

COMMONWEALTH OF PENNSYLVANIA

LEGISLATIVE JOURNAL

MONDAY, MARCH 26, 1990

SESSION OF 1990 174TH OF THE GENERAL ASSEMBLY

No. 19

SENATE

MONDAY, March 26, 1990.

The Senate met at 2:00 p.m., Eastern Standard Time.

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

PRAYER

The Chaplain, the Reverend Dr. DONALD RISING, Pastor of Progress-Immanuel United Presbyterian Church, Harrisburg, offered the following prayer:

Let us pray.

O loving and gracious God, You have not only created all things, but You continue to sustain and support all things. We thank You for Your abiding presence with us, for Yours is a love that will not let go of us.

On this day as this Senate again takes up its important work after a time off to read, learn, listen to constituents, tend to personal business and spend time with family, lay Your hand upon them and strengthen them to do the work You and the citizens of Pennsylvania have called them to do. Give them ears to truly hear, eyes to see, minds and hearts to understand and wisdom to do that which will be the best for all of us and glorify You.

Break down the barrier walls of party lines, the desire for personal credit, that in a spirit of unity and a common desire to do what is right and best, Your will would be done. In the name of Christ we ask this. Amen.

The PRESIDENT. The Chair thanks Reverend Rising who is the guest this week of Senator Shumaker and Senator Hess.

JOURNAL APPROVED

The PRESIDENT. A quorum of the Senate being present, the Clerk will read the Journal of the preceding Session of March 21, 1990.

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

COMMUNICATIONS FROM THE GOVERNOR

NOMINATIONS BY THE GOVERNOR REFERRED TO COMMITTEE

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

DISTRICT JUSTICE

March 21, 1990.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Edward Burnett, 1143 Portsmouth Drive, Port Vue 15133, Allegheny County, Forty-fifth Senatorial District, for appointment as District Justice in and for the County of Allegheny, Magisterial District 5-3-07, to serve until the first Monday of January, 1992, vice Andrew Kurta, deceased.

ROBERT P. CASEY.

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

March 22, 1990.

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, Lucille M. 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 Fred C. McIlhattan, Knox, whose term expired.

ROBERT P. CASEY.

MEMBER OF THE NORTHAMPTON COUNTY BOARD OF ASSISTANCE

March 23, 1990.

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, Doris Lifland (Democrat), 3270 Mountain View Avenue, Easton 18042, Northampton County, Eighteenth Senatorial District, for appointment as a member of the Northampton County Board of Assistance, to serve until December 31, 1992, and until her successor is appointed and qualified, to add to complement.

ROBERT P. CASEY.

MEMBER OF THE NORTHAMPTON COUNTY
BOARD OF ASSISTANCE

March 23, 1990.

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, Arthur L. Panzini (Republican), 708 Zucksville Road, Easton 18042, Northampton County, Eighteenth Senatorial District, for reappointment as a member of the Northampton County Board of Assistance, to serve until December 31, 1991, and until his successor is appointed and qualified.

ROBERT P. CASEY.

HOUSE MESSAGES

HOUSE INSISTS UPON ITS NONCONCURRENCE IN AMENDMENTS TO HB 1068, AND APPOINTS COMMITTEE OF CONFERENCE

The Clerk of the House of Representatives informed the Senate that the House insists upon its nonconcurrence in Senate amendments to **HB 1068**, and has appointed Mrs. RUDY and Messrs. ACOSTA and PERZEL as a Committee of Conference to confer with a similar committee of the Senate (if the Senate shall appoint such committee) to consider the differences existing between the two houses in relation to said bill.

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 24, 382 and 491**.

HOUSE CONCURS IN SENATE AMENDMENTS TO HOUSE AMENDMENTS

The Clerk of the House of Representatives informed the Senate that the House has concurred in Senate amendments to House amendments to **SB 557**.

HOUSE BILLS FOR CONCURRENCE

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

March 22, 1990

HB 253 — Committee on Local Government.

HB 1256, 1257, 1258, 1259, 1260 and 1261 — Committee on Finance.

HB 1443 — Committee on Urban Affairs and Housing.

HB 1686 and 2220 — Committee on Transportation.

HB 2312, 2313 and 2314 — Committee on Appropriations.

March 26, 1990

HB 1262, 1263, 1264, 1265, 1266, 1267, 1268, 1269, 1270 and 1271 — Committee on Finance.

BILLS INTRODUCED AND REFERRED

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

March 22, 1990

Senators O'PAKE, AFFLERBACH, REIBMAN, REGOLI, LYNCH, SALVATORE, MELLOW, BODACK, BELAN, PORTERFIELD, STOUT, MUSTO, HELFRICK, DAWIDA, ROCKS, BRIGHTBILL, LEWIS, SHAFFER and PECORA presented to the Chair **SB 1537**, entitled:

An Act amending the act of November 4, 1983 (P. L. 217, No. 63), entitled "Pharmaceutical Assistance Contract for the Elderly Act," further providing for the definition of "maximum annual income."

Which was committed to the Committee on AGING AND YOUTH, March 22, 1990.

Senators PORTERFIELD, STAPLETON, BODACK, O'PAKE, BELAN, STEWART, MELLOW, STOUT and REGOLI presented to the Chair **SB 1538**, entitled:

An Act amending the act of July 28, 1988 (P. L. 556, No. 101), entitled "Municipal Waste Planning, Recycling and Waste Reduction Act," further providing for site limitations.

Which was committed to the Committee on ENVIRONMENTAL RESOURCES AND ENERGY, March 22, 1990.

Senators PUNT, ROCKS, GREENWOOD and BRIGHTBILL presented to the Chair **SB 1539**, entitled:

An Act authorizing and directing the Department of General Services, with the approval of the Governor, to convey the Monocacy Battlefield in Frederick, Maryland, to the United States of America.

