

COMMONWEALTH OF PENNSYLVANIA

LEGISLATIVE JOURNAL

TUESDAY, JUNE 6, 1989

SESSION OF 1989 173RD OF THE GENERAL ASSEMBLY

No. 35

SENATE

TUESDAY, June 6, 1989.

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

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

PRAYER

The Chaplain, the Reverend Mr. S. RONALD PARKS, Pastor of the United Methodist Church, Gouldsboro-Thornhurst, Gouldsboro, offered the following prayer:

Let us approach the throne of grace in the attitude of prayer.

Almighty God, fountain of all wisdom, guide and direct, we humbly beseech Thee, the minds and hearts of those who have been called to exercise the responsible duty of service to the citizens of this Commonwealth. Grant that the effect of their decisions and discussion may promote Thy glory and the welfare of Thy people, and bless them with the spirit of wisdom, courage, sympathy and compassion and true godliness, that our nation may continue to inspire and to sustain those who struggle for liberation from inhumanity in whatever guises it presents itself. To Thine honor and glory. Amen.

JOURNAL APPROVED

The PRESIDENT. A quorum of the Senate being present, the Clerk will read the Journal of the preceding Session of June 5, 1989.

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

COMMUNICATIONS FROM THE GOVERNOR

RECALL COMMUNICATIONS REFERRED TO COMMITTEE

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 referred to the Committee on Rules and Executive Nominations:

MEMBER OF THE UNEMPLOYMENT COMPENSATION BOARD OF REVIEW

June 5, 1989.

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated April 26, 1989 for the appointment of Francis P. Bonner, 677 North Vine Street, Hazleton 18201, Luzerne County, Fourteenth Senatorial District, as a member of the Unemployment Compensation Board of Review, to serve until July 1, 1991, and until his successor is appointed and qualified, vice Kenneth Bayless, Esquire, Hazleton, resigned.

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

ROBERT P. CASEY.

MEMBER OF THE UNEMPLOYMENT COMPENSATION BOARD OF REVIEW

June 5, 1989.

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated April 26, 1989 for the appointment of Thomas Lee Simon, R. D. 2, Box 17-S, Perryopolis 15473, Fayette County, Thirty-second Senatorial District, as a member of the Unemployment Compensation Board of Review, to serve until July 1, 1989, and until his successor is appointed and qualified, vice Joseph McAneny, Johnstown, resigned.

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

ROBERT P. CASEY.

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:

June 6, 1989

HB 177 — Committee on Finance.

HB 210 and **439** — Committee on Environmental Resources and Energy.

HB 211 — Committee on Transportation.

HB 1068 — Committee on Judiciary.

HB 1205 — Committee on Consumer Protection and Professional Licensure.

HB 1299 — Committee on Banking and Insurance.

HB 1301 and 1323 — Committee on Community and Economic Development.

HOUSE RESOLUTION FOR CONCURRENCE

The Clerk of the House of Representatives presented to the Senate the following resolution for concurrence, which was referred to the committee indicated:

June 6, 1989

House Concurrent Resolution No. 119 — Committee on Rules and Executive Nominations.

RESOLUTIONS INTRODUCED AND REFERRED

The PRESIDENT laid before the Senate the following Senate Resolutions numbered, entitled and referred as follows, which were read by the Clerk:

June 6, 1989

HONORING STEFAN BANIC, THE INVENTOR OF THE PARACHUTE, ON THE 75th ANNIVERSARY OF THE DATE HIS INVENTION WAS PATENTED

Senators WILT, GREENLEAF, JUBELIRER, SHUMAKER, LYNCH, WENGER, SALVATORE, PORTERFIELD, O'PAKE, HELFRICK, REIBMAN, LEMMOND and BELAN offered the following resolution (**Senate Resolution No. 73**), which was read and referred to the Committee on Rules and Executive Nominations:

In the Senate, June 6, 1989.

A RESOLUTION

Honoring Stefan Banic, the inventor of the parachute, on the 75th anniversary of the date his invention was patented.

WHEREAS, Seventy-five years ago Stefan Banic, a Slovak immigrant residing in Greenville, Pennsylvania, invented the parachute; and

WHEREAS, On August 25, 1914, the same week that Germany invaded Belgium and ignited World War I, Stefan Banic received a United States patent for his invention; and

WHEREAS, When no one was interested in buying his invention, Mr. Banic donated his patent to the United States Army Balloon Corps, in return for which the Army made him an honorary officer, even though he never was able to obtain United States citizenship; and

WHEREAS, Stefan Banic returned to his native town of Smolenice, Czechoslovakia, in 1921, and died there at 70 years of age on January 2, 1941; and

WHEREAS, Many veterans owe their lives to Stefan Banic's invention, and many military operations could never have been successful without the use of parachutes; and

WHEREAS, Although a monument was erected in Czechoslovakia in honor of Stefan Banic, he has never been credited nor recognized properly for his invention's significant contribution to our nation's defense; and

WHEREAS, A celebration or tribute is being planned in the Borough of Greenville on the weekend of August 25 through 27, 1989, on the occasion of the 75th anniversary of the day Stefan Banic received a United States patent for the parachute; therefore be it

RESOLVED, That the Senate of Pennsylvania honor Stefan Banic, the inventor of the parachute, on the 75th anniversary of the date he received a United States patent for his invention, and recognize his invention's significant contribution to our nation's defense; and be it further

RESOLVED, That the Senate express its support for the events and activities planned in Greenville, Pennsylvania, for the weekend of August 25 through 27, 1989, and encourage cooperation and participation in the activities.

MEMORIALIZING CONGRESS TO PASS LEGISLATION TO INCREASE THE NUMBER OF SOVIET JEWISH REFUGEES PERMITTED TO EMIGRATE TO THE UNITED STATES, AND TO ENCOURAGE THE RESTORATION OF THE UNITED STATES POLICY WHICH GRANTED AUTOMATIC REFUGEE STATUS TO SOVIET JEWS

Senators GREENLEAF, BELL, ROCKS, SHUMAKER, SALVATORE, DAWIDA, O'PAKE, REIBMAN and ANDREZESKI offered the following resolution (**Senate Resolution No. 74**), which was read and referred to the Committee on Intergovernmental Affairs:

In the Senate, June 6, 1989.

A RESOLUTION

Memorializing Congress to pass legislation to increase the number of Soviet Jewish refugees permitted to emigrate to the United States, and to encourage the restoration of the United States policy which granted automatic refugee status to Soviet Jews.

WHEREAS, There are two million Jews in the Soviet Union; and

WHEREAS, These Soviet citizens have been the subject of discrimination in employment and have been denied the freedom to practice their religion; and

WHEREAS, Four hundred thousand of these Jews have risked the stigma of social isolation by applying to emigrate; and

WHEREAS, The number of Soviet Jews permitted to emigrate in 1988 was almost 19,000, more than twice the number permitted in 1987 and the highest total in nine years; and

WHEREAS, The number which may be permitted to emigrate in 1989 may be as many as 40,000; and

WHEREAS, Many of these emigrants wish to settle in the United States; and

WHEREAS, The United States government has set aside only 12,500 slots for Soviet Jewish refugees for the 1989 fiscal year, and virtually all of these slots have been allocated; and

WHEREAS, An estimated 19,000 additional refugee slots for Soviet Jews this year are required to accommodate the needs of Soviet Jewish refugees; and

WHEREAS, There are approximately 7,000 Soviet Jews who have successfully emigrated and who are languishing in refugee centers in Italy and Austria awaiting entry into the United States; and

WHEREAS, Until a change in United States policy in September 1988, Soviet Jews were automatically granted refugee status and were thus eligible for travel, resettlement and medical benefits; and

WHEREAS, Starting in September, the United States government has revoked this policy and has considered granting refugee status on a case-by-case basis, resulting in the denial of refugee status to more than a third of Soviet Jewish emigrants; and

WHEREAS, Those denied refugee status are offered parole status, which permits the right to work but denies eligibility for changing their status to that of a "permanent resident" which is a precursor for "citizenship" status; and

WHEREAS, The Emergency Refugee Act of 1989 (H.R. 1605), introduced on March 22, 1989, by Rep. Howard Berman (D-California), would authorize the admission of up to 19,000 more Soviet Jewish refugees and finance the cost of this policy by borrowing \$100 million from the State Legalization Impact Assistance Grant (SLIAG) program; and

WHEREAS, H.R. 1605 would also increase the number of refugees admitted from other refugee communities; and

WHEREAS, H.R. 1605 has been endorsed by groups such as the United Farm Workers, the National Council for La Raza and the Council of Jewish Federations; therefore be it

RESOLVED, That the Senate of the Commonwealth of Pennsylvania support human rights and the rights of Soviet Jewry to emigrate to the United States, and that the policy of the United States be changed to facilitate the emigration of Soviet Jews and other persecuted minorities around the world; and be it further

RESOLVED, That the Senate memorialize the Congress of the United States to expeditiously enact H.R. 1605 to increase the number of refugees permitted to enter the United States; and be it further

RESOLVED, That the Attorney General of the United States be encouraged to restore the policy of granting automatic refugee status to emigrating Soviet Jews; and be it further

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

GENERAL COMMUNICATIONS

DEPARTMENT OF REVENUE REPORT OF JOB CREATION TAX CREDITS

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

COMMONWEALTH OF PENNSYLVANIA DEPARTMENT OF REVENUE

May 31, 1989

Subject: Job Creation Tax Credit
To: Secretary of the
Senate of Pennsylvania
From: ANN M. LOWELL
Office of Legislation
Department of Revenue

I have attached a report of Job Creation Tax Credits used from January 1, 1988 thru December 31, 1988.

Act 79 of 1986, §1806 (3), Job Creation Tax Credits requires that the Department provide to the General Assembly a report of credits used during the preceding calendar year. Credits earned in 1986 and 1987 were eligible to be used in 1988 and are represented on this report.

If I can provide any additional information please contact me.

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

ANNUAL REPORT OF THE ATTORNEY GENERAL SOVEREIGN IMMUNITY ACT

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

COMMONWEALTH OF PENNSYLVANIA OFFICE OF ATTORNEY GENERAL Harrisburg

May 24, 1989

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

Dear Senator Jubelirer:

Pursuant to Section 3(a) of the Act of September 28, 1978, P.L. 788, No. 152 (the Sovereign Immunity Act), the Attorney General is required to report annually to the General Assembly regarding the institution and disposition of tort claims against the Commonwealth.

In response to that requirement, I am pleased to submit the enclosed annual report for the year ending March 31, 1989.

Sincerely yours,

ERNEST D. PREATE, JR.
Attorney General

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

REPORTS FROM COMMITTEE

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

SB 729 (Pr. No. 1170) (Amended)

An Act amending the act of May 17, 1929 (P. L. 1798, No. 591), entitled "Forest Reserves Municipal Financial Relief Law," increasing the amount paid by the Commonwealth.

SB 967 (Pr. No. 1171) (Amended)

An Act authorizing the Department of Environmental Resources to defend, indemnify and hold harmless the Consolidated Rail Corporation in actions arising under the acceptance of a certain railroad line.

HB 22 (Pr. No. 1978) (Amended)

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

HB 50 (Pr. No. 52)

An Act designating the dam on the Susquehanna River at Williamsport as the Anthony J. Cimini Dam.

RESOLUTION REPORTED FROM COMMITTEE

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

SR 71 (Pr. No. 1146)

A Resolution directing the Committee on Environmental Resources and Energy to hold a public hearing on the subject of sewage sludge from New Jersey and New York being disposed of in Pennsylvania landfills.

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

LEGISLATIVE LEAVES

Senator BRIGHTBILL. Mr. President, I would ask for temporary Capitol leave for Senator Rhoades.

Senator STAPLETON. Mr. President, I request temporary Capitol leaves for Senator Fumo and Senator Reibman and legislative leaves for Senator Belan and Senator Stout.

The PRESIDENT. Senator Brightbill asks temporary Capitol leave for Senator Rhoades. Senator Stapleton asks temporary Capitol leaves for Senator Fumo and Senator Reibman and legislative leaves for Senator Belan and Senator Stout. The Chair hears no objection. The leaves will be granted.

CALENDAR

SB 548 CALLED UP OUT OF ORDER

SB 548 (Pr. No. 1159) — Without objection, the bill was called up out of order, from page 3 of the Third Consideration Calendar, by Senator LOEPER, as a Special Order of Business.

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

SB 548 (Pr. No. 1159) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of September 20, 1961 (P. L. 1548, No. 658), entitled "Credit Union Act," adding definitions; further providing for investments and for structure, ownership and management of credit unions; further providing for merger and for regulation by the department; further providing for the business of credit unions; and providing for out-of-State credit unions.

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?

LEGISLATIVE LEAVE CANCELLED

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

And the question recurring, Shall the bill pass finally?

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

YEAS—45

Afflerbach	Helfrick	Madigan	Ross
Andrezeski	Hess	Mellow	Salvatore
Armstrong	Holl	Musto	Scanlon
Baker	Hopper	O'Pake	Shaffer
Belan	Jones	Pecora	Shumaker
Bodack	Jubelirer	Peterson	Stapleton
Corman	Lemmond	Porterfield	Stout

Fattah	Lewis	Punt	Tilghman
Fisher	Lincoln	Regoli	Wenger
Fumo	Loeper	Reibman	Williams
Greenleaf	Lynch	Rocks	Wilt
Greenwood			

NAYS—5

Bell	Dawida	Rhoades	Stewart
Brightbill			

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

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

SPECIAL ORDER OF BUSINESS GUESTS OF SENATOR NOAH W. WENGER PRESENTED TO SENATE

Senator WENGER. Mr. President, it is my pleasure today to introduce several very special guests who are in the gallery at this time. I have here as my guests today Mr. and Mrs. Martin Eberly from Terre Hill in Lancaster County and also their daughter and son-in-law. Their son-in-law is the Reverend Wilmer R. Martin who is the pastor of the Evangelical Congregational Church in Lancaster. I say again, I am very pleased to introduce to the Senate of Pennsylvania Mr. and Mrs. Martin Eberly from Terre Hill and the Reverend and Mrs. Wilmer R. Martin from Lancaster.

