

Section 16. Notwithstanding the repeal of 75 Pa.C.S. §§ 1762 (relating to funding), 1763 (relating to enforcement) and 1766 (relating to benefits), all individuals who suffer or suffered a catastrophic loss prior to the effective date of this section shall continue to receive, or be eligible to receive, catastrophic loss benefits as if those sections had not been repealed.

Section 17. The repeal of 75 Pa.C.S. §§ 1762 (relating to funding), 1763 (relating to enforcement) and 1766 (relating to benefits) shall not be applicable in the case of a motor vehicle until the end of the registration year for which a charge was paid in accordance with section 1762 for that vehicle prior to the effective date of this section.

Amend Sec. 3, page 5, line 1, by striking out "3" and inserting: 18

Amend Sec. 3, page 5, line 1, by striking out "60" and inserting: 90

On the question,

Will the Senate agree to the amendment?

Senator LINCOLN. Mr. President, would someone on the other side who would feel comfortable with this amendment give some explanation, maybe highlighting the major points in the amendment and some explanation as to the fact that we had passed it previously, just so our caucus can have a little bit of an idea.

The PRESIDENT. The gentleman from Delaware, Senator Loeper, indicates that he will take on the assignment.

Senator LOEPER. Mr. President, essentially, this amendment is the part of Senate Bill No. 123 which the Senate concurred in, dealing with the abolition of the CAT Fund, some three weeks ago. Additional provisions that were also in that part of the bill that the Senate did concur in were provisions relating to the unfunded liability of the CAT Fund that directed the Insurance Commissioner to prepare a report back to the General Assembly after January of 1989 as how to deal with that particular issue. There were also other provisions in the concurred in part that dealt with mandating insurance carriers in the Commonwealth to offer the catastrophic coverage to any of their insurers who may wish to have that coverage. There were two additional features to those amendments that were concurred in: one was dealing with judicial arbitrations in second class A counties, and the final provision dealt with a

surcharge on DUI cases that would come back to the CAT Fund. They are the essential components that are in the amendment.

LEGISLATIVE LEAVES CANCELLED

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

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

Senator FUMO. Mr. President, I hate to beg confusion but I and a number of my colleagues sitting around me are still thoroughly confused on what this amendment does. Would the Majority Whip, the gentleman from Delaware, Senator Loeper, go through it slowly and maybe give us the history. Our caucus was a little confused, I think, and maybe not as well attended as it should have been. For once, people want to really know what they are voting for.

The PRESIDENT. Does the gentleman from Delaware, Senator Loeper, assent to further explanation?

Senator LOEPER. I do, Mr. President.

Essentially, the Senate dealt with Senate Bill No. 123, which has been amended by the House of Representatives, dealing with the abolition of the CAT Fund, several other auxiliary issues and two other issues: one was a pooling of insurance monies and the third feature of that was also a sticker system that would deal with the purchase of insurance and a sticker as proof of purchase that one would place upon their automobile. When that bill came over to the Senate, we concurred in part and nonconcurred in two parts. What we are doing here today is, in amendment form, taking the portion of Senate Bill No. 123 which the Senate did concur in, and amending it and offering it as an amendment to House Bill No. 854.

Senator FUMO. Mr. President, I thank the gentleman for his explanation. Could he now go through the list again of what we are reaffirming, because I did not vote to do that. I was against abolishing the CAT Fund. As I understand it, this amendment abolishes the CAT Fund and does some other things, if he could go through that again.

Senator LOEPER. Mr. President, the major feature of this amendment is that it does abolish the Catastrophic Loss Trust Fund. Secondly, it creates a mandatory provision for the Insurance Commissioner to report back to the General Assembly to deal with the unfunded liability question of the CAT Fund in January of 1989. It has a mandatory provision for insurance carriers within the Commonwealth to offer catastrophic coverage to motorists if they wish to avail themselves of it. It also deals with judicial arbitration awards in counties of the second class A, and it increases the amounts that those awards can be made through an arbiter. Lastly, it creates a surcharge on DUI cases and that surcharge would be returned back to help fund the CAT Fund.

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

Mr. President, just briefly, I rise to oppose the amendment. I do not think we should be abolishing the CAT Fund. I still think it is the best buy in Pennsylvania for insurance cover-

age. In fact, I have said many times you probably get a better buy at the CAT Fund than you do on light bulbs at K-Mart. I do not think the coverage, even with the \$24, is a ripoff, and I think it should be able to sustain itself at an even higher level. I have a problem with the unfunded liability. I do not think we should just let it hang out there and wait for some kind of report to come back in the future. If you are going to abolish the CAT Fund—which I disagree with—I think you have an absolute obligation to take care of the unfunded liability that we have already incurred. Finally, Mr. President, I commend the gentleman for telling the insurance companies and mandating them to offer this coverage, but I have a great fear that by the time the insurance companies offer the coverage, it will be far more than it is now. I have heard some insurance executives tell me that coverage could cost as much as \$100 a year, far more than they are paying now. For those reasons, Mr. President, I oppose the amendment and urge my colleagues to do likewise.

