

LEGISLATIVE JOURNAL

WEDNESDAY, DECEMBER 13, 1989

SESSION OF 1989

173RD OF THE GENERAL ASSEMBLY

No. 72

SENATE

WEDNESDAY, December 13, 1989.

The Senate met at 11:00 a.m., Eastern Standard Time.

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

PRAYER

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

Let us pray.

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

JOURNAL APPROVED

The PRESIDENT. A quorum of the Senate being present, the Clerk will read the Journal of the preceding Session of December 12, 1989.

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

HOUSE MESSAGES

HOUSE CONCURS IN SENATE AMENDMENTS TO HOUSE BILLS

The Clerk of the House of Representatives informed the Senate that the House has concurred in amendments made by the Senate to HB 650, 689, 964, 1275, 1435, 1895, 2009 and 2125.

SENATE BILLS RETURNED WITH AMENDMENTS

The Clerk of the House of Representatives returned to the Senate SB 31, 123, 355, 454, 557, 618, 917, 938, 940, 948,

1200 and 1332, with the information the House has passed the same with amendments in which the concurrence of the Senate is requested.

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

HOUSE CONCURS IN SENATE BILL

The Clerk of the House of Representatives returned to the Senate SB 548, with the information the House has passed the same without amendments.

BILLS SIGNED

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

SB 548, HB 650, 689, 964, 1275, 1435, 1895, 2009 and 2125.

LEGISLATIVE LEAVES

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

Senator STAPLETON. Mr. President, I ask for a temporary Capitol leave for Senator Andrezeski and legislative leaves for Senator Ross and Senator Scanlon.

The PRESIDENT. Senator Brightbill asks for temporary Capitol leave for Senator Loeper. Senator Stapleton asks for temporary Capitol leave for Senator Andrezeski and legislative leaves for Senator Ross and Senator Scanlon. The Chair hears no objection. Those leaves will be granted.

LEAVE OF ABSENCE

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

CALENDAR

THIRD CONSIDERATION CALENDAR

BILL REREPORTED FROM COMMITTEE AS AMENDED OVER IN ORDER TEMPORARILY

HB 1069 — Without objection, the bill was passed over in its order temporarily at the request of Senator BRIGHTBILL.

PREFERRED APPROPRIATION BILLS  
OVER IN ORDER

**SB 1222, 1223 and 1224** — Without objection, the bills were passed over in their order at the request of Senator BRIGHTBILL.

LEGISLATIVE LEAVE

Senator STAPLETON. Mr. President, I request temporary Capitol leave for Senator Fattah.

The PRESIDENT. Senator Stapleton seeks temporary Capitol leave for Senator Fattah. The Chair hears no objection. The leave will be granted.

CONSIDERATION OF CALENDAR RESUMED

SENATE RESOLUTION NO. 118,  
CALLED UP OUT OF ORDER

Senator BRIGHTBILL, without objection, called up out of order, from page 9 of the Calendar, as a Special Order of Business, **Senate Resolution No. 118**, entitled:

A Resolution recognizing the USS Pennsylvania, SSN735, as an important part of United States Naval Forces; and recognizing the men and women who serve aboard her.

On the question,

Will the Senate adopt the resolution?

SENATE RESOLUTION NO. 118, ADOPTED

Senator BRIGHTBILL. Mr. President, I move that the Senate do adopt Senate Resolution No. 118.

On the question,

Will the Senate agree to the motion?

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

YEAS—49

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

NAYS—0

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

LEGISLATIVE LEAVE

Senator BRIGHTBILL. Mr. President, I would ask for a legislative leave for Senator Pecora.

The PRESIDENT. Senator Brightbill asks legislative leave for Senator Pecora. 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 Loeper. His temporary Capitol leave will be cancelled.

CONSIDERATION OF CALENDAR RESUMED

HB 855 CALLED UP OUT OF ORDER

**HB 855 (Pr. No. 2895)** — Without objection, the bill was called up out of order, from page 3 of the Third Consideration Calendar, by Senator BRIGHTBILL, as a Special Order of Business.

BILL ON THIRD CONSIDERATION AMENDED

**HB 855 (Pr. No. 2895)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of April 14, 1972 (P. L. 233, No. 64), known as "The Controlled Substance, Drug, Device and Cosmetic Act," classifying anabolic steroids as a Schedule II controlled substance.

Considered the third time,

On the question,

Will the Senate agree to the bill on third consideration?

Senator PETERSON, by unanimous consent, offered the following amendment No. A4235:

Amend Title, page 1, line 11, by striking out "II" and inserting: III

Amend Sec. 1, page 1, line 14, by striking out "4(2)" and inserting: 4(3)

Amend Sec. 1, page 1, line 16, by inserting after "Act,": amended November 26, 1978 (P.L.1392, No.328),

Amend Sec. 1 (Sec. 4), page 2, lines 5 through 10, by striking out all of said lines and inserting:

(3) Schedule III—In determining that a substance comes within this schedule, the secretary shall find: a potential for abuse less than the substances listed in Schedules I and II; well documented and currently accepted medical use in the United States; and abuse may lead to moderate or low physical dependence or high psychological dependence. The following classes of controlled substances are included in this schedule:

Amend Sec. 1 (Sec. 4), page 2, line 12, by striking out "(vi)" and inserting: (vii)

Amend Sec. 3 (Sec. 13), page 3, line 30, by striking out "4(2)(vi)" and inserting: 4(3)(vii)

On the question,

Will the Senate agree to the amendment?

It was agreed to.

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

**HB 1277 CALLED UP OUT OF ORDER**

**HB 1277 (Pr. No. 2847)** — Without objection, the bill was called up out of order, from page 4 of the Third Consideration Calendar, by Senator BRIGHTBILL, as a Special Order of Business.

**BILL ON THIRD CONSIDERATION AMENDED**

**HB 1277 (Pr. No. 2847)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, providing for dealing in proceeds of unlawful activities.

Considered the third time,

On the question,

Will the Senate agree to the bill on third consideration?

Senator GREENLEAF, by unanimous consent, offered the following amendment No. A4020:

Amend Sec. 1 (Sec. 5111), page 3, line 15, by striking out "SUCH" and inserting: related

On the question,

Will the Senate agree to the amendment?

It was agreed to.

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

**HB 1280 CALLED UP OUT OF ORDER**

**HB 1280 (Pr. No. 2848)** — Without objection, the bill was called up out of order, from page 5 of the Third Consideration Calendar, by Senator BRIGHTBILL, as a Special Order of Business.

**BILL ON THIRD CONSIDERATION AMENDED**

**HB 1280 (Pr. No. 2848)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, defining the offense of drug delivery resulting in death; and providing penalties.

Considered the third time,

On the question,

Will the Senate agree to the bill on third consideration?

Senator FISHER, by unanimous consent, offered the following amendment No. A4141:

Amend Sec. 1 (Sec. 2506), page 2, by inserting between lines 11 and 12:

(c) Proof of sentencing.—Provisions of this section shall not be an element of the crime. Notice of the applicability of this section to the defendant shall not be required prior to conviction, but reasonable notice of the Commonwealth's intention to proceed under this section shall be provided after conviction and before sentencing. The applicability of this section shall be determined at sentencing. The court shall consider evidence presented at trial, shall afford the Commonwealth and the defendant an opportunity to present necessary additional evidence and shall determine, by a preponderance of the evidence, if this section is applicable.

(d) Mandatory sentencing.—There shall be no authority in any court to impose on an offender to which this section is appli-

cable a lesser sentence than provided for herein or to place the offender on probation, parole, work release or prerelease or to suspend sentence. Nothing in this section shall prevent the sentencing court from imposing a sentence greater than provided herein. Sentencing guidelines promulgated by the Pennsylvania Commission on Sentencing shall not supersede the mandatory sentences provided herein. Disposition under section 17 or 18 of The Controlled Substance, Drug, Device and Cosmetic Act shall not be available to a defendant to which this section applies.

(e) Appellate review.—If a sentencing court refuses to apply this section where applicable, the Commonwealth shall have the right to appellate review of the action of the sentencing court. The appellate court shall vacate the sentence and remand the case to the sentencing court for imposition of a sentence in accordance with this section if it finds that the sentence was imposed in violation of this section.

(f) Forfeiture.—Assets against which a forfeiture petition has been filed and is pending or against which the Commonwealth has indicated an intention to file a forfeiture petition shall not be subject to a fine. Nothing in this section shall prevent a fine from being imposed on assets which have been subject to an unsuccessful forfeiture petition.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

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

**HB 1276 CALLED UP OUT OF ORDER**

**HB 1276 (Pr. No. 1469)** — Without objection, the bill was called up out of order, from page 4 of the Third Consideration Calendar, by Senator BRIGHTBILL, as a Special Order of Business.

**BILL LAID ON THE TABLE**

**HB 1276 (Pr. No. 1469)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, providing for additional aggravating circumstances in death penalty cases.

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

**HB 2118 CALLED UP OUT OF ORDER**

**HB 2118 (Pr. No. 2912)** — Without objection, the bill was called up out of order, from page 6 of the Third Consideration Calendar, by Senator BRIGHTBILL, as a Special Order of Business.

**BILL ON THIRD CONSIDERATION AND FINAL PASSAGE**

**HB 2118 (Pr. No. 2912)** — The Senate proceeded to consideration of the bill, entitled:

An Act providing for capital projects for the Department of Corrections; providing for the issuance of bonds; and making an appropriation.

Considered the third time and agreed to,

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

On the question,  
Shall the bill pass finally?

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

## YEAS—49

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

## NAYS—0

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

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

**HB 103 CALLED UP OUT OF ORDER**

**HB 103 (Pr. No. 2896)** — Without objection, the bill was called up out of order, from page 2 of the Third Consideration Calendar, by Senator BRIGHTBILL, as a Special Order of Business.

BILL ON THIRD CONSIDERATION  
AND FINAL PASSAGE

**HB 103 (Pr. No. 2896)** — The Senate proceeded to consideration of the bill, entitled:

An Act relating to cities and counties of the first class, defining "public property used for public purposes" to include any public assembly facility located on public land primarily used for sports, entertainment, musical concerts and other cultural and entertainment events, including accessory uses incident thereto; authorizing real property tax exemptions; providing for payments in lieu of taxes; and making repeals.

Considered the third time and agreed to,

On the question,  
Shall the bill pass finally?

Senator BRIGHTBILL. Mr. President, just for the Members' information, this is the bill that deals with the situation in Philadelphia and the 76ers.

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—44

Afflerbach	Greenwood	Madigan	Ross
Andrezeski	Hess	Mellow	Salvatore
Baker	Holl	Musto	Scanlon
Belan	Hopper	O'Pake	Shumaker

Bell	Jones	Pecora	Stapleton
Bodack	Jubelirer	Peterson	Stewart
Brightbill	Lemmond	Porterfield	Stout
Dawida	Lewis	Punt	Tilghman
Fattah	Lincoln	Regoli	Wenger
Fisher	Loeper	Reibman	Williams
Fumo	Lynch	Rocks	Wilt

## NAYS—5

Armstrong	Helfrick	Rhoades	Shaffer
Greenleaf			

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

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

## BILLS OVER IN ORDER

**HB 176, 310 and 491** — Without objection, the bills were passed over in their order at the request of Senator BRIGHTBILL.

BILL ON THIRD CONSIDERATION  
AND FINAL PASSAGE

**HB 540 (Pr. No. 771)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of December 3, 1959 (P. L. 1688, No. 621), known as the "Housing Finance Agency Law," continuing the Homeowner's Emergency Assistance program of the Pennsylvania Housing Finance Agency.

Considered the third time and agreed to,

On the question,  
Shall the bill pass finally?

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

## YEAS—49

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

## NAYS—0

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

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

## BILL OVER IN ORDER

**HB 682** — Without objection, the bill was passed over in its order at the request of Senator BRIGHTBILL.

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

SB 709 (Pr. No. 1826) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of May 23, 1945 (P. L. 913, No. 367), entitled, as amended, "Professional Engineers Registration Law," further providing for the regulation of the professions of engineering and land surveying.

Considered the third time and agreed to,

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

On the question,

Shall the bill pass finally?

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

YEAS—49

Table with 4 columns of names: Afflerbach, Greenwood, Madigan, Ross; Andrezeski, Helfrick, Mellow, Salvatore; Armstrong, Hess, Musto, Scanlon; Baker, Holl, O'Pake, Shaffer; Belan, Hopper, Pecora, Shumaker; Bell, Jones, Peterson, Stapleton; Bodack, Jubelirer, Porterfield, Stewart; Brightbill, Lemmond, Punt, Stout; Dawida, Lewis, Regoli, Tilghman; Fattah, Lincoln, Reibman, Wenger; Fisher, Loeper, Rhoades, Williams; Fumo, Lynch, Rocks, Wilt; Greenleaf.

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 OVER IN ORDER ON FINAL PASSAGE

SB 747 (Pr. No. 1819) — 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," increasing the amount of work of any nature which can be performed on property owned by a school district without advertising and without competitive bids; and increasing the amount of furniture, equipment and supplies that can be purchased without advertisement.

Considered the third time,

On the question,

Will the Senate agree to the bill on third consideration?

It was agreed to,

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

On the question,

Shall the bill pass finally?

Senator BRIGHTBILL. Mr. President, I move that Senate Bill No. 747, Printer's No. 1819, go over in its order.

The PRESIDENT. Without objection, Senate Bill No. 747 will go over in its order on final passage.

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

HB 810 (Pr. No. 2581) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of March 10, 1949 (P. L. 30, No. 14), known as the "Public School Code of 1949," prohibiting the possession by students of telephone paging devices.

