

COMMONWEALTH OF PENNSYLVANIA

LEGISLATIVE JOURNAL

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SESSION OF 1993

177TH OF THE GENERAL ASSEMBLY

No. 39

SENATE

WEDNESDAY, June 16, 1993

The Senate met at 10 a.m., Eastern Daylight Saving Time.

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

PRAYER

The Chaplain, Reverend ALLAN R. VIVONA, Pastor of Grace Bible Fellowship Church, Harrisburg, offered the following prayer:

Let us pray.

Now onto the King eternal, immortal, invisible, the only wise God, be honor and glory both now and forever. And now, our Almighty God, gracious and most loving Heavenly Father, as we come into Your presence we invoke Your blessing upon our lives. We ask for Your knowledge, wisdom, and understanding. I pray, Father, that Your hand be upon the Senators today. I pray also, Father, that You enable us to be discoverers of Your law, and then to communicate that and to be purveyors of that law with wisdom and balance, justice, righteousness, and mercy.

Father, we invoke Your blessing today especially for Governor Casey and for Senator Specter. We pray that Your leading, guiding hand would be upon them, that You strengthen them, that You heal them. We pray, Father, for this State. We pray for this country. We commit all these things into Your care. We ask now that You lead us with wisdom, and we ask it in the name of our Almighty God and Saviour, Jesus Christ. Amen.

The PRESIDENT. The Chair thanks Pastor Vivona, who is the guest this day of Senator Shumaker.

JOURNAL APPROVED

The PRESIDENT. A quorum of the Senate being present, the Clerk will read the Journal of the preceding Session of June 15, 1993.

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

HOUSE MESSAGES

HOUSE CONCURS IN SENATE BILL

The Clerk of the House of Representatives returned to the

Senate SB 1025, with the information the House has passed the same without amendments.

HOUSE CONCURS IN SENATE CONCURRENT RESOLUTION

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

Weekly adjournment.

HOUSE BILLS FOR CONCURRENCE

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

June 16, 1993

HB 991 and 1195 -- Committee on Banking and Insurance.

HB 1462 -- Committee on Law and Justice.

HB 1692 -- Committee on Appropriations.

HB 1780 -- Committee on Labor and Industry.

BILL SIGNED

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

SB 1025.

SPECIAL ORDER OF BUSINESS ANNOUNCEMENTS BY THE SECRETARY

The SECRETARY. Consent has been given for the following committees to meet during today's Session: the Committee on Law and Justice to consider Senate Bill No. 1011 and House Bill No. 1462; the Committee on Education to consider Senate Bills No. 889, 1022 and House Bills No. 105 and 1609; and the Committee on Rules and Executive Nominations to consider House Bill No. 84 and Senate Bill No. 759, and certain nominations.

REPORT FROM COMMITTEE

Senator JONES, from the Committee on Urban Affairs and Housing, reported the following bill:

HB 149 (Pr. No. 945)

An Act allocating a percentage of the net proceeds from all unclaimed funds from sheriffs' sales of residential real property to the Pennsylvania Housing Finance Agency for the purpose of assisting

potential home buyers with the financing and purchase of homes at sheriffs' sales.

LEGISLATIVE LEAVES

The PRESIDENT. The Chair recognizes the gentleman from Fayette, Senator Lincoln.

Senator LINCOLN. Mr. President, I request a legislative leave for the day for Senator Fumo, a legislative leave for the day for Senator Jones, and a temporary Capitol leave for Senator Williams.

The PRESIDENT. The Chair recognizes the gentleman from Delaware, Senator Loeper.

Senator LOEPER. Mr. President, I request temporary Capitol leaves on behalf of Senator Mowery and also Senator Salvatore.

The PRESIDENT. Senator Loeper requests temporary Capitol leaves for Senator Salvatore and Senator Mowery. The Chair hears no objection. Those leaves will be granted.

Senator Lincoln requests legislative leaves for Senator Fumo and Senator Jones, and a temporary Capitol leave for Senator Williams. Those leaves will be granted as well.

CALENDAR

SB 502 CALLED UP OUT OF ORDER

SB 502 (Pr. No. 1301) — Without objection, the bill was called up out of order, from page 1 of the Calendar under Bills on Concurrence in House Amendments, by Senator LINCOLN, as a Special Order of Business.

SENATE CONCURS IN HOUSE AMENDMENTS

SB 502 (Pr. No. 1301) — 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,' approved March twenty-ninth, one thousand eight hundred and three, and for regulating the rates of pilotage and number of pilots," further providing for rates of pilotage.

Senator LINCOLN. Mr. President, I move that the Senate do concur in the amendments made by the House to Senate Bill No. 502.

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

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

YEAS—48

Afflerbach	Fisher	Loeper	Robbins
Andrezeski	Fumo	Madigan	Salvatore
Armstrong	Greenleaf	Mellow	Scanlon
Baker	Hart	Mowery	Schwartz
Belan	Helfrick	Musto	Shaffer
Bell	Holl	O'Pake	Shumaker
Bodack	Jones	Pecora	Stapleton

Bortner	Jubelirer	Peterson	Stewart
Brightbill	LaValle	Porterfield	Stout
Corman	Lemmond	Punt	Tilghman
Dawida	Lewis	Reibman	Wenger
Fattah	Lincoln	Rhoades	Williams

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.

LEGISLATIVE LEAVES CANCELLED

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

**SPECIAL ORDER OF BUSINESS
GUESTS OF SENATOR MICHAEL E. BORTNER
PRESENTED TO THE SENATE**

The PRESIDENT. The Chair recognizes the gentleman from York, Senator Bortner.

Senator BORTNER. Mr. President, I would like to introduce two guest Pages who are with me today. One is my son Seth, who just completed the seventh grade at Hannah Penn Middle School in York. The other is his friend, Michael O'Connor, who is also with him today serving as a Page. I would ask that we welcome them and give them our usual warm welcome.

The PRESIDENT. Would the guests of Senator Bortner please rise so that we can welcome you. Thank you very much for joining us.

(Applause.)

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

The PRESIDENT. The Chair recognizes the gentleman from Berks, Senator O'Pake.

Senator O'PAKE. Mr. President, also serving as a guest Page today is an outstanding student from Dartmouth University who will be interning with me this summer, Mr. Timothy Rodenberger.

The PRESIDENT. Would the guest Page please rise. We welcome you to the Senate as well and thank you for your help.

(Applause.)

**GUEST OF SENATOR HAROLD F. MOWERY
PRESENTED TO THE SENATE**

The PRESIDENT. The Chair recognizes the gentleman from Cumberland, Senator Mowery.

Senator MOWERY. Mr. President, I also have a guest Page today. His name is Matthew Bembenick, and he is from Mechanicsburg. His parents are Matthew and Martha Bembenick. Matt is 16 years of age and this fall will be a senior at Mechanicsburg Area High School, and I understand he hopes to go to Georgetown University.

The PRESIDENT. Would the guest Page please rise, and we thank you and welcome you to the Senate of Pennsylvania. (Applause.)

RECESS

The PRESIDENT. The Chair recognizes the gentleman from Fayette, Senator Lincoln.