Senator WILLIAMS. Mr. President, I would like to support the remarks of the gentleman from Philadelphia, Senator Fumo. I would like to reiterate my opposition to the abolition of the CAT Fund and just remind us that it is probably one of the single most responsible things that we have had a chance to do in terms of the unfunded liability insurance. At a time when one of the critical issues of the Commonwealth is the soaring and impossible costs of automobile insurance throughout our state, it seems to me we are ducking the issue and taking a serious and significant step backward. In voting to oppose this amendment, in voting to oppose the abolition of the CAT Fund, I just want to take this opportunity to state and restate that we have an opportunity and a responsibility with regard to the insurance crisis in Pennsylvania, and the action we are taking now in the face of that basic crisis really is to duck and to go underneath because it just sounds politically better at this time. Once again, Mr. President, I would like to be recorded as a strong and resounding “no,” hopefully a voice of some single responsibility in the middle of this very confusing and serious and unending crisis that faces our constituents. Just last week a big contingent of senior citizens and other basic wage earners from all parts of Philadelphia came to Harrisburg to plead with Members of the General Assembly to proceed to do something about this crisis. What we are about to do today is just the opposite and, once again, I strongly oppose it.

Senator SCANLON. Mr. President, today we had a meeting of the tax reform committee, the Committee on Legislation, and it was pointed out that 128 Members of the House voted for House Bill No. 9, and that vote was characterized by a very prominent Member of the Republican caucus as certain Members around southeastern Philadelphia, when they voted, held their noses and said, “Let’s send this over to the other House and let them straighten out the mess.” I think that is exactly what we are doing and what we have done with the CAT Fund. I think the gentleman who characterized that vote as holding noses before they vote on it should do the same thing with this bill. I urge a “no” vote on this amendment.

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

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

YEAS—41

| | | | |
|------------|-----------|-----------|-----------|
| Andrezeski | Hopper | Musto | Salvatore |
| Armstrong | Jubelirer | O'Pake | Shaffer |
| Bell | Kelley | Pecora | Shumaker |
| Bodack | Lemmond | Peterson | Stapleton |
| Brightbill | Lincoln | Regoli | Stauffer |
| Corman | Loeper | Reibman | Stewart |
| Fisher | Lynch | Rhoades | Stout |
| Greenleaf | Madigan | Rocks | Tilghman |
| Greenwood | Mellow | Romanelli | Wenger |
| Helfrick | Moore | Ross | Wilt |
| Hess | | | |

NAYS—7

| | | | |
|------|-------|----------|-----------|
| Fumo | Jones | Scanlon | Zemprelli |
| Holl | Lewis | Williams | |

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

The PRESIDENT. House Bill No. 854 will go over, as amended.

CONSIDERATION OF CALENDAR RESUMED

THIRD CONSIDERATION CALENDAR

BILLS ON THIRD CONSIDERATION AMENDED

HB 212 (Pr. No. 3268) — The Senate proceeded to consideration of the bill, entitled:

An Act authorizing and directing the Department of General Services, with the approval of the Governor and the Department of Health, to sell and convey a tract of land situate in Mount Joy Township, Lancaster County, Pennsylvania.

Considered the third time,

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

Senator SHUMAKER, by unanimous consent, offered the following amendment No. A2213:

Amend Title, page 1, line 4, by removing the period after "Pennsylvania" and inserting: ; and authorizing the release of Project 500 restrictions imposed on certain land owned by the Borough of Royalton, Dauphin County, in return for the imposition of Project 500 restrictions on certain land owned by the Borough of Royalton.

Amend Sec. 1, page 1, line 13, by striking out "Section 1." and inserting:

Section 1. Lancaster County tract.

(a) Conveyance.—

Amend Sec. 2, page 2, line 18, by striking out "SECTION 2." and inserting: (b) Easements and conditions.—

Amend Sec. 3, page 2, line 26, by striking out "SECTION 3." and inserting: (c) Approval.—

Amend Sec. 4, page 2, line 30, by striking out "SECTION 4." and inserting: (d) Costs and fees.—

Amend Bill, page 12, by inserting between lines 25 and 26:

Section 2. Dauphin County tract.

(a) Authorization to release restrictions.—The land described in subsection (b) is hereby released from any restrictions or encumbrances on the title resulting from the provisions of the act of January 19, 1968 (1967 P.L.996, No.443), known as The Land and Water Conservation and Reclamation Act, in exchange for the imposition of The Land and Water Conservation and Reclamation Act, provisions on land owned by the Borough of Royalton and described in section 3 of this act.