The PRESIDENT. Will the guests of Senator Wenger please rise so we can welcome you to the Senate. (Applause.)

GUESTS OF SENATOR ANTHONY B. ANDREZESKI PRESENTED TO SENATE

Senator ANDREZESKI. Mr. President, it is my privilege to introduce today to the Members of the Pennsylvania Senate a number of special guests who are in the gallery. These guests are the first and second place winners of the Eighth Annual Library First Amendment Essay Contest sponsored by the Pennsylvania Citizens for Better Libraries. These students are here today with their parents to receive their awards from Governor Casey.

With us today are Anthony Pelsue, Meg Skiba—who I am happy to say is from my Senate district—Marie Jupin, Edna Lamb, Kevan Kolling and Heather Flora. Also in the gallery with the essay winners is Mr. Donald Fadden who is the past president and the chairman of the Essay Contest Committee of the Pennsylvania Citizens for Better Libraries.

Mr. President, I would ask the Senate to give our guests a special Senate welcome.

The PRESIDENT. Would all of the award winners and all of the other guests of Senator Andrezeski please rise so we can acknowledge your presence and welcome you to the Senate of Pennsylvania.

(Applause.)

RECESS

Senator LOEPER. Mr. President, at this time I would ask for a recess of the Senate for the purpose of a Republican caucus to begin immediately in the Majority caucus room on the first floor, with an expectation of returning to the floor at approximately 2:45 p.m.

Senator LINCOLN. Mr. President, I would ask the members of the Democratic Caucus to report to the caucus room at the rear of the Senate Chamber for a very important caucus.

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

AFTER RECESS

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

LEGISLATIVE LEAVE CANCELLED

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

CONSIDERATION OF CALENDAR RESUMED**BILL VETOED BY THE GOVERNOR****BILL OVER IN ORDER TEMPORARILY**

SB 4 — Without objection, the bill was passed over in its order temporarily at the request of Senator LOEPER.

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

The SECRETARY. The Majority and Minority Leaders have given their permission for the Committee on Rules and Executive Nominations to meet and consider certain nominations during today's Session.

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

SB 458 (Pr. No. 480) — The Senate proceeded to consideration of the bill, entitled:

An Act making an appropriation to the Department of Transportation to conduct a study to determine the cost of verification of insurance information entered on vehicle registration applications.

Considered the third time and agreed to,

On the question,

Shall the bill pass finally?

LEGISLATIVE LEAVES

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

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

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

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

And the question recurring,
Shall the bill pass finally?

Senator MELLOW. Mr. President, I do not see Senator Greenleaf on the floor, but I would wish to make a brief interrogation of the sponsor of the bill. I wonder if, perhaps, the Majority Leader would respond to an interrogation or if we should wait for Senator Greenleaf to come to the floor?

The PRESIDENT. Would it be acceptable to the gentleman to take the bill over temporarily while we await the presence of Senator Greenleaf or would the gentleman prefer to enter into an interrogatory?

Senator MELLOW. Mr. President, I desire to interrogate the gentleman from Delaware, Senator Loeper.

The PRESIDENT. Will the gentleman from Delaware, Senator Loeper, permit himself to be interrogated?

Senator LOEPER. I will, Mr. President.

Senator MELLOW. Mr. President, it is not clear to me in reading the bill on the money that will be appropriated to do the study, whether that money is to come from the General Fund or from the Motor Vehicle Fund. My question to the gentleman from Montgomery, Senator Greenleaf, would be, could he make a clarification as to where that money should come from since I do not see that specifically stated in the bill?

Senator LOEPER. Mr. President, if it is not clearly delineated in the bill, I would determine it would be coming from the General Fund.

Senator MELLOW. Mr. President, is what we are doing here, basically, a study with the Department of Transportation and not using Transportation funds but, in fact, we are going to use general taxpayer funds to do a study that, by and large, does deal with motor vehicles and drivers licenses?

Senator LOEPER. Mr. President, essentially the gentleman is correct. I believe that not only in this case, but there are also additional cases whereby General Fund monies are designated to the Department of Transportation for certain different purposes.

Senator MELLOW. Mr. President, is the gentleman aware of the fact that the Department of Transportation has indicated in its position it could do this study itself with no additional cost by just the reassignment of some employees temporarily to go ahead and to get the exact same information that this particular appropriation is asking for?

Senator LOEPER. Mr. President, it is my information that the department previously has been requested to try and accomplish this type of function, and, unfortunately, it has not been able to happen. Therefore, the information I have available is that this study would be necessary.

Senator MELLOW. Mr. President, is the gentleman aware of the fact that the Department of Transportation today does a random sampling of 2,500 per week to basically verify the insurance information that is entered on motor vehicle registration applications?

Senator LOEPER. Mr. President, I am not aware of the number of samplings that they do. However, I am aware that there have been public hearings held as to the verification of insurance information on motor vehicle registration cards. At those hearings we have heard from people in the department that there have been motor vehicle applications processed without the insurance information being verified. That is one issue that seems to be contributing to the problem of uninsured motorists on the highways.

Senator MELLOW. Mr. President, can the gentleman also further indicate to us if this study must be completed by an outside firm or an outside consulting group or if the Department of Motor Vehicles would be able to do this study in house?

Senator LOEPER. It would be my view, Mr. President, that would be up to the discretion of the department.

Senator MELLOW. I thank the gentleman.

Mr. President, based on our reading of the proposal, the discussion we have had with the Pennsylvania Department of Transportation, the understanding that has been communicated to us is that currently the Department of Transportation weekly does a random selection of 2,500 registrations to verify the insurance information on those registrations. Knowing full well, Mr. President, that this particular study can be done in house, we do not, under any circumstances, see the need for the spending of an additional \$200,000 to accomplish a study that is currently being done by the Pennsylvania Department of Transportation. I would ask for a negative vote on Senate Bill No. 458.

LEGISLATIVE LEAVES CANCELLED

Senator LOEPER. Mr. President, I would ask you to note the presence of Senator Salvatore on the floor and I ask that his temporary Capitol leave be cancelled.

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

And the question recurring,
Shall the bill pass finally?

Senator LOEPER. Mr. President, on the bill, I would simply indicate to the Members that what Senate Bill No. 458 does is require much more than just a random sampling on a weekly basis. It provides for an overall study to determine what is the best possible method for trying to determine the verification of this insurance information. It would be my view, Mr. President, as long as the authority is granted to the

department in order to do this, should it be found not to be necessary, the appropriation for it certainly could lapse. I would ask for an affirmative vote.

LEGISLATIVE LEAVE

Senator MELLOW. Mr. President, I request a temporary Capitol leave for Senator Ross.

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

And the question recurring,
Shall the bill pass finally?

Senator BELL. Mr. President, I just did some very rough arithmetic. If you do 2,500 a week and you work about forty-eight weeks a year—if you work that hard—it is about 100,000 a year. We have about, I believe, 5 million drivers. That means I would be checked every fifty years, and I am not going to live that long.

And the question recurring,
Shall the bill pass finally?

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

YEAS—28

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

NAYS—22

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

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

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

SPECIAL ORDER OF BUSINESS

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

Senator O'PAKE. Mr. President, observing our Senatorial eloquence today is a group of fourth grade students, sixty in number, from the Washington Elementary School in the Boyertown Area School District. I would ask that the Chair extend its usual warm welcome to the Washington Elementary School fourth grade.

The PRESIDENT. Would the guests of Senator O'Pake, all of the students, please rise so we can welcome you to the Chamber of the Senate of Pennsylvania.

(Applause.)

THIRD CONSIDERATION CALENDAR RESUMED**BILL ON THIRD CONSIDERATION AMENDED**

SB 5 (Pr. No. 976) — The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 50 (Mental Health) of the Pennsylvania Consolidated Statutes, adding provisions relating to mental health and mental retardation services and procedures; and making repeals.

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. A1590:

Amend Sec. 1 (Sec. 102), page 7, by inserting between lines 27 and 28:

“Chronic admissions.” Repeat admissions to involuntary inpatient treatment pursuant to this act, which constitute three or more such admissions or a commitment period totaling 180 or more days, in the immediately preceding 12-month calendar period.

Amend Sec. 1 (Sec. 102), page 8, by inserting between lines 7 and 8:

“Diagnostic testing.” Medical testing procedures that are deemed to be professionally appropriate by an independent psychiatric professional for administration to an individual pursuant to the provisions of this act, which shall include, but not be limited to: physical and neurological examination, blood counts, blood chemical screens, electroencephalogram (EEG), urinalysis, computerized tomography (CT) scans, nuclear magnetic imaging (NMI) and magnetic resonance imaging (MRI), position emission tomography (PET), evoked potential (EP), brain electrical activity mapping (BEAM), and all other similar scanning techniques and medical tests that may be developed and which become currently accepted medical testing procedures subsequent to the enactment of this act.

Amend Sec. 1 (Sec. 112), page 12, lines 17 through 19, by striking out all of said lines and inserting:

(iii) The patient does not object to the release of such information to the family or household member.

Amend Sec. 1 (Sec. 301), page 25, line 30, by inserting after “regulations.”:

A copy of every rule or regulation or amendment to a rule or regulation proposed by the department in order to implement any provision of this act shall also before adoption be forwarded to the Speaker of the House of Representatives and to the President pro tempore of the Senate for referral to and review by the appropriate standing committee of the House of Representatives and of the Senate as determined by the respective presiding officer. The standing committee shall, within 30 days from the receipt of such proposed rule, regulation or amendment approve or recommend disapproval to the House of Representatives or the Senate of any such proposed rule, regulation or amendment. Failure of the standing committee to recommend disapproval of any proposed rule, regulation or amendment within the review time shall constitute approval thereof. If the standing committees of both the Senate and the House of Representatives recommend disapproval and the House of Representatives or the Senate disapproves any proposed rule, regulation or amendment, the department shall not adopt the proposed rule, regulation or amendment and it shall not be again offered for one year. Only in the absence of a dis-

approval shall the department proceed with the adoption of the rule, regulation or amendment in accordance with section 202 of the act of July 31, 1968 (P.L. 769, No. 240), referred to as the Commonwealth Documents Law. For the House of Representatives and the Senate to act in disapproval of any proposed rule, regulation or amendment, a resolution to approve or disapprove said rule, regulation or amendment shall be submitted by the appropriate standing committee to the Secretary of the Senate and the Chief Clerk of the House of Representatives who shall cause the rules or regulations to be printed and distributed among all members of both chambers in the same manner as a reorganization plan. If both bodies fail to act on the resolution within 60 days of receipt of such rules or regulations, or within ten legislative days after receipt, whichever shall last occur, the rules or regulations adopted by the department shall be promulgated pursuant to the provisions of the Commonwealth Documents Law, and 45 Pa.C.S. Part II (relating to publication and effectiveness of Commonwealth documents). If either chamber disapproves any rule or regulation, such information shall be certified by the Speaker of the House of Representatives or President pro tempore of the Senate to the department and such rule or regulation shall not be promulgated as a final rule or regulation.

Amend Sec. 1 (Sec. 302), page 29, line 2, by removing the period after “health” and inserting: , including the required employment or contractual use of a psychiatrist with sufficient training and experience to be eligible for certification by the American Board of Psychiatry, who shall be available to consult on the development and interpretation of clinical policy as it relates to patient care.

Amend Sec. 1 (Sec. 914), page 57, by inserting between lines 17 and 18:

(d) Diagnostic testing as part of treatment review.—For an individual with an acute episode of serious mental illness and a history of chronic admissions as defined in this act, treatment review shall include a comprehensive and independent psychiatric assessment of that individual’s treatment plan and needs, with the provision of such diagnostic testing as is deemed to be professionally appropriate by an independent psychiatric professional.

Amend Sec. 1 (Sec. 1301), page 66, line 23, by striking out “OTHER”

Amend Sec. 1 (Sec. 1302), page 68, line 14, by inserting after “administrator”: or the administrator’s delegate

Amend Sec. 1 (Sec. 1303), page 72, line 22, by inserting after “person”: or the person’s representative

Amend Sec. 1 (Sec. 1303), page 73, line 1, by striking out all of said line and inserting: seven years and shall be made available for review by the administrator and any physician, judge or mental health review officer responsible for recommending or deciding whether the person is in need of immediate or continued treatment under this chapter at any subsequent time.

Amend Sec. 1 (Sec. 1304), page 75, line 1, by inserting after “others”: , as the term is defined in section 1301 (relating to persons who may be subject to involuntary emergency examination and treatment)

Amend Sec. 1 (Sec. 1304), page 75, by inserting between lines 22 and 23:

(b) Procedures for chronic admissions.—A petition for court-ordered involuntary treatment pursuant to this section for those persons considered to be chronic admissions as defined in this act may be made in accordance with the requirements of subsection (a).

Amend Sec. 1 (Sec. 1304), page 75, line 23, by striking out “(b)” and inserting: (c)

Amend Sec. 1 (Sec. 1304), page 75, line 27, by removing the period after “treatment” and inserting: , as the term is defined in

section 1301 (relating to persons who may be subject to involuntary emergency examination and treatment).

Amend Sec. 1 (Sec. 1304), page 77, line 4, by striking out "(c)" and inserting: (d)

Amend Sec. 1 (Sec. 1304), page 77, line 14, by striking out "(d)" and inserting: (e)

Amend Sec. 1 (Sec. 1304), page 77, lines 23 through 27, by striking out all of said lines and inserting:

(3) A stenographic or other sufficient record shall be made, which shall be impounded by the court and may be obtained or examined only upon the request of the person, the person's counsel, the administrator, the secretary, the commissioner, or by order of the court on good cause shown. The record shall be maintained for at least seven years and shall be made available for review by the administrator and any physician, mental health review officer or judge responsible for recommending or deciding whether the person is in need of immediate and continued treatment under this chapter at any subsequent time.