Considered the third time and agreed to,

On the question,

Shall the bill pass finally?

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

YEAS—49

Table with 4 columns of names: Afflerbach, Greenwood, Madigan, Ross; Andrezeski, Helfrick, Mellow, Salvatore; Armstrong, Hess, Musto, Scanlon; Baker, Holl, O'Pake, Shaffer; Belan, Hopper, Pecora, Shumaker; Bell, Jones, Peterson, Stapleton; Bodack, Jubelirer, Porterfield, Stewart; Brightbill, Lemmond, Punt, Stout; Dawida, Lewis, Regoli, Tilghman; Fattah, Lincoln, Reibman, Wenger; Fisher, Loeper, Rhoades, Williams; Fumo, Lynch, Rocks, Wilt; Greenleaf.

NAYS—0

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

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

BILL OVER IN ORDER

SB 952 — Without objection, the bill was passed over in its order at the request of Senator BRIGHTBILL.

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

SB 983 (Pr. No. 1825) — The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, adding provisions relating to constables.

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 PRESIDENT pro tempore. Mr. President, Senate Bill No. 983 is similar to House Bill No. 1593 of the last Session, which many will recall passed the Senate 47-2, but was not acted upon by the House in the waning moments of the

Session. This bill would professionalize over 5,000 constables and deputies in Pennsylvania. Basic education, continuing education and firearms training would be required. Under existing law, constables need only be 18 years of age and have no criminal record, and they are not required to undergo any formal training. Under the proposed bill, the constables performing judicial duties will be placed under the supervision of the judicial system. A fee schedule included in the bill clarifies and updates the fees.

Mr. President, the Minor Judiciary Education Board is enlarged from seven to nine and now will include two constables. Constables certified to perform judicial duties would have to carry a minimum liability insurance policy of \$250,000, and sanctions against constables who commit felonies, misdemeanors or other violations of their office are strengthened.

Mr. President, before I introduced this bill along with a number of my colleagues earlier this Session, we tried to anticipate all the problems that occur in this bill, and I believe that we have satisfied overwhelmingly the concerns that were raised. Moreover, amendments were added in the Senate Committee on Judiciary and Committee on Appropriations to meet additional concerns which arose after the bill was introduced.

I want to pay particular tribute, Mr. President, to a former Member of the General Assembly, former Representative David Sweet, who spent tireless hours on this issue prior to my taking over the issue. Mr. President, I believe that the present constable system, which has its roots back to the Byzantine Empire, is one which heretofore would have invited abuse, and I believe this bill will reform the system and certainly deserves broad legislative support.

Mr. President, I would urge all my colleagues to support this very important piece of legislation, one that has taken a great deal of time, but one that I think is very progressive and will be far-reaching.

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—46

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

NAYS—3

Lemmond	Musto	Porterfield
---------	-------	-------------

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 TEMPORARILY

**HB 1104** — Without objection, the bill was passed over in its order temporarily at the request of Senator BRIGHTBILL.

BILL ON THIRD CONSIDERATION AMENDED

**SB 1272 (Pr. No. 1584)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, creating the offense of trespass by motor vehicles; and further providing for fines, penalties and suspension of driver's license for unauthorized operation of motor vehicles on private real property.

Considered the third time,

On the question,

Will the Senate agree to the bill on third consideration?

Senator SHUMAKER, by unanimous consent, offered the following amendment No. A4214:

Amend Sec. 1 (Sec. 3716), page 1, line 16, by striking out "It" and inserting: Except when necessary as a result of emergency or when necessary to provide the operator a means of turning his vehicle around on portions of highways where no other means of turning around is provided, it

Amend Bill, page 4, lines 6 through 30; page 5, lines 1 through 6, by striking out all of said lines on said pages and inserting:

Section 2. Sections 6501(a) and 7724(a) of Title 75 are amended to read:

§ 6501. Definition of conviction.

(a) General rule.—For the purposes of this title a conviction includes a plea of guilty, a plea of nolo contendere, a finding of guilty, a consent decree or an adjudication of delinquency by a court or an unvacated forfeiture of bail or collateral deposited to secure a defendant's appearance in court.

\*\*\*

Amend Sec. 4, page 5, line 23, by striking out "4" and inserting: 3

On the question,

Will the Senate agree to the amendment?

Senator STAPLETON. Mr. President, would the maker of the bill explain the amendment, please?

Senator SHUMAKER. Mr. President, this is a bill that was for trespassing by vehicles over private property. One of the principal reasons was to protect the farmers. In drafting this we thought there were two possible situations in which it would not be fair to arrest people. As an example, if they come up a one-way driveway and they cannot turn around, it provides an escape clause to the unlawful operation of a motor vehicle on a private road, a driveway section, by allowing for emergencies or turning the vehicle around when no other options are available. We just did not feel that would be the intent of such a bill. Also, it adds a consent decree or an adjudication of delinquency to the definition of conviction in the Motor Vehicle Code.

Senator STAPLETON. Thank you very much, Mr. President. We agree to the amendment.

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

It was agreed to.

The PRESIDENT. Without objection, Senate Bill No. 1272 will go over in its order, as amended.

#### BILL OVER IN ORDER TEMPORARILY

**HB 1274** — Without objection, the bill was passed over in its order temporarily at the request of Senator BRIGHTBILL.

#### SB 1324 TAKEN FROM THE TABLE

Senator BRIGHTBILL. Mr. President, I move that Senate Bill No. 1324, Printer's No. 1672, be taken from the table and placed on the Calendar.

The motion was agreed to.

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

#### THIRD CONSIDERATION CALENDAR RESUMED

##### BILLS OVER IN ORDER

**HB 1279, 1285 and 1298** — Without objection, the bills were passed over in their order at the request of Senator BRIGHTBILL.

#### BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

**SB 1310 (Pr. No. 1824)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 15 (Corporations and Unincorporated Associations) of the Pennsylvania Consolidated Statutes, clarifying the fiduciary obligations of directors of corporations and other associations; clarifying certain definitions; adding provisions relating to control-share acquisitions; and providing for disgorgement by certain controlling shareholders following attempts to acquire control of certain corporations, for severance compensation for employees terminated following certain control-share acquisitions and for the effect of business combination transactions on labor contracts.

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?

Senator BRIGHTBILL. Mr. President, I would just call the Members' attention to the Wall Street Journal of today and particularly the editorial page. It is very seldom that a bill that is considered in the Pennsylvania Senate becomes the subject of a major article on the editorial page of the Wall Street Journal, but Senate Bill No. 1310 has achieved that honor or dishonor, depending on one's point of view. Mr. President, I am not going to quote at length from this article. I have distributed copies of it to the Members. It is an article by John Pound who is apparently an assistant professor of policy at Harvard's Kennedy School of Government. Mr. Pound concludes, after reviewing the provisions of the bill, that "The new Pennsylvania law, if passed, would set a particularly troubling new precedent." He says, "The threat of economic

expropriation is not one that state governments should lightly or cavalierly impose on capital market participants. In this case, the threat is not only cavalier, but fundamentally at odds with the dictates of both shareholders' rights and economic efficiency."

Senator LEWIS. Mr. President, I do not know Mr. Pound, but I certainly support the right to the opinion which he has expressed. I think the important fact that needs to be understood is that this is essentially an op-ed piece. This is nothing different than an opinion expressed by one person which has been submitted for publication in a news journal. I am sure every Member of this Chamber has at one time or another written a letter by way of an opinion piece to a newspaper and found it published on one of their editorial pages. I think it is important to point out it is simply the single individual's opinion and not either a commentary or a news story that is generated or rising internally from within the Wall Street Journal.

During the course of the debate about this issue on the provisions within Senate Bill No. 1310, I, and I think many others here, have been exposed to a variety of academic and economic theories. I think it is equally important to point out that there are as many, if not more, opinions on the other side of this issue from people who are as distinguished as Mr. Pound and whose academic credentials are certainly as good, and possibly even more significant than his when it comes to this subject matter. Although I am certain the Members of the Senate will want to read and weigh carefully the opinions that are expressed therein, I think it is important to keep them in their proper context, and that is why I rise to make these comments.

Senator WILLIAMS. Mr. President, I, too, rise to support the bill and speak to the observations made by the gentleman from Lebanon, Senator Brightbill. I agree with the gentleman from Bucks, Senator Lewis, that this article is one man's opinion. We have given thorough examination and discussion to the fundamental issues on all sides, each person trying to support his position by someone else's written document. I might just add the conclusion referred to in here, if you can understand it, basically says, "In this case, the threat is not only cavalier"—I do not know what fact that speaks to say that—"but fundamentally at odds with the dictates of both shareholders' rights and economic efficiency." Those generalities really do not say anything fundamental to meet the issue that we feel is a fundamental threat, not only to the state economy and corporate activities, but also the whole country, as we have said before many, many times. So I reiterate that this particular offering says little or nothing but is a general opinion offered by someone in this area of expertise, and you, of course, can find those arguments on both sides. I recur to our fundamental question of what are we going to do here and now and before the bottom falls out to hold healthy some businesses, some corporations like Fruehauf, the terrible and horrible Fruehauf example that was given to us last evening by the gentleman from Fayette, Senator Lincoln?

In conclusion, really, to observe that this is one man's opinion and general conclusions, and it is his area to write about these articles and make observations, but I see nothing in it that would in any fundamental way rebut the searching inquiry we made here in the last several weeks and by debate on the floor exhaustively two days ago.

Senator SHUMAKER. Mr. President, I rise in support of this bill only to add to what the gentleman from Bucks, Senator Lewis, and the gentleman from Philadelphia, Senator Williams, have said. This is what is called in the trade a feature article, which has to be signed by the submitter to an individual paper. It is not a Wall Street Journal editorial, it does not represent the opinion of the Wall Street Journal. It is merely something submitted by Mr. Pound who is apparently an assistant professor at Harvard and does not, as indicated, represent the opinion of the Wall Street Journal.

Senator WENGER. Mr. President, I also noted with interest the op-ed piece that the gentleman submitted here from the Wall Street Journal, and as was pointed out previously, it could not really be passed off as an editorial, because it was simply someone's opinion which, of course, they have a right to. Supposedly, it was submitted by a Mr. Pound who is an assistant professor at one of our more prestigious universities. Mr. President, we have many prestigious universities in our great country, and we have thousands and, yes, hundreds of thousands of assistant professors in those various universities across our great nation. We are certainly pleased to have them. The point I would like to make is that you could get almost any opinion you would want submitted by one of those assistant professors from one of those prestigious schools. Not to discount what he is saying from that standpoint, but just to say you better put it in its proper context. I would point out, however, that there are some fundamental misunderstandings, really, in Mr. Pound's opinions here of Senate Bill No. 1310. For example, he states that disgorged profits go to the state. This, in fact, is not so. In Senate Bill No. 1310 it provides that such profits go back to the corporation for the benefit of all the shareholders and other corporate constituents. It simply means that he did not read the bill carefully and he missed the basic point.

Also, some of his assumptions are out of date. He talked about the passive corporate investors. That does not reflect the fact that the bill has been amended to eliminate or limit these concerns. In fact, those amendments we adopted last evening, the Lewis amendments, took care of that provision, and so he is out of date with his comments as well. So, I say that just to bring the matter into perspective. What does the bill do? Well, it does a couple of things and the key objective of this legislation is to discourage corporate raiders from manipulating Pennsylvania corporations for short-term profits at the expense of persons with a longer term interest in the corporation and in the community. The proposed legislation would modify the law in several areas, and I think we took the time last evening to debate that and I do not want to take extra time on that because we did that pretty well while we did the amendments.

I guess I would like to point out, however, that there was some concern about the pension funds, and if you put that in perspective, it appears from the information I received that as of September 30, 1989, the market value of the stocks in the State Employees Retirement System of Pennsylvania-based corporations was approximately \$342,000,000 out of a total investment of approximately \$9.5 billion. So, that means that less than 3 percent of their portfolio would actually even have been impacted, if there was any adverse impact, and that has certainly not been proven. It does seem to me that the pension fund's long term investments in Pennsylvania corporations will grow and have just as good a return as they did previously because of the stability this bill would bring to the marketplace.

I would simply like to point out that Senate Bill No. 1310 will not necessarily stop hostile takeovers, and it would really not prevent someone from raiding and running a corporation, be it friendly or hostile for that matter. However, if someone wants to raid a corporation and run away with the profits, Senate Bill No. 1310 goes a long way to limit this scenario by erecting certain barriers. It puts a level playing field there so that all parties involved can be treated fairly and equitably.

I would just like to make a brief comment on this whole matter of economic development, especially our industrial base here in Pennsylvania. We spent millions of dollars each year and in the last years to attract jobs to Pennsylvania, and I have been supportive of that effort. I think it has been a good investment, and does it not make sense to protect and keep the jobs we have? A job retained is worth just as much as a new job that may be attractive. The opportunity for management to look beyond the bottom line of the next quarterly statement, put more money into research and development and into long-term capital investments, which is what we basically need in industry today in Pennsylvania and across the United States, I think will be encouraged by the passage of Senate Bill No. 1310. If we are to compete with the economies of other countries like Japan and West Germany we need to take this important step forward now. Mr. President, I would urge an affirmative vote on Senate Bill No. 1310.