Senator LINCOLN. Mr. President, I would like to have a recess of the Senate; first, for a meeting of the Committee on Rules and Executive Nominations, which will be held immediately upon the recess in the Rules room at the rear of the Chamber, followed by a Democratic caucus in the caucus room on the first floor, which will be an informational caucus and we will go briefly over the Calendar. We will be back on the floor at 1 o'clock with every intention of running the Calendar at that time, and there are other very important issues that will be resolved, hopefully, while we are in that process. And at that time, at 1 o'clock, we should have some idea whether we are going to continue today to try to resolve at least one of those issues or go home for the week. I hate to be that vague, but at this point in time I have no other choice but to be that way. But we will have the meeting of the Committee on Rules and Executive Nominations and then go immediately to caucus, and I do want to come back to the floor at 1 o'clock to run the Calendar.

The PRESIDENT. The Chair recognizes the gentleman from Blair, Senator Jubelirer.

Senator JUBELIRER. Mr. President, in line with the Democratic Leader's request, we would ask that the Republican Members of the Senate report to the second floor caucus room to the rear of the Senate Chamber immediately on the recess of the meeting of the Committee on Rules and Executive Nominations for a caucus on today's Calendar.

The PRESIDENT. For purposes of a meeting of the Committee on Rules and Executive Nominations to begin immediately in the Rules room at the rear of the Senate Chamber, to be followed by Democratic and Republican caucuses immediately after that committee meeting, with the intention of returning at 1 p.m., the Senate will stand in recess.

AFTER RECESS

The PRESIDENT. The time of recess having expired, the Senate will come to order.

LEGISLATIVE LEAVE CANCELLED

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

CONSIDERATION OF CALENDAR RESUMED

BILLS ON CONCURRENCE IN HOUSE AMENDMENTS

SENATE CONCURS IN HOUSE AMENDMENTS

SB 181 (Pr. No. 1435) -- The Senate proceeded to con-

sideration of the bill, entitled:

An Act providing for environmental education programs; providing for further duties of the Department of Education and the Department of Environmental Resources; creating the Environmental Education Fund; and providing for the disposition of a portion of certain fines and penalties.

Senator LINCOLN. Mr. President, I move that the Senate do concur in the amendments made by the House to Senate Bill No. 181.

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

LEGISLATIVE LEAVES

The PRESIDENT. The Chair recognizes the gentleman from Delaware, Senator Loeper.

Senator LOEPER. Mr. President, Senator Helfrick and Senator Armstrong have been called from the floor and I would request temporary Capitol leaves on their behalf.

The PRESIDENT. Senator Loeper requests temporary Capitol leaves for Senator Helfrick and Senator Armstrong. The Chair hears no objection, and those leaves will be granted.

Senator LOEPER. Mr. President, I would also request a temporary Capitol leave on behalf of Senator Baker.

The PRESIDENT. Senator Loeper requests a temporary Capitol leave for Senator Baker. The Chair hears no objection, and that leave will be granted as well.

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

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

YEAS—48

Afflerbach	Fisher	Loeper	Robbins
Andrezeski	Fumo	Madigan	Salvatore
Armstrong	Greenleaf	Mellow	Scanlon
Baker	Hart	Mowery	Schwartz
Belan	Helfrick	Musto	Shaffer
Bell	Holi	O'Pake	Shumaker
Bodack	Jones	Pecora	Stapleton
Bortner	Jubelirer	Peterson	Stewart
Brightbill	LaValle	Porterfield	Stout
Corman	Lemmond	Punt	Tilghman
Dawida	Lewis	Reibman	Wenger
Fattah	Lincoln	Rhoades	Williams

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.

LEGISLATIVE LEAVE CANCELLED

The PRESIDENT. The Chair recognizes the presence on the floor of Senator Jones. Her legislative leave will be cancelled.

LEGISLATIVE LEAVES

The PRESIDENT. The Chair recognizes the gentleman from Fayette, Senator Lincoln.

Senator LINCOLN. Mr. President, I request temporary Capitol leaves for Senator Williams, Senator Mellow, Senator Fattah, and Senator Andrezeski.

The PRESIDENT. Senator Lincoln requests temporary Capitol leaves for Senator Williams, Senator Mellow, Senator Fattah, and Senator Andrezeski. The Chair hears no objection. The leaves will be granted.

The Chair recognizes the gentleman from Delaware, Senator Loeper.

Senator LOEPER. Mr. President, Senator Shumaker has also been called to his office and I request a temporary Capitol leave on his behalf.

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

BILLS ON CONCURRENCE IN HOUSE AMENDMENTS RESUMED

SENATE CONCURS IN HOUSE AMENDMENTS

SB 503 (Pr. No. 1447) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of March 29, 1803 (P. L. 542, No. 156), entitled "An act to establish a Board of Wardens for the port of Philadelphia, and for the regulation of pilots and pilotages, and for other purposes therein mentioned," further providing for power of commissioners to license pilots, for rules of disputes, for review of proceedings, for neglect of duties and for disabled vessels; providing for inactive status, for refresher training, for grounds for discipline, for disciplinary sanctions, for additional pilotage, for compulsory pilotage and for penalties; and making repeals.

Senator LINCOLN. Mr. President, I move that the Senate do concur in the amendments made by the House to Senate Bill No. 503.

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

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

YEAS—48

Afflerbach	Fisher	Loeper	Robbins
Andrezeski	Fumo	Madigan	Salvatore
Armstrong	Greenleaf	Mellow	Scanlon
Baker	Hart	Mowery	Schwartz
Belan	Helfrick	Musto	Shaffer
Bell	Holl	O'Pake	Shumaker
Bodack	Jones	Pecora	Stapleton
Bortner	Jubelirer	Peterson	Stewart
Brightbill	LaValle	Porterfield	Stout
Corman	Lemmond	Punt	Tilghman
Dawida	Lewis	Reibman	Wenger
Fattah	Lincoln	Rhoades	Williams

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.

BILL OVER IN ORDER

SB 691 -- Without objection, the bill was passed over in its order at the request of Senator LINCOLN.

THIRD CONSIDERATION CALENDAR

BILLS REREPORTED FROM COMMITTEE AS AMENDED OVER IN ORDER

HB 185, HB 353, SB 565, SB 569, SB 625, SB 813 and HB 986 -- Without objection, the bills were passed over in their order at the request of Senator LINCOLN.

BILL REREPORTED FROM COMMITTEE AS AMENDED OVER IN ORDER

SB 1126 (Pr. No. 1456) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of August 23, 1967 (P. L. 251, No. 102), entitled, as amended, "Industrial and Commercial Development Authority Law," further providing for definitions, for applicable elected representatives, for purposes and powers, for powers of the financing authority, for financing authority indebtedness, for financing authority loans, for industrial and commercial development authorities, for bonds and for competition in award of contracts.

Considered the third time and agreed to.

On the question,
Shall the bill pass finally?

RECONSIDERATION OF SB 1126

The PRESIDENT. The Chair recognizes the gentleman from Delaware, Senator Loeper.

Senator LOEPER. Mr. President, I move that the vote by which Senate Bill No. 1126 passed on third consideration be reconsidered.

The motion was agreed to.

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

The PRESIDENT. The Chair recognizes the gentleman from Fayette, Senator Lincoln.