Amend Sec. 1 (Sec. 1304), page 78, line 3, by striking out "(e)" and inserting: (f)

Amend Sec. 1 (Sec. 1304), page 78, line 18, by striking out "(f)" and inserting: (g)

Amend Sec. 1 (Sec. 1304), page 78, line 27, by striking out "(g)" and inserting: (h)

Amend Sec. 1 (Sec. 1304), page 78, line 27, by striking out "(f)" and inserting: (g)

Amend Sec. 1 (Sec. 1304), page 79, line 21, by striking out "or" and inserting: and

Amend Sec. 1 (Sec. 1304), page 80, line 6, by striking out "(h)" and inserting: (i)

On the question,

Will the Senate agree to the amendment?

Senator MELLOW. Mr. President, before the gentleman from Delaware, Senator Loeper, has an opportunity to explain his amendment, I would just like to acknowledge the fact that this is a very important piece of legislation and this amendment is a very important amendment. I think it is extremely in the best interests of the Members of the Senate that we do have some order so we can closely follow the debate on this amendment.

The PRESIDENT. The gentleman is correct. Would the Members of the Senate please take their seats. Would the Senators please come to order for the purpose of discussing Senator Loeper's amendment.

Senator LOEPER. Mr. President, as many Members of this Senate realize, Senate Bill No. 5 represents a comprehensive review and reevaluation of the current Mental Health Procedures Act in the Commonwealth. The road to this point with Senate Bill No. 5 has been long, it has been thorough. I think when we get to the final passage of the bill that I will go much more into the background material that has brought us to this point. However, the road has certainly not been straight and without controversy. I think one thing we, as members of the task force, found from the beginning in dealing with this issue was there were many varied points as far as which is the best way to go in trying to redraft what were perceived as some of the problems under the current system and the current act that was in place. Essentially, the amendment that we have before us today is an amendment that tries to address many of the issues that some of the various groups have brought to our

attention to redefine and reshape and to try to address some of the concerns that they have as far as provisions as listed in Senate Bill No. 5. The amendment that is before us today essentially breaks down into four different areas of concern. The first is further addressing what we call the revolving door syndrome. What the amendment would do is provide specialized treatment for those classified as chronic admissions, that is those individuals who have been involuntarily committed three or more times or committed a total of 180 days in the preceding calendar year. I think the second part would enable the Department of Public Welfare to either employ or contract for the services of a board certified psychiatrist who would be able to consult on the development and interpretation of clinical policy as it relates to patient care matters. The third provision of the amendment, Mr. President, is to provide improved record retention and review by the appropriate persons, that is an administrator, a physician, a judge or mental health review officer who may have to recommend or decide whether the person is in need of treatment at some future time. Fourth, Mr. President, the amendment would require some sort of appropriate legislative review of regulatory actions that would be taken by the Department of Public Welfare for the purpose of the implementation of this act. It is those four areas that this amendment addresses.

MOTION TO DIVIDE QUESTION

Senator WILLIAMS. Mr. President, in that the amendment contains four distinct and separate ideas, I would like to inquire as to whether or not they are severable?

The PRESIDENT. The Chair would agree that the question is, perhaps, divisible and would seek direction from the gentleman as to how he would like the question divided.

Would the Senate be at ease and perhaps we can discuss that.

(The Senate was at ease.)

MOTION WITHDRAWN

Senator WILLIAMS. Mr. President, I withdraw my request for dividing the question.

The PRESIDENT. The gentleman withdraws his request for dividing the amendment.

And the question recurring,

Will the Senate agree to the amendment?

Senator WILLIAMS. Mr. President, I thought that a division might reduce some confusion with regard to consideration of some of the items in the amendment. However, I withdrew that and would like to speak against the amendment. It does contain five separate thoughts in it, a couple of which I think have some merit to them. But, as a whole, I think they do not add substantially to a thorough addressing of the issue of mental health and the problems of mental health procedures in the state. For that reason I would oppose, overall, the amendment containing all four thoughts as not sufficient to meet the issue at hand.

Senator LOEPER. Mr. President, as I indicated earlier, this bill has been through a long process. It has been studied to

death for the last three years. It has had all sorts of changes trying to accommodate different groups. We believe that with this amendment, Senate Bill No. 5 represents an extremely responsible approach to a recodification of the Mental Health Procedures Act in Pennsylvania, not only to protect society as a whole, but particularly those individuals who are served by that system. Therefore, Mr. President, I would ask for an affirmative vote on the amendment.

Senator WILLIAMS. Mr. President, I would have to add, with all due respect to the previous speaker who did work long and hard for many, many months and conducted statewide a series of rather thorough hearings, that I did not agree with the results of that input as it is represented in Senate Bill No. 5. Indeed, I am saying that along the way there have been many, many other amendments suggested that would improve what we have before us. The amendment at hand, however, I think falls far short of those proposals offered by many of the providers and other members of the mental health providing community and other professionals. For that reason and in that context is my opposition, and that is all with due respect for the time that has been spent on this issue and representing a difference in the content of the solutions to be offered in connection with the problems that are at hand. For that reason, and recognizing the time and the proposals that had been offered and rejected, is the basis for my opposition to the present amendment.

Senator AFFLERBACH. Mr. President, as I review the amendment, I could not agree more with the prime sponsor that we are dealing with legislation and an amendment to that legislation which is extremely important, specifically because it deals with, among other things, the idea of involuntary commitment.

PARLIAMENTARY INQUIRY

Senator AFFLERBACH. Mr. President, rather than make a hasty decision on this amendment and the impact that it may have which, quite frankly, I find difficult to do at this moment on the Senate floor, I rise to a question of parliamentary inquiry.

The PRESIDENT. The gentleman from Lehigh, Senator Afflerbach, will state it.

Senator AFFLERBACH. Mr. President, is it in order to put a motion to recommit the amendment and the bill to the Committee on Public Health and Welfare so that this amendment may be appropriately studied?

The PRESIDENT. The Chair would advise the gentleman that the proper motion would be to recommit the bill and the amendment would travel with the bill to committee.

MOTION TO RECOMMIT

Senator AFFLERBACH. In that case, Mr. President, I so move.

The PRESIDENT. Senator Afflerbach moves that the bill and the proposed amendment be recommitted to the Committee on Public Health and Welfare.

On the question,

Will the Senate agree to the motion?

Senator LOEPER. Mr. President, for all the reasons stated before on the floor today, I would oppose the motion of recommitment.

And the question recurring,

Will the Senate agree to the motion?

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

YEAS—23

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

NAYS—27

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

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

And the question recurring,

Will the Senate agree to the amendment?

Senator MELLOW. Mr. President, I desire to interrogate the gentleman from Delaware, Senator Loeper.

The PRESIDENT. Will the gentleman from Delaware, Senator Loeper, permit himself to be interrogated?

Senator LOEPER. I will, Mr. President.

Senator MELLOW. Mr. President, in Senator Loeper's amendment, one part of the amendment deals with an involuntary commitment procedure for ninety days to be used if a person is considered to be a chronic admission. Can the gentleman tell us if there are any other ways in the bill that an individual on an involuntary commitment can reach the ninety-day commitment?

Senator LOEPER. Mr. President, there is already in place and also repeated in the bill current procedures that allow for commitments after proper review is completed in order to achieve the same number of days.

Senator MELLOW. Mr. President, I am sorry but I did not hear the last part of the gentleman's statement.

Senator LOEPER. Mr. President, my understanding is that it is also in current law as well as repeated in Senate Bill No. 5 that the procedure for involuntary commitments and the number of days for each subsequent commitment could reach the same number as the gentleman had stated. However, that is safeguarded by the proper procedures that are already in place in review.

Senator MELLOW. Mr. President, can the gentleman share with us what would happen to an individual who, under this particular proposal, Senate Bill No. 5 as amended, was

put into a private or a state mental hospital on an involuntary commitment on the first 120 hours that is listed in the bill? Can the gentleman follow through with us how that person then could go from a 120-hour involuntary commitment and eventually get to the point of the ninety-day commitment?

Senator LOEPER. Mr. President, it is my understanding that after the initial five-day commitment there would be a review procedure. It would be determined at that point from that procedure whether an additional twenty-day commitment would be necessary. If, in fact, it is determined that it is, there would again be an additional review and evaluation procedure at the end of the twenty-day commitment that would determine whether a subsequent ninety-day commitment would be in order.

Senator MELLOW. Mr. President, is the gentleman telling us that if an individual has been admitted into a state or private hospital on a five-day involuntary commitment, that in addition to the five day or the 120-hour involuntary commitment there then would be a follow-up of a twenty-day commitment in addition to that when that was concluded, that there conceivably could be a follow-up of a ninety-day commitment into that hospital?

Senator LOEPER. No, Mr. President. That would only be determined by the condition of the patient when determined what the best course of action for that patient would be by the review process that would be stipulated at the end of each one of those periods.

Senator MELLOW. Mr. President, what the gentleman is, I think, failing to say is that although a person initially was committed on an involuntary commitment of 120 hours, that person then would also be subject to an additional twenty-day commitment when that 120 hours has been completed, and after the twenty-day commitment has been completed that individual then would be subject to an additional ninety-day commitment. Am I reading this correctly?

Senator LOEPER. That is the normal process, Mr. President, after proper review and consultation. However, my understanding is there is also another process as far as a chronic definition which is what we are providing for in the amendment.

Senator MELLOW. Mr. President, can the gentleman tell us what is considered to be proper review?

Senator LOEPER. Mr. President, a proper review is usually a hearing before a court of law or a mental health review officer.

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

I realize, as was stated previously by the gentleman from Philadelphia, Senator Williams, that there has been a lot of hard work placed in Senate Bill No. 5, and I am sure the additional work that has been placed in the amendment to Senate Bill No. 5 also has taken a lot of time, a lot of input and a lot of energy on the part of those individuals who are responsible. I think it is important, Mr. President, to point out to the Members of the Senate that in at least one particular area of this amendment several things can happen. It was not that many years ago when this General Assembly passed a mental

health law, in the late 1960s, because there was a tremendous amount of concern about the fact that we then would be using state and private mental hospitals to warehouse people who are suffering from some form of a chronic mental illness. What this amendment does, Mr. President, it substantially changes current state law, because this says for the first time that an individual who has been put into a mental hospital based on an involuntary commitment, which current law reads that first you would be there for a five-day period of time, upon conclusion of the five days, a petition would have to be filed to keep that particular individual in there beyond the five-day period. Basically the way the law currently reads, Mr. President, it is a five-day commitment and then an additional twenty-day commitment beyond that. What this amendment does is add an entirely new package to that particular proposal, which adds an additional ninety days. This particular amendment says that you can be put into a state hospital for a five-day involuntary commitment, followed by a proper review which would extend that an additional twenty days. Then, Mr. President, we have added another proper review which could extend hospitalization an additional ninety days, which means that a person who has been put into a hospital and has met the criteria for five days could conceivably spend up to 115 days in a hospital, whether it be a state or a private hospital. The part about this amendment that I think the gentleman has explained to us, at least in his initial comment, was that you would get into the ninety days based on a chronic admission, and that chronic admission would be if you were involved in any period of time, a one-year period of time, three involuntary commitments would get you into a chronic admission. You could also get into the ninety-day admission if you were there on a five-day involuntary commitment, or 120 hours, as is now changed in the bill, followed by a proper review which would give you an additional twenty days followed by another proper review which would give you an additional ninety days, or a total of 115 days. I am not so sure, Mr. President, that is the position that we, at this point in time, should be taking in dealing with an individual suffering from mental illness. For that particular reason alone, Mr. President, I would ask for a negative 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—27

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

NAYS—23

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

Fattah Mellow Ross

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

The PRESIDENT. Senate Bill No. 5 will go over in its order, as amended.

SB 4 CALLED UP

SB 4 (Pr. No. 981) — Without objection, the bill, which previously went over in its order temporarily, was called up, from page 1 of the Calendar, under Bill Vetoed by the Governor, by Senator LOEPER.

MOTION TO PASS SB 4 OVER GOVERNOR'S VETO, DEFEATED

SB 4 (Pr. No. 981) — The Senate proceeded to consideration of the bill, entitled:

An Act reenacting and amending the act of June 25, 1982 (P. L. 633, No. 181), entitled, as reenacted and amended, "Regulatory Review Act," further providing for the membership of the Independent Regulatory Review Commission and for the procedure for regulatory review; changing the termination date for the commission; and making repeals.

Senator LOEPER. Mr. President, I move that the Senate proceed with its reconsideration of Senate Bill No. 4, Printer's No. 981, and agree to pass the same, the objections of the Governor to the contrary notwithstanding.

The PRESIDENT. It has been moved by Senator Loeper that the Senate proceed with its reconsideration of Senate Bill No. 4, Printer's No. 981, and agree to pass the same, the objections of the Governor to the contrary notwithstanding. This is a vote to override the Governor's veto of the bill. It requires a two-thirds affirmative vote of the Senate.

On the question,

Will the Senate agree to the motion?

Senator WENGER. Mr. President, once again I rise to ask my colleagues to support Senate Bill No. 4, legislation that reauthorizes the Regulatory Review Act and extends the life of IRRC through December 31 of 1993. Governor Casey vetoed Senate Bill No. 4 on June 1, 1989. I am very disappointed that the Governor desires to permit the state to return to pre-IRRC days. Until IRRC was created by the Legislature in 1982, long and costly court cases were the only way persons in the Commonwealth could challenge a regulation once it was issued. I ask my colleagues who oppose the reauthorization of IRRC if they really want to return to those days of excessive and unresponsive regulations. I predict that if the Governor's veto is not overridden, the citizens of the Commonwealth will be served a major defeat. I do not wish to rehash Senate Bill No. 4 again, but what I do want to do is to appeal to each of you to think of your constituents and the impact regulations have on each and every one of them. If you want the Legislature to continue to provide input on proposed regulations, you must vote "yes" on the override question and reauthorize IRRC. Without IRRC there will not be a mechanism in place to guarantee that regulations are clear in their requirements and that the public has had an opportunity

to review changes before they are implemented. This is not a Republican or a Democrat issue, it is a people issue. It is the people of Pennsylvania versus the state bureaucracy. I urge you to vote "yes" to override the Governor's veto of Senate Bill No. 4.