Senator FUMO. Mr. President, most of the argument on this bill took place last night on the amendments. I do not think there are many people who really do not understand Pennsylvania's fat cat protection and shareholder ripoff act of 1989. I just rose to the microphone to comment on some of the fear that some of the Members have about the Wall Street Journal article. We seem to be going to great lengths today to downplay it. It is only a letter to the editor, and we are learning all about this. Mr. President, I want to submit to you that this is not a letter to the editor, this is a submission to the editorial board to be printed. It is more serious than that, and if it takes an editorial to wake up this General Assembly, then maybe that will be forthcoming as well. I would like to refer the gentleman from Dauphin, Senator Shumaker, and others to page 1 of the Wall Street Journal, in today's contents, where they highlight the articles in the Journal, and it says "Opinion. Will Pennsylvania pass U.S.'s worst takeover

law?" So it is a little bit more than your friendly letter to the editor. Mr. President, we are dealing with this, I think, in a light fashion. I said that last night, and there has never been a piece of legislation in this Chamber, I think, that has affected property rights and the free enterprise system more than this. I cannot believe some of the arguments I have heard from the traditional Republican caucus about the inadequacies of the free enterprise system and the capitalistic system. I find that hard to believe, as a Democrat listening to that from Republicans, but maybe times have changed. I urge my colleagues to look a little bit further into the social problems of this state and in this country and pretty soon we will have one big Democratic caucus, at least in philosophy. Mr. President, I do not think they are going to go that far. I think they are pushing this because of some of their friends who sit in the boardrooms. I think they have lost their perspective on what true capitalism is about, and I think in the end, when the kind of pressure arises on this bill that has arisen on insurance reform, we are going to see a change. I remember when we had the first compromise on insurance reform in Pennsylvania. It seems we do that about every two years or so. We were so relieved to find out that the trial lawyers and the insurance industries had made an accommodation and there would not be a hard vote for anybody, and we could vote something that really worked. That happened once, twice, until finally the ratepayers said enough is enough and got enraged and let us know there was another piece to the equation. So, today we continue down the road of corporate protection under the guise of saving the jobs of the poor workers, and today the people in the boardrooms sat down with the people on the line, and labor made their deal and came to us. They made it an easy vote. In fact, they made it a very difficult vote to even think about this, and I submit to you that somewhere down the road there are going to be a lot of angry shareholders in Pennsylvania, not huge corporate investors, not trust companies, not corporate raiders, not investment bankers, but some of the backbone of America, Pennsylvania shareholders, who do not own 10 percent, 20 percent or 5 percent of a company, but maybe own 500 shares of this or 1,000 shares of that. When they start to understand what this Senate has done to them, you will see an outrage and an outcry far greater than the phone calls you received when Governor Casey went on television yesterday. People do not like their property being taken away from them without just compensation. In fact, we even have a Constitution that says you cannot do that, although that has never swayed us in the past from doing what the Constitution says.

Mr. President, I urge a negative vote on this. I am not optimistic. I know how to count votes, but I am glad my remarks will be on the record when we come back someday soon to repeal it or change it again.

Senator FISHER. Mr. President, when this bill was first introduced and prior to the time it came before the Committee on Judiciary, based on what I knew of the bill at that time, I was somewhat skeptical that this was perhaps the right direction for us to be going. I had some previous contact with this

area of corporate law, as I was the sponsor of the 1983 Shareholders Protection Act and had been the sponsor last year of the rewrite of the business corporation law, neither of which makes me in any way an expert in corporate law. As I said at the hearing of the Committee on Judiciary, if I was, I probably would not be here, but would rather be back somewhere in some big city practicing corporate law. But, nevertheless, after having reviewed the provisions of Senate Bill No. 1310, and after having thought a little bit about the implications of this proposal to Pennsylvania corporations, and after having finally made up in my own mind and having been convinced as to really what this covers, I am firmly convinced that Senate Bill No. 1310 is, in fact, a step in the right direction for the people of Pennsylvania. I think it is important for us to examine just exactly what Senate Bill No. 1310 does not cover. Many people think that every shareholder in Pennsylvania who owns any share of stock is somehow going to be affected by the passage of Senate Bill No. 1310. That proposition is wrong. What Senate Bill No. 1310 covers in a major part, at least to the second and third sections, are some few corporations which are covered by Chapter 25 in the BCL, those registered corporations, corporations that are registered on a major stock exchange. Those corporations will only be covered if, in fact, they are chartered here in Pennsylvania. We are talking about very few, a number which one of the sponsors has indicated is somewhere perhaps around 300, at least for the second and third major parts of the bill. When I think about what this bill will, in fact, do, I think about some of the things that have happened in my district, some of the things that have happened in southwestern Pennsylvania, things that have happened over the past decade all over Pennsylvania and all over this country. I recognize that the take-over maze and the craze to come in to get a chunk of a corporation which you can either take over and sell off or which you can take over and sell out for a healthy profit has been extremely profitable to many, many individuals internationally, and Pennsylvania has been a prey. But I also recognize and I remember just as the gentleman from Lancaster, Senator Armstrong, and the gentleman from Lancaster, Senator Wenger, have said to us in the past week. Think about the people in their districts who right now do not know going into Christmas and going into the New Year whether or not they will have a job. I remember the cries and I remember the calls and the letters that I received and have received from the people who work for Gulf Oil, the people who work for Koppers, from the people who have worked for other companies in Pittsburgh whose companies were the subject of take-overs in the '80s. I remember the concern and the consternation that they had as to whether or not they were going to have a job. Some of them do and some of them do not. I look and I see what is going on out there and I see what this bill will do and I think it is a step in the right direction. It will protect the shareholders who are not interested in coming in and just making a fast buck in a corporation. It is going to protect the corporation in the long term. That is why the change in the fiduciary duty section, whereas a director does

not only have to look at the short term benefits, the effect to the stockholders, but he can look at the effect on the community, the effect on creditors, the effect on employees. They can look at all of those things and make a decision without feeling that the impact on one segment such as the shareholders is dominant or controlling.

I look at the second part of the bill which says that certain people who own a big block should not be able to vote on a key transaction and, in this case, a takeover. I think that is a fair provision that says not only can they not vote but then in the second vote that is required that interested directors and interested officers of that corporation also cannot vote. That gives the truly disinterested shareholders a right to say and a right to make a determination of the fate.

The third part of this bill, a bill which was amended somewhat yesterday by the amendment from the gentleman from Bucks, Senator Lewis, as were some other parts of the bill, is, in fact, a fair bill because the people who have come in have tried to make the fast buck and then gotten out because of either the white knight or because of buy-out from the corporation. Yes, they made their money, but they put that corporation into significant debt that a corporation in many instances is only able to get out of by laying off the very employees we would like to protect. For those reasons, I think this is a good bill. If, in fact, the Wall Street Journal says, will Pennsylvania today pass the United States' worst takeover law, if that means we are going to pass a bill that is going to protect jobs in my district, protect jobs in southwestern Pennsylvania and protect jobs in Pennsylvania while at the same time protecting the shareholders who have been shareholders of Pennsylvania corporations for the long term, then I say let us pass this bill whether or not somebody categorized it as the worst bill, or the best bill for the people out there in the financial community who are trying to do nothing else than perhaps trying to make a quick buck out of Pennsylvania companies. I think it is a good bill, and I would urge your support for Senate Bill No. 1310.

Senator BELL. Mr. President, I thought we talked this to death last night, but when they bring the Wall Street Journal in and they quote a person from somewhere who is an assistant professor of policy at Harvard's Kennedy School of Government, I must put into the record the advice I got today from a full professor of workingmen and working women in Pennsylvania, the District Director of the United Auto Workers, John Taylor. He says this is a good bill. It protects the workingmen and the working women of Pennsylvania, and they vote in Pennsylvania. I do not know where this character, Mr. Pound, lives. I do not even know if he is a United States citizen. Maybe he is from Canada.

Senator ARMSTRONG. Mr. President, in response to the Wall Street Journal article, I wonder how many corporations Mr. Pound has run? He also stated in there that any profits are expropriated by the state. Well, that is not quite true, they go back to the corporation. But maybe it is not a bad idea that the state would get a share of the excess profits. No one ever thought about that, I guess.

When Senate Bill No. 1310 came up, I had a very hard time at first, because I am, I guess, for the shareholders in most cases, and anything that impacts negatively on shareholders bothered me. To be completely honest about it, this does impact on the short term negatively on some shareholders. The reason I say that is if you have 100 shares or 500 shares or 1,000 shares of a corporation and this bill passes and becomes law, and it is a Pennsylvania incorporated company, there are several ways you can make money on the stock by it going up. One way you cannot make money is by a raider coming in and bidding the stock up. That option will be taken away from you. So, one of the many options as far as you making money will be taken away from you. As far as an investor goes, it will have a negative impact in that area, but I think you should weigh the short-term versus the long-term effect and where you are going to be better off. This does not eliminate mergers, does not eliminate buy-outs and does not eliminate takeovers. What it does is eliminate greenmail and corporate raiding. By passing this bill we can let our corporate officers concentrate on making money and not worrying about corporate raiders making a bid on their company. I am sure, in my case, Armstrong World Industries has spent tens of thousands of man-hours fighting this proposal when they should be concentrating on the corporation.

Corporations that are potential takeover targets have to worry about every quarter, because if the quarterly report that comes out, their earnings report, is not up, is not an increase, the stock may fall. If they have to take a write-off or if they have to invest in new technology or if they have to invest in more R & D, this has a short-term negative effect on the corporation's earnings, because that is money that is going out that is spent for expenses and is not earnings. As a result, their earnings for that quarter will be adversely affected. When this happens sometimes a stock drops and sometimes the shareholders want to get out. When that happens, when you have a corporate raider waiting outside your door, he is just waiting for that quarterly drop so he can pounce on it. I will give you a good example of that. One area where we are really dominant in the world is aerospace or the making of airplanes. Boeing is the largest in the world and, hopefully, it will continue to be the largest in the world. It is one area in which very few countries have made inroads. Boeing announced the other day that they were going to spend hundreds of millions, perhaps billions of dollars over the next three years to upgrade and come out with a new series of airplanes. What this means is that for the next two or three years the earnings may not be as high as they should be and, as a result, some of the stockholders felt it was not in their best interest and sold. As a result of that, I know the stock would not be affected one and one-half points and maybe for the next three weeks it will fall short term. On that announcement the stock actually dropped back one and one-half points and maybe for the next couple of weeks it will still weaken because the people were saying hey, for a short term this company will be adversely affected by investing in new technology. We talked about short term versus long term and it seems we are all worried about the next

quarter, the next six months, the next year at the furthest. But you know the Japanese have taken just the opposite approach. They do not look at the short term, they look at the long term. They are talking about five years and ten years down the road. They do not worry about quarterly earnings reports, they do not worry about corporate raiders. In fact, one of our corporate raiders, Boone Pickens, bought, I think, 20 percent of one of their corporations. He could not get a seat on their board. Based on what some of the opponents said, you would think in Japan the manager would become fat and happy and have all these perks, and as a result the people in Japan would lose confidence and would not invest in their corporations. But it is funny, exactly the opposite has happened. The Japanese investors are tremendously confident in their corporations. They are thirty to fifty times more confident in their corporations than we are. How do I get thirty or fifty times more confident? How do you weigh that? U. S. corporations sell probably ten to fifteen times earnings. In other words, whatever their earnings are, you multiply that times a factor of ten or fifteen and that will determine the value of that company. Let me give you an example: IBM, the stock sells for around \$100. It is priced at ten times earnings. In Japan the stocks over there are priced at 300 to 500 times earnings. If IBM was priced at 300 to 500 times earnings, the stock would be, instead of \$100, \$3,000 to \$5,000. The same would be true of Bell Atlantic that sells for about \$106. That stock would be over \$3,000 to \$5,000 if it was the same multiple in that country. The stock markets run on confidence and the Japanese are very confident because they feel by concentrating on the long-term outlook they are going to have world dominance, and it seems to be working. As a result, their companies have very little debt and have tremendous amounts of equity. That makes them more competitive because they have less debt and less interest to pay off. Our system, because of corporate raiders, is exactly the opposite. These target companies are now overburdened with debt, and they have to make these quarterly payments to interest and principal before they can even get to their earnings. If tough times come, it will be even more difficult. It is too bad that corporations suffer just so a few corporate raiders can walk away with large dollars in their pockets. I believe we are in an economic war in this country, and I believe we can win it. Every time the Americans have their backs to the wall, they rise to the occasion. I think we, ultimately, will win this battle, but it is a shame we have to wage this battle when we have people in our own trenches sabotaging us for their own financial gain. Hopefully, when this bill passes, the welcome mat will no longer be out for corporate raiders in Pennsylvania. To Sam Belzberg, to Carl Icahn, to Boone Pickens, to the Bass Brothers, to Don Trump and all you other corporate raiders, you do not have a friend in Pennsylvania.

And the question recurring,  
Shall the bill pass finally?

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

The PRESIDENT. The gentleman will be so recorded.

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

#### YEAS—45

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

#### NAYS—4

Brightbill	Fattah	Fumo	Helfrick
------------	--------	------	----------

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

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

### LEGISLATIVE LEAVES CANCELLED

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

### LEGISLATIVE LEAVES

Senator BODACK. Mr. President, I would ask for temporary Capitol leaves for Senator Afflerbach, Senator Jones and Senator Stapleton. I would additionally ask for temporary Capitol leaves for Senator Mellow and Senator Lincoln who have been called from the floor.

The PRESIDENT. Senator Bodack asks for temporary Capitol leaves for Senator Afflerbach, Senator Jones and Senator Stapleton, also, temporary Capitol leaves for Senator Mellow and Senator Lincoln. The Chair hears no objection. The leaves will be granted.

### THIRD CONSIDERATION CALENDAR RESUMED

#### BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

**SB 1333 (Pr. No. 1768)** — The Senate proceeded to consideration of the bill, entitled:

An Act directing the Department of Corrections to study the feasibility of using certain underutilized or nonutilized State-owned buildings to house nonviolent offenders; and making an appropriation.