Senator LINCOLN. Mr. President, I move that Senate Bill No. 1126 go over in its order.

The motion was agreed to.

The PRESIDENT. Senate Bill No. 1126 will go over in its order.

PREFERRED APPROPRIATION BILL
ON THIRD CONSIDERATION
AND FINAL PASSAGE

SB 1192 (Pr. No. 1411) -- The Senate proceeded to consideration of the bill, entitled:

An Act appropriating money from the Sunny Day Fund to the Department of Commerce for various projects throughout this Commonwealth for fiscal year 1993-1994.

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—47

Afflerbach	Fumo	Madigan	Salvatore
Andrezeski	Greenleaf	Mellow	Scanlon
Armstrong	Hart	Mowery	Schwartz
Baker	Helfrick	Musto	Shaffer
Bell	Holl	O'Pake	Shumaker
Bodack	Jones	Pecora	Stapleton
Bortner	Jubelirer	Peterson	Stewart
Brightbill	LaValle	Porterfield	Stout
Corman	Lemmond	Punt	Tilghman
Dawida	Lewis	Reibman	Wenger
Fattah	Lincoln	Rhoades	Williams
Fisher	Loeper	Robbins	

NAYS—1

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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 185 CALLED UP

HB 185 (Pr. No. 2105) -- Without objection, the bill, which previously went over in its order, was called up, from page 2 of the Third Consideration Calendar, by Senator LINCOLN.

RECONSIDERATION OF HB 185

**BILL ON THIRD CONSIDERATION AMENDED
AND OVER IN ORDER**

The PRESIDENT. The Chair recognizes the gentleman from Fayette, Senator Lincoln.

Senator LINCOLN. Mr. President, I move that we reconsider the vote by which House Bill No. 185 went over in its order.

The motion was agreed to.

HB 185 (Pr. No. 2105) -- 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 prohibited offensive

weapons and for limitation on municipal regulation of firearms and ammunition.

On the question,

Will the Senate agree to the bill on third consideration?

Senator DAWIDA, by unanimous consent, offered the following amendment No. A2973:

Amend Bill, page 1, line 18, by removing the period after "AMMUNITION" and inserting:

; and providing for summary offenses in connection with amusement rides.

The General Assembly recognizes that amusement parks have a long history of safe operation in this Commonwealth, and that it is in the best interest of the citizens of this Commonwealth to continue the tradition of safe operation of amusement rides. In furtherance of this interest, the General Assembly finds that reasonable warnings and restrictions are often necessary to ensure the safety of amusement ride passengers, and that passengers must bear a portion of the responsibility for their own safety by following these warnings and restrictions.

Amend Bill, page 14, by inserting between lines 23 and 24:

Section 2. Title 18 is amended by adding a section to read:

§ 7108. Amusement rides.

(a) Offense defined.—An amusement ride passenger shall not behave or act in any manner that may cause injury or contribute to injury to himself or other amusement ride passengers, including any of the following:

(1) Boarding or dismounting from an amusement ride except at a designated area if one is provided.

(2) Throwing or expelling any object or matter from an amusement ride.

(3) Engaging in any act or activity by his frolicking or horseplay which may tend to injure others.

(4) While using amusement rides that require steering or control of himself or a car device, failing to maintain reasonable control of his speed and course at all times.

(5) Steering the amusement ride in such a manner as to intentionally cause serious bodily harm to another person.

(6) Disconnecting, disabling or attempting to disconnect or disable any safety device, seat belt, harness or other restraining device before, during or after movement of the amusement ride has started except at the express instruction of the operator.

(7) Disembarking or attempting to disembark from any amusement ride before, during or after movement of a ride has started except upon the express instruction of the operator.

(8) Boarding or attempting to board any amusement ride if he is under the influence of alcohol or any controlled substance as defined in the act of April 14, 1972 (P.L.233, No.64), known as The Controlled Substance, Drug, Device and Cosmetic Act, which impacts his ability to safely use the ride and abide by the posted and oral instructions. The operator may take reasonable action to prevent an amusement ride passenger who is perceptibly or apparently under the influence of drugs or alcohol from riding on an amusement ride. An operator who prevents in a reasonable manner an amusement ride passenger from boarding a ride in accordance with this paragraph shall not be criminally or civilly liable in any manner if the operator has a reasonable basis for believing that the passenger is under the influence of drugs or alcohol.

(9) Altering or enhancing the intended speed, course or direction of an amusement ride by using any unauthorized device, instrument or method.

(10) If the amusement ride passenger is 13 years of age or older, boarding an amusement ride unless he has sufficient

knowledge and ability to use the ride. If the passenger does not have such knowledge or ability, it is his responsibility to ask for and receive written or oral instructions prior to using the ride or device.

(11) If the amusement ride passenger is 13 years of age or older, embarking on an amusement ride without authority or failing to pay appropriate consideration for its use.

(12) Attempting to gain access to controls of an amusement ride designed solely to be operated by employees of amusement parks.

(b) Penalty.—An amusement ride passenger who violates subsection (a) commits a summary offense and shall, upon conviction, be sentenced to pay a fine of not more than \$500.

(c) Notice.—The owner of an amusement ride shall prominently display appropriate warnings and directions in a public and conspicuous place on or near the ride. The warnings shall prominently disclose the penalties imposed if an amusement ride passenger violates this section.

(d) Definitions.—As used in this section, the following words and phrases shall have the meanings given to them in this subsection:

"Amusement ride." Any device that carries or conveys passengers along, around or over a fixed or restricted route or within a defined area for the purpose of giving its passengers amusement, pleasure, thrills or excitement.

"Amusement ride passenger." Any person, other than an owner or an employee or agent of an owner, who is conveyed upon, is awaiting entrance to or is exiting an amusement ride.

"Owner." A person who owns an amusement ride. The term includes the Commonwealth and its political subdivisions.

Amend Sec. 2, page 14, line 24, by striking out "2" and inserting:

3

On the question,

Will the Senate agree to the amendment?

It was agreed to.

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

THIRD CONSIDERATION CALENDAR RESUMED

BILLS OVER IN ORDER

HB 6, HB 85, HB 143, HB 163, SB 182, SB 242, SB 308 and SB 309 — Without objection, the bills were passed over in their order at the request of Senator LINCOLN.

BILLS LAID ON THE TABLE

SB 314 (Pr. No. 330) — The Senate proceeded to consideration of the bill, entitled:

An Act authorizing and directing the Department of Transportation, with the approval of the Governor, to sell and convey a tract of land situate in the Borough of State College, Centre County, Pennsylvania, to the Borough of State College.

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

SB 320 (Pr. No. 336) — The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, authorizing the Department of Transportation to enter into multijurisdictional permit agreements for oversize or overweight vehicles or loads.

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

BILL OVER IN ORDER

SB 340 — Without objection, the bill was passed over in its order at the request of Senator LINCOLN.

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

SB 375 (Pr. No. 398) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of March 10, 1949 (P. L. 30, No. 14), entitled "Public School Code of 1949," further providing for use of funds by the State Public School Building Authority; and providing for financing for school building property and for leasing of telecommunications and distance learning equipment.

Considered the third time and agreed to.