LEGISLATIVE LEAVE CANCELLED

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

And the question recurring,

Will the Senate agree to the motion?

Senator LEWIS. Mr. President, I have listened with interest to the comments made by my distinguished colleague from Lancaster County and find myself in agreement with many of the conclusions he shared with us. Most particularly, I agree with him that this is not a Republican or a Democratic issue. In fact, I recall well the years of extreme frustration shared by many of us in this Chamber on both sides of the aisle as we watched callous bureaucrats use the regulatory process to openly circumvent clear and explicit legislative intent. It was out of that bipartisan feeling of frustration that a variety of mechanisms were debated and explored and that IRRC was ultimately born, because we felt strongly that it was necessary for the bureaucracies to appreciate that there had to be some method for accountability, a check and balance system which would restrain them from merely implementing their own whims, notwithstanding how they comported with the legislative and the public will. It is that purpose which I believe IRRC has intended to serve, and it is for those basic reasons that I have been supportive and continue to be supportive of an independent regulatory commission.

Notwithstanding that, I rise today to support the sustaining of the Governor's veto, because I think that the proposal which is now before us does little, if anything, to improve the independent regulatory system, but, rather, tends to play to some of the weaknesses which have been identified by independent observers as representing the fallacies that we have recognized from the five years or seven years of experience of the independent regulatory process. I do not mean to suggest for a moment in my recommendation that we sustain the Governor's veto and that we walk away from a regulatory review process. In fact, quite to the contrary, I am in complete agreement with the gentleman from Lancaster, Senator Wenger, that this is a valuable process and one that serves the people of Pennsylvania in an admirable fashion. What I believe we need to do is to improve upon the system. I do not think overriding a veto on Senate Bill No. 4 achieves that objective. What I would hope we can do, rather, is to go back to the drawing board and, taking now the Governor's commitment to work with us, work toward the implementation of a mutually satisfactory regulatory review commission. I would hope that in the same spirit of nonpartisanship which he embodied in his comments that all of us can work together, with a redraft, with a new approach, with the benefit of the experience of the seven years of the existing system and further improve a regu-

latory review commission which will be one of which we can all be proud. I think this is a concept that deserves our support, but the best way to be about implementing this noble objective is to sustain the Governor's veto and begin again. We have plenty of time left before the June 30th expiration date for the existing commission. I do not have any doubt that if we devote ourselves as Legislators and statesmen of good will to this effort that we will be able to achieve a mutually acceptable legislative conclusion and that we will, in fact, continue and sustain a regulatory review commission that will be something of which we can be proud as we move into the next decade.

Mr. President, for all of those reasons I urge my colleagues to sustain the Governor's veto and to join me and other Democrats on this side of the aisle in working towards a redraft of a new and revitalized regulatory commission.

Senator WENGER. Mr. President, we have indeed, as my colleague, the gentleman from Bucks, Senator Lewis, has suggested, devoted ourselves to developing an IRRC bill that is reasonable and can also be effective. This was done in a bipartisan fashion in cooperation with the House and also with the Governor's Office. This is not our first attempt at reestablishing IRRC. If you will recall, we passed a bill. It passed the House and the Senate in the previous Session and was vetoed by the Governor. The reasons he gave for that veto were addressed to the extent that we could, without destroying the concept of IRRC itself. We have been patient. We have worked with anyone who had an interest in the matter, and we have developed the language that is before us. Obviously, we could debate on the language and the verbiage, and that is our responsibility to do that. But the issue and the vote before us today is very clear. It is not a question of would an individual Member like to change the language a little bit here because if you give here, you take there. We have a reasonable bill before us that can be effective. We have addressed many of the concerns that were raised in the Governor's veto message of the previous Session, and it is time for us to act on the matter. IRRC expires at the end of the month. We do not have unlimited time before us. So the vote is very clear. It is either going to be a vote "yes" to override the veto, which is a vote in the interests of the people of Pennsylvania, or else you vote to sustain the Governor's veto, which is a vote in support of the bureaucracy and undue, unnecessary and unwarranted regulations. I beg of you to go back to the days before IRRC and take a look at what happened then. Many times a regulation really took the place of legislation, and by the time we passed legislation and it was implemented and the regulation was put in place, our constituents came back to us and said, what did you do to us? We took a good look and we saw that it was the regulation that had circumvented, for whatever reason, the intent of the legislation itself.

Mr. President, it is important today that we think about that when we cast our vote, because it is not a matter of quibbling and going back to the drawing board one more time so we could change a word here or a line there or change one section from this page to another page, but it is a matter of do

we want the people of Pennsylvania to have the opportunity to have input into those regulations before they are adopted and before they are impacted by them?

Senator MELLOW. Mr. President, the issue that is before us, the Independent Regulatory Review Commission, is something that has been around for quite some time, and I can recall the last time that we had the opportunity of Sunset. Both Bodies of the General Assembly decided in their wisdom that we should not go ahead and should not reinstitute or reactivate the Independent Regulatory Review Commission, and we went for several months a number of years ago before we then came back into Session in the General Assembly and then did reenact a form of the particular commission that we are dealing with now. What is before us today, Mr. President, is basically the same thing that we were confronted with back on May 2nd. That was the date we had the opportunity of voting on concurrence of Senate Bill No. 4. I can vividly recall on that particular day when we discussed with the Members of the Majority a number of amendments that we had, that we at that point in time would have liked to have had the opportunity to offer. We were told that we would not be given the opportunity to suspend the Rules for the purpose of amending a bill that was on concurrence, but we had to take a bill that was amended over in the House. I am kind of surprised to listen to the discussion by the gentleman from Lancaster, Senator Wenger, because these were not amendments that were inserted in the Senate, but they, in fact, were amendments that were inserted in the House. If we were the authors of the amendments here, then I could understand his total support for those amendments, unless the gentleman had input with the House Members when they did offer the amendments to Senate Bill No. 4 reconstituting IRRC. Mr. President, we on this side of the aisle are in favor of a proposal that would reconstitute IRRC. Unfortunately, there are a number of us that are not in favor of Senate Bill No. 4 the way it currently exists, because I think, contrary to what was said by the previous speaker, what we have done, Mr. President, is we have created a super agency in the reestablishment of IRRC and we have created a super agency that is totally independent from all three branches of government. They do not have to answer to the Executive Branch of government. They do not have to answer to the Legislative Branch, and the only way they would have to answer to the Judicial Branch of government would be if someone took opposition to a regulation that had been adopted by IRRC and decided to fight it through the court system. Although we have the opportunity of making appointments to the IRRC board the way it is constituted in Senate Bill No. 4 that is before us right now on the override of the Governor's veto, we, in fact, do not, once we make that appointment, have basically any responsibility, nor do we have any line of responsibility by those members who we appoint which would tell us how they will act with regard to any particular regulations that are before them. Furthermore, with the bill the way it is currently constituted, we have given those individuals who represent the "vested interests," another layer of bureaucracy to be able to come back and try

to gain their advantage in a regulation for the second time in front of the Independent Regulatory Review Commission as established in Senate Bill No. 4. Mr. President, what we are saying is that we would like to sustain the Governor's veto, not because the majority of us are opposed to IRRC, because many of us feel that IRRC has played a very viable and very valuable part of our legislative agenda. There are many of us on both sides of this aisle, and I think that it was probably stated before that this is not a political issue. Maybe IRRC in itself is not a political issue, but I think the differences of the way IRRC is to be constituted certainly is a difference of philosophy of one party versus another. But, Mr. President, we are in favor of IRRC. We would like to have the opportunity of meeting in meaningful negotiation with the Members of the Republican side of the Senate to come up with a proposal that we can support, a proposal that is very similar to the current establishment of IRRC the way it has been operating for a number of years.

In fact, Mr. President, I have had delivered to me and to the Members of my caucus a letter that is signed by Governor Casey where he asks that we sustain his veto of Senate Bill No. 4, but also explains to us in the letter, "I have no objection to reasonable oversight of government regulations. I have made some alternative proposals to Senate Bill 4 as part of my veto message. In addition, I am willing to consider an IRRC law which is drafted generally along the lines of the present law." I think that is where we are. We would like to see this particular thing be implemented prior to its expiration on June 30th, and, in fact, the Governor's last statement—or his last sentence in his letter—says, "I hope that we can work cooperatively together to achieve an IRRC law which is reasonable and acceptable before the commission expires on June 30, 1989."

So, Mr. President, this is not the end of the line for IRRC. The fact that we sustained the Governor's veto, we are merely saying that we are not satisfied in total with what appears before us in this particular piece of legislation, but that we are in favor of the concept of IRRC. I would urge my colleagues, Mr. President, to sustain the Governor's veto and, basically, to get on with the issue and, that is, Mr. President, of having us reenact the IRRC proposal very similar to that which currently exists.

Senator PETERSON. Mr. President, I rise to support the override of the Governor's veto. Last Thursday at 3:00 o'clock when the Governor vetoed this measure, for not the first time but the second time, he slammed the door once again in the face of the citizens of Pennsylvania saying that they should not have an input. Yes, he says he wants to have a regulatory review commission. But, in my view of reading his comments, he wants one that can sit over there and play patty-cake because the people will be allowed to have their say, but the nameless, faceless bureaucrats that brought about this legislation will have their way.

As Chairman of the Committee on Public Health and Welfare, we get stacks of regulations in on many days a foot high. The Minority Leader just spoke that this gives the

special interest groups another chance to come back. Most of those regulations that we deal with are not dealing with new legislation. They are not dealing with new laws. They are drastically changing how programs are run. They are talking about health issues, welfare issues, education issues and transportation issues across our Commonwealth that affect the lives of our people, our businesses and our future. They want to have no process for people to meaningfully protest meaningless, needless regulations.

I will never forget the regulation prior to my being here that was small in nature but showed you how senseless bureaucrats can get. I guess I will remind you of the regulation when, I think it was the Department of Labor and Industry, decided that when fire departments hold dinners, churches hold dinners, granges and other kinds of special interest groups back home that raise funds through dinners, no longer should they be allowed to serve pies or desserts that were not baked in a state-inspected kitchen. The bureaucrats thought that was a necessary law. They could not get it passed, so they regulated it. The people were outraged. You know and I know that there are none of us here, there is no part of society that has probably consumed more of those kinds of foods than anybody in the State of Pennsylvania. We know we do not need a state bureaucrat to tell us that is not good for us. That is a simplistic example. I could give you more complex ones, but I will not take the time today.

When the Governor vetoed this legislation for the second time, he is saying to the people of Pennsylvania, I do not want you to have a say in the regulatory process. The regulations that come through my office have far more impact on the lives of the citizens of Pennsylvania than most of the laws we consider here daily—tremendous impact. We need a process, but prior to IRRC, I personally think that IRRC was one of the best laws that was passed in the last two decades. It has, alone, through the passage of the legislation, I have been told, probably cut the number of regulations in half. We all constantly struggle with state and federal regulations that make little or no sense because some nameless, faceless person who means well puts forth his ideas through the regulatory process and imposes his views, without debate, without any chance to fight back by the general public. I think IRRC is an agency that we need, a strong IRRC, an IRRC that can pull the bureaucracies up short when needed. Sure, there are going to be times that I do not like it when they get into an issue that I am for. We are all going to feel that way. But on the overall averages, IRRC has had a very positive influence in the State of Pennsylvania and the governing here, and we need to sustain a strong IRRC that can look out for the people, that gives the people a chance to react to regulations in the same manner that they react to the laws that we propose. We would not want a system that would allow us to write a law and have it in place in two or three months without any chance for the people to react to the voters, to us. We need the Regulatory Review Act. In my view, the bill that is before us is not quite as strong as it ought to be. It is a compromise. I am willing to accept it, and I urge my colleagues to vote for it, a vote for the people of Pennsylvania.