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

On the question,  
Shall the bill pass finally?

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

YEAS—49

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

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.

HB 1274 CALLED UP

HB 1274 (Pr. No. 2913) — Without objection, the bill, which previously went over in its order temporarily, was called up, from page 4 of the Third Consideration Calendar, by Senator BRIGHTBILL.

BILL ON THIRD CONSIDERATION AMENDED

HB 1274 (Pr. No. 2913) — The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for the sale of tobacco and for drug trafficking offenses and penalties; and providing for illegal use of real property.

Considered the third time,

On the question,

Will the Senate agree to the bill on third consideration?

Senator FISHER, by unanimous consent, offered the following amendment No. A4273:

Amend Sec. 1 (Sec. 7508), page 15, line 11, by inserting after "fine.": Nothing in this section shall prevent a fine from being imposed on assets which have been subject to an unsuccessful forfeiture petition.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

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

THIRD CONSIDERATION CALENDAR RESUMED

BILL OVER IN ORDER

SB 1335 — Without objection, the bill was passed over in its order at the request of Senator BRIGHTBILL.

BILLS ON THIRD CONSIDERATION AND FINAL PASSAGE

SB 1341 (Pr. No. 1694) — The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for a driver's duty when meeting or overtaking a school bus.

Considered the third time and agreed to,

On the question,

Shall the bill pass finally?

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

YEAS—49

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

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 1351 (Pr. No. 1827) — The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, prohibiting sale of alcoholic beverages without a license; prohibiting restaurants which are not licensed under the Liquor Code from permitting patrons to consume alcoholic beverages on the premises; and providing a penalty.

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—47

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



## SPECIAL ORDER OF BUSINESS

## SENATE RESOLUTION

**MEMORIALIZING CONGRESS TO ENACT  
LEGISLATION AND CREATE TAX INCENTIVES  
WHICH PROVIDE FOR A SHIFT FROM  
OIL-BASED TRANSPORTATION FUEL  
TO ALTERNATIVE FUELS**

Senator FISHER, on behalf of Senator CORMAN and himself, Senators WILT, STOUT, HOLL, SALVATORE, BODACK, PETERSON, MUSTO, RHOADES, O'PAKE, DAWIDA, SHUMAKER and GREENWOOD offered the following resolution (**Senate Resolution No. 124**), which was read as follows:

In the Senate, December 13, 1989.

## A RESOLUTION

Memorializing Congress to enact legislation and create tax incentives which provide for a shift from oil-based transportation fuel to alternative fuels.

WHEREAS, Many communities in our Nation have not yet attained a level of air quality that meets minimum Federal standards, and much air pollution is a direct result of emissions from automobiles, diesel-fueled buses and trucks and other motor vehicles; and

WHEREAS, Alternative transportation fuels such as natural gas, ethanol and methanol can reduce carbon monoxide and reactive hydrocarbon emissions to levels that are substantially below the emissions from gasoline and diesel fuel; and

WHEREAS, Imports of foreign oil are rising steadily, undercutting our national security and draining away capital that is badly needed for the revitalization of American industry; and

WHEREAS, Two-thirds of all oil burned in America is burned as transportation fuel, while natural gas and other domestic fuels are readily available for this purpose; and

WHEREAS, The technological feasibility of change has already been demonstrated for some of the alternative transportation fuels, such as the natural gas that is now being used by 30,000 vehicles in the United States, 22,000 vehicles in Canada and more than 500,000 vehicles worldwide; and

WHEREAS, Despite the availability of domestic alternative transportation fuels and of the technologies to use them, the initial capital investments required for clean fuel vehicles, and for the supporting infrastructure, make it unlikely that the private sector will initiate extensive development unless pressed to do so by concerned Federal, State and local governments; and

WHEREAS, The states of Texas, Arizona and California have already taken action by enacting mandates for the phased shift of certain fleet vehicles to alternative transportation fuels, and other states are considering similar action; and

WHEREAS, The Federal Government could greatly accelerate the development process by enacting Federal mandates and incentives that are powerful enough to create a national marketplace for alternative transportation fuels; therefore be it

RESOLVED, That the Senate of the Commonwealth of Pennsylvania urge the Congress of the United States to enact a meaningful mandate for phased shifts to alternative transportation fuels by a substantial number of our Nation's vehicles, and to assure that this mandate permits undistorted competition, under comparable regulatory conditions, between all transportation fuels that are substantially cleaner than oil-based products; and be it further

RESOLVED, That the Senate of the Commonwealth of Pennsylvania urge the Congress of the United States to enact tax incen-

tives for the private sector and financial assistance incentives for the states and municipalities, in order to reduce the obstacles posed by initial capital expenditures for shifts to alternative transportation fuels; 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.

Senator FISHER asked and obtained unanimous consent for the immediate consideration of this resolution.

On the question,

Will the Senate adopt the resolution?

SENATE RESOLUTION NO. 124, ADOPTED

Senator FISHER. Mr. President, I move that the Senate do adopt Senate Resolution No. 124.

On the question,

Will the Senate agree to the motion?

Senator FISHER. Mr. President, this resolution would memorialize the Congress of the United States to enact legislation providing for phased shift from oil-based transportation to alternate fuels by a substantial number for our nation's vehicles. It is our understanding the Senate of the United States will be undertaking this subject early in January. I would ask that we approve this resolution today.

And the question recurring,

Will the Senate agree to the motion?

The motion was agreed to and the resolution was adopted.

## CONSIDERATION OF CALENDAR RESUMED

## RECONSIDERATION OF HB 1890

BILL ON THIRD CONSIDERATION  
AND FINAL PASSAGE

**HB 1890 (Pr. No. 2423)** — Senator BRIGHTBILL. Mr. President, I move to reconsider the vote by which the bill went over in its order on third consideration.

The motion was agreed to.

The Senate proceeded to consideration of the bill, entitled:

An Act authorizing and directing the Department of General Services, with the approval of the Governor and the Secretary of Environmental Resources, to convey to Morris Township a road situate in Morris Township, Tioga County, Pennsylvania.

Considered the third time and agreed to,

On the question,

Shall the bill pass finally?

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

## YEAS—49

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

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

## NAYS—0

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

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

**SENATE RESOLUTION NO. 33, CALLED UP**

Senator BRIGHTBILL, without objection, called up from page 8 of the Calendar, **Senate Resolution No. 33**, entitled:

A Resolution creating a Senate Task Force to investigate and recommend ways to attract and retain volunteer fire, ambulance and rescue personnel and to foster cooperation from Pennsylvania business to support volunteer services.

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

On the question,

Will the Senate adopt the resolution?

Senator BRIGHTBILL offered the following amendment No. A3966:

Amend Third Resolve Clause, page 2, lines 18 through 21, by striking out "THE EXPENSES INCURRED BY THE JOINT STATE" in line 18 and all of lines 19 through 21

On the question,

Will the Senate agree to the amendment?

Senator BODACK. Mr. President, I would ask the gentleman if he would explain his amendment, please?

Senator BRIGHTBILL. Yes, Mr. President. What this amendment does is it removes from the resolution the appropriation of sums that are set forth therein.

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

And the question recurring,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate adopt the resolution, as amended?

**SENATE RESOLUTION NO. 33, ADOPTED,  
AS AMENDED**

Senator BRIGHTBILL. Mr. President, I move that the Senate do adopt Senate Resolution No. 33, as amended.

The motion was agreed to and the resolution was adopted.

**RECONSIDERATION OF HB 1615**

**BILL ON THIRD CONSIDERATION  
AND FINAL PASSAGE**

**HB 1615 (Pr. No. 2716)** — Senator BRIGHTBILL. Mr. President, I move to reconsider the vote by which the bill went over in its order on third consideration.

The motion was agreed to.

The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of May 23, 1945 (P. L. 926, No. 369), referred to as the "Public Eating and Drinking Place Law," authorizing second class townships and certain home rule municipalities to license public eating and drinking places; and making editorial changes.

Considered the third time and agreed to,

On the question,

Shall the bill pass finally?

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

## YEAS—49

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

## NAYS—0

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

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

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

The SECRETARY. The Majority and Minority Leaders have given their permission for the Committee on Appropriations to meet during today's Session to consider House Bill No. 376 and the Committee on State Government to consider off-track betting regulations.

**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 ARCHITECTS  
LICENSURE BOARD

July 24, 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, Peter F. Arfaa, 421 South 47th Street, Philadelphia 19143, Philadelphia County, Eighth Senatorial District, for reappointment as a member of the Architects Licensure Board, to serve for a term of four years or until his successor is appointed and qualified, but not longer than six months beyond that period.

ROBERT P. CASEY.

MEMBER OF THE STATE BOARD  
OF COSMETOLOGY

September 15, 1989.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Regina M. Schrenko, 2304 Washington Avenue, Northampton 18067, Northampton County, Eighteenth Senatorial District, for appointment as a member of the State Board of Cosmetology, to serve for a term of three years and until her successor is appointed and qualified, but not longer than six months beyond that period, vice Raymond S. Nichols, Warren, whose term expired.

ROBERT P. CASEY.

MEMBER OF THE PENNSYLVANIA DRUG,  
DEVICE AND COSMETIC BOARD

September 28, 1989.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Benjamin Calesnick, 646 Springfield Road, Springfield 19064, Delaware County, Twenty-sixth Senatorial District, for appointment as a member of the Pennsylvania Drug, Device and Cosmetic Board, to serve for a term of four years or until his successor is appointed and qualified, but not longer than six months beyond that period, vice Elias Packman, D.Sc., Merion, whose term expired.

ROBERT P. CASEY.

MEMBER OF THE PENNSYLVANIA DRUG,  
DEVICE AND COSMETIC BOARD

July 12, 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, Michael Mokotoff, Ph.D., 1256 Arrowood Drive, Mount Lebanon 15243, Allegheny County, Thirty-seventh Senatorial District, for appointment as a member of the Pennsylvania Drug, Device and Cosmetic Board, to serve until November 25, 1990 or until his successor is appointed and qualified, vice Phillip D. Pulsinelli, Ph.D., Export, resigned.

ROBERT P. CASEY.

SECRETARY OF EDUCATION

August 29, 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 M. Carroll, Jr., 440 Wood Crest Drive, Mechanicsburg 17055, Cumberland County, Thirty-first Senatorial District, for appointment as Secretary of Education, to serve until the third Tuesday of January, 1991, and until his successor is appointed and qualified, vice Hon. Thomas K. Gilhool, Philadelphia, resigned.

ROBERT P. CASEY.

MEMBER OF THE STATE BOARD  
OF FUNERAL DIRECTORS

July 24, 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, Ellen M. Coggins (Public Member), 2401 Rudy Road, Harrisburg 17104, Dauphin County, Fifteenth Senatorial District, for appointment as a member of the State Board of Funeral Directors, to serve for a term of five years and until her successor is appointed and qualified, but not longer than six months beyond that period, vice Robert E. Taylor, Philadelphia, whose term expired.

ROBERT P. CASEY.

MEMBER OF THE STATE BOARD  
OF NURSING

August 3, 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 M. Polaski, 1362 Fourth Street, Monongahela 15063, Washington County, Forty-sixth Senatorial District, for appointment as a member of the State Board of Nursing, to serve until June 30, 1992 and until his successor is appointed and qualified, but not longer than six months beyond that period, vice Dorothy L. Keevil, Susquehanna, resigned.

ROBERT P. CASEY.

MEMBER OF THE BOARD OF TRUSTEES OF  
PHILIPSBURG STATE GENERAL HOSPITAL

July 25, 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, Anna M. Knowles, 301 Sheffield Street, Philipsburg 16866, Centre County, Thirty-fourth Senatorial District, for appointment as a member of the Board of Trustees of Philipsburg State General Hospital, to serve until the third Tuesday of January, 1995, and until her successor is appointed and qualified, vice Msgr. Paul D. Panza, Philipsburg, resigned.

ROBERT P. CASEY.

MEMBER OF THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

July 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, David W. Rolka, 2310 Chestnut Street, Harrisburg 17104, Dauphin County, Fifteenth Senatorial District, for appointment as a member of the Pennsylvania Public Utility Commission, to serve for a term of five years, or until his successor is appointed and qualified, but not longer than six months beyond that period, vice Linda C. Taliaferro, Esquire, Harrisburg, resigned.

ROBERT P. CASEY.

SMALL BUSINESS ADVOCATE

November 3, 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. Ryan, Jr., Box 310, R. D. 1, Hummelstown 17036, Dauphin County, Fifteenth Senatorial District, for appointment as the Small Business Advocate, to serve until his successor is appointed and qualified, pursuant to Act 181, approved December 21, 1988.

ROBERT P. CASEY.

MEMBER OF THE BOARD OF TRUSTEES OF KUTZTOWN UNIVERSITY OF PENNSYLVANIA OF THE STATE SYSTEM OF HIGHER EDUCATION

August 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, Herbert L. Hyman, M.D., 3727 Trexler Boulevard, Allentown 18104, Lehigh County, Sixteenth Senatorial District, for appointment as a member of the Board of Trustees of Kutztown University of Pennsylvania of the State System of Higher Education, to serve until the third Tuesday of January, 1995, and until his successor is appointed and qualified, vice The Reverend John K. Stoner, Allentown, whose term expired.

ROBERT P. CASEY.

On the question,

Will the Senate advise and consent to the nominations?

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

YEAS—49

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

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

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.

NOMINATIONS TAKEN FROM THE TABLE

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

The Clerk read the nominations as follows:

MEMBER OF THE STATE BOARD OF ACCOUNTANCY

July 7, 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, James M. Lynn, Esquire (Public Member), 3200 School House Lane, Philadelphia 19144, Philadelphia County, Seventh Senatorial District, for appointment 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, vice Marilyn L. Painter, Pittsburgh, whose term expired.