(b) Description of land unrestrict.—The land to be released from restrictions imposed by The Land and Water Conservation and Reclamation Act is more particularly described as follows:

Beginning at a set re-bar at the northeasterly corner of the intersection of Derry Street, at that point an unimproved street having an ordained width of 50 feet and a proposed cartway of 34 feet, and Donegal Street, at that point an unimproved street having an ordained width of 50 feet and a proposed cartway of 34 feet; thence north 26 degrees 43 minutes 36 seconds west a distance of 140.32 feet to a point at the corner of lands of the Borough of Royalton known as lot 47; thence south 86 degrees 43 minutes 36 seconds east a distance of 263.29 feet to a set re-bar at the northwesterly corner of lands now or formerly of Daniel Dupler; thence south 03 degrees 16 minutes 24 seconds west along said lands of Daniel Dupler a distance of 120.40 feet to a set re-bar being also on the northerly line of Derry Street aforesaid; thence north 87 degrees 03 minutes 36 seconds west a distance of 193.13 feet to a set re-bar, the place of beginning.

Being a portion of the premises which Francis J. Wolfgang and Kenneth L. Wolfgang, her husband, by Deed dated December 22, 1978, and recorded in the Office of Recorder of Deeds, Dauphin County, Pennsylvania, in Record Book 2, Page 422, granted and conveyed to the Borough of Royalton, said portion of premises being also known as lots nos. 298, 299, 300 and 301.

(c) Description of land restricted.—The land on which The Land and Water Conservation and Reclamation Act restrictions shall be imposed is more particularly described as follows:

Tract 1

Beginning at a steel reinforcing bar set at the intersection of Old Canal Street, now known as Kerr Avenue, and the western required right-of-way line of State Highway Route No. 407 (Section 1-A);

Thence from the place of the beginning and along the northern right-of-way line of Kerr Avenue the following five courses and distances:

- (1) north 42 degrees 27 minutes 02 seconds west 23.84 feet to a re-bar;
- (2) north 61 degrees 57 minutes 02 seconds west 58.21 feet to a re-bar;
- (3) north 83 degrees 05 minutes 02 seconds west 113.35 feet to a re-bar;
- (4) south 80 degrees 24 minutes 58 seconds west 51.06 feet to a re-bar;
- (5) south 75 degrees 46 minutes 56 seconds west 261.31 feet to a re-bar;

set on the legal right-of-way line of old L.R.407.

Thence along the required right-of-way line the following two courses and distances:

- (1) north 07 degrees 16 minutes 18 seconds east 42.00 feet to a re-bar;
- (2) north 82 degrees 33 minutes 42 seconds west 154.76 feet to a point at the low water mark of Swatara Creek;

Thence along same the following three courses and distances:

- (1) north 16 degrees 18 minutes 11 seconds east 269.24 feet;
- (2) north 31 degrees 07 minutes 47 seconds east 167.94 feet;
- (3) north 52 degrees 33 minutes 13 seconds east 327.65 feet to a point on the western required right-of-way line of State Highway Route No. 407 (Section 1-A);

Thence along said right-of-way line south 17 degrees 52 minutes 14 seconds east 681.91 feet to a steel reinforcing bar, the place of the beginning.

Being the same premises which the Kiwanis Club of Middletown by deed dated April 1, 1985, and recorded in the Office of Recorder of Deeds, Dauphin County, Pennsylvania, in Record Book 604-238, granted and conveyed to the Borough of Royalton.

Tract 2

Beginning at a monument on the southerly side of Canal Street; thence south 10 degrees 03 minutes west along the easterly side of a private road, 123.55 feet to a spike; thence south 79 degrees 50 minutes west 100 feet to a spike in the easterly line of lands, now or late, of Margaret Ellen Kerr Beckley; thence north 12 degrees 42 minutes east 97.46 feet to a spike in the southerly line of Canal Street; thence along the southern line of said Canal Street, north 75 degrees 50 minutes east 45.51 feet to a spike; thence still along the southerly line of said Canal Street, south 07 degrees 40 minutes east, 54.50 feet to a monument, the place of beginning.

Being the same premises which Kenneth P. Dudley and Doris M. Dudley, his wife, by Deed Dated August 7, 1984, and recorded in the Office of Recorder of Deeds, Dauphin County, Pennsylvania, in Record Book 526-252, granted and conveyed to the Borough of Royalton.

(d) Authorization to impose restrictions.—The following restriction shall be added to the deeds for the land described in subsection (c):

“This land is to be used for municipal park, recreation and open space purposes as defined in The Land and Water Conservation and Reclamation Act.”

(e) Use of proceeds.—All proceeds from the sale or lease of the land described in subsection (b) shall be utilized by the Borough of Royalton for development of recreation facilities on the land described in subsection (c).