Senator FUMO. Mr. President, I rise because I do not want this issue to be couched in partisan terms. I think that the issue is only political in philosophy and not partisan. IRRC is something that I happen to believe in. This particular version of the bill may not be the best, but it is the only one that is in front of us. I regret that the Governor vetoed it, but I also respect his ability and his reasons for his objections, philosophically. I think the argument here and the battle here, if there is a battle—and I really hesitate using that word because I do not want it to reach that kind of proportion—but the difference of opinion is between the Legislative Branch and the Executive Branch. It is not a unique argument. It is one that has been around this democracy since it was founded. What has happened over the years as the bureaucracy has grown, we have lost control of it. When I say “we” I mean the people of Pennsylvania. Not only we in the Legislature, but so has the Governor, so has the President of the United States. Regrettably, America is becoming more and more a bureaucratic form of government in which elected officials are looked upon as meddlers in the process rather than constitutional participants. I think IRRC helps us reassert some of our authority over some of the nameless, faceless bureaucrats who are answerable to no one. Regrettably, I heard my Minority Leader talk about this being some sort of super agency beyond control. I think the agency beyond control is the bureaucracy. I cannot think of how more responsive an agency can be to the Legislature when it is appointed by the Legislature. There does not seem to be anything more responsive to me. If I have the power of appointment, you are going to be responsive. I think people have a right to complain about the bureaucracy and they have a right to come to us, and we have a right to go to IRRC to try to constrain the bureaucracy rather than to let it be a runaway animal. I have been around here when we passed laws that say one thing. We all know what it says, and when it gets through the bureaucratic mishmash and the regulations come out, we see something we never envisioned, never wanted, and if someone would have asked us to vote on it, we would have charged to the forefront and voted against it vehemently. I was here before IRRC, not only as a Senator, I was here as a member of that bureaucracy. I remember the process. The process was you wanted a regulation, you drafted it, you got the Attorney General to sign off that it was “legal,” which is really a very vague process, and people would comment. If they did not like it, they did not like it. It still became the law, it still became the regulation. The comment was a period of time in which you gave people a chance to blow off steam. It did not make any difference, never would make a difference to a bureaucrat who was intent upon doing what he wanted to do. We have a civil service bureaucracy now where you cannot even fire people for not doing their job. That slipped over and even infected the State Police. I talked to the commissioner a few months ago about discipline of troopers. He cannot transfer a trooper who does not want to do his job without a court-martial and a civil service hearing. A year later the guy is right back on the job again. Who is running government? If it is

not going to be us and it is not going to be the Governor, then I fear for the future of the Commonwealth and America. This is a small step to where we should be going, to bring more power back to the people. If there are those people who complain that this process and this bill slows down the regulatory process, I do not see what is wrong with that. Many times that regulatory process is a detriment. If there is a real burning need and desire to rectify something that quickly, I have seen this Legislature act overnight to burning desires. I do not think there is philosophically anything wrong with slowing down the bureaucracy when it starts to move on a path of its own and it gets its own direction from God, maybe. There is nothing wrong with this process, and it is about time we lift our heads up out of the sand as Legislators and recognize, once and for all, that there is a constitutional purpose for us to be here. We should not shirk from our responsibilities. We are an equal branch of government to the Executive Branch. We are not some kind of appendage that accidentally got in the way of progress. There is a reason for the Legislature. There is a reason why it exists, and there is a reason why IRRC should exist as an extension of this Legislature. Regrettably, it is my Governor, and I am sorry to have to say this, but I am going to vote to override his veto. I have done it before when I thought he was wrong and I will do it again. There are some issues and many issues that transcend party lines. They are basic philosophy and I think this is one of them.

Senator LOEPER. Mr. President, I could not help but follow up on the remarks of the gentleman from Philadelphia to indicate that I also believe this is certainly not a partisan issue. It may be an issue that is looked upon differently between the various branches of government, but I think it has been very evident in the past history. If we take a look at the history of both the bill in the last Session, sponsored and worked on by the gentleman from Lancaster, Senator Wenger, and Senate Bill No. 4 of this Session, there has been an attempt in a bipartisan fashion to try and address the issue of the Independent Regulatory Review Commission. I think all of us have realized what an important role this agency has played in state government over the past seven years during its existence. Mr. President, many times administrations may change. We may find new secretaries and new cabinets, but the people who promulgate those regulations in the departments are the same bureaucrats who are there from administration to administration. It is certainly not the people at the top all the time who make the difference as far as the regulations that come out of those various departments and try to reflect legislative intent.

Mr. President, it is my view that IRRC serves a very significant purpose, a check and balance if you will, to the Legislative Branch and Executive Branch of government on an independent basis. I believe, Mr. President, in true bipartisan fashion, this agency serves us all very well and serves the people of Pennsylvania well. I would urge for an affirmative vote to override the Governor's veto.

And the question recurring,
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—31

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

NAYS—18

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

Less than a constitutional two-thirds majority having voted "aye," the question was determined in the negative.

RECONSIDERATION OF SB 4

BILL LAID ON THE TABLE

Senator LOEPER. Mr. President, I move that we reconsider the vote by which the override of the Governor's veto of Senate Bill No. 4 was defeated and that Senate Bill No. 4 be laid on the table.

The PRESIDENT. Senator Loeper moves that the vote by which the override of the Governor's veto of Senate Bill No. 4 was defeated be reconsidered and that Senate Bill No. 4 be laid upon the table.

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

MOTION TO DIVIDE QUESTION

Senator LINCOLN. Mr. President, I have no problem with the reconsideration, but I would object to the bill being tabled. I would ask for an immediate vote on that issue.

The PRESIDENT. Is it the Chair's understanding, then, that the gentleman from Fayette is making a motion to split the question and to vote on the motion to reconsider only?

Senator LINCOLN. No, Mr. President. I have no objection to the vote to reconsider, none whatsoever, and if that would be done—

The PRESIDENT. You are asking for a division of the question?

Senator LINCOLN. Yes, Mr. President.

The PRESIDENT. I understand. Senator Lincoln asks that the question be divided, which is his right to do, and the question then is, shall the—

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

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

MOTION WITHDRAWN

The PRESIDENT. Senator Lincoln withdraws his request for a division of the question and the question recurs, will the Senate agree to the motion by Senator Loeper to reconsider the vote by which the override of the Governor's veto was defeated and to lay Senate Bill No. 4 on the table?

The motion was agreed to.

The PRESIDENT. Senate Bill No. 4 will be laid on the table.

THIRD CONSIDERATION CALENDAR RESUMED

BILLS ON THIRD CONSIDERATION
AND FINAL PASSAGE

SB 36 (Pr. No. 1158) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of May 17, 1921 (P. L. 682, No. 284), entitled "The Insurance Company Law of 1921," further providing for investments.

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

On the question,
Shall the bill pass finally?

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

YEAS—50

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

NAYS—0

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

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

SB 47 (Pr. No. 47) — The Senate proceeded to consideration of the bill, entitled:

An Act requiring a ban on the distribution, sale and use of halogenated hydrocarbon chemicals and aromatic hydrocarbon chemicals as sewage system cleaners; requiring the disclosure of contents of sewage system cleaners; requiring the Department of Environmental Resources to administer and enforce certain provisions; and establishing penalties.

Considered the third time and agreed to,

On the question,

Shall the bill pass finally?

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

YEAS—50

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

NAYS—0

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

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

SB 81 (Pr. No. 81) — The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for times when lighted head lamps must be displayed.

Considered the third time and agreed to,

On the question,
Shall the bill pass finally?

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

YEAS—50

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

NAYS—0

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

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

BILL RECOMMITTED

SB 104 (Pr. No. 104) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of May 17, 1921 (P. L. 682, No. 284), entitled "The Insurance Company Law of 1921," authorizing stock insurers to establish more than one class or series of shares

and to permit different voting rights according to the class of shares.

Upon motion of Senator LOEPER, and agreed to, the bill was recommitted to the Committee on Banking and Insurance.

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

SB 193 (Pr. No. 475) — The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for deposits into the Judicial Computer System Augmentation Account; providing for the admissibility of certain out-of-court statements; and making refunds.

Considered the third time and agreed to,

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

On the question,
Shall the bill pass finally?

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

YEAS—50

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

NAYS—0

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

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

BILLS OVER IN ORDER

SB 339 and 365 — Without objection, the bills were passed over in their order at the request of Senator LOEPER.

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

SB 398 (Pr. No. 411) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of March 10, 1949 (P. L. 30, No. 14), entitled "Public School Code of 1949," further providing for payments to technical institutes.

Considered the third time and agreed to,

On the question,
Shall the bill pass finally?

Senator LINCOLN. Mr. President, Senate Bill No. 398 carries with it an appropriation in excess of \$6 million. Being that we are now in the early part of June and we could reasonably expect that a budget will be passed and placed into law by the beginning of the next fiscal year, and I believe that these types of efforts would more appropriately be handled within that precept and concept, I would ask for a negative vote on Senate Bill No. 398.

Senator RHOADES. Mr. President, I would rise in terms of supporting the bill for one very important reason. It has been around for fifteen years within the School Code. We took it over to the Department of Education about a year and a half ago, and they did not move on it. In turn we have prepared this. The fiscal note—I do not know where the \$6 million came from but what we are projecting for 1989-1990, putting one to four institutes in place—would be approximately \$250,000 to \$500,000. I think this bill is needed, definitely from the standpoint of training our people so they are employable across the Commonwealth. Our effort here is to put technical institutes in place, not to compete with community colleges or proprietary schools, but in positions and places where they are needed so we can prepare people to put them into jobs, either by retraining, training anew, or developing schools to aid them in their advancement within their positions. I would ask for an affirmative vote on this bill.

Senator LINCOLN. Mr. President, I thank the gentleman for the explanation of the bill, but there seems to be a tremendous difference in what our appropriations staff is telling us the cost of this bill will be and what the gentleman has related to the Body. I would think that in spite of his arguments, the argument that this is the budget season, those are issues that ought to be handled within the budget, and I would ask that we vote "no" on Senate Bill No. 398.

And the question recurring,
Shall the bill pass finally?

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

YEAS—32

Afflerbach	Greenwood	Loeper	Rhoades
Armstrong	Helfrick	Madigan	Rocks
Baker	Hess	O'Pake	Salvatore
Bell	Holl	Pecora	Shaffer
Brightbill	Hopper	Peterson	Shumaker
Corman	Jubelirer	Porterfield	Tilghman
Fisher	Lemmond	Punt	Wenger
Greenleaf	Lewis	Regoli	Wilt

NAYS—18

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

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

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

LEGISLATIVE LEAVES

Senator LINCOLN. Mr. President, I would request temporary Capitol leaves for Senator Andrezeski, Senator Dawida, Senator Fumo and Senator Jones.

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

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

The PRESIDENT. Senator Loeper requests a temporary Capitol leave for Senator Helfrick. The Chair hears no objection. That leave will be granted.

THIRD CONSIDERATION CALENDAR RESUMED

BILLS ON THIRD CONSIDERATION AND FINAL PASSAGE

SB 417 (Pr. No. 432) — The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, establishing an automated fingerprint identification system in the Pennsylvania State Police; and making an appropriation.

Considered the third time and agreed to,

On the question,
Shall the bill pass finally?

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

YEAS—50

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

NAYS—0

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

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

SB 472 (Pr. No. 952) — The Senate proceeded to consideration of the bill, entitled:

An Act providing for insurance benefits for cancer chemotherapy and cancer hormone treatments.

Considered the third time and agreed to,

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

On the question,
Shall the bill pass finally?

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

YEAS—50

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

NAYS—0

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

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

BILL ON THIRD CONSIDERATION AMENDED

SB 576 (Pr. No. 1097) — The Senate proceeded to consideration of the bill, entitled:

An Act providing for a Statewide emergency telephone number "911" system; establishing a telecommunications unit within the Department of General Services; providing for funding of the system, for a referendum and for contributions from telephone subscribers; providing a penalty; making appropriations; and making a repeal.

Considered the third time,

On the question,

Will the Senate agree to the bill on third consideration?

Senator WENGER, by unanimous consent, offered the following amendment No. A1559:

Amend Sec. 7, page 11, line 28, by striking out "(c)" and inserting: (d)

Amend Sec. 7, page 11, line 30, by striking out "(c)" and inserting: (d)

Amend Sec. 13, page 15, line 21, by striking out "section 13(c)" and inserting: subsection (a)

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 FATTAH, by unanimous consent, offered the following amendment No. A1522:

Amend Title, page 1, lines 1 through 6, by striking out all of said lines and inserting:

Providing for a Statewide emergency telephone number "911" system; providing for no-interest loans to help establish 911 emergency communication systems, for a referendum and for contributions from telephone subscribers; providing a penalty; and making a repeal.

Amend Preamble, page 1, lines 14 through 16, by striking out all of said lines and inserting: for the creation and implementation of a plan establishing, operating and maintaining adequate facilities for answering emergency calls and dispatching a proper response to the callers' needs shall be vested in the county government.

Amend Table of Contents, page 2, line 7, by striking out "unit" and inserting: management

Amend Table of Contents, page 2, line 12, by striking out "Source of funds" and inserting: Structure of loan program

Amend Table of Contents, page 2, line 18, by striking out "Appropriations" and inserting: Rules and regulations

Amend Bill, page 2, lines 24 through 30; pages 3 through 15, lines 1 through 30; page 16, lines 1 through 13, by striking out all of said lines on said pages and inserting:

Section 1. Short title.

This act shall be known and may be cited as the Public Safety Emergency Telephone Act.

Section 2. Definitions.

The following words and phrases when used in this act shall have the meanings given to them in this section unless the context clearly indicates otherwise:

"911 emergency communication system" or "911 system." A system which permits a person dialing "911" by telephone to be connected to a public safety answering point, via normal telephone facilities, for the reporting of police, fire, medical or other emergency situations.

"Agency." The Pennsylvania Emergency Management Agency.

"Commission." The Pennsylvania Public Utility Commission.

"Contribution rate." A fee assessed against a telephone subscriber for the operating costs of a 911 system.

"Council." The Pennsylvania Emergency Management Council.

"County plan." A document submitted by the county to the department, outlining its proposed 911 system, including a contribution rate.

"Department." The Department of Community Affairs of the Commonwealth.

"Emergency communications loan account." A restricted account within the state purchasing fund to be used by the department for no-interest loans to counties for the establishment of 911 emergency communication systems.

"Installation loans." Loans provided to counties from the emergency communications loan account for the expenses of implementing, expanding or upgrading a 911 system. Expenses eligible for a loan shall include telephone terminal equipment, trunk line service installation, network changes, building of initial data base and any other nonrecurring costs to establish a 911 system. Expenses not eligible for a loan shall include purchase of real estate, cosmetic remodeling, central office upgrades, hiring and training of dispatchers, mobile communications equipment, ambulances, fire engines or other emergency vehicles, utilities, taxes and salaries and other expenses as determined by the department.

"Local exchange telephone service." The provision of telephonic message transmission within an exchange, as such is defined and described in tariffs filed with and approved by the commission.

"Public agency." The Commonwealth or a political subdivision, public authority, municipal authority or any organization located in whole or in part within this Commonwealth which provides or has the authority to provide firefighting, law enforcement, ambulance, emergency medical or other emergency services.

"Public safety answering point" or "PSAP." The first point at which calls for emergency assistance from individuals are answered, operated 24 hours a day.

“Telephone subscriber.” A person who contracts with a telephone company within this Commonwealth for local exchange telephone service, either residential or commercial. When the same person, business or organization has several telephone numbers, each number shall constitute a separate subscription. For purposes of the contribution rate, the term shall not include pay stations owned or operated by a regulated public utility.