Which was committed to the Committee on INTER-GOVERNMENTAL AFFAIRS, March 22, 1990.

Senators ROCKS, SALVATORE, PECORA, GREENLEAF, HELFRICK, BELL and RHOADES presented to the Chair **SB 1540**, entitled:

An Act amending the act of May 17, 1921 (P. L. 682, No. 284), entitled "The Insurance Company Law of 1921," requiring insurance companies to disclose certain data.

Which was committed to the Committee on BANKING AND INSURANCE, March 22, 1990.

Senators FUMO and LOEPER presented to the Chair **SB 1541**, entitled:

A Supplement to the act of June 12, 1931 (P. L. 575, No. 200), entitled "An act providing for joint action by Pennsylvania and New Jersey in the development of the ports on the lower Delaware River, and the improvement of the facilities for transportation across the river;...." authorizing certain projects of

the Delaware River Port Authority pursuant to Article XII of the Compact or agreement between the Commonwealth of Pennsylvania and the State of New Jersey creating the Delaware River Port Authority.

Which was committed to the Committee on INTER-GOVERNMENTAL AFFAIRS, March 22, 1990.

Senator WILT presented to the Chair **SB 1542**, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, providing for provisions relating to escort services.

Which was committed to the Committee on TRANSPORTATION, March 22, 1990.

Senator WILT presented to the Chair **SB 1543**, entitled:

An Act amending the act of April 6, 1937 (P. L. 200, No. 51), entitled "Pawnbrokers License Act," further providing for interest and charges.

Which was committed to the Committee on BANKING AND INSURANCE, March 22, 1990.

BILLS SIGNED

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

SB 557, HB 24, 382, 491 and 1572.

REPORTS FROM COMMITTEE

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

SB 521 (Pr. No. 545) (Rereported)

An Act amending the act of November 24, 1976 (P. L. 1182, No. 262), entitled "Hearing Aid Sales Registration Law," providing for duties of the advisory council; and requiring continuing education.

SB 888 (Pr. No. 2047) (Amended) (Rereported)

An Act amending the act of March 4, 1971 (P. L. 6, No. 2), entitled "Tax Reform Code of 1971," further providing for cigarette licensing and license fees.

SB 889 (Pr. No. 2048) (Amended) (Rereported)

An Act amending the act of May 20, 1949 (P. L. 1584, No. 478), entitled "Unfair Cigarette Sales Act," further defining certain terms; regulating sales; providing remedies; providing penalties; and making an appropriation.

SB 1031 (Pr. No. 2049) (Amended) (Rereported)

An Act amending the act of March 10, 1949 (P. L. 30, No. 14), entitled "Public School Code of 1949," further providing for the State System of Higher Education to act as both lessor and lessee of property; further providing for maintenance projects and project contracts; further providing for nondiscrimination; further providing for method of disposition of property; and making editorial changes.

SB 1099 (Pr. No. 2050) (Amended) (Rereported)

An Act providing for reimbursement by insurance companies, professional health service plan corporations, fraternal benefit societies and voluntary nonprofit health service plans for service

performed by a licensed speech-language pathologist, a licensed audiologist or a licensed teacher of the hearing impaired; and providing for further duties of the Insurance Department.

SB 1120 (Pr. No. 1360) (Rereported)

An Act amending Title 51 (Military Affairs) of the Pennsylvania Consolidated Statutes, further providing for paralyzed veteran's pension.

SB 1229 (Pr. No. 1823) (Rereported)

An Act amending the act of June 13, 1967 (P. L. 31, No. 21), entitled "Public Welfare Code," providing for the regulation of small-site day-care centers; conferring powers and duties upon the Department of Public Welfare; and making an appropriation.

SB 1389 (Pr. No. 1788) (Rereported)

An Act amending the act of October 20, 1966 (3rd Sp. Sess., P. L. 96, No. 6), entitled "Mental Health and Mental Retardation Act of 1966," repealing provisions relating to county liability; and discharging certain county liability.

SB 1507 (Pr. No. 2051) (Amended) (Rereported)

An Act providing for the establishment, organization, operation and termination of fraternal benefit societies; imposing additional powers and duties on the Insurance Department and on the Insurance Commissioner; providing penalties; and making repeals.

SB 1536 (Pr. No. 2052) (Amended) (Rereported)

An Act amending the act of July 3, 1985 (P. L. 164, No. 45), entitled "Emergency Medical Services Act," relating to fund expenditures; and making an appropriation.

LEGISLATIVE LEAVES

Senator LOEPER. Mr. President, I would request a legislative leave on behalf of Senator Brightbill and a temporary legislative leave on behalf of Senator Baker.

Senator BODACK. Mr. President, I would ask for temporary Capitol leaves for Senator Lewis and Senator Stout and a legislative leave for Senator Fattah.

The PRESIDENT. Senator Loeper requests legislative leave for Senator Brightbill and a temporary legislative leave for Senator Baker. Senator Bodack requests temporary Capitol leaves for Senator Lewis and Senator Stout, also a legislative leave for Senator Fattah. The Chair hears no objection. Those leaves will be granted.

DISCHARGE PETITIONS

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

In the Senate, March 26, 1990.

A PETITION

To place before the Senate the nomination of David A. Dietrich as a member of the State Planning Board.

TO: The Presiding Officer of the Senate

WE, The undersigned members of the Senate, pursuant to section 8 (b) of Article IV of the Constitution of Pennsylvania, do hereby request that you place the nomination of David A. Dietrich, Mifflinburg, Pennsylvania, as a member of the State Planning Board, before the entire Senate body for a vote, the nomination not having been voted upon within 15 legislative days:

Roy W. Wilt
F. Joseph Loeper
Robert C. Jubelirer
Noah W. Wenger
David J. Brightbill

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

In the Senate, March 26, 1990.