Amend Sec. 5, page 12, line 26, by striking out “5” and inserting: 3

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

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

Senator SALVATORE, by unanimous consent, offered the following amendment No. A2372:

Amend Title, page 1, line 4, by striking out “, Pennsylvania.”

Amend Title, page 1, line 10, by inserting after “Township.”; and authorizing the Department of General Services, with the approval of the Department of Environmental Resources, to lease to the City of Philadelphia certain lands subject to certain conditions within the bed of the Delaware River in the 2nd Ward of the City of Philadelphia.

Amend Sec. 1, page 1, line 13, by inserting after “1.”: (a)

Amend Sec. 2, page 2, line 18, by striking out “SECTION 2” and inserting: (b)

Amend Sec. 3, page 2, line 26, by striking out “SECTION 3.” and inserting: (c)

Amend Sec. 4, page 2, line 30, by striking out “SECTION 4.” and inserting: (d)

Amend Bill, page 12, by inserting between lines 25 and 26:

Section 2. (a) The Commonwealth of Pennsylvania owns the lands within the bed of the Delaware River, a portion of which lands are located in the 2nd Ward of the City of Philadelphia, commonly known as Piers #36, #35, #34, #30 and #28 South. The

City of Philadelphia desires to eliminate the blight and deterioration which now exist in this area and undertake the redevelopment of various sites within this area for the substantial benefit of the people of the City of Philadelphia and the surrounding regions. The Commonwealth has agreed to assist the City of Philadelphia in the renewal of this area by leasing a portion of the bed of the Delaware River to the City of Philadelphia as hereinafter provided.

(b) The Department of General Services, with the concurrence of the Department of Environmental Resources, acting on behalf of the Commonwealth of Pennsylvania, for a consideration of \$1, is hereby authorized to lease to the City of Philadelphia for an initial term of 99 years (the “Initial Term”) lands within the bed of the Delaware River in the City of Philadelphia, and granting to the City of Philadelphia the right to extend the period for all or any portion of the leased premises for an additional 99 years (the “Renewal Term”) upon notice given no less than ten years prior to the expiration of the initial term. These lands are more particularly described as follows:

Parcel No. 1.

Beginning at a point on the easterly side of Delaware Avenue, variable width, which is also the Bulkhead Line established by the Secretary of War, September 10, 1940, at the distance of 76 feet 7/8 inches from a point formed by the intersection of the northerly side of Catharine Street, 50 feet wide, produced eastwardly and the easterly side of said Delaware Avenue; thence extending along said Delaware Avenue and Bulkhead Line, north 01 degree 05 minutes 56 seconds east, the distance of 307 feet 2 1/8 inches to a point; thence extending south 83 degrees 31 minutes 49 seconds east, the distance of 538 feet 11 5/8 inches to a point on the Pierhead Line established by the Secretary of War, September 10, 1940; thence extending along said Pierhead Line south 00 degrees 46 minutes 33 seconds west, the distance of 357 feet 1 1/2 inches to a point; thence extending north 78 degrees 20 minutes 34 seconds west, the distance of 547 feet 10 3/4 inches to a point on the said easterly side of Delaware Avenue and Bulkhead Line and place of beginning. Being known as Pier #36 South.

Parcel No. 2.

Beginning at a point on the easterly side of Delaware Avenue, variable width, which is also the Bulkhead Line established by the Secretary of War, September 10, 1940, at the distance of 383 feet 3 inches from a point formed by the intersection of the northerly side of Catharine Street, 50 feet wide, produced eastwardly and the easterly side of said Delaware Avenue; thence extending along said Delaware Avenue and Bulkhead Line north 01 degree 05 minutes 56 seconds east, the distance of 345 feet 4 7/8 inches to a point; thence extending south 74 degrees 39 minutes 44 seconds east, the distance of 552 feet 1 1/4 inches to a point on the Pierhead Line established by the Secretary of War, September 10, 1940; thence extending along said Pierhead Line south 00 degrees 46 minutes 33 seconds west, the distance of 260 feet 3/4 inches to a point; thence extending north 83 degrees 31 minutes 49 seconds west, the distance of 538 feet 11 5/8 inches to a point on the said easterly side of Delaware Avenue and Bulkhead Line and place of beginning. Being known as Pier #34 South and Pier #35 South.

Parcel No. 3.