Section 3. Telecommunications management.

(a) Powers and duties of department.—The department shall have the following powers and duties:

(1) To provide information regarding State installation loans for implementing 911 systems for eligible counties.

(2) To establish guidelines and application procedures for installation loans.

(3) To receive, review and approve or disapprove all 911 system county plans.

(4) To forward a copy of each county plan application to the council and the commission for their review as required by this act.

(5) To submit an annual report, not later than January 1 of each year, to the Governor and the General Assembly and include at least the following:

(i) The extent to which 911 systems currently exist in Pennsylvania.

(ii) Those counties which completed installation, and costs and expenses for installation.

(iii) An anticipated schedule for installing a 911 system on a county basis for that year.

(b) Powers and duties of the council.—The council shall have the following powers and duties:

(1) To establish technical standards for all county plans.

(2) To review all county plans including the initial application forwarded by the department for conformity to the technical standards.

(3) To review county plans to determine if equipment conforms to the technical standards.

(4) To recommend approval of plans or indicate deficiencies in plans to the department.

(c) Powers and duties of the commission.—The commission shall have the following powers and duties:

(1) Review the contribution rate requested by the county based on the costs of the plan.

(2) Approve or modify the contribution rate requested by the county and forward its decision to the department.

Section 4. Counties.

(a) Powers and duties.—The board of county commissioners, or, in a home rule county, the appropriate body according to the home rule charter, shall have the following powers and duties in relation to a 911 system:

(1) To designate a member of county government as a coordinator who shall serve as a point of contact with the department and shall develop a county plan for the implementation, operation and maintenance of a 911 system. Where technologically feasible, the county plan shall be adequate to provide service for the entire county.

(2) To make arrangements with each telephone company providing local exchange telephone service within the county's jurisdiction to provide 911 service.

(3) To send a copy of the proposed county plan to the appropriate telephone company upon submission of the plan to the department.

(4) To cooperate with the department, the council and the commission in preparation and submission of the county plan and contribution rate.

(5) To submit the question to the voters of the county for approval of whether or not to establish the approved 911

plan in the county and to impose the contribution allowed by this act.

(6) To execute all contracts, mutual aid agreements, cross-service agreements and all other necessary documents which may be required in the implementation of the county plan.

(b) Persons outside the county.—When an individual physically resides in an adjacent county, but receives local exchange telephone service from a central office in a county which provides 911 service, it shall be the responsibility of the county with the 911 service to notify the appropriate public agency of a request for emergency service from such an individual.

(c) Cities of the third class.—Any city of the third class may exercise the powers and duties of counties under this act.

Section 5. County plan.

(a) Minimum standards.—Upon the agreement of the governing authority of a county to establish a 911 system, a plan shall be drafted meeting at least the minimum technical standards promulgated by the council. The county may obtain technical assistance from the council in formulating its plan. Each 911 plan shall be designed to meet the individual circumstances of each community and the public agencies participating in the 911 system.

(b) Completion.—Upon completion of the plan, it shall be forwarded to the department, with a copy of the plan being sent to those telephone companies affected by the plan.

(c) Department review.—The department shall initially review the county plan and the loan application for completeness. The department shall forward a copy of the county plan and the proposed contribution rate to the council and the commission for review as required by this section. After the county plan has been reviewed by the council and the commission, the department shall approve or reject a county plan based on the recommendations of the council and the commission. If the county plan is rejected, the department shall return the county plan and explain the deficiencies that caused the rejection.

(d) Council review.—The council shall have 60 days to review the plan and make suggested revisions of the plan. The council shall submit its findings in writing to the department. The Pennsylvania Emergency Management Agency may act as agent for the council in the administration of the plan approval process.

(e) Commission review.—The commission shall review the county plan only in relation to the contribution rate and may modify only those contribution rates which it finds excessive to meet the costs stated in the plan. The rates shall be reviewed and a decision forwarded to the department within 60 days of the date of submission. If the commission fails to review the contribution rate within 60 days, the contribution rate will be deemed approved by the commission.

(f) Submission to voters.—Once the plan is approved by the department and the contribution rate has been approved by the commission pursuant to this section, the plan shall be submitted to the voters pursuant to section 6.

(g) Present systems.—Those counties that presently have 911 systems may establish a contribution rate to cover operating costs of an existing 911 system by using the same contribution rate approval mechanism as a new 911 system, except that such contribution rate need not be submitted to the voters.

(h) Regional systems.—Nothing in this act shall be construed to prohibit the formation of multijurisdictional or regional 911 systems, and any system established under this act may include the territory of a county. It shall not be necessary for two counties that have received voter approval to submit the question for a multijurisdictional system.

(i) Contribution rate changes.—Once a plan and contribution rate have been approved by the voters and established, the contribution rate shall remain fixed for a period of at least four years. Updating and expanding the present system shall require

an amended plan to be filed with the department. Requests for contribution rate changes shall be submitted to the department to be forwarded to the commission for approval as provided by subsection (e). Contribution rate changes shall not require voter approval. Contribution rate increases shall not be permitted more often than every four years and shall not take effect unless approved by the commission.

(j) Assessment.—The moneys collected from the telephone contribution rate shall be utilized only to pay for the operation of a 911 system. The assessment may be made after the execution of a contract but no earlier than 90 days prior to the operation of 911 service. The money collected from the contribution rate is a county fee collected by the telephone company; the money is not subject to taxes or charges levied on or by the telephone company. The money collected from the contribution rate shall not be considered revenue of the telephone company for any purpose.

Section 6. Referendum.

(a) Question.—Before any county may establish a 911 system and impose a contribution rate under this act, it shall submit the proposal to the electors of the county for their approval at the next municipal or general election for which the advertising requirements of the act of June 3, 1937 (P.L.1333, No.320), known as the Pennsylvania Election Code, can be met. The question shall be:

Shall the county of establish a 911 emergency communication system and impose a current contribution rate of each month upon all telephone subscribers to finance such service?

(b) Acceptance or rejection.—If a majority of the votes cast on the proposal by the qualified electors voting thereon are in favor of the proposal, the county shall establish the service and impose the contribution rate allowed by this act. If a majority of the votes cast on the proposal are opposed to the proposal, the county submitting the proposal shall not be eligible for an installation loan from the department as provided for in this act. The question may be put before the electors at any subsequent election, pursuant to this section.

(c) Conduct of referendum.—The referendum under this section shall be held in accordance with the Pennsylvania Election Code.

Section 7. Collection and disbursement of contribution.

(a) Subscribers' contribution.—Each service supplier providing local exchange telephone service within the county shall collect the contribution from each subscriber and forward the collection quarterly to the county treasurer, or, in a home rule county, the county official responsible for the collection and disbursement of funds. The amount of the subscribers' contribution shall be stated separately in the telephone subscribers' billing. Each service supplier shall retain 1% of the gross receipts collected to cover administrative costs.

(b) Subscribers' contribution for multiple line systems.—In the case of Centrex or similar multiple line system subscribers, the following multipliers shall be applied to determine the contribution rate of each such subscriber.

- (1) For the first 25 lines, each line shall be billed at the approved contribution rate.
- (2) For lines 26 through 100, each line shall be billed at 0.75 of the approved contribution rate.
- (3) For lines 101 through 250, each line shall be billed at 0.50 of the approved contribution rate.
- (4) For lines 251 through 500, each line shall be billed at 0.20 of the approved contribution rate.
- (5) For lines 501 or more, each line shall be billed at 0.172 of the approved contribution rate.

(c) Restricted account.—The county treasurer, or, in a home rule county, the county official responsible for the collection and disbursement of funds shall deposit the moneys received in an

interest-bearing restricted account used solely for the purpose of recurring charges billed for the 911 system and for the purpose of making payments under subsection (d). The governing body of the county shall make an annual appropriation from such account for the 911 system, subject to the provisions of subsection (d), and may retain up to 1% of the gross receipts collected to cover administrative costs.

(d) Reimbursement to municipalities.—The county treasurer shall, on a quarterly basis, pay from funds of the restricted account to a municipality which operates a 911 system established prior to the effective date of this act, a sum of money not less than that contributed by the telephone subscribers of that municipality to the county 911 system.

(e) Collection enforcement.—Nothing in this act shall impose any obligation upon a telephone company to take legal action to enforce collection of the contribution imposed by this section. Upon request by the county, the telephone company shall provide the county with a list of amounts uncollected along with the names and addresses of the telephone subscribers who have not paid the 911 contribution rate.

Section 8. Structure of loan program.

(a) Source of funds.—Funds for installation loans shall be provided from the emergency communications loan account within the State purchasing fund.

(b) Limit on funding.—No county shall, in any year, be loaned more than 20% of the total amount available for loan unless there are insufficient applicants to consume the entire available amount.

(c) Loan terms.—The department may issue a loan to a county to establish a 911 system upon approval of a county plan as required by section 5 and referendum as required by section 6. Loans issued by the department must be repaid in equal annual installments within four years of issuance. The county receiving the loan shall not be charged interest on the principal of the loan. If a county fails to repay the principal due to the Commonwealth in any year, the Commonwealth shall withhold an amount equal to the unpaid principal from the county's portion of the liquid fuels tax allocation.

(d) Status reports.—The department shall report annually to the majority and minority leaders of each house, the status of the emergency communication loan account within the state purchasing fund. The report shall be submitted within a reasonable period following the end of each fiscal year and shall show loan disbursements, loan receipts, transfers and the cash balance.

Section 9. Expenditures for maintenance and operation of 911 systems.

(a) Expenditures authorized.—During each county's fiscal year, the county may expend the amounts distributed to it from the contribution rate for the maintenance and operation of a county 911 system.

(b) Items included in maintenance and operation costs.—Maintenance and operation costs may include telephone company charges, equipment costs or equipment lease charges, repairs, utilities, data base maintenance costs, personnel costs, audit costs, repayment of installation loans provided by the department and appropriate carryover costs from previous years. Maintenance and operation costs shall not include any cost necessary to house the 911 system.

(c) Limitations on expenditures.—The department shall adopt procedures to assure that the total amount collected from the 911 contribution rate shall be expended only for the maintenance and operation of a county 911 system.

(d) Annual audit.—The department shall require an annual audit of each county's expenditures for the maintenance and operation of 911 systems. The annual audit cost shall be paid by the respective county from contribution rate revenues.

Section 10. Pay telephone access.

The commission shall promulgate regulations requiring free access to 911 service from pay telephones.

Section 11. Telephone records.

(a) Access.—Each telephone service supplier shall provide customer telephone numbers, names and service addresses to 911 systems when required. Although customer numbers, names and service addresses shall be available to 911 systems, such information shall remain the property of the disclosing service supplier. The total cost of the system shall include expenses to reimburse telephone service suppliers for providing and maintaining 911 information. This information shall be used only in providing emergency response services to a 911 call. A person who uses or discloses data base information for purposes other than handling a 911 call commits a misdemeanor of the third degree.

(b) Privacy waived.—Private listing service customers in a 911 service district shall waive the privacy afforded by nonlisted and nonpublished numbers when using the 911 emergency service.

(c) Immunity.—No telephone company, or agents, or employees of a telephone company shall be liable to any person who uses the 911 emergency service established under this act, for release to a public safety answering point of information specified in this section that is not already part of the public record, including nonpublished telephone numbers.

Section 12. Penalty.

Any person who intentionally calls the 911 emergency number for other than emergency purposes commits a misdemeanor of the third degree.

Section 13. Rules and regulations.

The department, in cooperation with the council and the commission, may prescribe such application forms and promulgate such guidelines, rules and regulations as may be necessary to carry out the provisions of this act.

Section 14. Repeals.

The act of April 28, 1978 (P.L.90, No.42), known as the Emergency Telephone Act, is repealed.

Section 15. Effective date.

This act shall take effect in 60 days.

On the question,

Will the Senate agree to the amendment?

Senator FATTAH. Mr. President, this amendment is an effort to have Senate Bill No. 576, which relates to setting up the emergency 911 system statewide, conform to House Bill No. 54, which passed the House 198-0. It would make several significant changes in the bill. I think that Members who are present might want to take heed to some of the items that the amendment would call for at this point.

One is that it would change the funding from a grant to local municipalities to a no-interest loan program, sponsored by the Department of Community Affairs and the Pennsylvania Emergency Management Agency, rather than the General Services Administration. It would also make several other changes. I think that is the most important one, however, and I would like to offer it for consideration at this time.

Senator WENGER. Mr. President, Senate Bill No. 576, as before us, is an attempt to strike a balance of responsibility between county government, state government and telephone subscribers to assure that all of the citizens of Pennsylvania would have the opportunity and the benefit of a 911 emergency response system. The amendment that is being offered by the gentleman makes some substantial changes in the bill

before us. In the first place, it takes away the money to fund the program, and in place of the funds that the Senate bill would appropriate for start-up money to the counties, it substitutes a loan program that needs to be repaid over a four-year period. The amendment goes on to state that if a county were to miss a payment during those four years, the money would be deducted from the liquid fuels money that the state owed to that county.

Mr. President, I submit that most counties can already borrow all the money they want to borrow, and to supply them with another source of financing, although it may have merit in some situations, is not meeting the need that is out there in the Commonwealth today. So the amendment, first of all, takes away the dollars to accomplish what you want to do. It also fails to address the concern where you have counties that have acted responsibly over the last four years. The Senate bill says that those counties that have brought a 911 system on line since 1985 would have the opportunity to share in these funds on a retroactive basis. The amendment offered today by the gentleman from Philadelphia does not provide for that opportunity and so we would be penalizing. The adoption of this amendment would penalize those counties that acted in a responsible fashion over the last few years.

These are some of the changes that come to your attention when you look at the amendment. There is one other change that I would like to highlight. This is perhaps the most significant of all. The gentleman's amendment would be detrimental to low income persons, especially senior citizens. It would increase the subscriber's fee approximately threefold because he puts additional responsibility onto the subscriber's fee beyond what we provided for in the Senate bill. This could mean that those persons who need 911 service the most might not be able to afford the telephone in the first place because the base rate would be increased to some extent. I want to point out, Mr. President, that a vote for the amendment before us is a vote for an increase in utility rates. I am not sure that is what we want to do.