On the question,

Shall the bill pass finally?

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

YEAS—48

Afflerbach	Fisher	Loeper	Robbins
Andrezeski	Fumo	Madigan	Salvatore
Armstrong	Greenleaf	Mellow	Scanlon
Baker	Hart	Mowery	Schwartz
Belan	Helfrick	Musto	Shaffer
Bell	Holl	O'Pake	Shumaker
Bodack	Jones	Pecora	Stapleton
Bortner	Jubelirer	Peterson	Stewart
Brightbill	LaValle	Porterfield	Stout
Corman	Lemmond	Punt	Tilghman
Dawida	Lewis	Reibman	Wenger
Fattah	Lincoln	Rhoades	Williams

NAYS—0

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

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

BILLS OVER IN ORDER

SB 519, SB 601, SB 661, SB 683 and SB 684 — Without objection, the bills were passed over in their order at the request of Senator LINCOLN.

BILL RECOMMITTED

SB 689 (Pr. No. 1328) — 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," redefining "Redevelopment Assistance Capital Project"; further providing for project eligibility; and increasing the limitation on redevelopment assistance capital projects.

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

BILLS OVER IN ORDER

HB 695 and **HB 712** -- Without objection, the bills were passed over in their order at the request of Senator LINCOLN.

BILLS ON THIRD CONSIDERATION AND FINAL PASSAGE

SB 713 (Pr. No. 1463) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of March 4, 1971 (P. L. 6, No. 2), entitled "Tax Reform Code of 1971," further providing for employment incentive payments.

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

On the question,
Shall the bill pass finally?

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

YEAS—48

Afflerbach	Fisher	Loeper	Robbins
Andrezski	Fumo	Madigan	Salvatore
Armstrong	Greenleaf	Mellow	Scanlon
Baker	Hart	Mowery	Schwartz
Belan	Helfrick	Musto	Shaffer
Bell	Holl	O'Pake	Shumaker
Bodack	Jones	Pecora	Stapleton
Bortner	Jubelirer	Peterson	Stewart
Brightbill	LaValle	Porterfield	Stout
Corman	Lemmond	Punt	Tilghman
Dawida	Lewis	Reibman	Wenger
Fattah	Lincoln	Rhoades	Williams

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 740 (Pr. No. 1464) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, providing for improper use of criminal investigative material.

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

On the question,
Shall the bill pass finally?

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

YEAS—48

Afflerbach	Fisher	Loeper	Robbins
Andrezski	Fumo	Madigan	Salvatore
Armstrong	Greenleaf	Mellow	Scanlon
Baker	Hart	Mowery	Schwartz
Belan	Helfrick	Musto	Shaffer
Bell	Holl	O'Pake	Shumaker
Bodack	Jones	Pecora	Stapleton
Bortner	Jubelirer	Peterson	Stewart
Brightbill	LaValle	Porterfield	Stout
Corman	Lemmond	Punt	Tilghman
Dawida	Lewis	Reibman	Wenger
Fattah	Lincoln	Rhoades	Williams

NAYS—0

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

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

BILL OVER IN ORDER

SB 800 -- Without objection, the bill was passed over in its order at the request of Senator LINCOLN.

BILLS LAID ON THE TABLE

SB 818 (Pr. No. 891) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 53 (Municipalities Generally) of the Pennsylvania Consolidated Statutes, providing procedures for the consolidation or merger of municipalities; and making repeals.

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

SB 838 (Pr. No. 911) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 53 (Municipalities Generally) of the Pennsylvania Consolidated Statutes, adding revised, codified and compiled provisions relating to local government; and making repeals.

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

BILL OVER IN ORDER

HB 838 -- Without objection, the bill was passed over in its order at the request of Senator LINCOLN.

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

SB 845 (Pr. No. 1471) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of July 1, 1981 (P. L. 191, No. 57) entitled, as amended, "Register of Wills Fee Law," providing for the establishment and modification of fees; and providing for the imposition of an additional fee.

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

On the question,
Shall the bill pass finally?

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

YEAS—48

Afflerbach	Fisher	Loeper	Robbins
Andrezeski	Fumo	Madigan	Salvatore
Armstrong	Greenleaf	Mellow	Scanlon
Baker	Hart	Mowery	Schwartz
Belan	Helfrick	Musto	Shaffer
Bell	Holl	O'Pake	Shumaker
Bodack	Jones	Pecora	Stapleton
Bortner	Jubelirer	Peterson	Stewart
Brightbill	LaValle	Porterfield	Stout
Corman	Lemmond	Punt	Tilghman
Dawida	Lewis	Reibman	Wenger
Fattah	Lincoln	Rhoades	Williams

NAYS—0

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

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

BILLS OVER IN ORDER

SB 863 and **HB 1011** — Without objection, the bills were
passed over in their order at the request of Senator LINCOLN.

BILL ON THIRD CONSIDERATION,
DEFEATED ON FINAL PASSAGE

SB 1016 (Pr. No. 1472) -- The Senate proceeded to con-
sideration of the bill, entitled:

An Act amending the act of April 9, 1929 (P. L. 177, No. 175),
entitled "The Administrative Code of 1929," providing for fees paid
by health care providers; and further providing for the review of
financial solvency of insurers.

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. The Chair recognizes the gentleman from
Delaware, Senator Loeper.

Senator LOEPER. Mr. President, this was an issue that was
discussed in our caucus today and there was a lot of concern
raised that essentially what we were doing was putting on a
new provider fee, by passage of this bill, which would be
passed on to consumers, and I would ask for a negative vote
on the bill.

LEGISLATIVE LEAVE

Senator LOEPER. Mr. President, Senator Salvatore has been
called to his office and I request a temporary Capitol leave on
his behalf.

The PRESIDENT. Senator Loeper requests a temporary
Capitol leave for Senator Salvatore. The Chair hears no objec-
tion. The leave will be granted.

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—23

Afflerbach	Fattah	Mellow	Scanlon
Andrezeski	Fumo	Musto	Schwartz
Belan	Jones	O'Pake	Stapleton
Bodack	LaValle	Pecora	Stout
Bortner	Lewis	Porterfield	Williams
Dawida	Lincoln	Reibman	

NAYS—25

Armstrong	Hart	Madigan	Salvatore
Baker	Helfrick	Mowery	Shaffer
Bell	Holl	Peterson	Shumaker
Brightbill	Jubelirer	Punt	Stewart
Corman	Lemmond	Rhoades	Tilghman
Fisher	Loeper	Robbins	Wenger
Greenleaf			

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

**The PRESIDENT pro tempore (Robert J. Mellow) in the
Chair.**

RECONSIDERATION OF SB 1016

BILL OVER IN ORDER ON FINAL PASSAGE

Senator LINCOLN. Mr. President, I move that the Senate
do now reconsider the vote by which Senate Bill No. 1016,
Printer's No. 1472, just failed on final passage.

The motion was agreed to.

On the question,
Shall the bill pass finally?

Senator LINCOLN. Mr. President, I move that Senate Bill
No. 1016 go over in its order and appear on the Final Passage
Calendar.

The motion was agreed to.

The PRESIDENT pro tempore. The bill will go over in its
order and be placed on the Final Passage Calendar.