ROBERT P. CASEY.

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

July 27, 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, Lucy Tabler, 1140 Grandview Road, Oil City 16301, Venango County, Twenty-fifth Senatorial District, for appointment as a member of the Council of Trustees of Clarion University of Pennsylvania of the State System of Higher Education, to serve until the third Tuesday of January, 1995, and until her successor is appointed and qualified, vice Joseph S. Harvey, Oil City, whose term expired.

ROBERT P. CASEY.

COMMONWEALTH TRUSTEE OF LINCOLN UNIVERSITY—OF THE COMMONWEALTH SYSTEM OF HIGHER EDUCATION

September 14, 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, Darrell R. Gordon, 275 Melrose Avenue, Merion Station 19066, Montgomery County, Seventeenth Senatorial District, for appointment as a Commonwealth Trustee of Lincoln University—of the Commonwealth System of Higher Education, to serve until August 31, 1993, and until his successor is appointed and qualified, vice Spencer J. Andress, Oxford, resigned.

ROBERT P. CASEY.  
MEMBER OF THE STATE EMPLOYEES'  
RETIREMENT BOARD

July 12, 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, G. Davis Greene, Jr., 725 North Mount Pleasant Road, Philadelphia 19119, Philadelphia County, Fourth Senatorial District, for appointment as a member of The State Employees' Retirement Board, to serve until February 4, 1990, and until his successor is appointed and qualified, vice Christine Crist, Camp Hill, resigned.

ROBERT P. CASEY.  
MEMBER OF THE STATE EMPLOYEES'  
RETIREMENT BOARD

September 11, 1989.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, The Honorable Sarah W. Hargrove, 428 Walnut Street, Harrisburg 17101, Dauphin County, Fifteenth Senatorial District, for appointment as a member of The State Employees' Retirement Board, to serve for a term of four years and until her successor is appointed and qualified, vice James Scheiner, Harrisburg, resigned.

ROBERT P. CASEY.  
DISTRICT JUSTICE

August 9, 1989.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Charles T. DeTulleo, Esquire, 705 Willowdale Lane, Kennett Square 19348, Chester County, Thirty-sixth Senatorial District, for appointment as District Justice in and for the County of Chester, Magisterial District 15-3-04, to serve until the first Monday of January, 1992, vice Eugene DiFilippo, Jr., resigned.

ROBERT P. CASEY.  
MEMBER OF THE BUTLER COUNTY  
BOARD OF ASSISTANCE

September 7, 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, Deborah Hammond (Democrat), 101 Fernwood Road, Butler 16001, Butler County, Twenty-first Senatorial District, for appointment as a member of the Butler County Board of Assistance, to serve until December 31, 1989, and until her successor is appointed and qualified, vice Walter J. Dunlap, Butler, deceased.

ROBERT P. CASEY.  
MEMBER OF THE COUNCIL OF TRUSTEES  
OF BLOOMSBURG UNIVERSITY OF  
PENNSYLVANIA OF THE STATE SYSTEM  
OF HIGHER EDUCATION

July 27, 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, James R. Gross, 1700 West End Avenue, Pottsville 17901, Schuylkill County, Twenty-ninth Senatorial District, for appointment as a member of the Council of Trustees of Bloomsburg University of Pennsylvania of the State System of Higher Education, to serve until the third Tuesday of January, 1995, and until his successor is appointed and qualified, vice Richard F. Wesner, Danville, whose term expired.

ROBERT P. CASEY.  
MEMBER OF THE COUNCIL OF TRUSTEES  
OF BLOOMSBURG UNIVERSITY OF  
PENNSYLVANIA OF THE STATE SYSTEM  
OF HIGHER EDUCATION

July 27, 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, Anna Mae Lehr, R. D. 8, Bloomsburg 17815, Columbia County, Twenty-seventh Senatorial District, for appointment as a member of the Council of Trustees of Bloomsburg University of Pennsylvania of the State System of Higher Education, to serve until the third Tuesday of January, 1995, and until her successor is appointed and qualified, vice Ramona Helen Alley, Berwick, whose term expired.

ROBERT P. CASEY.

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

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

YEAS—23

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

NAYS—26

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

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.

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 WORKMEN'S COMPENSATION APPEAL BOARD

August 30, 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, A. Peter Kanjorski, Esquire, 117 South Prospect Street, Nanticoke 18634, Luzerne County, Fourteenth Senatorial District, for appointment as a member of the Workmen's Compensation Appeal Board, to serve until the third Tuesday of January, 1991, and until his successor is appointed and qualified, vice Anthony R. Cognetti, Scranton, 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—49

Table with 4 columns of names: Afflerbach, Andrezeski, Armstrong, Baker, Belan, Bell, Bodack, Brightbill, Dawida, Fattah, Fisher, Fumo, Greenleaf, Greenwood, Helfrick, Hess, Holl, Hopper, Jones, Jubelirer, Lemmond, Lewis, Lincoln, Loeper, Lynch, Madigan, Mellow, Musto, O'Pake, Pecora, Peterson, Porterfield, Punt, Regoli, Reibman, Rhoades, Rocks, Ross, Salvatore, Scanlon, Shaffer, Shumaker, Stapleton, Stewart, Stout, Tilghman, Wenger, Williams, Wilt.

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.

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:

CONTROLLER, WESTMORELAND COUNTY

July 3, 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, Jeffry A. Pavetti, Esquire, 222 South Fifth Street, Jeannette 15644, Westmoreland County, Thirty-ninth Senatorial District, for appointment as Controller, in and for the County of Westmoreland, to serve until the first Monday of January, 1990, vice Thomas A. Tangretti, resigned.

ROBERT P. CASEY.

REGISTER OF WILLS, CLERK OF THE ORPHANS' COURT AND RECORDER OF DEEDS, CLINTON COUNTY

July 12, 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, Barbara B. Muthler, R. D. 1, Box 119C, Mill Hall 17751, Clinton County, Thirty-fourth Senatorial District, for appointment as Register of Wills, Clerk of the Orphans' Court and Recorder of Deeds, in and for the County of Clinton, to serve until the first Monday of January, 1990, vice The Honorable Donald L. Fague, resigned.

ROBERT P. CASEY.

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

LEGISLATIVE LEAVES

Senator STAPLETON. Mr. President, I ask for temporary Capitol leaves for Senator Fattah and Senator Lewis.

The PRESIDENT. Senator Stapleton asks for temporary Capitol leaves for Senator Fattah and Senator Lewis. The Chair hears no objection. The leaves 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—49

Table with 4 columns of names: Afflerbach, Andrezeski, Armstrong, Baker, Belan, Bell, Bodack, Brightbill, Dawida, Fattah, Fisher, Fumo, Greenleaf, Greenwood, Helfrick, Hess, Holl, Hopper, Jones, Jubelirer, Lemmond, Lewis, Lincoln, Loeper, Lynch, Madigan, Mellow, Musto, O'Pake, Pecora, Peterson, Porterfield, Punt, Regoli, Reibman, Rhoades, Rocks, Ross, Salvatore, Scanlon, Shaffer, Shumaker, Stapleton, Stewart, Stout, Tilghman, Wenger, Williams, Wilt.

NAYS—0

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

Ordered, That the Governor be informed accordingly.

EXECUTIVE SESSION RISES

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

The motion was agreed to.

### LEGISLATIVE LEAVES

Senator BRIGHTBILL. Mr. President, I would ask for temporary Capitol leaves for Senator Salvatore, Senator Rocks, Senator Punt and Senator Wilt.

The PRESIDENT. Senator Brightbill asks for temporary Capitol leaves for Senator Salvatore, Senator Rocks, Senator Punt and Senator Wilt. The Chair hears no objection. Those leaves will be granted.

### SPECIAL ORDER OF BUSINESS SUPPLEMENTAL CALENDAR NO. 2

#### THIRD CONSIDERATION CALENDAR

#### BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

**SB 1324 (Pr. No. 1672)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of April 9, 1929 (P. L. 343, No. 176), entitled, as amended, "The Fiscal Code," authorizing the State Treasurer and the Secretary of Revenue to promulgate regulations concerning the method of payment of obligations due the Commonwealth.

Considered the third time and agreed to,

On the question,  
Shall the bill pass finally?

Senator ARMSTRONG. Mr. President, Senate Bill No. 1324 deals with electronic transfer of funds that corporations owe the state, and what it does is have a threshold of \$10,000. At this point in time, the electronic transfer is a one-way street, in other words, it will be for corporations to send funds into the Commonwealth. I have distributed to all the Members a copy that I received from Treasurer Knoll stating that she was in favor of electronic transfer back to the corporations above the threshold, and I also have a verbal commitment by the Revenue Secretary's office that they also would agree to this. I think that will be amended, I feel very sure, in the House, but we would like to get it moving. What this will do is it will save a tremendous amount of paperwork and it will increase efficiency in the Revenue Department and Treasury Department, and I feel that we are all for good government and efficiency.

Senator DAWIDA. Mr. President, I agree with the gentleman from Lancaster, Senator Armstrong. This is a bill that is worthy of all of our considerations, and I commend him for his expeditious action on this particular issue and urge a unanimous vote.

### LEGISLATIVE LEAVES CANCELLED

The PRESIDENT. The Chair recognizes the presence on the floor of Senator Jones and Senator Stapleton. Their temporary Capitol leaves 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—46

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

#### NAYS—3

Helfrick	Rhoades	Shaffer
----------	---------	---------

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

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

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

#### HB 1277 CALLED UP OUT OF ORDER

**HB 1277 (Pr. No. 2935)** — Without objection, the bill was called up out of order, from page 1 of the Third Consideration Calendar, by Senator BRIGHTBILL.

#### BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

**HB 1277 (Pr. No. 2935)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, providing for dealing in proceeds of unlawful activities.

Considered the third time and agreed to,

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

On the question,  
Shall the bill pass finally?

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

#### YEAS—49

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

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

NAYS—0

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

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

**HB 1280 CALLED UP OUT OF ORDER**

**HB 1280 (Pr. No. 2936)** — Without objection, the bill was called up out of order, from page 1 of the Third Consideration Calendar, by Senator BRIGHTBILL.

**BILL ON THIRD CONSIDERATION AND FINAL PASSAGE**

**HB 1280 (Pr. No. 2936)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, defining the offense of drug delivery resulting in death; and providing penalties.

Considered the third time and agreed to,

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

On the question,

Shall the bill pass finally?

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

YEAS—49

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

NAYS—0

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

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

**HB 855 CALLED UP OUT OF ORDER**

**HB 855 (Pr. No. 2934)** — Without objection, the bill was called up out of order, from page 1 of the Third Consideration Calendar, by Senator BRIGHTBILL.

**BILL ON THIRD CONSIDERATION AND FINAL PASSAGE**

**HB 855 (Pr. No. 2934)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of April 14, 1972 (P. L. 233, No. 64), known as "The Controlled Substance, Drug, Device and Cosmetic Act," classifying anabolic steroids as a Schedule III controlled substance.

Considered the third time and agreed to,

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

On the question,

Shall the bill pass finally?

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

YEAS—49

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

NAYS—0

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

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

**RECESS**

Senator BRIGHTBILL. Mr. President, I would now move for a ten-minute recess of the Senate, so we would return in ten minutes.

The PRESIDENT. For the purpose of a ten-minute recess, the Senate will be in recess.

**AFTER RECESS**

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

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

**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 immediately in the Rules Committee room to consider Senate Bills No. 31, 123, 232, 355, 454, 618, 940, 948, 1200 and 1332. Would all Members of the Committee on Rules and Executive Nominations please report to the Rules Committee room at the rear of the Senate Chamber.

**RECESS**

The PRESIDENT pro tempore. 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 recess.

**AFTER RECESS**

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

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

**COMMUNICATION FROM THE GOVERNOR****NOMINATION BY THE GOVERNOR  
REFERRED TO COMMITTEE**

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

**MEMBER OF THE WORKMEN'S COMPENSATION  
APPEAL BOARD**

December 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, William R. Davis, 511 Sewickley Street, Greensburg 15601, Westmoreland County, Thirty-ninth Senatorial District, for appointment as a member of the Workmen's Compensation Appeal Board, to serve until the third Tuesday of January, 1991, and until his successor is appointed and qualified, vice William R. Muir, Jr., Esquire, West Chester, deceased.

ROBERT P. CASEY.

**HOUSE MESSAGES****HOUSE CONCURS IN SENATE AMENDMENTS  
TO HOUSE BILLS**

The Clerk of the House of Representatives informed the Senate that the House has concurred in amendments made by the Senate to **HB 855, 1277, 1280 and 2118.**

**BILLS SIGNED**

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

**HB 103, 540, 810, 855, 1277, 1280, 1615, 1633, 1890 and 2118.**

**REPORTS FROM COMMITTEES**

Senator LOEPER, from the Committee on Rules and Executive Nominations, reported the following bills on concurrence in House amendments:

**SB 31 (Pr. No. 1771)**

An Act providing for the regulation and licensing of mortgage bankers and mortgage brokers; imposing additional powers and duties on the Department of Banking and the State Real Estate Commission; and providing penalties.

**SB 123 (Pr. No. 1811)**

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.

**SB 232 (Pr. No. 1748)**

An Act amending the act of August 9, 1955 (P. L. 323, No. 130), entitled "The County Code," providing for the salary of a deputy while acting as principal; and further providing for tax levies.