A PETITION

To place before the Senate the nomination of Maureen McCullough, Esq., as a member of the State Planning Board.

TO: The Presiding Officer of the Senate

WE, The undersigned members of the Senate, pursuant to section 8 (b) of Article IV of the Constitution of Pennsylvania, do hereby request that you place the nomination of Maureen McCullough, Esq., Havertown, Pennsylvania, as a member of the State Planning Board, before the entire Senate body for a vote, the nomination not having been voted upon within 15 legislative days:

Roy W. Wilt
F. Joseph Loeper
Robert C. Jubelirer
Noah W. Wenger
David J. Brightbill

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

SENATE CONCURRENT RESOLUTION

WEEKLY ADJOURNMENT

Senator LOEPER offered the following resolution, which was read as follows:

In the Senate, March 26, 1990.

RESOLVED, (the House of Representatives concurring), That when the Senate adjourns this week it reconvene on Monday, April 2, 1990, unless sooner recalled by the President Pro Tempore of the Senate; and be it further

RESOLVED, That when the House of Representatives adjourns this week it reconvene on Monday, April 2, 1990, unless sooner recalled by the Speaker of the House of Representatives.

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

On the question,

Will the Senate adopt the resolution?

SENATE CONCURRENT RESOLUTION ADOPTED

Senator LOEPER. Mr. President, I move that the Senate do adopt this resolution.

On the question,

Will the Senate agree to the motion?

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

YEAS—48

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

NAYS—1

Corman

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

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

LEGISLATIVE LEAVES

Senator FUMO. Mr. President, at this time I would like to request temporary Capitol leaves for Senator Jones, Senator Porterfield and Senator Regoli who have been called to their offices.

The PRESIDENT. Senator Fumo requests temporary Capitol leaves for Senator Jones, Senator Porterfield and Senator Regoli. The Chair hears no objection. Those leaves will be granted.

SPECIAL ORDER OF BUSINESS

FRENCH BUSINESS STUDENTS PRESENTED TO SENATE

Senator LOEPER. Mr. President, we are very fortunate to have with us today a group of students who are participating in the French internship program. This program is a program that is sponsored and hosted by the Chamber of Business and Industry in cooperation with our State System of Higher Education, and the intern program will be coordinated with businesses throughout the Commonwealth of Pennsylvania.

We are very fortunate today to have with us fifteen business students from France here in Pennsylvania who are going to serve a six-month internship with various businesses throughout our Commonwealth, and it will provide Pennsylvania with an excellent opportunity for some overseas contacts and networking. I think it is important to note, as we get a chance to meet these students today, that each one of them has successfully completed the highly competitive French baccalaureate examination, and these young people are now doing one year of post-examination preparation to obtain a special certificate in international trade and that will culminate in the Pennsylvania internships. I think it is important to note, Mr.

President, that they are all geared to work with the European Common Market. I think over and above the extensive training they have already received in France, we will see this group participate in a week of orientation here in Harrisburg, starting on Monday, March 26th, and their first day of work will commence on Monday, April 2nd. During this first week, these folks will be involved in the move to their designated host families throughout the Commonwealth, and then, once completing this program, they will depart for their homeland on Friday, September 28th.

Mr. President, on behalf of Senator Stapleton and myself, I would offer the following resolution:

In the Senate, March 26, 1990.

Whereas, The Pennsylvania State System of Higher Education and the Pennsylvania Chamber of Business and Industry are pleased to host fifteen Junior Business Ambassadors from France; and

Whereas, These interns are part of an international program designed to bring the forces of education, government and business closer together; and

Whereas, The enterprising participants in this internship program are Nathalie Aidan, Pierre-Jean Delaye, Sebastien Desprez, Brigitte Doucet, Genevieve Fournel, Sonia Jean-Elie, Valerie Laglaine, Marie-Ange Le Boulaire, Maud Lourd, Veronique Pascucci, Donzilia Ramos, Christine Rolland, Delphine Tartaix, Marie-Christine Taylor and Natasha Xantopoulos.

Now therefore, the Senate of the Commonwealth of Pennsylvania welcomes these interns to our state; wishes them every success in this competitive program which promises to provide students and businesses in Pennsylvania with educational opportunities and expanded personal network;

And directs that a copy of this document, sponsored by Senators F. Joseph Loeper and Patrick J. Stapleton, be transmitted to the Pennsylvania State System of Higher Education and the Chamber of Business and Industry.

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

On the question,

Will the Senate adopt the resolution?

RESOLUTION ADOPTED

Senator LOEPER. Mr. President, I move that the Senate do adopt this resolution.

On the question,

Will the Senate agree to the motion?

The motion was agreed to and the resolution was adopted.

Senator LOEPER. I would also note, Mr. President, that we have copies of this resolution for each one of our students who is with us today.

Mr. President, at this time I would ask a spokesperson for the group of students who are with us today, Marie-Christine Taylor, if she would come forward and address the Chamber.

The PRESIDENT. Would the Members of the Senate join me in welcoming the emissary from a group of distinguished French students, and would you be so kind as to favor us with a few comments.

(Applause.)

Ms. TAYLOR. I am speaking on behalf of my fellow colleagues, the Junior Business Ambassadors, and we would like to thank the Lieutenant Governor, the President pro tempore, the Senators, the Pennsylvania State System of Higher Education and the Pennsylvania Chamber of Business and Industry for receiving us today as representatives of the European Common Market.

We all come from France. The majority of us have never been to the United States and are very excited to be here to represent Europe and develop business relations between the United States and Europe. We have been preparing this program for quite a while now and are very eager to start effectively our roles here in Pennsylvania.