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

BILL ON THIRD CONSIDERATION REVERTED TO PRIOR PRINTER'S NUMBER AND OVER IN ORDER

SB 1032 (Pr. No. 1380) -- 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," further providing for interest on overpayments, for payment of credit and effect upon right of resettlement, review and appeal and for project eligibility; increasing the limitation on redevelopment assistance capital projects; further providing for the issuance of tax anticipation notes; and making a repeal.

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

The PRESIDENT. The Chair recognizes the gentleman from Fayette, Senator Lincoln.

Senator LINCOLN. Mr. President, on Senate Bill No. 1032, I move that the Senate do revert to Prior Printer's No. 1154. The motion was agreed to.

The PRESIDENT. The Senate has before it Senate Bill No. 1032, Printer's No. 1154.

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

Senator LINCOLN. Mr. President, I move that Senate Bill No. 1032, Printer's No. 1154, go over in its order.

The motion was agreed to.

The PRESIDENT. Senate Bill No. 1032, Printer's No. 1154, will go over in its order.

BILLS ON THIRD CONSIDERATION AND FINAL PASSAGE

SB 1047 (Pr. No. 1438) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of July 22, 1913 (P. L. 928, No. 441), entitled "Domestic Animal Disease Suppression Law," further defining "domestic animal."

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

On the question, Shall the bill pass finally?

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

YEAS-48

Table with 4 columns: Afflerbach, Andrezeski, Armstrong, Baker, Belan, Bell, Bodack, Fisher, Fumo, Greenleaf, Hart, Helfrick, Holl, Jones, Loeper, Madigan, Mellow, Mowery, Musto, O'Pake, Pecora, Robbins, Salvatore, Scanlon, Schwartz, Shaffer, Shumaker, Stapleton.

Table with 4 columns: Bortner, Brightbill, Corman, Dawida, Fattah, Jubelirer, LaValle, Lemmond, Lewis, Lincoln, Peterson, Porterfield, Punt, Reibman, Rhoades, Stewart, Stout, Tilghman, Wenger, Williams.

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 1067 (Pr. No. 1193) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 34 (Game) of the Pennsylvania Consolidated Statutes, providing for the establishment of a separate account within the Game Fund.

Considered the third time and agreed to.

On the question, Shall the bill pass finally?

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

YEAS-48

Table with 4 columns: Afflerbach, Andrezeski, Armstrong, Baker, Belan, Bell, Bodack, Bortner, Brightbill, Corman, Dawida, Fattah, Fisher, Fumo, Greenleaf, Hart, Helfrick, Holl, Jones, Jubelirer, LaValle, Lemmond, Lewis, Lincoln, Loeper, Madigan, Mellow, Mowery, Musto, O'Pake, Pecora, Peterson, Porterfield, Punt, Reibman, Rhoades, Robbins, Salvatore, Scanlon, Schwartz, Shaffer, Shumaker, Stapleton, Stewart, Stout, Tilghman, Wenger, Williams.

NAYS-0

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

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

BILL OVER IN ORDER

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

BILL REREFERRED

SB 1132 (Pr. No. 1330) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of July 19, 1979 (P. L. 130, No. 48), entitled "Health Care Facilities Act," further providing for certificates of need.

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

Senator GREENLEAF, by unanimous consent, offered the following amendment No. A2412:

Amend Bill, page 18, by inserting between lines 16 and 17:

Section 3. The requirements of Chapter 7 of the act shall not apply to a second class A county community teaching hospital with 400 or more licensed beds that applied for a certificate of need for an open heart surgery program prior to December 31, 1992.

Amend Sec. 3, page 18, line 17, by striking out "3" and inserting:

Amend Sec. 4, page 18, line 19, by striking out "4" and inserting:

Amend Sec. 5, page 18, line 21, by striking out "5" and inserting:

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

The PRESIDENT. The Chair recognizes the gentleman from Montgomery Senator Greenleaf.

Senator GREENLEAF. Mr. President, this amendment will allow a teaching hospital in my senatorial district, namely Abington Memorial Hospital, to establish a much needed open heart surgery unit. The community hospital would work with Temple University Hospital in Philadelphia, which is presently performing open heart surgery. The community hospital in my district, that is Abington, presently must transfer anywhere between 250 and 300 patients a year to other hospitals, many of them going to Temple.

There is a real need for an open heart surgery program in the eastern suburbs of Philadelphia, and particularly in eastern Montgomery County and Bucks County, which is the service area of this hospital. In fact, it is the largest hospital in Montgomery County. Since this open heart surgery program would be an integral part with another teaching hospital, namely Temple University Hospital, the program is not new but instead is an extension of the present Temple University Hospital program.

Location of the program at the community hospital in Abington will improve patient accessibility for the existing high quality program that is now offered by Temple. Since there is a definite need for an open heart surgery program in eastern Montgomery County and Bucks County, and since this would only authorize the extension of a new location of the existing program, I feel that it would be an appropriate step for us to take. Currently, this area, this service area of Abington Memorial Hospital, as I say, includes eastern Montgomery County and Bucks County, and there are approximately 1 1/2 million residents in this service area with an approximate annual need of open heart surgeries for 3,053 individuals. Presently, all those people must travel a long distance in order to obtain this medical procedure.

Two weeks ago this body passed a bill, Senate Bill No. 1052, which contained an amendment that Senator Afflerbach offered which exempted certain MRIs from the certificate of need process. This is a proposal that would, to a very limited extent, allow Abington Memorial Hospital the opportunity, in

conjunction with Temple University Hospital, to open an open heart surgery unit for the convenience of the residents of eastern Montgomery County and Bucks County. I would request an affirmative vote on the amendment.

The PRESIDENT. On the amendment, the Chair recognizes the gentleman from Lehigh, Senator Afflerbach.

Senator AFFLERBACH. Mr. President, I sympathize completely with what the gentleman from Montgomery, Senator Greenleaf, is attempting to do; however, I am going to ask for a "no" vote on the amendment. We have applied the CON procedure to all inpatient facilities ever since CON has been in existence. We have not made any exception in that regard. The significant difference between what we did 2 weeks ago and what the gentleman asks us to do today is precisely that point. What we did 2 weeks ago dealt with outpatient facilities that in fact would not have required CON had they not been caught in the closing door jam of a transition from one act to another. This is an altogether different matter. I could point to several similar situations in the Commonwealth which could be addressed in a similar fashion. I do not believe we ought to piecemeal that. I would be willing to work with the gentleman to put together a comprehensive bill that can address all of those situations with inpatient facilities, and it would be my intent to do that.

But I am going to ask for a "no" vote on this amendment at this time, after which I intend to ask that the bill be re-committed to the Committee on Health and Welfare.

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

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

YEAS—24

Armstrong	Greenleaf	Loeper	Robbins
Baker	Hart	Madigan	Salvatore
Bell	Helfrick	Mowery	Shaffer
Brightbill	Holl	Peterson	Shumaker
Corman	Jubelirer	Punt	Tilghman
Fisher	Lemmond	Rhoades	Wenger

NAYS—24

Afflerbach	Fattah	Mellow	Scanlon
Andrezeski	Fumo	Musto	Schwartz
Belan	Jones	O'Pake	Stapleton
Bodack	LaValle	Pecora	Stewart
Bortner	Lewis	Porterfield	Stout
Dawida	Lincoln	Reibman	Williams

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

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

Senator LINCOLN. Mr. President, I move that Senate Bill No. 1132 be rereferred to the Committee on Public Health and Welfare.