**SB 355 (Pr. No. 1818)**

An Act amending the act of April 14, 1972 (P. L. 233, No. 64), entitled "The Controlled Substance, Drug, Device and Cosmetic Act," providing that a conviction for any violation involving possession or delivery of a controlled substance will result in a mandatory driver's license suspension.

**SB 454 (Pr. No. 1772)**

An Act requiring school directors to prohibit the use of steroids by pupils involved in athletics; requiring education regarding the use of anabolic steroids; requiring penalties for unauthorized use of anabolic steroids; and providing for dispensing anabolic steroids and for prescriptions for anabolic steroids.

**SB 618 (Pr. No. 1812)**

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, providing for confidential communications to psychiatrists; and providing for a cause of action by parent, guardian or other custodian of a child to whom controlled substances have been sold or transferred.

**SB 940 (Pr. No. 1813)**

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for law enforcement records; providing for additional aggravating circumstances in death penalty cases; and further providing for the sentencing procedure for first degree murder.

**SB 948 (Pr. No. 1814)**

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, providing for the admissibility of certain out-of-court statements; and further providing for Statewide municipal police jurisdictions.

**SB 1200 (Pr. No. 1821)**

An Act authorizing the release of Project 70 restrictions imposed on certain lands owned by the Borough of Mechanicsburg, Cumberland County, in return for the imposition of Project 70 restrictions on certain lands to be conveyed to the Borough of Mechanicsburg, Cumberland County; and authorizing the Department of General Services, with the approval of the Department of Public Welfare, to lease to the Lehigh County Housing Authority 1.7578 acres of land at Allentown State Hospital, Lehigh County.

**SB 1332 (Pr. No. 1828)**

An Act providing for the alteration of election districts; and conferring powers and duties upon county boards of elections and the Bureau of Commissions, Elections and Legislation.

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

**HB 376 (Pr. No. 2938) (Amended) (Rereported)**

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for prisoner of war plates and for special plates for recipients of the Purple Heart; providing for a special license plate for Pearl Harbor survivors; further providing for financial responsibility, liability insurance availability and benefits, uninsured and underinsured motorist coverage, the Assigned Risk Plan, stacking of limits of coverage, deductibles, and charges for treatment for injuries; requiring claimants to obtain repair bids; and providing for rate reductions and for processing of damage claims.

**CONSIDERATION OF CALENDAR RESUMED****HB 1069 CALLED UP**

**HB 1069 (Pr. No. 2914)** — Without objection, the bill, which previously went over in its order temporarily, was called up, from page 1 of the Third Consideration Calendar, by Senator LOEPER, as a Special Order of Business.

**BILL REREPORTED FROM COMMITTEE  
AS AMENDED RECOMMITTED**

**HB 1069 (Pr. No. 2914)** — The Senate proceeded to consideration of the bill, entitled:

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

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

**LEGISLATIVE LEAVES CANCELLED**

The PRESIDENT. The Chair recognizes the presence on the floor of Senator Mellow, Senator Salvatore and Senator Rocks. Their temporary Capitol leaves will be cancelled.

**LEGISLATIVE LEAVE**

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

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

Senator MELLOW. Since we are on leaves of absence, can the Chair tell us what Members of the Democrat caucus currently are on leave?

The PRESIDENT. The Chair would advise the gentleman that Senator Afflerbach and Senator Lincoln are on Capitol leaves. Senator Ross and Senator Scanlon are on legislative leaves. The Chair is advised that we also have Senator Fattah and Senator Lewis on temporary Capitol leaves.

**CONSIDERATION OF CALENDAR RESUMED****HB 1104 CALLED UP**

**HB 1104 (Pr. No. 2899)** — Without objection, the bill, which previously went over in its order temporarily, was called up, from page 4 of the Third Consideration Calendar, by Senator LOEPER, as a Special Order of Business.

**BILL ON THIRD CONSIDERATION  
AND FINAL PASSAGE**

**HB 1104 (Pr. No. 2899)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of May 17, 1921 (P. L. 682, No. 284), known as "The Insurance Company Law of 1921," further providing for investments; and providing for benefits for drug abuse and dependency.

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

On the question,  
Shall the bill pass finally?

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

**YEAS—49**

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

**NAYS—0**

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

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

**SPECIAL ORDER OF BUSINESS  
SUPPLEMENTAL CALENDAR NO. 5**

**THIRD CONSIDERATION CALENDAR**

**BILL ON THIRD CONSIDERATION  
AND FINAL PASSAGE**

**HB 1274 (Pr. No. 2937)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for the sale of tobacco and for drug trafficking offenses and penalties; and providing for illegal use of real property.

Considered the third time and agreed to,

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

On the question,

Shall the bill pass finally?

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

**YEAS—49**

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

**NAYS—0**

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

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

**SPECIAL ORDER OF BUSINESS  
SUPPLEMENTAL CALENDAR NO. 3**

**BILLS ON CONCURRENCE IN  
HOUSE AMENDMENTS**

**SENATE CONCURS IN HOUSE AMENDMENTS**

**SB 31 (Pr. No. 1771)** — The Senate proceeded to consideration of the bill, entitled:

An Act providing for the regulation and licensing of mortgage bankers and mortgage brokers; imposing additional powers and duties on the Department of Banking and the State Real Estate Commission; and providing penalties.

Senator LOEPER. Mr. President, I move the Senate do concur in the amendments made by the House to Senate Bill No. 31.

On the question,

Will the Senate agree to the motion?

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

**YEAS—49**

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

**NAYS—0**

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

Ordered, That the Secretary of the Senate inform the House of Representatives accordingly.

**SB 123 (Pr. No. 1811)** — The Senate proceeded to consideration of the bill, entitled:

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.

Senator LOEPER. Mr. President, I move the Senate do concur in the amendments made by the House to Senate Bill No. 123.

On the question,

Will the Senate agree to the motion?

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

**YEAS—49**

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

**NAYS—0**

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

Ordered, That the Secretary of the Senate inform the House of Representatives accordingly.

**SB 355 (Pr. No. 1818)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of April 14, 1972 (P. L. 233, No. 64), entitled "The Controlled Substance, Drug, Device and Cosmetic Act," providing that a conviction for any violation involving possession or delivery of a controlled substance will result in a mandatory driver's license suspension.

Senator LOEPER. Mr. President, I move the Senate do concur in the amendments made by the House to Senate Bill No. 355.

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

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

YEAS—49

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

NAYS—0

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

Ordered, That the Secretary of the Senate inform the House of Representatives accordingly.

**SB 454 (Pr. No. 1772)** — The Senate proceeded to consideration of the bill, entitled:

An Act requiring school directors to prohibit the use of steroids by pupils involved in athletics; requiring education regarding the use of anabolic steroids; requiring penalties for unauthorized use of anabolic steroids; and providing for dispensing anabolic steroids and for prescriptions for anabolic steroids.

Senator LOEPER. Mr. President, I move the Senate do concur in the amendments made by the House to Senate Bill No. 454.

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

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

YEAS—49

Afflerbach	Greenwood	Madigan	Ross
Andrezeski	Helfrick	Mellow	Salvatore
Armstrong	Hess	Musto	Scanlon
Baker	Holl	O'Pake	Shaffer
Belan	Hopper	Pecora	Shumaker

Bell	Jones	Peterson	Stapleton
Bodack	Jubelirer	Porterfield	Stewart
Brightbill	Lemmond	Punt	Stout
Dawida	Lewis	Regoli	Tilghman
Fattah	Lincoln	Reibman	Wenger
Fisher	Loeper	Rhoades	Williams
Fumo	Lynch	Rocks	Wilt
Greenleaf			

NAYS—0

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

Ordered, That the Secretary of the Senate inform the House of Representatives accordingly.

**SB 618 (Pr. No. 1812)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, providing for confidential communications to psychiatrists; and providing for a cause of action by parent, guardian or other custodian of a child to whom controlled substances have been sold or transferred.

Senator LOEPER. Mr. President, I move the Senate do concur in the amendments made by the House to Senate Bill No. 618.

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

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

YEAS—49

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

NAYS—0

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

Ordered, That the Secretary of the Senate inform the House of Representatives accordingly.

**SB 940 (Pr. No. 1813)** — 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 law enforcement records; providing for additional aggravating circumstances in death penalty cases; and further providing for the sentencing procedure for first degree murder.

Senator LOEPER. Mr. President, I move the Senate do concur in the amendments made by the House to Senate Bill No. 940.

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

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

YEAS—49

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

NAYS—0

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

Ordered, That the Secretary of the Senate inform the House of Representatives accordingly.

**SB 948 (Pr. No. 1814)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, providing for the admissibility of certain out-of-court statements; and further providing for Statewide municipal police jurisdictions.

Senator LOEPER. Mr. President, I move the Senate do concur in the amendments made by the House to Senate Bill No. 948.

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

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

YEAS—49

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

NAYS—0

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

Ordered, That the Secretary of the Senate inform the House of Representatives accordingly.

**SB 1200 (Pr. No. 1821)** — The Senate proceeded to consideration of the bill, entitled:

An Act authorizing the release of Project 70 restrictions imposed on certain lands owned by the Borough of Mechanicsburg, Cumberland County, in return for the imposition of Project 70 restrictions on certain lands to be conveyed to the Borough of Mechanicsburg, Cumberland County; and authorizing the Department of General Services, with the approval of the Department of Public Welfare, to lease to the Lehigh County Housing Authority 1.7578 acres of land at Allentown State Hospital, Lehigh County.

Senator LOEPER. Mr. President, I move the Senate do concur in the amendments made by the House to Senate Bill No. 1200.

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

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

YEAS—49

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

NAYS—0

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

Ordered, That the Secretary of the Senate inform the House of Representatives accordingly.

**SB 1332 (Pr. No. 1828)** — The Senate proceeded to consideration of the bill, entitled:

An Act providing for the alteration of election districts; and conferring powers and duties upon county boards of elections and the Bureau of Commissions, Elections and Legislation.

Senator LOEPER. Mr. President, I move the Senate do concur in the amendments made by the House to Senate Bill No. 1332.

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

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

YEAS—49

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

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

**NAYS—0**

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

Ordered, That the Secretary of the Senate inform the House of Representatives accordingly.

**HOUSE MESSAGE**

**HOUSE RESOLUTION FOR CONCURRENCE**

The Clerk of the House of Representatives presented an extract from the Journal of the House for concurrence, **House Concurrent Resolution No. 233**, entitled:

Designating the week of December 10, 1989, through December 16, 1989, as "National Drunk and Drugged Driving Awareness Week."

Senator LOEPER asked and obtained unanimous consent for the immediate consideration of this resolution.

On the question,  
Will the Senate concur in the resolution?

**SENATE CONCURS IN HOUSE CONCURRENT RESOLUTION NO. 233**

Senator LOEPER. Mr. President, I move that the Senate do concur in House Concurrent Resolution No. 233.

The motion was agreed to and the resolution was concurred in.

Ordered, That the Secretary of the Senate inform the House of Representatives accordingly.

**CONSIDERATION OF SUPPLEMENTAL CALENDAR NO. 2 RESUMED**

**RECONSIDERATION OF SB 1324**

**BILL ON THIRD CONSIDERATION AND FINAL PASSAGE**

**SB 1324 (Pr. No. 1672)** — Senator HESS. Mr. President, I move the Senate do now reconsider the vote by which Senate Bill No. 1324, Printer's No. 1672, just passed finally.

The motion was agreed to.

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	Greenleaf	Madigan	Ross
Andrezski	Greenwood	Mellow	Salvatore
Armstrong	Holl	Musto	Scanlon
Baker	Hopper	O'Pake	Shumaker
Belan	Jones	Pecora	Stapleton
Bell	Jubelirer	Peterson	Stewart
Bodack	Lemmond	Porterfield	Stout
Brightbill	Lewis	Punt	Tilghman
Dawida	Lincoln	Regoli	Wenger

Fattah	Loeper	Reibman	Williams
Fisher	Lynch	Rocks	Wilt
Fumo			

**NAYS—4**

Helfrick	Hess	Rhoades	Shaffer
----------	------	---------	---------

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

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

**SPECIAL ORDER OF BUSINESS SUPPLEMENTAL CALENDAR NO. 6**

**THIRD CONSIDERATION CALENDAR**

**BILL REREPORTED FROM COMMITTEE AS AMENDED ON THIRD CONSIDERATION AND FINAL PASSAGE**

**HB 376 (Pr. No. 2938)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for prisoner of war plates and for special plates for recipients of the Purple Heart; providing for a special license plate for Pearl Harbor survivors; further providing for financial responsibility, liability insurance availability and benefits, uninsured and underinsured motorist coverage, the Assigned Risk Plan, stacking of limits of coverage, deductibles, and charges for treatment for injuries; requiring claimants to obtain repair bids; and providing for rate reductions and for processing of damage claims.

Considered the third time,

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

Senator MELLOW. Mr. President, may we be at ease? The Democrat Members of the Senate had ordered several amendments from the Reference Bureau and all the amendments that we have as of yet are not in hand, and I think we need a few more moments before the amendments will be in hand. Perhaps, before I do that I should ask for unanimous consent for the purpose of offering amendments.

The PRESIDENT. Senator Mellow has asked unanimous consent to offer several amendments. The Chair hears no objection.

Senator MELLOW. I am not prepared at this point in time, Mr. President. We will call the Reference Bureau to see just how much longer it will take.

Senator LOEPER. Mr. President, it is my understanding that two of the amendments are here. I was wondering, for the sake of time, if we may be able to start with those two amendments?

Senator MELLOW. If you just give us a moment, we will try to do that.

The PRESIDENT. If we could yield for just a few moments, we might be able to accommodate everybody.

The Senate will be at ease.

(The Senate was at ease.)