Now I would like to present to you my colleagues: Nathalie Aidan, Pierre-Jean Delaye, Sebastien Desprez, Brigitte Doucet, Genevieve Fournel, Sonia Jean-Elie, Valerie Laglaine, Marie-Ange Le Boulaire, Maud Lourd, Veronique Pascucci, Donzilia Ramos, Christine Rolland, Delphine Tartaix and Natasha Xantopoulos.

Mr. DELAYE. And now we would like to afford you this free flag representing the European Common Market, France and the State of Pennsylvania, to announce the friendship between the three.

Senator LOEPER. That is very nice. Thank you very much. (Applause.)

Senator LOEPER. Thank you very much and certainly, I think, on behalf of all Members of the Senate, we congratulate each and every one of you and wish you the best successes in your efforts in your program in the next six months. We are sure it is a challenging experience for you, but one that you certainly can meet and also improve the relationship among our countries in the European Common Market as a whole.

Mr. President, finally, I think it is very obvious why I did not pronounce the names of each one in the resolution today, but we are certainly proud of you and pleased to have you in Pennsylvania.

The PRESIDENT. The Chair also would like to thank all of the members of the delegation. We are delighted that you would grace the Chamber of the Senate of Pennsylvania, and I would thank all the Members of the Senate for their patience and indulgence.

RECESS

Senator LOEPER. Mr. President, at this time I would ask for a recess of the Senate for the purpose of a Republican caucus to begin immediately in the first floor caucus room, with an expectation of returning to the Senate floor at approximately 3:30 p.m.

Senator FUMO. Mr. President, we echo that request and ask that a caucus of Democratic Senators be conducted at the rear of the Chamber, and also some of our younger staff members would like to host some of these guests from France.

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

AFTER RECESS

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

CALENDAR

BILL ON CONCURRENCE IN HOUSE AMENDMENTS AS AMENDED

BILL OVER IN ORDER

SB 971 — Without objection, the bill was passed over in its order at the request of Senator LOEPER.

THIRD CONSIDERATION CALENDAR

BILLS OVER IN ORDER

SB 295, 408, 717 and 1059 — Without objection, the bills were passed over in their order at the request of Senator LOEPER.

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

SB 1307 (Pr. No. 1637) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of December 18, 1984 (P. L. 1005, No. 205), entitled "Municipal Pension Plan Funding Standard and Recovery Act," further providing for the financial requirements of the pension plan, the minimum obligation of the municipality and the allocation of general municipal pension system State aid.

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

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

NAYS—0

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

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

BILL ON THIRD CONSIDERATION AMENDED

SB 1313 (Pr. No. 2000) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of November 26, 1978 (P. L. 1212, No. 286), entitled "Inspection of Employment Records Law," further defining "employee"; further providing for inspection of personnel files and for the number of inspections allowed annually; and making an editorial change.

Considered the third time,

On the question,
Will the Senate agree to the bill on third consideration?
Senator LOEPER, by unanimous consent, offered the following amendment No. A0740:

Amend Sec. 1 (Sec. 1), page 1, lines 17 and 18, by striking out "or his or her designated agent"

Amend Sec. 4 (Sec. 3), page 3, line 13, by inserting after "EMPLOYEE": or the designated agent of the employee

Amend Sec. 4 (Sec. 3), page 3, line 16, by inserting brackets before and after "EMPLOYEES" and inserting immediately thereafter: an employee or the designated agent of the employee

Amend Sec. 4 (Sec. 3), page 3, line 20, by inserting brackets before and after "A DESIGNATED OFFICIAL" and inserting immediately thereafter: an official designated by the employer

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 LOEPER.

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

HB 1374 (Pr. No. 3191) — The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 51 (Military Affairs) of the Pennsylvania Consolidated Statutes, providing for the disposition of the proceeds of rentals and sales of State armories; and further providing for expenditures from the State Treasury Armory Fund.

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

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

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.

LEGISLATIVE LEAVE CANCELLED

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

THIRD CONSIDERATION CALENDAR RESUMED

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

SB 1458 (Pr. No. 2001) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of January 17, 1968 (P. L. 11, No. 5), entitled "The Minimum Wage Act of 1968," providing for certain exceptions from the minimum wage provisions.

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

NAYS—0

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

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

LEGISLATIVE LEAVE CANCELLED

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

THIRD CONSIDERATION CALENDAR RESUMED

BILLS OVER IN ORDER

SB 1511 and 1512 — Without objection, the bills were passed over in their order at the request of Senator LOEPER.

BILL LAID ON THE TABLE

HB 1781 (Pr. No. 2709) — The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, further providing for custody and visitation in certain cases.

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

SECOND CONSIDERATION CALENDAR

BILLS OVER IN ORDER

HB 11, 59 and 240 — Without objection, the bills were passed over in their order at the request of Senator LOEPER.

BILL ON SECOND CONSIDERATION

SB 278 (Pr. No. 285) — The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for pedestrian-control signals.

Considered the second time and agreed to,

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

BILL OVER IN ORDER

HB 406 — Without objection, the bill was passed over in its order at the request of Senator LOEPER.

BILL ON SECOND CONSIDERATION

SB 442 (Pr. No. 2031) — The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further establishing a duty to stop vehicles at accident scenes; and providing an exception from the duty for emergency vehicles.

Considered the second time and agreed to,

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

BILL LAID ON THE TABLE

HB 612 (Pr. No. 3059) — The Senate proceeded to consideration of the bill, entitled:

An Act providing for official visitation of prisons.

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

BILLS ON SECOND CONSIDERATION

SB 676 (Pr. No. 720) — The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for the definition of "motor vehicle" to exclude electrical mobility devices used to transport the physically handicapped.

Considered the second time and agreed to,

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

SB 679 (Pr. No. 2032) — The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for interference with devices, signs or signals.