For these reasons I oppose the proposed amendment, and I ask for a negative vote.

Senator FATTAH. Mr. President, my distinguished colleague from Lancaster County, I think, perhaps has mischaracterized the amendment slightly, but I think the purposes—he is the sponsor of Senate Bill No. 576—can be met with this amendment intact and perhaps cannot be met if we do not consider this amendment favorably. Let me try to state my case slightly more forcefully. House Bill No. 54 is the product of four years of work in the House. I was there as a Member of the House for all of those years except for the six months that I have been a Member in this Chamber. There is a great deal, I think, of shared consensus in both Houses that we need to expand the 911 system statewide. I think the vote of 198-0 on House Bill No. 54 indicates that a significant bipartisan consensus exists, that the way to go about doing that is through the efforts of the Department of Community Affairs and the Pennsylvania Emergency Management Agency, and we do that through a no-interest loan program and that we do

not penalize people who have already moved forward in their counties, such as Philadelphia, but we do not reward them either. What we are working to is to expand this system throughout the rest of the state where it does not exist. I am not sure that counties that have already acted are seeking any special favors or rewards for acting in the best interests of their constituents. What we want to do now is to enact a fiscally responsible bill at this point in time and to have this program move forward. I think we should consider that in light of this amendment, looking towards what is obviously the consensus in the House. If we want to move this process forward, I think my amendment offers us that opportunity without in any way dampening the efforts and the enthusiasm of my colleague from Lancaster. I think this amendment is fiscally sound, AND I also think the other changes that are being made are being made in light of trying to have this bill conform with the consensus that has already emerged on this issue after four years of very hard work by several of our colleagues in the other Chamber.

Senator LINCOLN. Mr. President, I can appreciate the two points of view that have been expressed by the maker of the amendment and the prime sponsor of the bill. I have been, as the gentleman from Lancaster, Senator Wenger, has been, working for a number of years—in fact too many years to even want to mention—in trying to get 911 legislation passed. I think that what is so important about the amendment is that we are having an opportunity to vote on it, because the problem with having 911 become law has never really been anything other than the two Bodies in the General Assembly not having been able to agree on what should be in the law that is so badly needed throughout Pennsylvania. I am a sponsor of the bill that Senator Wenger is prime sponsor of and I am very supportive of that, but I also have become a realist, which is a sad thing to say and I wish I would not have gotten that old and experienced. I understand that sometimes you do not always get what you want. The fact is that if we pass the Wenger bill without the amendment the gentleman from Philadelphia, Senator Fattah, is offering, there is a very real possibility, in fact, it is real to the point that we have been informed by the prime sponsor of the House bill that has passed over there, that this bill coming over in the form it is in without the Fattah amendment is not going to be dealt with. I think it is unfortunate that we have that kind of a situation arise in government where the worthiness of the issue is sometimes secondary to what we are talking about here and in the other Chamber. I would ask that there be some very strong consideration given to support the Fattah amendment, and in that manner assuring that when the bill goes to the House, it is going to be dealt with in a proper manner. I think the fact that we are going to say no, that is not what we want, that we really think here in the Senate the Wenger amendment is the one that should be and the Wenger bill should be passed, I have no problem with that, but I believe all of us are going to have to face the facts that if we want this particular issue resolved in a manner that will help everybody we are trying to help, we are going to have to compromise on our positions

somewhat. The strange thing is, if I remember correctly, the bill as it is now was one that passed the House a couple of Sessions ago and for some reason was not found acceptable here, and now we are doing the same thing with that bill. I would ask that there be some very strong consideration for this amendment. If not this amendment, if we could maybe just delay any action on this piece of legislation and maybe talk about finding a middle ground between the Fattah amendment and what we have in the bill at the present time, because the only thing that we should be interested in is the final result, and that is having a piece of legislation signed by Governor Casey and put into effect throughout the state. For that reason I am going to support the Fattah amendment. I would ask that there be some consideration for the final result being that we get something into law, and that is the only purpose that any of us are here for. I would ask you to support the amendment.

Senator LOEPER. Mr. President, I think the remarks of the last speaker are well taken. However, I believe that Senator Wenger's bill certainly presents an alternative approach, another way of approaching the implementation of the 911 emergency service number than the House version. It would be my view, Mr. President, that what we should do in the Senate is to reject the amendment that would basically insert the House bill into Senate Bill No. 576, go ahead and pass Senator Wenger's bill in this Body and then work out the differences between as to what the versions of the bill would be. I would ask for a negative vote on the amendment.

And the question recurring,

Will the Senate agree to the amendment?

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

YEAS—17

Afflerbach	Fattah	Lincoln	O'Pake
Andrezeski	Fumo	Lynch	Ross
Belan	Jones	Mellow	Stout
Bodack	Lewis	Musto	Williams
Dawida			

NAYS—33

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

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

The PRESIDENT. Senate Bill No. 576 will go over in its order, as amended.

LEGISLATIVE LEAVE

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

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

LEGISLATIVE LEAVE CANCELLED

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

THIRD CONSIDERATION CALENDAR RESUMED

BILLS ON THIRD CONSIDERATION AND FINAL PASSAGE

SB 597 (Pr. No. 1098) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of December 19, 1974 (P. L. 973, No. 319), entitled "Pennsylvania Farmland and Forest Land Assessment Act of 1974," further regulating roll-back taxes on agricultural and forest reserve.

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

On the question,
Shall the bill pass finally?

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

YEAS—50

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

NAYS—0

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

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

SB 648 (Pr. No. 691) — 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," authorizing the Department of Corrections to enter into contracts with the Federal Government for the housing of State prisoners in Federal correctional facilities.

Considered the third time and agreed to,

On the question,
Shall the bill pass finally?

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

YEAS—50

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

NAYS—0

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

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

BILL OVER IN ORDER

SB 715 — Without objection, the bill was passed over in its order at the request of Senator LOEPER.

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

SB 728 (Pr. No. 792) — 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 and agreed to,

On the question,
Shall the bill pass finally?

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

YEAS—50

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

NAYS—0

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

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

SECOND CONSIDERATION CALENDAR**BILLS REREPORTED FROM COMMITTEE
AS AMENDED OVER IN ORDER**

SB 31 and 784 — Without objection, the bills were passed over in their order at the request of Senator LOEPER.

**PREFERRED APPROPRIATION BILLS
OVER IN ORDER**

SB 613, 904, 905, 906, 907, 908, 909 and 910 — Without objection, the bills were passed over in their order at the request of Senator LOEPER.

BILLS OVER IN ORDER

SB 252, 287, 312, 340, 364 and 373 — Without objection, the bills were passed over in their order at the request of Senator LOEPER.

BILL ON SECOND CONSIDERATION

SB 430 (Pr. No. 1101) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of February 19, 1980 (P. L. 15, No. 9), entitled "Real Estate Licensing and Registration Act," further providing for the broker's disclosures to the buyer.

Considered the second time and agreed to,

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

BILLS OVER IN ORDER

SB 459 and 522 — Without objection, the bills were passed over in their order at the request of Senator LOEPER.

BILL ON SECOND CONSIDERATION

SB 555 (Pr. No. 1095) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of June 13, 1967 (P. L. 31, No. 21), entitled "Public Welfare Code," further providing for payments for pharmaceutical services.

Considered the second time and agreed to,

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

BILLS OVER IN ORDER

HB 570, SB 605, 614, 633, 640, 702, 730, 732, 735, 742, 764, 775 and 787 — Without objection, the bills were passed over in their order at the request of Senator LOEPER.

BILL ON SECOND CONSIDERATION

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

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

Considered the second time and agreed to,

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

BILLS OVER IN ORDER

SB 875 and 917 — Without objection, the bills were passed over in their order at the request of Senator LOEPER.

BILL ON SECOND CONSIDERATION

SB 935 (Pr. No. 1064) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of April 27, 1905 (P. L. 312, No. 218), entitled "An act creating a Department of Health, and defining its powers and duties;....," further providing for the Secretary of Health.

Considered the second time and agreed to,

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

BILLS OVER IN ORDER

SB 943, 968, 970 and 971 — Without objection, the bills were passed over in their order at the request of Senator LOEPER.

EXECUTIVE NOMINATIONS**EXECUTIVE SESSION**

Motion was made by Senator WILT,

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

Which was agreed to.

NOMINATIONS TAKEN FROM THE TABLE

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

The Clerk read the nominations as follows:

**MEMBER OF THE MUNICIPAL POLICE
OFFICERS' EDUCATION AND
TRAINING COMMISSION**

March 2, 1989.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Donald K. MacConnell, 1929 Custer Street, Allentown 18104, Lehigh County, Sixteenth Senatorial District, for reappointment as a member of the Municipal Police Officers' Education and Training Commission, to serve until February 21, 1992, and until his successor is appointed and qualified.

ROBERT P. CASEY.

**MEMBER OF THE BOARD OF TRUSTEES
OF WESTERN CENTER**

February 8, 1989.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Julian I. Fine, 52 Morgan Avenue, Washington 15301, Washington County, Forty-sixth Senatorial District, for reappointment as a member of the Board of Trustees of Western Center, to serve until the third Tuesday of January, 1991, and until his successor is appointed and qualified.

ROBERT P. CASEY.

On the question,

Will the Senate advise and consent to the nominations?

LEGISLATIVE LEAVE

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

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

And the question recurring,

Will the Senate advise and consent to the nominations?

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

YEAS—50

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

NAYS—0

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

Ordered, That the Governor be informed accordingly.

NOMINATION TAKEN FROM THE TABLE

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

The Clerk read the nomination as follows:

MEMBER OF THE BOARD OF TRUSTEES OF WESTERN CENTER

February 8, 1989.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Angela Zondos, 1546 Ray Road, Ambridge 15003, Beaver County, Forty-seventh Senatorial District, for appointment as a member of the Board of Trustees of Western Center, to serve until the third Tuesday of January, 1995, and until her successor is appointed and qualified, vice Nidia Henderson, Pittsburgh, whose term expired.

ROBERT P. CASEY.

On the question,

Will the Senate advise and consent to the nomination?

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

YEAS—24

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

NAYS—25

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

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

Ordered, That the Governor be informed accordingly.

EXECUTIVE SESSION RISES

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

The motion was agreed to.

RECESS

Senator LOEPER. Mr. President, at this time I would ask for a very brief recess of the Senate for the purpose of a meeting of the Committee on Rules and Executive Nominations to begin immediately in the Rules room at the rear of the Senate Chamber.

The PRESIDENT. For the purpose of a meeting of the Committee on Rules and Executive Nominations to begin immediately in the Rules Committee room at the rear of the Senate Chamber, the Senate will stand in brief recess.

AFTER RECESS

The PRESIDING OFFICER (David J. Brightbill) in the Chair.

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

UNFINISHED BUSINESS

REPORT FROM COMMITTEE ON RULES AND EXECUTIVE NOMINATIONS

Senator WILT, 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 STATE BOARD
OF ACCOUNTANCY

April 13, 1989.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Lewis E. Elicker, III, R. D. 2, North Road, York 17403, York County, Twenty-eighth Senatorial District, for reappointment as a member of the State Board of Accountancy, to serve for a term of four years and until his successor is appointed and qualified, but not longer than six months beyond that period.

ROBERT P. CASEY.

MEMBER OF THE STATE
CONSERVATION COMMISSION

May 22, 1989.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, David Shepler, R. D. #1, Champion 15622, Fayette County, Thirty-second Senatorial District, for appointment as a member of the State Conservation Commission, to serve until May 30, 1992, and until his successor is appointed and qualified, but not longer than six months beyond that period, vice Clifford W. Tinklepaugh, Thompson, whose term expired.

ROBERT P. CASEY.

MEMBER OF THE BOARD OF TRUSTEES
OF HAMBURG CENTER

April 20, 1989.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Sheila J. Slimmer, 1722 Breckenridge Road, Orwigsburg 17961, Schuylkill County, Twenty-ninth Senatorial District, for appointment as a member of the Board of Trustees of Hamburg Center, to serve until the third Tuesday of January, 1993, and until her successor is appointed and qualified, vice Faith A. Jones, Leesport, whose term expired.

ROBERT P. CASEY.

JUDGE, COURT OF COMMON PLEAS,
MONTGOMERY COUNTY

May 19, 1989.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Bernard A. Moore, Esquire, 827 Fayette Street, Conshohocken 19428, Montgomery County, Seventeenth Senatorial District, for appointment as Judge of the Court of Common Pleas of Montgomery County, to serve until the first Monday of January, 1990, vice The Honorable Horace A. Davenport, mandatory retirement.

ROBERT P. CASEY.

JUDGE, COURT OF COMMON PLEAS,
MONTGOMERY COUNTY

May 19, 1989.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Maurino J. Rossanese, Jr., Esquire, 2226 Hedgewood Road, Hatfield 19440, Montgomery County, Twenty-fourth Senatorial District, for appointment as Judge of the Court of Common Pleas of Montgomery County, to serve until the first Monday of January, 1990, vice The Honorable Joseph H. Stanziani, resigned.

ROBERT P. CASEY.

MEMBER OF THE BOARD OF TRUSTEES OF
SCRANTON STATE SCHOOL FOR THE DEAF

April 4, 1989.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, William T. Moran, Jr., R. D. 3, Jefferson Heights, Lake Ariel 18436, Lackawanna County, Twenty-second Senatorial District, for reappointment as a member of the Board of Trustees of Scranton State School for the Deaf, to serve until the third Tuesday of January, 1995, and until his successor is appointed and qualified.

ROBERT P. CASEY.