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

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

On the question,  
Shall the bill pass finally?

Senator LOEPER. Mr. President, once again we have the opportunity this evening to revisit the issue of auto insurance reform in Pennsylvania.

#### POINT OF ORDER

Senator MELLOW. Mr. President, I rise to a point of order.

The PRESIDENT. The gentleman from Lackawanna, Senator Mellow, will state it.

Senator MELLOW. Mr. President, I believe with the issue we are dealing with, that the gentleman from Delaware, Senator Loeper, should be given the proper type of attention on the floor of the Senate. It is a very difficult issue, and I believe we should have some order on the floor of the Senate.

The PRESIDENT. The Chair appreciates the sentiment and would convey to all the Members of the Senate that we are dealing with the issue of automobile insurance reform. We have come a long way to this point and I would ask the indulgence of all the Senators to give their attention to all the speakers.

Senator LOEPER. Mr. President, as I began my remarks this evening, I was indicating that House Bill No. 376 as amended by the Committee on Appropriations this afternoon reflects another attempt to try to address the issue of automobile insurance reform in Pennsylvania. I think if we looked back this year to the history of the Senate and the action that has been taken on the issue of automobile insurance, we have seen that there has been a commitment on the part of all Members of this Senate to try to address the issue. We all have an awareness of the impact that high insurance rates are having upon our residents, not only severe impact in the southeast, but that cancer of high rates is spreading across the state. We have been able to try to identify the causes that have increased those rates to a point that is simply intolerable. Mr. President, I believe there have been very valid attempts and efforts made on the part of the Members of this Senate, particularly the gentleman from Montgomery, Senator Holl, and the Committee on Banking and Insurance, the gentleman from Philadelphia, Senator Fattah, and many of the other Members on the other side of the aisle who are truly interested in automobile insurance reform for Pennsylvania.

People on our side certainly are impacted in the southeast, articulating the concerns of the constituencies they represent, whether it be in the surrounding suburban counties or in the City of Philadelphia, and particularly on this side of the aisle, the gentleman from Philadelphia, Senator Rocks, and the gentleman from Philadelphia, Senator Salvatore, echoing their concerns.

I believe, Mr. President, the point I am trying to make is that there have been very valid attempts many times this year to address this issue in the Senate. There have been different ways to try to attack an issue. We have tried through the Senate Committee on Banking and Insurance various vehicles that have passed this Senate whether it be early in the year in February, whether it be another approach to the issue to try to solve it in June and an additional approach during the fall months working with the House Majority Leader to effect a compromise which was once again debated on this floor earlier this week.

Finally, Mr. President, an additional attempt was made here this evening to address the issue once more. I think it is important to note the bottom line of all these attempts has been to reduce the burden of automobile insurance upon the motorists in Pennsylvania. I think the comprehensive measures that we have passed with the provisions to substantially reduce premiums and attack the cause of rising rates demonstrates that commitment. It is my view, Mr. President, every bill that we have had here to try and address the automobile insurance problem has been in that particular vein. The point of our effort has been, once again, to reduce the premiums for our people. It is our firm belief that real reform must include mandated reductions as far as premiums to the motoring public. In the compromise measure that we passed Monday here in the Senate we had what we felt was the most responsible and effective answer to the auto insurance crisis. But, as we are all aware, that measure did not attract sufficient support in the House of Representatives last evening and the Governor, as we are all aware, has vowed on two occasions that he would veto such a measure in the event that compromise would reach his desk.

So an impasse, once again, exists. The Governor has not been willing to negotiate, and I might qualify that by saying, until recently. I had the opportunity to speak to the Governor this afternoon and indicated to him a willingness, certainly on the part of the Senate Majority, to sit down and try to negotiate a responsible reform package in auto insurance reform. But I think what we have seen is the persistence of this Administration in lauding the House of Representatives' action of June as an indication of what the Senate should do. We have heard for the last six months that the Senate should pass the bill as passed by the House of Representatives in June. This impasse that we now face certainly does the people of Pennsylvania no good. Premiums once again are already much too high, and as we are well aware of and spoke of on this floor the other evening, new rate hikes are already pending before the Insurance Commissioner.

Once again I think it is time to act, and I think we will make the move for Pennsylvania motorists. We will act on a plan that came from the House, one that thus far we have resisted in this Senate because we believed there were other alternatives to follow and try and achieve the same ends. I think if we were to reflect for a moment and look back to the House action that took place in June, the Governor was quoted as saying, "I am very pleased, I'm for rolling rates back no

matter what route you choose to get there." I believe that appeared in the Philadelphia Daily News on June 14th of this year. I think if we were to follow that up in a column that was sent to newspapers throughout this state in July, Representative Steve Freind, the Minority Chairman of the House Insurance Committee, criticized the Senate for refusing to "mirror the responsible actions of the House." I believe that my counterpart here in the Senate, the Minority Leader, in a counterpoint to an article that I had written during the past six months, touted that the truly comprehensive auto insurance rate reduction plan offered by the Governor and overwhelmingly approved by Members of both parties in the House, should be passed in the Senate. I believe that appeared in the Harrisburg Patriot on August 24th of this summer. I think, Mr. President, if we were to follow again in his weekend radio address of October 7th, the Governor said, "The House of Representatives in an overwhelming vote this spring put the people ahead of special interests and approved our rollback approach. The State Senate voted it down, but there is still a chance for them to try again."

Well, Mr. President, today is the day, or this evening is the evening and this hour is the hour, not because we have been persuaded that this is the best approach, but apparently because it is the only way available to us to get legislation approved quickly and put Pennsylvania motorists on the road to rate relief. No more waiting, Mr. President, no more competing plans, action before the holidays so that Pennsylvanians will soon receive the promised savings that this bill has been touted to promote for them. I believe that earlier today the gentleman from Philadelphia, Senator Salvatore, the gentleman from Philadelphia, Senator Rocks, the gentleman from Delaware, Senator Bell, and the gentleman from Montgomery, Senator Greenleaf, made it quite clear at their news conference that action is imperative. I believe, in addition, they also correctly noted public expectations about what the results should be. People will rightfully expect the Casey plan, which has been touted for the last six months, to produce the savings that the Administration has advertised in mailings not only to us and to the media but also in the brochures put forth by its Insurance Department as to what the savings of this plan will promote in each one of our jurisdictions. The Governor has contended that these are real savings, and I believe what we are going to do here this evening, Mr. President, is going to have an opportunity for the Governor to put that promise into action, and to make certain all motorists do receive rate relief in this Commonwealth. The 25 percent mandatory reduction, as passed by the House of Representatives and sent to us in June, is included in the compromise version that we have before us tonight, the same number that the House adopted.

Mr. President, I think it is important finally to note that we want significant premium reductions for the people. If the Governor's way is the only approach that will be accepted not only here but in the House of Representatives, here it is. We, those who have supported rate reductions, will get our rate reductions. You get your limited tort system, Senate

approval, House concurrence and the Governor's signature in quick sequence, and then let us have the savings begin for Pennsylvania motorists.

Senator FUMO. Mr. President, I rise too to support the bill, not that I think it is the best piece of legislation I have seen since I have been in the Senate. I will be the first to admit that it probably has a number of flaws in it. Mr. President, I think this debate has been fought in this Legislature long and hard during this Session, and like it or not, these are the provisions the House of Representatives passed. These are the provisions they have indicated by that passage they will accept. I was one of the people who just yesterday or the day before—and quite frankly I have lost track of time—voted for the so-called compromise package, which I happened to think was a better drafted bill, tighter drafted bill, only to see it go to the House of Representatives to be shot down in flames. Mr. President, during the intervening process while we were considering this, many constituents who were riled up, whose emotions were stirred by the media and others, called my office. When they called my office we talked to them. Not one person said they were for an optional no-fault, verbal threshold, first-party benefit package that did 10 to 5, 5 to 10, nothing. All those constituents said to me was, vote for the Casey plan because it will reduce my rates.

Mr. President, faced with that kind of public outcry, we in Philadelphia in particular can do nothing less. This bill represents the Casey plan that has passed the House. I was not aware that there have been at least three different versions of the Casey plan, but this is the one that passed the House and this is the one also that will mandate a rate rollback. This is the one that will do what my constituents want it to do. Many people may argue that a rollback is unconstitutional, that these particular sets of numbers of 25 percent have not been scientifically arrived at, but this is what the House passed to us overwhelmingly. I think it was 192-7 on final passage, but whatever it was, it was an overwhelming Majority in the House. The 25 percent rollback in this particular piece of legislation is probably not drafted as well as the rate rollback in the compromise bill, but this was Representative Kosinski's amendment and this is the one passed by the House. Mr. President, the debate, quite frankly, has left this Chamber. The debate has entered the homes and the streets of Philadelphia, at least as far as I am concerned. When that happens we are mandated to do what the people want to do, and in this case we are doing that. There are many critics who are going to try to pick apart what we do tonight. It is almost as if you cannot win for trying. I was once told that one of the worst things in life is not to get what you want. The only thing worse sometimes is to get what you want. In this package we are giving the Governor what he says he wants. I hope he has the courage and the integrity to sign it, to keep his word to those people in my district whom he told he was going to reduce rates for if we gave him his package. I would hope we would all vote for this, Mr. President. I urge an affirmative vote.

Senator DAWIDA. Mr. President, we do have a threshold concept in this bill, and for that I think the House and the

gentleman from Delaware, Senator Loeper, in particular, deserve some credit. But nonseverability and the lack of the differentiation between the two tiers in rates will defeat what we want in this bill. We do have a rate reduction, a rollback, but that rate reduction with the nonseverability and the two-tiered lack of differentiation in rates will be defeated almost surely when it is held up to judicial scrutiny. It does not apply fairly. While those of you who know me well over my ten years in the House know the Insurance Federation has never been a group who has been particularly fond of me, nor I of them, I have to tell you that they are right on this particular issue, and it will be held up in court when they do and if they have to go against it. We do not have data disclosure, and for that I do not blame Senator Loeper or the gentleman from Lackawanna, Senator Mellow, or any other protagonist because Bob Casey gave up on that, too. It shows how we are not willing to make the hard choices. I have been working on data disclosure for three years. We have language that is the best in the country, but no one is willing because there is no group willing to push it. The only people who would benefit from data disclosure is the public, and they are not effectively represented. On the good side we do not have the cost-shifting reduction of benefits idea which would have done nothing more than put a tremendous burden on our already burdened health care system—Blue Cross, Blue Shield and other health care benefits. We do have some medical cost containment. It is not enough, but we have it, and it is to the credit of all involved that we now have the concept that the medical side of car insurance should have some cost containment. We have lawyers, doctors, hospitals and insurance companies who are all involved, and in order for us to lower our constituents' rates we have to reduce costs, and we do not do that completely well enough in here, although we do some of it. Most will vote "yes" on this and I will not criticize. I just felt the need to clarify why I am voting "no" so that some people will know that imperfections do exist in this legislation. It just will not do what we want it to do because we have still not made those hard decisions that those four big groups that dominate the cost of this product have yet to yield on. All of them have to give a little in order for our constituents to do better. We want the magic bullet to come and make it easy. For those of you who work and labor on the budget, there is no magic bullet there, either. You either have the money or you do not, and in this case, there is just not enough money in it. The nonseverability makes this a bogus issue to some degree. However, at least we are going in the right direction. I am voting "no," but I respect those who vote "yes," knowing that we are part way through the process.

Senator FATTAH. Mr. President, let me promise my colleagues I will be brief. The hour is late and we have been at this for a while. One thing is true, and that is that by the evidence of this bill being before us it is clear we are moving along a continuum that will eventually result in an agreement that will do what I think the public in this state wants us to do, and that is to lower rates and that there will be some mandated rate rollback, whether it is the language that is presently

before us or some different variation when we see it again. There will be some differential in terms of either the mandated coverages required or the optional right to litigate, if you will, and that the Senate, the House and the Governor will participate in some form or fashion in shaping an eventual agreement that lowers rates. I wanted to stand tonight to say that in this language in particular we have another benefit and that is that this is the strongest language thus far before the Senate on the concept of the establishment of a single-carrier system in Philadelphia. I would like to commend the makers of the amendment and the leadership on both sides of the aisle, the gentleman from Philadelphia, Senator Fumo, the gentleman from Delaware, Senator Loeper, the gentleman from Philadelphia, Senator Rocks, and others who have worked to have this happen. It is a new idea and with the support of my caucus and its leadership we have been able to move this idea forward and for that I am happy. There is some disclosure in this bill for the gentleman from Allegheny, Senator Dawida. This language does require those companies doing business in Philadelphia to participate with the Insurance Department in disclosing pertinent information in a number of different categories that they now do not have to disclose, so we can get to the final answer on how much of a savings we can arrive at through a single-carrier system in Philadelphia.

It is also obvious—and this is my last point—that this is not the end, and it is probably more likely that the new year will arrive before rates will be reduced. It is also a growing consensus that even though we may want to move towards a single carrier, this idea needs further, more comprehensive, more detailed study. The Governor himself said that in his press conference the other day. I wanted to indicate that the Congressional Accounting Office has been asked by a Congressman or two to do a study nationally on this idea. We have heard from neighboring states and the governor-elect of one in particular who is interested in this idea. Governor Casey spurred the first study that was done, and we have a letter that has been signed now by over ten Senators, and I want to make it available to others while we are on break to have our Insurance Department, which is quite capable and has the expertise, to look at this issue so when we come back to Harrisburg we do not have to guess any longer as to whether a single-carrier will work. We will not have to guess any longer whether all of the questions have been answered, and we can move forward with an innovative, bold, new approach in Philadelphia, or we can push it aside as an idea that is not yet part of the mainstream of how we can reduce rates. We have a letter if my colleagues want to sign it. I would appreciate their signatures. We are going to ask the Governor to have a study done so when we arrive back here, as the dust settles and as we move towards a further compromise on this issue, this idea might be a part of it.