Considered the second time and agreed to,

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

BILL OVER IN ORDER

HB 704 — Without objection, the bill was passed over in its order at the request of Senator LOEPER.

BILL ON SECOND CONSIDERATION

SB 705 (Pr. No. 768) — The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for the offense of driving under foreign license during suspension or revocation.

Considered the second time and agreed to,

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

BILL OVER IN ORDER

SB 1091 — Without objection, the bill was passed over in its order at the request of Senator LOEPER.

BILL ON SECOND CONSIDERATION

SB 1113 (Pr. No. 1337) — The Senate proceeded to consideration of the bill, entitled:

An Act designating the Birmingham Bridge in Pittsburgh, Allegheny County, as the James A. Romanelli Bridge; and making a repeal.

Considered the second time and agreed to,

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

BILL LAID ON THE TABLE

HB 1141 (Pr. No. 3060) — 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 obscene and other sexual materials; and providing for obscene performances.

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

BILL OVER IN ORDER

HB 1294 — Without objection, the bill was passed over in its order at the request of Senator LOEPER.

BILL OVER IN ORDER AND RECOMMITTED

SB 1319 (Pr. No. 1907) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of June 3, 1937 (P. L. 1333, No. 320), entitled "Pennsylvania Election Code," further providing for residual funds.

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

Pursuant to Senate Rule XI, the bill was recommitted to the Committee on State Government.

BILL OVER IN ORDER

SB 1373 — Without objection, the bill was passed over in its order at the request of Senator LOEPER.

BILL ON SECOND CONSIDERATION

SB 1432 (Pr. No. 1876) — 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," requiring instruction on school bus safety.

Considered the second time and agreed to,

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

BILL ON SECOND CONSIDERATION AMENDED AND REREFERRED

SB 1442 (Pr. No. 1897) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of June 1, 1937 (P. L. 1168, No. 294), entitled "Pennsylvania Labor Relations Act," further providing for the salaries of board members.

The bill was considered.

On the question,

Will the Senate agree to the bill on second consideration?

Senator LOEPER offered the following amendment No. A0735:

Amend Title, page 1, line 29, by removing the period after "members" and inserting: ; and making repeals.

Amend Bill, page 2, by inserting between lines 18 and 19:

Section 2. As much as relates to the Pennsylvania Labor Relations Board in section 1 of the act of September 2, 1961 (P.L.1177, No.525), referred to as the Board and Commission Compensation Law, is hereby repealed.

Section 210(a) of the act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929, is hereby repealed.

Amend Sec. 2, page 2, line 19, by striking out "2" and inserting: 3

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

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

Senator LOEPER. Mr. President, I move that Senate Bill No. 1442, as amended, be rereferred to the Committee on Appropriations.

The motion was agreed to.

The PRESIDENT. Senate Bill No. 1442, as amended, will be rereferred to the Committee on Appropriations.

BILL ON SECOND CONSIDERATION

SB 1472 (Pr. No. 1946) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of May 11, 1889 (P. L. 188, No. 210), entitled "A further supplement to an act, entitled 'An act to establish a board of wardens for the Port of Philadelphia, and for the regulation of pilots and pilotage, and for other purposes';.....," further regulating the rates of pilotage; and specifying fees for certain services.

Considered the second time and agreed to,

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

BILLS OVER IN ORDER

HB 1561 and 1658 — Without objection, the bills were passed over in their order at the request of Senator LOEPER.

BILL ON SECOND CONSIDERATION

HB 1769 (Pr. No. 2206) — The Senate proceeded to consideration of the bill, entitled:

An Act designating the Puttstown Bridge on State Route 913 in Hopewell Township, Huntingdon County, as the Kenneth Clapper Bridge.

Considered the second time and agreed to,

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

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 Mr. and Mrs. Francis Kiray, Mr. and Mrs. Michael Uhrin, David W. Flora and to Thomas R. Huffman by Senator Bodack.

Congratulations of the Senate were extended to Christopher Premaza, Jonathan E. Boyer and to Joseph Uchniat by Senator Greenwood.

Congratulations of the Senate were extended to James R. Caiola, North Penn High School Girls Swim Team of Lansdale, and to North Penn High School Boys Swim Team of Lansdale by Senator Holl.

Congratulations of the Senate were extended to Gilda DiMemmo by Senator Hopper.

Congratulations of the Senate were extended to Neshaminy High School Instrumental Music Performance Group of Langhorne by Senator Lewis.

Congratulations of the Senate were extended to Milton G. Lohr, Sr. by Senator Lincoln.

Congratulations of the Senate were extended to Kevin Baldwin by Senator Loeper.

Congratulations of the Senate were extended to Lycoming College Nursing Honor Society by Senator Madigan.

Congratulations of the Senate were extended to Corporal Joseph R. Geroski, Trooper Joseph R. Irvin, Sergeant Joseph W. Frew, Corporal Eugene J. Centi, Trooper Robert T. Derwin, Alan Michael Sanders and to Michael Alan Sanders by Senator Musto.

Congratulations of the Senate were extended to Volunteers of Berks County by Senator O'Pake.

Congratulations of the Senate were extended to Pete Antimarino by Senator Pecora.

Congratulations of the Senate were extended to Merle L. Singer, Sergeant Tim Davis and to Lieutenant Thomas Hardy by Senator Peterson.

Congratulations of the Senate were extended to Mr. and Mrs. Frank Orris by Senator Punt.

Congratulations of the Senate were extended to West Deer Township Volunteer Fire Department No. 1 of Tarentum by Senator Regoli.

Congratulations of the Senate were extended to Sean P. Riley by Senator Rocks.

Congratulations of the Senate were extended to Howard M. Goldsmith, Esquire and to Marcia Abraham by Senator Salvatore.