Beginning at a point on the easterly side of Delaware Avenue, variable width, which is also the Bulkhead Line established by the Secretary of War, September 10, 1940, at the distance of 728 feet 7 7/8 inches from a point formed by the intersection of the northerly side of Catharine Street, 50 feet wide produced eastwardly and the easterly side of said Delaware Avenue; thence extending along said Delaware Avenue and Bulkhead Line north 01 degree 05 minutes 56 seconds east, the distance of 263 feet 3 7/8 inches to a point; thence extending south 77 degrees 48 minutes 10 seconds east, the distance of 543 feet 7 3/4 inches to a point on the Pierhead Line established by the Secretary of War, September 10, 1940; thence extending along said Pierhead Line south 00

degrees 46 minutes 33 seconds west, the distance of 294 feet 5 3/4 inches to a point; thence extending north 74 degrees 39 minutes 44 seconds west, the distance of 552 feet 1 1/4 inches to a point on the said easterly side of Delaware Avenue and Bulkhead Line and place of beginning. Being known as Pier #30 South.

Parcel No. 4.

Beginning at a point on the easterly side of Delaware Avenue, variable width, which is also the Bulkhead Line established by the Secretary of War, September 10, 1940, at the distance of 991 feet 11 3/4 inches from a point formed by the intersection of the northerly side of Catharine Street, 50 feet wide, produced eastwardly and the easterly side of said Delaware Avenue; thence extending along said Delaware Avenue and Bulkhead Line, north 01 degree 05 minutes 56 seconds east, the distance of 434 feet 3 1/2 inches and crossing the head of a 50-foot wide proposed easement to a point on the north house line of South Street, 50 feet wide, produced eastward; thence extending along the said produced house line of South Street and along the northerly side of said easement, south 78 degrees 57 minutes 59 seconds east, the distance of 539 feet 5/8 inches to a point on the Pierhead Line established by the Secretary of War, September 10, 1940; thence extending along said Pierhead Line south 00 degrees 46 minutes 33 seconds west, the distance of 445 feet 11 3/8 inches to a point; thence extending north 77 degrees 48 minutes 10 seconds west, the distance of 543 feet 7 3/4 inches to a point on the said easterly side of Delaware Avenue and Bulkhead Line and place of beginning. Being known as Pier #28 South.

(c) The lease and any other documents hereby contemplated shall be approved by the Attorney General and shall be executed by the Department of General Services, with the approval of the Department of Environmental Resources, in the name of the Commonwealth of Pennsylvania. The lease shall grant the lessee, City of Philadelphia, the right to sublease or permit the sublease of the above-described premises for the purposes of development for residential, office, commercial, condominium, hotel, marina, or other uses, and the lease shall specifically include the following conditions:

UNDER AND SUBJECT, nevertheless, to the condition that if the said Lessee, City of Philadelphia, should sublease or permit the sublease of or otherwise transfer the above-described premises during said Initial Term other than to a department or agency or political subdivision of the City or to the Commonwealth of Pennsylvania or a department or agency or political subdivision of the Commonwealth, the net rentals received by the said Lessee, City of Philadelphia, upon such sublease or transfer shall be received, held, and applied as follows:

First, to reimburse said Lessee, City of Philadelphia, for the costs and expenses of said sublease or transfer, including, without limitation, appraisal fees, title insurance charges, marketing costs, attorneys' fees, and other costs and expenses, similar and dissimilar;

Second, to reimburse said Lessee, City of Philadelphia, or any department or agency or political subdivision thereof, for the cost of any improvements now or hereafter erected on the above-described premises, including, without limitation, the cost of any piers, wharves, bulkheading, water and sewer lines and connections, and other improvements, similar or dissimilar, and the fair market value of any rights to develop space over the above-described premises; and

Third, the balance of said net rentals shall be paid fifty percent (50%) to the said Lessor, Commonwealth of Pennsylvania, or its designee or assignee, and fifty percent (50%) to the said Lessee, City of Philadelphia, or its designee or assignee, in consideration of their respective interests in the above-described premises pursuant to said Lease.

AND FURTHER PROVIDED, that if the said Lessee, City of Philadelphia, should sublease or permit the sublease of or otherwise transfer the above-described premises during the said Renewal Term other than to a department or agency or political subdivision of the City or to the Commonwealth of Pennsylvania or a department or agency or political subdivision of the Commonwealth, the City of Philadelphia shall require payment of quarter-annual or other more frequent periodic payments of rent representing the Fair Market Value Rent for that portion of the said lands subleased or otherwise transferred as of the date of the commencement of the Renewal Term, and such Fair Market Value Rent shall be received, held and applied in accordance with subparagraphs First, Second and Third above.