#### LEGISLATIVE LEAVES CANCELLED

The PRESIDENT. The Chair recognizes the presence on the floor of Senator Fattah, by the way, and his temporary Capitol leave will be cancelled. Senator Punt and Senator

Lewis are also here. Their temporary Capitol leaves will be cancelled.

And the question recurring,  
Shall the bill pass finally?

Senator REGOLI. Mr. President, I join all my colleagues tonight in desiring to come up with a plan that will provide a 25 percent premium reduction to the drivers of Pennsylvania. If I really thought this plan would do that, I would support it, Mr. President. I would like to go home tonight or tomorrow morning the hero, telling the people they are going to get a 25 percent reduction in their automobile insurance premium, but I know in my heart that is not true, and rather than let sentiment get in the way of good judgment I am not going to vote to support this plan tonight. I am kind of confused that in the plan it says that the insurance company will show in writing a comparison of premiums between the option to choose the limited tort and the option not to choose limited tort. Later it says the rates will be reduced across the board 25 percent. I do not see the difference there in what it would mean to me or any other driver in Pennsylvania if they chose the limited tort or do not choose the limited tort. In either case they are going to get a 25 percent reduction. I think this bill is not going anywhere even though it leaves the Senate, and I know we will be back here in January and I hope we come back rested after the holiday season determined to bring an end to this crisis that has been plaguing us so long. We can achieve a 25 percent reduction in automobile rates in Pennsylvania, but we cannot do it with this vehicle, Mr. President. Therefore, as much as I would like to have a 25 percent reduction, I will vote against this bill.

Senator WILLIAMS. Mr. President, very briefly, the bill before us I think is something we should support for basic reasons. The discussion has been whether or not there is going to be some area of not suing. We have in the bill a threshold. That major idea has been resolved, and the bill says let us accept that. So we are over a major hurdle even though there is some debate still as to what is resolved in this particular bill. The other part is people want some indication that their rates will be reduced and the bill says that. With all the discussion that is going on, it seems to me that we are close to resolving the major issues on each side. For those reasons I support the bill as it is before us, although I do think there are things that need to be added, and I am sure some people are going to speak on that. They are things that will significantly affect the problem. My hope would be that as we pass this major idea, it would go to the other Body and maybe some other things would be worked on so that we can get to the bottom line. But, we have achieved the basics, and we can send out a signal to our constituents that we do want the reduction, and we have solved a basic philosophical problem. Having said that, those are the reasons I support the bill.

On the other hand, I do want to state loud and clear that the Philadelphia problem has been spoken of as a particular and special burdensome problem. Therefore, through the initiative of the gentleman from Philadelphia, Senator Fattah, there has come about a bold, new idea to handle that on a

special and on an effective basis. I just wanted to state here that as far as Philadelphia is concerned, in addition to adjusting the basic issues involved generally, we have before us and on the floor of the Legislature a special new, bold initiative which must be pursued if we are serious about handling that particular problem in the State of Pennsylvania.

On that, Mr. President, I will close and say for those basic reasons I support the bill as it is in the hope that some of the observations that have been made that affect the problem will be added before we resolve this question, and hopefully the bill would be finally signed by the Governor.

Senator MELLOW. Mr. President, I had all the intentions in the world as we started this debate this evening to offer a number of amendments that we have talked about and that we think, on this side of the aisle, would be very important that we consider in our deliberation of this proposal. But I think, Mr. President, it is very clear that we have to note this evening and make the clarification that the proposal that we are passing is, in fact, not the Casey proposal. Some variations do include some of the concepts that have been advanced by the Casey Administration under insurance reform. By and large, this is not the Casey proposal. Let us make no mistake about it.

Mr. President, in the remarks that were given by the distinguished Majority Leader, he talked about the fact that there are a number of pending rate hikes that are currently on file with the Department of Insurance. This proposal that we are dealing with does absolutely nothing with any impending rate hikes. It does not freeze rate hikes like the compromise proposal that was dealt with here the other evening. One of the amendments that we did have that we wanted to offer that, unfortunately, we have not received from the Reference Bureau would come up with a mandatory freezing of rate hikes for a certain period of time. I think if we are going to go ahead and do anything whatsoever dealing with the insurance problem, there is one very important aspect that we are not dealing with. I would like to read if I can from a newspaper that was published today. The story talks about a 1973 Plymouth that was tapped in the rear by another car. Nobody was actually hurt, but nine people complained of back and neck pains. The latter had an attorney and claims were filed for the insured. What was unusual about the accident, Mr. President, and what took place in a similar thing was that, basically, there was no accident. It was something that was planned. It did happen in the City of Philadelphia. It would come under the thing that would be considered as insurance fraud.

Mr. President, there is absolutely nothing in this proposal that deals with insurance fraud. If you would look at the front page of Wednesday, December 13th, and I guess we are still on Wednesday, December 13th, 1989, Philadelphia Inquirer, on the lower section of the paper it said, fraud is a principal contributor to the city's high car insurance rates, a copy of which is right here. Mr. President, one of the amendments we had and that we wanted to offer was a very tough insurance fraud proposal because this bill does not address the insurance

fraud proposal, as the Casey Administration proposal would have addressed it and as the gentleman from Delaware, Senator Bell, and others talked about on this floor the other evening. Mr. President, it also talks about a rate reduction, and in the bill on page 79 it says "Rate Reductions.—The rates charged by insurers under the filing required by subsection (a) shall be reduced by a minimum of 25% for all coverages from rates in effect July 1, 1989." So what we are doing in consideration of this proposal this evening, Mr. President, is, by and large, we are telling people that regardless of what type of experience you have had over the past six months in automobile driving, regardless of what type of violations you may have had, regardless of whether you were involved in an accident or not, we think it is important you go ahead and you are rewarded for not being a safe driver, and we will give you a reduction of 25 percent in your premium and that will take effect retroactively back to July 1, 1989. Mr. President, I think that the gentleman from Philadelphia, Senator Fumo, really summed it up very beautifully for us in our caucus one day when he said—and his quote was—"Because people get hit in the bumper doesn't mean they won the lottery". Mr. President, I am not so foolish to think that this proposal this evening is not going to pass, and I am not so foolish to think that if I did have the amendments before me—we do not—that any of our amendments were going to pass, that the fraud amendment, which is so important for the City of Philadelphia which is not included in the bill, would pass. The amendment we have, Mr. President, that would freeze rates, that would not pass. The amendment that we have to reduce the driving while under the influence from the current point .10 to .08, I know that would not pass. I realize those things because the Majority Party in the Senate this evening is dead set on passing a piece of legislation and kind of getting it out of here to be able to go home and say to their people, we voted for legislation that would reduce your premium by 25 percent, and what we did since it is Christmas is that we made that retroactive to July 1, 1989. The one thing I hope will happen this evening, Mr. President, is that we will continue to have a dialogue and that we will continue to have a piece of legislation that will move, and the process will move not only through this Body but once again we will pass the torch to the other Body. Although I, personally, could never support this piece of legislation, under no circumstance would I ask my colleagues to vote against it because it is, if you will, a piece of legislation that at least allows the process to continue to move.

And the question recurring,  
Shall the bill pass finally?

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

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

The PRESIDENT. The lady will be so recorded.

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

#### YEAS—35

Andrezeski	Greenleaf	Loeper	Salvatore
Armstrong	Greenwood	Madigan	Shaffer
Baker	Helfrick	O'Pake	Shumaker
Belan	Hess	Pecora	Stewart
Bell	Holl	Peterson	Tilghman
Brightbill	Hopper	Punt	Wenger
Fattah	Jones	Reibman	Williams
Fisher	Jubelirer	Rhoades	Wilt
Fumo	Lemmond	Rocks	

#### NAYS—14

Afflerbach	Lincoln	Porterfield	Scanlon
Bodack	Lynch	Regoli	Stapleton
Dawida	Mellow	Ross	Stout
Lewis	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 return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which concurrence of the House is requested.

### UNFINISHED BUSINESS CONGRATULATORY RESOLUTIONS

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

Congratulations of the Senate were extended to Chester L. Eshleman by Senator Armstrong.

Congratulations of the Senate were extended to Mr. and Mrs. Lee B. Marks by Senator Brightbill.

Congratulations of the Senate were extended to the Wilson Senior High School football team of West Lawn by Senators Brightbill and O'Pake.

Congratulations of the Senate were extended to Stanley G. Cohen by Senator Dawida.

Congratulations of the Senate were extended to Carol Zajac and to the Upper Saint Clair High School Girls Soccer Team of Pittsburgh by Senator Fisher.

Congratulations of the Senate were extended to Bernardo Vitali and to the World Boxing Association by Senator Fumo.

Congratulations of the Senate were extended to Herman Turpin by Senator Greenwood.

Congratulations of the Senate were extended to Reverend Canon Robert E. DuBose, Jr. by Senator Fattah.

Congratulations of the Senate were extended to Mr. and Mrs. Willard Fink, Shamokin Area High School Football Team and to the Basilica of Saints Cyril and Methodius of Danville by Senator Helfrick.

Congratulations of the Senate were extended to Elsie Grimes McKee and to Helen Grimes Wickard by Senator Hopper.

Congratulations of the Senate were extended to Mr. and Mrs. Melvin Shaw, Mr. and Mrs. William J. Martin, Mr. and Mrs. Frank Steinbauer and to Mr. and Mrs. Merle Ross by Senator Jubelirer.

Congratulations of the Senate were extended to Mr. and Mrs. Leigh Gillette, Mr. and Mrs. Edward Semenyshyn, Mr.

and Mrs. Kenneth DeGraw, Mr. and Mrs. Lester R. Male, Mr. and Mrs. George E. Seamans, Emily Mullen, Elizabeth Pearl Rogers Dean, Court Saint Martin No. 418, Catholic Daughters of the Americas of Honesdale and to Saint Thomas the Apostle Parish of Little Meadows by Senator Lemmond.

Congratulations of the Senate were extended to Mr. and Mrs. Kenneth Frost, Mr. and Mrs. Earl C. West, Mr. and Mrs. Frank P. Ciraulo, Mr. and Mrs. Bernard W. Peace, Mr. and Mrs. Emery Cass, Mr. and Mrs. Fred Killian, Mr. and Mrs. James English, Mr. and Mrs. Lewis Bowers, Steven Paul Schreffler, Mark A. Roller and to Ruth McConnell Kabel by Senator Madigan.

Congratulations of the Senate were extended to Susan M. Waggoner and to Edmond J. Doherty by Senator O'Pake.

Congratulations of the Senate were extended to Raymond E. Rotz by Senator Punt.

Congratulations of the Senate were extended to Albert Ronca by Senator Reibman.

Congratulations of the Senate were extended to Justin J. Shappell and to Jeffrey A. Zemencik by Senator Rhoades.

Congratulations of the Senate were extended to Kathryn Colsher by Senator Salvatore.

Congratulations of the Senate were extended to Nick DeRosa and to the Neshannock Township Volunteer Fire Company of New Castle by Senator Shaffer.

Congratulations of the Senate were extended to J. Richard Stouffer by Senator Shumaker.

Congratulations of the Senate were extended to Mr. and Mrs. Martin Brodrick and to Dominick Falcone by Senator Stapleton.

Congratulations of the Senate were extended to Attorney General Ernest D. Preate, Jr. by Senator Williams.

Congratulations of the Senate were extended to Mr. and Mrs. F. A. Hornaman by Senator Wilt.

## PETITIONS AND REMONSTRANCES

Senator ANDREZESKI. Mr. President, I would just like to comment that on the proceedings of the last three days there were many things that were said and many issues that were presented. I think this would have been the perfect opportunity for us as Senators in the Senate of Pennsylvania to have the people of this Commonwealth be able to not only read about "here and there" in the newspapers, but to have been able to see us and hear in its entirety what all of these speakers had to say, and what I am referring to is television coverage of the Pennsylvania State Senate. I think this would have been a very educational opportunity for the people of Pennsylvania to see their Legislators at work. I would also like to comment, Mr. President, perhaps if we would have had television coverage of those people speaking in the Senate, a lot of them would not have even talked because they, perhaps, would not want other people to hear the entirety of what they had to say.

In conclusion, Mr. President, in wrapping all of this up and tying it together, I think we again have bypassed all of the people in Pennsylvania by not providing them that opportu-

nity to be able to not only read in short quotes but be able to hear and physically see the people who represent them arguing the issues that are before them. With that, Mr. President, I would again urge that we come up with the adoption of a plan for television coverage in the Senate. I would also remind my colleagues that we have spent a tremendous amount of money on a television studio and we use it to do cable shows. We have the facilities to provide the broadcasting of the debate here on the Senate floor and I hope that in the very near future we will be able to accomplish this.

## HOUSE MESSAGE

### HOUSE CONCURS IN SENATE AMENDMENTS TO HOUSE BILL

The Clerk of the House of Representatives informed the Senate that the House has concurred in amendments made by the Senate to **HB 1104**.

## BILLS SIGNED

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

**SB 31, 123, 355, 454, 618, 940, 948, 1200, 1332 and HB 1104.**

## ADJOURNMENT

Senator LOEPER. Mr. President, I move the Senate do now adjourn until Tuesday, January 2, 1990, at 11:45 a.m., Eastern Standard Time, unless sooner recalled by the President pro tempore.

The motion was agreed to.

The Senate adjourned at 9:40 p.m., Eastern Standard Time.