The motion was agreed to.

The PRESIDENT. Senate Bill No. 1132 will be rereferred to the Committee on Public Health and Welfare.

BILL OVER IN ORDER

SB 1172 — Without objection, the bill was passed over in its order at the request of Senator LINCOLN.

BILL ON THIRD CONSIDERATION AND
FINAL PASSAGE, DEFEATED

HB 1422 (Pr. No. 1573) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of June 5, 1968 (P.L.140, No.78), entitled "An act regulating the writing, cancellation of or refusal to renew policies of automobile insurance; and imposing powers and duties on the Insurance Commissioner therefor," further defining "insurer."

On the question,

Will the Senate agree to the bill on third consideration?

Senator CORMAN, by unanimous consent, offered the following amendment No. A2808:

Amend Title, page 1, lines 4 and 5, by striking out "further defining "insurer."" and inserting: providing for rating tiers.

Amend Sec. 1, page 1, line 8, by striking out "1(3)" and inserting: 4.1

Amend Sec. 1, page 1, line 12, by striking out "is amended" and inserting: amended July 14, 1988 (P.L.546, No.97), is amended by adding a subsection

Amend Sec. 1 (Sec. 1), page 1, lines 13 through 19; page 2, lines 1 and 2, by striking out all of said lines on said pages and inserting:

Section 4.1. * * *

(d) Where an insurer utilizes rating tiers, any movement of an insured from one tier to another shall be in accordance with this section and any other provisions of law relating to surcharges. Further, where an insurer increases an insured's premium or assesses a premium surcharge under this section, it shall be precluded from transferring the insured from one rating tier to another solely on the basis used for this increase or assessment.

On the question,

Will the Senate agree to the amendment?

The PRESIDENT. The Chair recognizes the gentleman from Allegheny, Senator Scanlon.

Senator SCANLON. Mr. President, I rise in opposition to the amendment. On the surface it appears to be a good amendment, but it does not go far enough. This bill does not outlaw the use of rating tiers, it just mandates that rating tiers be used in compliance with other requirements of the insurance law. This came about because one company, by the use of tiers, increased the insurance of a gentleman from Philadelphia from \$3,600 to \$8,600. It really makes no difference whether they are called levels or whether they are called tiers. As a matter of fact, one company now has a rating application to call them rating bands. Whatever they are called, this bill does not outlaw their use, provided they meet with other requirements of the law with respect to notification and antidiscrimination and other sections of Act 6. I do not think that the amendment offered by the gentleman from Centre, Senator Corman, solves

the real problem, and that is the abuse by certain insurance companies of the current law by changing the terminology using tiers, levels, or rating bands, or whatever they call them. I respectfully request that everybody vote "no" on this amendment and "yes" in favor of the bill.

The PRESIDENT. The Chair recognizes the gentleman from Centre, Senator Corman.

Senator CORMAN. Mr. President, I have been in the insurance business for some 33 years, having sold my insurance business in 1990, and I think I therefore have some experience and some expertise to speak on this issue. Over that period of time the insurance industry has changed dramatically, and if you would bear with me for a few moments and listen to my explanation, I think you might find support for my amendment.

When I first entered the business in 1957, it was very simple to write an automobile insurance policy. Under 25 drivers and all males had the exact same rate. All females had the exact same rate for females, but there was a difference because it was believed that female drivers were safer drivers than male drivers. But there was no difference between that male driver who had a lot of accidents and the one who never had an accident. They all fell in the same catchment area. And likewise for all people who were over 25 years of age, there were only three breakdowns - you drove the car to work and returned, you only drove the car for pleasure, or, in fact, you used car in your business, such as a salesman. And so there were three different breakdowns there. It did not matter how many accidents you had, they all stayed in the same rate. And if you were a bad enough risk and you had enough accidents, eventually the insurance company would cancel you. It was very simple.

However, as the rates went up as we all stayed in the same catchment areas and had various accidents, the insurance companies thought there must be a better way that they could try to identify who the bad risks were so as to try not to write them and try to write the good risks or at least attract the good risks to the insurance companies. And so then they came up with an individual, if you may, rating system where if you are now under 25 and you did not have any accidents or you did not have any convictions, you got a discount, and if you did have one, why, then maybe you stayed at let us say book rate, and if you had several, then the premium was plus so many percent above what the book rate would be. And that fell into all the various categories.

Some people complained about that. They said, now wait, I have had insurance for 30 years with your company and I have now had one accident and you are going to increase my rate. That does not seem fair. And so to respond to that kind of thing, some insurance companies, like the Ohio Casualty Insurance Company, came out with a pup company called West American, and in their catchment area they decided, all right, with Ohio Casualty we will have the individual rating. If you have accidents or convictions, your prices will go up; if it does not, the prices will go down and you can sort of set your own rates depending on your own experience. But with West American, our really preferred risk company, there is no risk

of your prices going up and down. They are going to stay the same very inexpensive price as far as the marketplace goes, but we are going to be very, very, exclusive as to who we write. And if you had any accidents or convictions, forget it. You are not going to get in West American. And after you are in West American if your experience turns sour, then after a bit they would say, well, you really do not fit that program, we made a mistake, we will continue to insure you, but we are going to move you out of West American and move you into Ohio Casualty, which is a more expensive company and it has a way of dealing with good risk and bad risk, but we will continue to insure you.

But then along comes us in the General Assembly and we say, now wait, you should not be doing this. You should not be cancelling people or refusing to renew, and see, we set up some very stringent regulations where we said, you cannot do this anymore, you insurance companies. If you made a promise to insure someone, you have to continue to do it unless you really prove that they are a bad person risk wise, and then you can finally cancel the business. So the insurance companies thought, well, wait, there ought to be another way to try to skin the cat, and so several of them came up with this idea of staying in one company but providing for tiers. So if you have a very good insured who does not cause the company to spend a lot of money, they get in the very preferred tier, and they move among the tiers based on their own experience of what they cost the insurance company. It seems to me that what I want to do as a Senator is try to help provide coverage for people and not restrict the market so that the companies will not want to be involved in the insurance business at all. And it seems to me that if we pass this bill without my amendment, what we are going to be doing is depriving the insurance companies the flexibility necessary to move a changed risk from one that maybe has been a very good risk to a little bit higher rate, and therefore, continue to provide insurance for this person and as their risk improves and they do not have accidents, they will go back down and be a beneficiary of much lesser rate charges for their particular insurance customer.