The "Fair Market Value Rent" shall be the rent which a willing tenant would pay to a willing landlord pursuant to an arm's-length transaction for the Lease of that portion of the premises as if it were a parcel improved with roads and utilities, but exclusive of the other improvements constructed thereon as determined by one Appraiser selected jointly by the City and the Commonwealth, or, if the City and the Commonwealth do not agree on the selection, by three (3) Appraisers selected as follows: one Appraiser shall be selected by the Commonwealth, one Appraiser shall be selected by the City, and one Appraiser shall be selected by the Appraisers selected by the City and the Commonwealth; provided, however, that if the Appraisers selected by the City and the Commonwealth are unable to agree upon the third Appraiser, then the third Appraiser shall be selected by the President Judge of the Philadelphia Court of Common Pleas, or his or her successor. The term "Appraiser" shall mean a person who has been engaged in the business of appraising multifamily residential and commercial real estate within the area of the City of Philadelphia for a period of at least five (5) years prior to the date of his or her designation, and shall be then a member of the American Institute of Real Estate Appraisers, or any successor thereto then in existence, or any other body or organization similar in nature to the American Institute of Real Estate Appraisers if the American Institute of Real Estate Appraisers is not then in existence. Each Appraiser shall designate the Fair Market Value Rent, and the rent payable during the Renewal Term shall be the sum determined by adding the total of the Fair Market Value Rent designated by each Appraiser and dividing such total by the number of Appraisers. The cost of the services of said Appraisers shall be divided equally between the City and the Commonwealth.

(d) The Department of General Services, with the concurrence of the Department of Environmental Resources, acting on behalf of the Commonwealth of Pennsylvania, is also specifically authorized to enter into one or more nondisturbance agreements with any sublessee of the premises described in this section pursuant to which the Commonwealth will agree that, if the Commonwealth succeeds to the interest of the City of Philadelphia under said sublease, it will not terminate said sublease unless said sublessee is in default thereunder.

(e) The Department of General Services, with the approval of the Attorney General, is hereby authorized to execute, on behalf of the Commonwealth of Pennsylvania, any declaration or other document necessary to submit these premises or any portion thereof and any improvements thereon to the provisions of 68 Pa.C.S. Part II Subpt. B (relating to condominiums) as a leasehold condominium.

(f) All lease revenues generated by the properties described in this section shall, less the costs described in section 3, be split

evenly between the City of Philadelphia and the Commonwealth. The city's share shall be for the exclusive use, for maritime purposes, of the Philadelphia Port Corporation and subsidiaries thereof, or any successor entity, or in the event that such entities cease to exist following any unification or consolidation of port operations, the appropriate managing entity for operations at the Port of Philadelphia as recognized and designated by the Commonwealth.

(g) Exclusive of tax revenues collected by the city on behalf of the school district, one half of all real property tax revenues or payments in lieu of real property taxes collected by the City of Philadelphia on the properties described in this section shall be for the exclusive use, for maritime purposes, of the Philadelphia Port Corporation and subsidiaries thereof, or any successor entity, or in the event that such entities cease to exist following any unification or consolidation of port operations, the appropriate managing entity for operations at the Port of Philadelphia as recognized and designated by the Commonwealth.

(h) In the event that payments in lieu of real property taxes are collected by the city on the properties described in this section, these revenues shall be divided among the city's share and the school district's share in the same proportion that real property tax revenues would be divided.

(i) As used in this section, the term "maritime purposes" means activities directly related to the handling of cargo or passengers for import or export through the Port of Philadelphia.

Amend Sec. 5, page 12, line 26, by striking out "5" and inserting: 3

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 SALVATORE.

SB 694 (Pr. No. 779) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of February 1, 1966 (1965 P. L. 1656, No. 581), entitled "The Borough Code," prohibiting elected officials of boroughs from serving as employees of that borough.

Considered the third time,

On the question,

Will the Senate agree to the bill on third consideration?

Senator BELL, by unanimous consent, offered the following amendment No. A2377:

Amend Bill, page 2, by inserting between lines 13 and 14:

Section 2. This amendatory act shall not apply to elected borough officials who are holding positions as employees of the borough on the effective date of this act.

Amend Sec. 2, page 2, line 14, by striking out "2" and inserting: 3

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 BELL.

BILLS OVER IN ORDER

SB 1386, HB 1729, 1782, 1818 and 1899 — Without objection, the bills were passed over in their order at the request of Senator LOEPER.

SECOND CONSIDERATION CALENDAR

BILL REREPORTED FROM COMMITTEE AS AMENDED OVER IN ORDER

SB 1190 — Without objection, the bill was passed over in its order at the request of Senator LOEPER.

BILLS OVER IN ORDER

SB 1136, 1239, HB 1339, SB 1342 and 1385 — Without objection, the bills were passed over in their order at the request of Senator LOEPER.

UNFINISHED BUSINESS

REPORT FROM COMMITTEE ON RULES AND EXECUTIVE NOMINATIONS

Senator LOEPER, on behalf of Senator BRIGHTBILL, by unanimous consent, from the Committee on Rules and Executive Nominations, reported the following nominations, made by His Excellency, the Governor of the Commonwealth, which were read by the Clerk as follows:

MEMBER OF THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

March 1, 1988.