Congratulations of the Senate were extended to Mr. and Mrs. John D. Cassel and to Dauphin County Area Agency on Aging by Senator Shumaker.

Congratulations of the Senate were extended to Millers Mutual Insurance Company by Senators Shumaker and Hopper.

Congratulations of the Senate were extended to Mr. and Mrs. Paul Kelley and to United Mine Workers of America by Senator Stout.

ANNOUNCEMENTS BY THE SECRETARY

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

SENATE OF PENNSYLVANIA

COMMITTEE MEETINGS

TUESDAY, MARCH 27, 1990

9:00 A.M.	COMMUNITY AND ECONOMIC DEVELOPMENT (Public Hearing - On the Sunset of the Pennsylvania Milrite Council)	Room 8E-A Hearing Room East Wing
11:00 A.M.	ENVIRONMENTAL RESOURCES AND ENERGY (to consider Senate Bills No. 1437, 1438 and 1439)	Room 461 Conference Room 4th Floor North Wing
11:30 A.M.	JUDICIARY (to consider Senate Bills No. 891, 1193, 1194, 1412, 1470 and House Bill No. 1360)	Room 8E-B Hearing Room East Wing

- 11:30 A.M. AGRICULTURE AND RURAL Room 460
 AFFAIRS (to consider Senate Conference Room
 Bill No. 986 and House 4th Floor
 Bills No. 159 and 820) North Wing
- 3:00 P.M. BANKING AND INSURANCE Room 461
 (to consider Senate Bills Conference Room
 No. 100, 205, 206, 208, 4th Floor
 304, 436, 538, 610, 693, North Wing
 1003 and 1540)

THURSDAY, MARCH 29, 1990

- 10:00 A.M. LOCAL GOVERNMENT College Township
 (Public Hearing - On Bldg., Rte 322
 Senate Bill No. 1284) - & Rte 26, State
 Cancelled College, Pa

TUESDAY, APRIL 3, 1990

- 9:30 A.M. ENVIRONMENTAL Room 8E-A
 RESOURCES AND ENERGY Hearing Room
 (to consider Senate Bills East Wing
 No. 1219 and 1260)

THURSDAY, APRIL 12, 1990

- 10:00 A.M. CONSUMER PROTECTION Room 8E-B
 AND PROFESSIONAL Hearing Room
 LICENSURE (Public Hearing - East Wing
 To consider Senate Bill No.
 1528 - Regulating practice
 of certain midwifery)

PETITIONS AND REMONSTRANCES

Senator LOEPER. Mr. President, I appreciate your indulgence. However, I think it is very important that I in a timely fashion raise an issue that has caused some of us great concern, particularly that of the elimination of the funding of payments to recipients from the Pennsylvania Catastrophic Loss Trust Fund that now has occurred. Mr. President, this has caused us great concern because, in fact, we have started to receive calls from those families who have individuals who have been critically injured under the former Catastrophic Loss Trust Fund and received benefits from same and have been notified that, in fact, the State CAT Fund is out of money, therefore, those benefits will not be paid to those families in a timely fashion. Unfortunately, Mr. President, I communicated at the end of last week with the Governor to raise my concern about that, particularly in light of the fact that at the meeting of the Senate Committee on Appropriations on March 7th, our Insurance Commissioner Foster, in response to a line of questioning from several Members of the Committee on Appropriations, disclosed that it was likely that the CAT Fund could run into a temporary cash flow problem sometime before the end of the current fiscal year. I would note again, Mr. President, it was on March 7th the Insurance Commissioner had made that testimony before the Committee on Appropriations. She indicated at that time to the committee that a recommendation from her department would be

forthcoming to the General Assembly as to how to address this shortfall in order that we would not have a loss of benefits to those injured parties who depend upon these benefits on a regular basis. Unfortunately, at this point, I have learned that the Commissioner, while under oath at that time at the committee hearing on March 7th, seemed to be less than forthcoming when she brought her testimony before that committee, and it certainly appears from research that we have been able to ascertain, Mr. President, that the cash flow problem in the fund was existing, in fact, on March 7th, the day the Commissioner appeared before the Committee on Appropriations to give her testimony. I believe, in response to some of the questions, it was indicated that February 1990 may have been an unusual month in that the CAT Fund claims to be paid exceeded that of any previous month in the history of the CAT Fund. However, it seems to me, Mr. President, the Commissioner certainly withheld the facts about that situation and the severity of the cash flow problem before the Members of the committee, and today, Mr. President, the Legislature is still awaiting the administration's recommendation on how to best handle this problem which now, obviously, has evolved into a crisis situation, particularly in light of the many constituent calls we are receiving, as far as those critically needy people who depend on this much needed benefit. I think if we were just to look back a little bit, Mr. President, and remember the end of June in this Chamber, the administration proposed to the General Assembly a plan that was to surcharge traffic violations as being a preferred way in order to ensure that there would be enough funds in the CAT Fund Loss Benefits Continuation Fund to fund any future liability of those injury claims that were eligible. Unfortunately, it is very obvious at this point in time, less than nine months after that has happened, that that situation has not occurred. I think at that point in time we had seen where the administration insisted that the surcharge plan be part of the 1989 budget settlement, and, as you may recall, there was widespread resistance to securing the votes in order to put that piece of the budget package together. However, we finally were able to, and at that time I believe, Mr. President, the administration assured us that more than \$33 million would be generated annually by that surcharge plan in order to fund those needed benefits. However, in December 1989 the actual deposits into that fund were more than \$1 million below the projections in order to fund that. I think, Mr. President, the administration did not attempt to manage the impending crisis. Rather, we are faced with a crisis that is before us now, and certainly the solution appears to have been embraced to simply process and pay these legally due benefits much more slowly and in a less timely manner, and, in fact, payments have apparently slowed to a trickle while substantial claims have accumulated. I would certainly at this point in time, Mr. President, urge the Governor and the Insurance Commissioner to make all information regarding these late payment claims available to the General Assembly and also to provide us with definitive information on the existing cash flow problem in the CAT Fund, as well as the recommendation that the Insurance Commissioner promised to produce before it became a crisis situation.