My amendment still subjects the auto insurance tiering program to the same regulatory scrutiny and consumer disclosure requirements that apply to an insurer surcharge program, so there is really no arbitrary change in the consumers tiering. I think if we want to really help the people of Pennsylvania have a marketplace to get insurance, we will not want to put this bill in as asked for by the Insurance Department, but allow for the tiering. There are 300 insurance companies doing business in Pennsylvania, and so if I have what I feel to be a discriminatory rate increase because of a minor infraction, shop around. Now, I know in the 33 years that I had been in the insurance business we always kept saying, do not change insurance companies, stick with me through thick and thin and over the long run, that is the best idea. Well, it does not always work that way, I have to admit, and it does work to shop around. When I sold my insurance business in 1990, I had two sons, one is now 28 and one is now 25. They could not get insurance from my previous company that I was an

owner of—an agency, not a company—without paying assigned risk. I told them to shop around. They did shop around, and for goodness sakes, they found very good regular prices with State Farm and they have been insured by State Farm ever since.

Do not kill the industry by making rules that we cannot live with. It is a competitive industry. Shop around. You will find there are good prices out there, and please accept my amendment.

Thank you very much.

The PRESIDING OFFICER (Jeanette F. Reibman) in the Chair.

LEGISLATIVE LEAVE CANCELLED

The PRESIDING OFFICER. The Chair recognizes the presence on the floor of Senator Williams, and his temporary Capitol leave will be cancelled.

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

The PRESIDING OFFICER. The Chair recognizes the gentleman from Philadelphia, Senator Williams.

Senator WILLIAMS. Madam President, would the speaker stand for brief interrogation?

The PRESIDING OFFICER. Will the Senator from Centre, Senator Corman, permit himself to be interrogated?

Senator CORMAN. Madam President, I will.

Senator WILLIAMS. Madam President, I am not clear on precisely what the amendment does to correct the specific problem. Although I did hear most of the words, I missed some of them.

I wonder if the speaker could state succinctly why this amendment corrects the problem of arbitrary inflation of bills based on the accident and why it covers the dangers that the main bill seeks to create? I do not want to impose, but I do not yet clearly get what the amendment does to correct that danger and I am seeking to understand that.

Senator CORMAN. Madam President, if I may refer to the bill itself, you will see in the bill it reads, "Where an insurer utilizes rating tiers or levels, each such tier or level shall be considered a separate insurer for purposes of this act." That is like a separate company. That is like making everyone deal with an Ohio Casualty or a West American.

My amendment reads, "Where an insurer utilizes rating tiers, any movement of an insured from one tier to another shall be in accordance with this section and any other provisions of the law relating to surcharges. Further, where an insurer increases an insured's premium or assesses a premium surcharge under this section, it shall be precluded from transferring the insured from one rating tier to another solely on the basis used for this increase or assessment."

We are not saying that it is for different insurers or separate companies, we are saying this tiering is within the same company and allowing ratings to go between tiers as one's experience might predict it should do.

Does that answer the question?

Senator WILLIAMS. Madam President, I will ask another question, whether I understood that or did not. That is-- frankly, I forgot. I really did forget.

Senator CORMAN. Madam President, that is all right, I forget things, too, at my age.

Senator WILLIAMS. It may be a question of age, but I am just stalling right now, frankly. It was right on the tip of my whatever, and that is-- I am going to get it in a minute. I am embarrassed, Madam President, in all honesty. I have it now.

Senator CORMAN. Madam President, maybe if we go ahead and pass the bill, he will remember his question later.

Senator WILLIAMS. Madam President, the gentleman was suggesting, in other words, good drivers would be subsidizing bad drivers under the bill, and this amendment corrects that condition because I guess the gentleman is saying they would not sell insurance in those particular areas, is that what he was saying?

Senator CORMAN. Madam President, if I understood the gentleman's question, what I am saying is it allows insurance companies to move an insured about in their insurance system to various tiers and still provide insurance coverage for all drivers, those who may happen to be considered poor risks and those who are very good risks, so that people who have good experience can still get insurance at a very reasonable price.

Senator WILLIAMS. Madam President, so I take it he was saying that if the bill goes into effect, that it would have good drivers subsidizing bad drivers?

Senator CORMAN. Madam President, I am saying that if the bill goes into effect without my amendment, I have a belief that it will constrict the insurance industry so that they will not offer insurance policies as broadly because they do not want to have to absorb a lot of the poor risks without being able to make available to good risks reasonably priced policies. That is the purpose of tiering, to separate the good risk from the poor risk.

Senator WILLIAMS. Madam President, so if in fact they continued to sell, then the good drivers would be subsidizing the bad drivers, under the bill?

Senator CORMAN. Madam President, right.

Senator WILLIAMS. Madam President, the other danger is that they may not sell, is that what the gentleman is saying?

Senator CORMAN. Madam President, correct.

Senator WILLIAMS. Madam President, can the gentleman prove that in any way?

Senator CORMAN. Madam President, well, if we follow the market over the 33 years I have been in it, it has always been a cyclical kind of market and whenever the experience got very bad or the General Assembly put rules on them that they felt they could hardly live with, we always found our market restricted and we would be told we cannot write any more policies unless we do a variety of things, you know, and then after the market loosens up, then all of a sudden you are able to write insurance again.

Senator WILLIAMS. Madam President, I guess I was looking for some example. Someone had told me in passing of

examples where, in fact--

Senator CORMAN. Madam President, I cannot hear the gentleman.

The PRESIDING OFFICER. Will the Members please take their seats and cease the conversations so this debate can continue. Would the sidebar conversations please cease.

The gentleman may continue.

Senator WILLIAMS. Thank you, Madam President. I am sure that some of us here are not used to the strong hand of the lady of the House, but I am one who is accustomed to it.

The PRESIDING OFFICER. Thank you. It is strong, but it is covered with velvet.

Senator WILLIAMS. Madam President, I understand that. Beauty and grace as well. Thank you, Madam President.

Madam President, I was saying I thought I had heard of some examples where in a few areas some companies may have moved out or changed an offering, or something of that nature. I was wondering whether the gentleman knew anything specific. If he does not, I understand that, but I thought I had heard that when some people were speaking to me both in regard to the benefit of the gentleman's amendment, and I was really seeking some guidance on it, because if, in fact, it did what he said and if, in fact, it did move toward drying up an offering, that would be of some concern to me, and I am just not at this time able to see that.

So I take it the gentleman does not have any specific example that he is referring to, am I correct?

Senator CORMAN. Madam President, I will try again. As I said, the bill itself says that when an insurer, or when an insurance company utilizes rating tiers, each tier shall be considered a separate insurer. So if you use a rating tier, it is like having several insurance companies, very much similar to the example I gave of the Ohio Casualty Insurance Company having a pup company called West American, where they placed their more preferred risks. The problem that Ohio Casualty then ends up with, if they have a risk that turns sour who is in West American, they run into all kinds of cancellation problems that we placed upon them to try to make that risk salvageable and move it over to Ohio Casualty. And so they try to get rid of the risk totally, rather than trying to move it around within their company tier where they can still provide this person with insurance but at a price that the insurance company believes they can still take a risk by providing this person with insurance. Some insurance companies or some insurers, to get around that, have said, rather than having a separate company for the preferred risks, like Ohio Casualty has done, we will stay as one company but have multiple tiers for the good risks and for the bad risks. It seems to me that makes a whole lot of sense, considering the laws that we have passed that restrict their ability to manage their risks. They are trying to manage it through placing various tiers, and those people who are the preferred risk will be in that tier that gives them the preferred price. Those who are, let us say, a poor risk will be in that tier that would have a much higher price, but everyone will have an opportunity to participate and buy insurance.