MEMBER OF THE BOARD OF TRUSTEES
OF WERNERSVILLE STATE HOSPITAL

April 20, 1989.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Dennis D. Louwerse, 103 Park Street, Lebanon 17042, Lebanon County, Forty-eighth Senatorial District, for appointment as a member of the Board of Trustees of Wernersville State Hospital, to serve until the third Tuesday of January, 1995, and until his successor is appointed and qualified, vice Carolyn Rae Holleran, Reading, whose term expired.

ROBERT P. CASEY.

NOMINATIONS LAID ON THE TABLE

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

The PRESIDING OFFICER. The nominations will be laid on the table.

PERMISSION TO ADDRESS SENATE

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

Senator ANDREZESKI. Mr. President, I would like to be noted as being off temporary Capitol leave at this point, and here and voting on the Senate floor in person.

The PRESIDING OFFICER. The Chair notes that the Senator is here in person. The remarks of the gentleman will be spread upon the record.

**COMMUNICATIONS FROM THE GOVERNOR
REPORTED FROM COMMITTEE ON RULES
AND EXECUTIVE NOMINATIONS**

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

**MEMBER OF THE AGRICULTURAL LANDS
CONDEMNATION APPROVAL BOARD**

June 5, 1989.

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated February 15, 1989, for the appointment of Russell M. Orner, R. D. 1, Box 39, Rockton 15856, Clearfield County, Thirty-fifth Senatorial District, as a member of the Agricultural Lands Condemnation Approval Board, to serve for a term of four years and until his successor is appointed and qualified, vice Charles Benner, Middleburg, whose term expired.

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

ROBERT P. CASEY.

**MEMBER OF THE STATE HARNESS
RACING COMMISSION**

May 31, 1989.

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated May 30, 1989 for the appointment of J. Fred King, Campground Road, R. D. 4, Dillsburg 17019, York County, Thirty-first Senatorial District, as a member of the State Harness Racing Commission, to serve for a term of three years and until his successor is appointed and qualified, but not longer than six months beyond that period, vice Francis Fitzpatrick, Jr., Broomall, resigned.

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

ROBERT P. CASEY.

**MEMBER OF THE STATE REAL
ESTATE COMMISSION**

April 13, 1989.

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated February 17, 1989 for the reappointment of P. Donald White, 1102 Summit Lane, Oreland 19075, Montgomery County, Seventeenth Senatorial District, as a member of the State Real Estate Commission, to serve for five years or until his successor is appointed and qualified, but not longer than six months beyond that period.

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

ROBERT P. CASEY.

**MEMBER OF THE UNEMPLOYMENT
COMPENSATION BOARD OF REVIEW**

June 5, 1989.

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated April 26, 1989 for the appointment of Francis P. Bonner, 677 North Vine Street, Hazleton 18201, Luzerne County, Fourteenth Senatorial District, as a member of the Unemployment Compensation Board of Review, to serve until July 1, 1991, and until his successor is appointed and qualified, vice Kenneth Bayless, Esquire, Hazleton, resigned.

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

ROBERT P. CASEY.

**MEMBER OF THE UNEMPLOYMENT
COMPENSATION BOARD OF REVIEW**

June 5, 1989.

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated April 26, 1989 for the appointment of Thomas Lee Simon, R. D. 2, Box 17-S, Perryopolis 15473, Fayette County, Thirty-second Senatorial District, as a member of the Unemployment Compensation Board of Review, to serve until July 1, 1989, and until his successor is appointed and qualified, vice Joseph McAneny, Johnstown, resigned.

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

ROBERT P. CASEY.

NOMINATIONS RETURNED TO THE GOVERNOR

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

The motion was agreed to.

The PRESIDING OFFICER. The nominations will be returned to the Governor.

REPORTS FROM COMMITTEES

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

SB 34 (Pr. No. 1174) (Amended)

An Act creating a Division of Insurance Fraud Prevention in the Insurance Department and prescribing its powers and duties; establishing a cause of action for persons who have suffered an insurance fraud; granting civil immunity to certain persons; and imposing penalties.

SB 959 (Pr. No. 1175) (Amended)

An Act relating to long-term care insurance; providing for limits, disclosure and performance standards; and prescribing powers and duties of the Insurance Commissioner.

Senator GREENLEAF, from the Committee on Judiciary, reported the following bills:

SB 123 (Pr. No. 123)

An Act amending the act of April 14, 1972 (P. L. 233, No. 64), entitled "The Controlled Substance, Drug, Device and Cosmetic Act," further providing for schedules of controlled substances; adding an offense; and providing a penalty.

SB 483 (Pr. No. 1172) (Amended)

An Act establishing a drunk driving victim's bill of rights; and providing civil penalties and remedies.

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

SB 405 (Pr. No. 418)

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

SB 699 (Pr. No. 762)

An Act amending the act of March 10, 1949 (P. L. 30, No. 14), entitled "Public School Code of 1949," permitting sign language to be taught in public schools as an elective course.

SB 842 (Pr. No. 936)

An Act amending the act of June 14, 1961 (P. L. 324, No. 188), entitled "The Library Code," further regulating equalization aid to libraries.

SB 899 (Pr. No. 1028)

An Act amending the act of June 14, 1961 (P. L. 324, No. 188), entitled "The Library Code," providing for higher education library grants; and making an appropriation.

SB 927 (Pr. No. 1056)

An Act amending the act of March 10, 1949 (P. L. 30, No. 14), entitled "Public School Code of 1949," providing for individual transition plans for handicapped students; and making an appropriation.

CONGRATULATORY RESOLUTIONS

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

Congratulations of the Senate were extended to Anne Miller and to Reverend Harper L. Schneck by Senator Afflerbach.

Congratulations of the Senate were extended to Mr. and Mrs. Isaac Miller, Mr. and Mrs. Russell Derr Allen, Mr. and Mrs. Emanuel B. Keneagy, Mr. and Mrs. John D. Ludwig, Mr. and Mrs. George H. Poorman, Mr. and Mrs. Amos Keepert and to Mr. and Mrs. Arthur McCune by Senator Armstrong.

Congratulations of the Senate were extended to Dr. George F. Garwood by Senator Baker.

Congratulations of the Senate were extended to Matthew J. Vinnacombe by Senator Bell.

Congratulations of the Senate were extended to Mr. and Mrs. Edmund Ostrowski, Mr. and Mrs. Matthew Rygelski and to Reverend Francis T. Bach by Senator Bodack.

Congratulations of the Senate were extended to the Friends of Old Annville of Lebanon County by Senator Brightbill.

Congratulations of the Senate were extended to Don Fague, Nevin P. Pighetti IV and to the citizens of Howard Borough by Senator Corman.

Congratulations of the Senate were extended to Dwayne Edwin Hiers, Sr., Dwayne E. Hiers, Jr. and to Saint Gregory the Theologian Russian Orthodox Church in America of Homestead by Senator Dawida.

Congratulations of the Senate were extended to Dr. Robert Duwain Christiana and to the Pennsylvania Chiefs of Police Association by Senator Fisher.

Congratulations of the Senate were extended to Frank G. Binswanger by Senator Fumo.

Congratulations of the Senate were extended to Mr. and Mrs. Donald Laughner, Mr. and Mrs. James Momorella, Thomas Anthony Burrell, Terry McManus, Jennifer A. Coligan and to Carmen R. Zimbardi by Senator Greenleaf.

Congratulations of the Senate were extended to Mr. and Mrs. M. Lake Prowant by Senator Helfrick.

Congratulations of the Senate were extended to David K. Shellington, Richard B. Kratz, Jr. and to Saint Gabriel's Hall School of Audubon by Senator Holl.

Congratulations of the Senate were extended to Mr. and Mrs. Melvin C. Showalter, Mr. and Mrs. Paul Fetter and to Mr. and Mrs. Clarence Oerther by Senator Jubelirer.

Congratulations of the Senate were extended to Mr. and Mrs. Robert J. Dowd and to First Presbyterian Church of Hallstead by Senator Lemmond.

Congratulations of the Senate were extended to Upper Darby High School by Senator Loeper.

Congratulations of the Senate were extended to Mr. and Mrs. Leonard B. Clark, Mr. and Mrs. Milton Hoffman and to Mr. and Mrs. Leland Lewis by Senator Madigan.

Congratulations of the Senate were extended to Mr. and Mrs. Nicholas Shambe by Senator Musto.

Congratulations of the Senate were extended to Mr. and Mrs. John Ratesic by Senator Pecora.

Congratulations of the Senate were extended to Arthur A. Bernardi by Senator Shaffer.

Congratulations of the Senate were extended to Mary Semic and to Derry Street United Methodist Church of Harrisburg by Senator Shumaker.

Congratulations of the Senate were extended to Mr. and Mrs. Frank Hayes, Mr. and Mrs. Clair Fagley and to Mr. and Mrs. Chester Heeter by Senator Stapleton.

Congratulations of the Senate were extended to Mr. and Mrs. Jack H. Baker, Mr. and Mrs. Louis G. Crawford, Mr. and Mrs. Homer W. Denning, Mr. and Mrs. Lloyd R. King, Mr. and Mrs. Ralph Anderson, Mr. and Mrs. John T. Reynolds and to Joseph Thomas Murray, Jr. by Senator Stout.

Congratulations of the Senate were extended to Gladys A. Crill by Senator Wilt.

BILLS ON FIRST CONSIDERATION

Senator LOEPER. 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 34, 123, 405, 483, 699, 729, 842, 899, 927, 959, 967, HB 22 and 50.

And said bills having been considered for the first time,

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

HOUSE MESSAGE

HOUSE CONCURS IN SENATE CONCURRENT RESOLUTION

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

Weekly Adjournment.

BILLS INTRODUCED AND REFERRED

The PRESIDING OFFICER laid before the Senate the following Senate Bills numbered, entitled and referred as follows, which were read by the Clerk:

June 6, 1989

Senators FATTAH, JONES, LEWIS, AFFLERBACH, BELAN and PORTERFIELD presented to the Chair **SB 998**, entitled:

An Act amending the act of August 7, 1963 (P. L. 549, No. 290), entitled, as amended, "Pennsylvania Higher Education Assistance Agency Act," providing that loans made or guaranteed under the act shall be known as "Gallagher Loans."

Which was committed to the Committee on EDUCATION, June 6, 1989.

Senators FATTAH, JONES, LEWIS, AFFLERBACH, BELAN and PORTERFIELD presented to the Chair **SB 999**, entitled:

An Act amending the act of January 25, 1966 (1965 P. L. 1546, No. 541), entitled "An act providing scholarships and providing funds to secure Federal funds for qualified students of the Commonwealth of Pennsylvania who need financial assistance to attend postsecondary institutions of higher learning, making an appropriation, and providing for the administration of this act;....," providing that scholarships awarded under the act shall be known as "Irvis Grants."

Which was committed to the Committee on EDUCATION, June 6, 1989.

Senators JUBELIRER, GREENWOOD, WILT, REIBMAN, CORMAN, SHUMAKER, FISHER, AFFLERBACH, BAKER and BRIGHTBILL presented to the Chair **SB 1000**, entitled:

A Joint Resolution proposing an amendment to the Constitution of the Commonwealth of Pennsylvania, providing for selection of justices of the Supreme Court, for judges of other State-wide courts and for judges of the Court of Common Pleas of Philadelphia County.

Which was committed to the Committee on JUDICIARY, June 6, 1989.

Senators WILT, LYNCH, PORTERFIELD, LEMMOND and MADIGAN presented to the Chair **SB 1001**, entitled:

An Act amending the act of December 27, 1965 (P. L. 1237, No. 502), entitled "An act establishing regional correctional facilities administered by the Bureau of Correction as part of the State correctional system;....," further providing for commitments to regional correctional facilities.

Which was committed to the Committee on JUDICIARY, June 6, 1989.

Senator TILGHMAN presented to the Chair **SB 1002**, entitled:

An Act itemizing appropriations required from The State Stores Fund for the fiscal year July 1, 1989, to June 30, 1990, for the proper operation of the Pennsylvania State Police authorized to spend The State Stores Fund moneys.

Which was committed to the Committee on APPROPRIATIONS, June 6, 1989.

Senators GREENLEAF, LEMMOND, REIBMAN and SALVATORE presented to the Chair **SB 1003**, entitled:

An Act amending Title 13 (Commercial Code) of the Pennsylvania Consolidated Statutes, conforming the text of the title to the current official text of the Uniform Commercial Code relating to uncertificated securities.

Which was committed to the Committee on BANKING AND INSURANCE, June 6, 1989.

Senators GREENLEAF, LEMMOND, PORTERFIELD and AFFLERBACH presented to the Chair **SB 1004**, entitled:

An Act amending the act of April 2, 1980 (P. L. 63, No. 26), entitled "Divorce Code," providing for court guidelines and time limits.

Which was committed to the Committee on JUDICIARY, June 6, 1989.

Senators GREENLEAF, WENGER, FISHER, LEWIS, GREENWOOD, WILT, AFFLERBACH and SALVATORE presented to the Chair **SB 1005**, entitled:

An Act amending the act of March 4, 1971 (P. L. 6, No. 2), entitled "Tax Reform Code of 1971," further providing for classes of income in relation to the personal income tax.

Which was committed to the Committee on FINANCE, June 6, 1989.

ANNOUNCEMENTS BY THE SECRETARY

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

SENATE OF PENNSYLVANIA

COMMITTEE MEETINGS

TUESDAY, JUNE 13, 1989

10:30 A.M.	FINANCE (to consider Senate Bills No. 258, 403, 854, 888, 889 and 929)	Room 460, 4th Floor Conference Rm., North Wing
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WEDNESDAY, JUNE 14, 1989

1:00 P.M.	LAW AND JUSTICE (Public hearing on Senate Bill No. 815)	Room 8E-B, Hearing Room, East Wing
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ADJOURNMENT

Senator LOEPER. Mr. President, I move the Senate do now adjourn until Wednesday, June 7, 1989, at 11:00 a.m., Eastern Daylight Saving Time.

The motion was agreed to.

The Senate adjourned at 6:38 p.m., Eastern Daylight Saving Time.