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 Rhodes, Jr., 6300 Jackson Street, Pittsburgh 15206, Allegheny County, Thirty-eighth Senatorial District, for appointment as a member of the Pennsylvania Public Utility Commission, to serve until April 1, 1990, or until his successor is appointed and qualified, but not longer than six months beyond that period, vice Michael Johnson, Bryn Mawr, whose term expired.

ROBERT P. CASEY.

MEMBER OF THE WORKMEN'S COMPENSATION APPEAL BOARD

May 11, 1988.

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, William J. Atkinson, 441A Bridgetown Pike, Langhorne 19047, Bucks County, Sixth Senatorial District, for appointment as a member of the Workmen's Compensation Appeal Board, to serve until the third Tuesday of January, 1991, and until his successor shall have been appointed and qualified, to add to complement.

ROBERT P. CASEY.

MEMBER OF THE WORKMEN'S COMPENSATION APPEAL BOARD

March 14, 1988.

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 J. McAneny, 1103 Goucher Street, Johnstown 15905, Cambria County, Thirty-fifth Senatorial District, for appointment as a member of the Workmen's Compensation Appeal Board, to serve until the third Tuesday of January, 1991, and until his successor shall have been appointed and qualified, to add to complement.

ROBERT P. CASEY.

MEMBER OF THE WORKMEN'S
COMPENSATION APPEAL BOARD

March 14, 1988.

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 V. Fergus, Jr., 102 LeMoyné Avenue, Washington 15301, Washington County, Forty-sixth Senatorial District, for reappointment as a member of the Workmen's Compensation Appeal Board, to serve until the third Tuesday of January, 1991, and until his successor shall have been appointed and qualified.

ROBERT P. CASEY.

MEMBER OF THE WORKMEN'S
COMPENSATION APPEAL BOARD

March 14, 1988.

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. Pott, Jr., 4113 St. Thomas Drive, Gibsonia 15044, Allegheny County, Fortieth Senatorial District, for appointment as a member of the Workmen's Compensation Appeal Board, to serve until the third Tuesday of January, 1991, and until his successor shall have been appointed and qualified, vice Robert P. Fohl, Pittsburgh, resigned.

ROBERT P. CASEY.

MEMBER OF THE WORKMEN'S
COMPENSATION APPEAL BOARD

March 14, 1988.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, C. John Urling, Jr., 502 Kentwood Drive, Mechanicsburg 17055, Cumberland County, Thirty-first Senatorial District, for appointment as a member of the Workmen's Compensation Appeal Board, to serve until the third Tuesday of January, 1991, and until his successor shall have been appointed and qualified, vice Thomas Breslin, Paoli, whose term expired.

ROBERT P. CASEY.

MEMBER OF THE COLUMBIA COUNTY
BOARD OF ASSISTANCE

February 25, 1988.

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, Anne K. Wilson (Democrat), R. D. 9, Bloomsburg 17815, Columbia County, Twenty-seventh Senatorial District, for appointment as a member of the Columbia County Board of Assistance, to serve until December 31, 1988, and until her successor is appointed and qualified, vice Alice M. Davenport, Benton, whose term expired.

ROBERT P. CASEY.

MEMBER OF THE COLUMBIA COUNTY
BOARD OF ASSISTANCE

February 25, 1988.

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, Lee G. Yost (Republican), P. O. Box 360, Benton 17814, Columbia County, Twenty-seventh Senatorial District, for appointment as a member of the Columbia County Board of Assistance, to serve until December 31, 1990, and until his successor is appointed and qualified, vice Frank C. Baker, Bloomsburg, whose term expired.

ROBERT P. CASEY.

NOMINATIONS LAID ON THE TABLE

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

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

CONGRATULATORY RESOLUTIONS

The PRESIDENT laid before the Senate the following resolutions, which were read, considered and adopted:

Congratulations of the Senate were extended to Ruth Allen and to Caren Vestal by Senator Bell.

Congratulations of the Senate were extended to Rodd Whitney and to St. David's Parochial School by Senator Greenleaf.

Congratulations of the Senate were extended to Jack Walter Cuvo by Senator Lemmond and others.

Congratulations of the Senate were extended to St. Paul's Boys' Eighth Grade Basketball Team, St. Paul's Girls' Eighth Grade Basketball Team, St. Paul's Boys' Seventh Grade Basketball Team, St. Paul's Girls' Seventh Grade Basketball Team and to St. Paul's Girls' Seventh and Eighth Grade Cheerleaders by Senator Mellow.

Congratulations of the Senate were extended to Jackie Kalata by Senator Reibman.

Congratulations of the Senate were extended to James R. Wheeler by Senator Rhoades.

Congratulations of the Senate were extended to the Pittsburgh Regional Office of the State Civil Service Commission by Senator Romanelli.

Congratulations of the Senate were extended to Reverend Monsignor Leo A. Beierschmitt, Al Beiswenger and to "Friends for Steam" of Middletown by Senator Shumaker.