I think, Mr. President, it is very important to those who are beneficiaries of this fund that that fund be stable, that they can continually depend on their benefits coming in a timely fashion, and we look forward to a report from the Commissioner and the Governor as the best change of direction to handle this problem in a fiscally prudent manner.

LEGISLATIVE LEAVE CANCELLED

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

PETITIONS AND REMONSTRANCES (Continued)

Senator FUMO. Mr. President, the person who speaks from this desk is usually charged with the responsibility of answering political comments on Petitions and Remonstrances. However, I am a little bit confused. What I basically got out of the last remarks from the Majority Leader are the consistent words, "administration, crisis, CAT Fund," not really understanding the full impact of his words, because when I look at the actions that he has taken on the floor, they do not necessarily seem to be consistent. I guess a little bit of history about the CAT Fund would be in order to remind people how we got this plan in the first place.

It was a Republican plan brought forth by Governor Thornburgh and others. We all remember him; he is now the Attorney General of the United States. Mr. President, at the time the Republican administration did not want to get tagged with the program because they were afraid somebody might say they were raising taxes, and God forbid we do that. So they started this cockamamie system where you mail a letter out to get a stamp back and you send it to some collection agency, and people were yelling and screaming around here—the constituents were—as to what is this thing about? Why did I get a bill from some collection agency? Why do I have to pay this? That is how the CAT Fund started. The general public never understood what it was, so, therefore, they did not embrace it. Then we got the bright idea of doing away with it. Why not? It was unpopular. Let us always do whatever is popular. Forget leadership and forget responsibility. Let us just do what is popular. So we put a bill in to do away with the CAT Fund. I voted against that bill, Mr. President, and I made a speech on this floor saying that the CAT Fund was probably the best buy in insurance in the Commonwealth today, even at the higher rates that were being projected, but my voice was not heard except by the Inquirer editorial board on one of those rare occasions when we agreed. Mr. President, now we have a problem with the CAT Fund, and if the Majority Leader thinks that the cash flow problem there—I believe he said it is a million dollars or a couple of million dollars—is a crisis, boy, we have a lot of crises on the horizon.

Mr. President, I am sure that the administration will provide to anyone who responsibly requests it, any data that they want. If the Majority Leader is having trouble getting that, I will gladly call our Democratic Governor for him and try to get it, even though I still say we should have never done

away with the CAT Fund. If there is a crisis, let us go back and look at who originally started the crisis, and if the CAT Fund is bad, let us go back to see who originally thought up the idea. You just cannot have it both ways. You cannot say the CAT Fund is bad and evil because you created it, and you cannot say now they are having problems because you did away with it. You have to have some degree of consistency here if we are going to maintain any kind of credibility. Yes, Mr. President, maybe we have to learn that occasionally on this floor we are going to have to do unpopular things if we are going to be responsible leaders in the government of the Commonwealth of Pennsylvania. It does not always mean pandering to the thirty-second commercial or the three-second news byte. Sometimes it means hard work, and sometimes it means being unpopular, and yes, someday it might even mean the evil of raising taxes. But whatever it is, it should be done in a responsible and in a consistent fashion.

Senator LOEPER. Mr. President, just briefly, in response to the remarks of the gentleman from Philadelphia, I think it is incumbent to realize a few points. Number one, when he speaks of a crisis on the horizon and if I believe that a million dollar problem in the Catastrophic Loss Benefit Fund is a crisis, there are many more crises on the horizon. Quite frankly, Mr. President, I happen to agree with the gentleman that there are quite a few more crises, as I see it, on the horizon, particularly in the decline of revenue collections in this state. When we talk about what the budget prospects are for this year, there is no question that we are just at the tip of the iceberg on a crisis. I think that if we are also to take a look, Mr. President, at what we are looking at, it is that once the CAT Fund was repealed and we were subject to the liability for those individuals who were already participating in the CAT Fund and to receive those benefits, one thing that was incumbent upon this General Assembly was to find a way to fund adequately those benefits for those people who were still eligible to receive them. Mr. President, it was quite reluctantly that Members of this General Assembly voted, as far as the budget package for 1989-90, for a replacement revenue measure in order to fund those benefits for the CAT Fund recipients. It was the recommendation of the Governor and Budget Secretary that was followed by this General Assembly to put into place a system that was going to raise the adequate revenues that were necessary in order to fund those benefits for all those recipients, in order that they could receive them in a timely fashion.

It is my understanding, Mr. President, at this point in time there are over \$7.5 million in bills waiting to be paid to eligible recipients, and certainly those bills are not being paid. If we are talking about a \$1 million deficit in that fund already, we are looking at \$7.5 million in bills that are sitting there unpaid. We are talking about a crisis not only just in the CAT Fund, but one that is looming on the horizon for much of general government to come.