RECONSIDERATION OF SB 1342

Senator ZEMPRELLI. Mr. President, I had no idea that it was the intent of the Majority, quite properly, to move the rest of the Calendar over. I would ask the Chair reverse that matter so as to entertain a motion by the gentleman from Allegheny, Senator Bodack, with respect to a bill that is on the last page of the Calendar. Mr. President, the bill is Senate Bill No. 1342.

Senator LOEPER. Let us be at ease, Mr. President.

The PRESIDENT. The Senate will be at ease.

(The Senate was at ease.)

Senator ZEMPRELLI. Mr. President, as I suggested earlier, due to a motion or a request to put the Calendar over, we did not have the opportunity to express, on behalf of Senator Bodack, a request that Senate Bill No. 1342, Printer's No. 1985, not go over in its order.

Mr. President, having had the Calendar go over at the request of the Majority and understanding that the Majority opposes not putting the bill over, I move at this time that the procedure by which Senate Bill No. 1342, Printer's No. 1985, on today's Calendar went over, be reconsidered or reversed.

The motion was agreed to.

CONSIDERATION OF CALENDAR RESUMED

SB 1342 CALLED UP

SB 1342 (Pr. No. 1985) — Without objection, the bill, which previously went over in its order, was called up, from page 3 of the Second Consideration Calendar, by Senator ZEMPRELLI.

BILL OVER IN ORDER

SB 1342 (Pr. No. 1985) — The Senate proceeded to consideration of the bill, entitled:

An Act permitting counties of the second class to form storm water management districts for the purpose of regulating storm water within designated watershed boundaries; imposing duties and conferring powers on second class county storm water districts; and providing for organization, function and financing.

The bill was considered.

On the question,

Will the Senate agree to the bill on second consideration?

Senator LOEPER. Mr. President, I move that Senate Bill No. 1342 go over in its order.

On the question,

Will the Senate agree to the motion?

Senator ZEMPRELLI. Mr. President, on behalf of the gentleman from Allegheny, Senator Bodack, I would request a roll call vote and ask for a negative vote as to the motion to put Senate Bill No. 1342 over.

Senator BODACK. Mr. President, I rise to object to this bill going over and I ask for a roll call vote.

LEGISLATIVE LEAVES

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

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

The PRESIDENT. Senator Loeper requests temporary Capitol leave for Senator Stauffer and Senator Lincoln requests temporary Capitol leave for Senator Fumo. The Chair hears no objection. These leaves will be granted.

And the question recurring,

Will the Senate agree to the motion?

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

YEAS—23

| | | | |
|------------|-----------|----------|----------|
| Bell | Helfrick | Madigan | Shumaker |
| Brightbill | Hess | Moore | Stauffer |
| Corman | Holl | Peterson | Tilghman |
| Fisher | Hopper | Rhoades | Wenger |
| Greenleaf | Jubelirer | Rocks | Wilt |
| Greenwood | Loeper | Shaffer | |

NAYS—21

| | | | |
|------------|---------|-----------|-----------|
| Andrezeski | Lincoln | Pecora | Scanlon |
| Bodack | Lynch | Regoli | Stapleton |
| Fumo | Mellow | Reibman | Stewart |
| Jones | Musto | Romanelli | Stout |
| Kelley | O'Pake | Ross | Zemprelli |
| Lewis | | | |

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

The PRESIDENT. Senate Bill No. 1342 will go over in its order.

BILLS ON FIRST CONSIDERATION

Senator MUSTO. 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 1017 and HB 1900.

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

ANNOUNCEMENTS BY THE SECRETARY

The following announcements were read by the Secretary of the Senate:

SENATE OF PENNSYLVANIA

COMMITTEE MEETINGS

WEDNESDAY, MAY 18, 1988

10:30 A.M. TRANSPORTATION (to Room 8,
consider House Bill No. Hearing Room,
2112, Senate Bills No. 1029, East Wing
1188, 1310, 1324, 1393 and
any other business which may
come before the committee)

6:00 P.M. PUBLIC HEALTH AND Univ. of Pittsburgh
WELFARE (Public Hearing at Titusville,
to hear testimony on Dept. 504 Main St.,
of Health Regulation #10-96 Titusville
and to review Senate Bill
No. 1376)

THURSDAY, MAY 19, 1988

9:00 A.M. URBAN AFFAIRS AND Ceremonial Ctrm.,
HOUSING (Public Hearing U.S. Cthse.,
to consider Senate Bill No. 601 Market St.,
1301, Non-Mine Subsidence) Philadelphia

ADJOURNMENT

Senator LOEPER. Mr. President, I move the Senate do now adjourn until Wednesday, May 18, 1988, immediately following adjournment of the First Special Session.

The motion was agreed to.

The Senate adjourned at 6:30 p.m., Eastern Daylight Saving Time.