Senator SHAFFER. Mr. President, last week—I believe it was on Thursday—my office received a call and I returned it to a Mrs. Oliverio who runs Oliverio's Nursing Registry in

Zelienople. That was the first call I had received relative to what apparently is a severe CAT Fund crisis. Mrs. Oliverio's question, of course, to me was regarding the twenty-four year old quadriplegic whom she sends nurses out to in a home in, I think, Rochester, Pennsylvania, a young individual injured severely in an auto accident. The parents and family are trying to keep this young fellow at home as long as they can, but it requires additional private duty nursing in addition to the care the family members can give directly. She has not been paid for a number of weeks and the nurses she sends out have not been paid for a number of weeks. Mr. President, the problem is a real problem. It is a problem which is affecting currently about 1,300 of our most vulnerable Pennsylvanians. I do not think Mrs. Oliverio will be very consoled when I tell her that the gentleman from Philadelphia, Senator Fumo, wants to remind us it was Dick Thornburgh who gave us this program. I do not know that that is going to cheer her up because it still has not put any money in the pockets of her employees who deserve to be paid. I do not think this young fellow's mother is going to be very much heartened if I go back and remind her that according to Senator Fumo it was the General Assembly that irrationally and irresponsibly did away with this. Mr. President, indeed the issue that is before us today is that we have 1,300 people for whom the Commonwealth, rightly or wrongly, regardless of what administration, has committed itself financially to the tune of \$1 million each, in certain circumstances. The issue is, Mr. President, that those bills are not being paid. The issue is we do not have the money in the CAT Fund to pay the bills. When I call Mrs. Oliverio back at the end of this week, trying to give her some answer as to whether or not she should continue to try to "carry" this case, I do not know what I am going to be able to tell her. On the one hand, I certainly would not want to say, please drop this case, please let these people from Rochester and the twenty-four year old quadriplegic fend for themselves, Mrs. Oliverio. I do not want to say that, but, on the other hand, we have no assurance from this administration if and when these bills are going to get paid. My understanding, from inside sources, is that it may take a lawsuit from some of these paraplegics and quadriplegics, the sick and the injured in order to get the administration to come forward with the money that has been promised. It is not whether it is a prerogative of an administration but it is an obligation of an administration to make good on this commitment, and I demand, Mr. President, that this administration make good on its commitment immediately.

Senator FUMO. Mr. President, if it were such a great program, then why did all my colleagues from the other side of the aisle vote to get rid of it? In fact, why did most of my colleagues in the Senate vote to get rid of it? We have all these poor people who are getting hurt. Do the Senators who have spoken think that the ones in the CAT Fund now and the beneficiaries of the CAT Fund are the only people ever who are going to get into those accidents and suffer that way? Where was their courage that day? It was not there, because other constituents were yelling and screaming they did not under-

stand it and they did not want to pay for it. You cannot have it both ways. Yes, I fault Governor Thornburgh. I fault Governor Thornburgh not for creating the program, but for refusing to own up to the responsibility of the program and for not giving the program the proper education that it required with the general populace. That is what I fault General Thornburgh, then Governor Thornburgh for. If we have problems, let us go out and solve them. Let us start another CAT Fund. I will gladly introduce a bill if the gentleman from Butler, Senator Shaffer, and the gentleman from Delaware, Senator Loeper, want to co-sign. I will do it in a minute. I suspect their names will not be on that cover sheet when I do that.

Mr. President, if we in the General Assembly made a mistake in our budget compromise and did not put enough money in there, well, then, we will simply have to find some more money. It is not the Governor's fault. They make estimates. They try to figure a way to fund it. It does not work. We will come up with another answer. Let us do that in a responsible fashion. Let us not sit here. I did not start this rhetoric. You on the other side of the aisle did in your desperation to find issues for this gubernatorial campaign. Let us put that aside and worry about the quadriplegic who is hurting, and worry about all the other people and solve the problem rather than deal in political rhetoric. If you feel so strongly for the fund, let us put it back where it belongs, back in law in Pennsylvania. You should have stood with me that day when I voted "no." But let us not beat up Governor Casey for that. If there is a problem, it is everybody's problem. Let us find a solution, not here in Petitions and Remonstrances. Let us sit down and discuss something that is reasonable. But if you just want to get out and grandstand, then get out and grandstand and do not waste the Senate's time. Go out and find a soapbox in front of the Capitol somewhere and do it.

Senator SHAFFER. Mr. President, if I do make a speech and grandstand in front of the Capitol, I am certain I can borrow the Senator's milk carton, I would hope.

Mr. President, the gentleman says that if there is a problem we should all sit down or stand up or work together somehow to remedy the problem. To my knowledge, Mr. President, this administration has not admitted there is a problem. I have not heard of one Casey proposal to fund the unfunded liability over and above what he previously, through his Insurance Commissioner, provided, and the latest information I have was that at the hearing of the Committee on Appropriations Ms. Foster said the amount of money being raised for the CAT Fund was adequate for the CAT Fund. So, it is not a matter of the General Assembly not wanting to face up to the issue. It is a matter of this Governor not wanting to face up to the issue. He has an obligation, indeed a solemn obligation, to come forward, Mr. President, and make a proposal so we can assure the Helen Oliverios of the world that their work on behalf of injured patients and injured clients in this state is going to be paid. At the moment, Mr. President, we do not have that assurance. It is another example, in my judgment,

just like Camp Hill and other instances as well, of a poor administration where a crisis has arisen full-blown before anyone is informed. Indeed, Mr. President, this CAT Fund issue is one which I think we are going to speak of, not just today on the floor, but every week hereafter.

COMMUNICATION FROM THE GOVERNOR

RECALL COMMUNICATION 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 STATE PLANNING BOARD

March 26, 1990.

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated December 4, 1989 for the appointment of Joann Bell, 8439 Suffolk Road, Philadelphia 19138, Philadelphia County, Eighth Senatorial District, as a member of the State Planning Board, to serve for a term of four years and until her successor is appointed and qualified, pursuant to Act 42, approved July 7, 1989.

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

ROBERT P. CASEY.

ADJOURNMENT

Senator LOEPER. Mr. President, I move the Senate do now adjourn until Tuesday, March 27, 1990, at 1:00 p.m., Eastern Standard Time.

The motion was agreed to.

The Senate adjourned at 4:10 p.m., Eastern Standard Time.