Senator WILLIAMS. Madam President, thank you.

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

The SECRETARY. Consent has been given for the conference committee on Senate Bill No. 1 to meet imminently.

LEGISLATIVE LEAVES

The PRESIDING OFFICER. The Chair recognizes the gentleman from Lehigh, Senator Afflerbach.

Senator AFFLERBACH. Madam President, Senator Bodack and Senator Lincoln have been temporarily called from the floor and I would ask for temporary Capitol leaves for both of those gentlemen.

The PRESIDING OFFICER. Senator Afflerbach requests temporary Capitol leaves for Senator Bodack and Senator Lincoln. The Chair hears no objection to those leaves. Any further leaves?

The Chair recognizes the gentleman from Delaware, Senator Loeper.

Senator LOEPER. Madam President, I would request temporary Capitol leaves on behalf of Senator Shaffer and Senator Madigan.

The PRESIDING OFFICER. Without objection, Capitol leaves will be approved for Senator Shaffer and Senator Madigan.

And the question recurring,
Will the Senate advise and consent to the amendment?

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

YEAS—24

Armstrong	Greenleaf	Loeper	Robbins
Baker	Hart	Madigan	Salvatore
Bell	Helfrick	Mowery	Shaffer
Brightbill	Holl	Peterson	Shumaker
Corman	Jubelirer	Punt	Tilghman
Fisher	Lemmond	Rhoades	Wenger

NAYS—24

Afflerbach	Fattah	Mellow	Scanlon
Andrezeski	Fumo	Musto	Schwartz
Belan	Jones	O'Pake	Stapleton
Bodack	LaValle	Pecora	Stewart
Bortner	Lewis	Porterfield	Stout
Dawida	Lincoln	Reibman	Williams

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

And the question recurring,
Will the Senate agree to the bill on third consideration?
It was 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—24

Armstrong	Greenleaf	Loeper	Robbins
Baker	Hart	Madigan	Salvatore
Bell	Helfrick	Mowery	Shaffer
Brightbill	Holl	Peterson	Shumaker
Corman	Jubelirer	Punt	Tilghman
Fisher	Lemmond	Rhoades	Wenger

NAYS—24

Afflerbach	Fattah	Mellow	Scanlon
Andrezeski	Fumo	Musto	Schwartz
Belan	Jones	O'Pake	Stapleton
Bodack	LaValle	Pecora	Stewart
Bortner	Lewis	Porterfield	Stout
Dawida	Lincoln	Reibman	Williams

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

RECONSIDERATION OF HB 1422

BILL OVER IN ORDER ON FINAL PASSAGE

The PRESIDING OFFICER. The Chair recognizes the gentleman from Lehigh, Senator Afflerbach.

Senator AFFLERBACH. Madam President, I move that the vote by which House Bill No. 1422 was just defeated be reconsidered and that the bill go over in its order.

The motion was agreed to.

The PRESIDING OFFICER. House Bill No. 1422 will go over in its order.

RECESS

The PRESIDING OFFICER. The Chair recognizes the gentleman from Lehigh, Senator Afflerbach.

Senator AFFLERBACH. Madam President, I would ask for a very brief recess of the Senate for the purpose of a meeting of the Committee on Education to be held immediately in the Rules room.

The PRESIDING OFFICER. Recess having been called for, the Committee on Education will meet in the Rules room in the rear of the Chamber.

The Senate will stand in recess.

AFTER RECESS

The PRESIDING OFFICER. The time of recess having expired, the Senate will come to order.

CONSIDERATION OF CALENDAR RESUMED

SECOND CONSIDERATION CALENDAR

**PREFERRED APPROPRIATION BILL
ON SECOND CONSIDERATION**

HB 1262 (Pr. No. 1379) -- The Senate proceeded to consideration of the bill, entitled:

An Act making appropriations from the Workmen's Compensation Administration Fund to the Department of Labor and Industry to provide for the expenses of administering The Pennsylvania Workmen's Compensation Act and The Pennsylvania Occupational Disease Act for the fiscal year July 1, 1993, to June 30, 1994, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 1993.

Considered the second time and agreed to,

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

BILL ON SECOND CONSIDERATION AND REREFERRED

HB 299 (Pr. No. 2132) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, reenacting provisions on inspection by police and Commonwealth personnel; further defining "terminal"; defining "maxi-cube vehicle" and "stinger-steered automobile" or "boat transporter"; further providing for the length, width, maximum number and operation of certain vehicles and for the authority to issue permits, for use of miscellaneous motor vehicle business registration plates, for emission inspection program expenditures and for weighing and measurement of vehicles; and making a repeal.

Considered the second time and agreed to,

Ordered, To be printed for third consideration.

Upon motion of Senator AFFLERBACH, and agreed to, the bill just considered was rereferred to the Committee on Appropriations.

REPORTS FROM COMMITTEE

Senator LINCOLN, from the Committee on Rules and Executive Nominations, reported the following bills:

SB 759 (Pr. No. 1354) (Rereported) (*Concurrence*)

An Act making appropriations to the Hahnemann University, Philadelphia.

HB 84 (Pr. No. 93) (Rereported)

An Act amending Title 66 (Public Utilities) of the Pennsylvania Consolidated Statutes, providing protection for public utility employees who report a violation or suspected violation of Federal, State or local law; providing protection for such employees who participate in investigations, hearings, inquiries or court actions; and prescribing remedies and penalties.

SPECIAL ORDER OF BUSINESS SUPPLEMENTAL CALENDAR NO. 2

SECOND CONSIDERATION CALENDAR

BILL ON SECOND CONSIDERATION AND REREFERRED

HB 84 (Pr. No. 93) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 66 (Public Utilities) of the Pennsylvania

Consolidated Statutes, providing protection for public utility employees who report a violation or suspected violation of Federal, State or local law; providing protection for such employees who participate in investigations, hearings, inquiries or court actions; and prescribing remedies and penalties.

On the question,

Will the Senate agree to the bill on second consideration?

It was agreed to.

Senator AFFLERBACH. Madam President, I move that House Bill No. 84 be rereferred to the Committee on Communications and High Technology.

The PRESIDING OFFICER. Senator Afflerbach moves that House Bill No. 84 be rereferred to the Committee on Communications and High Technology.

On the question,

Will the Senate agree to the motion?

The PRESIDING OFFICER. The Chair recognizes the gentleman from Philadelphia, Senator Williams.

Senator WILLIAMS. Madam President, I would like to know the purpose of this rereferral. I mean, is there any special reason why it is being rereferred? I take it it was committed for the first time, is that correct? It is a reconsideration of the bill for the purpose of being--

The PRESIDING OFFICER. Recommitted, yes.

Senator WILLIAMS. Madam President, recommitted?

The PRESIDING OFFICER. To be rereferred to the Committee on Communications and High Technology.

Senator WILLIAMS. Madam President, could we be at ease for a couple seconds so that I might get a practical understanding?

The PRESIDING OFFICER. We will be at ease for a few moments.

(The Senate was at ease.)

The PRESIDING OFFICER. The Chair recognizes the gentleman from Philadelphia, Senator Williams.

Senator WILLIAMS. Madam President, my questions have been answered sufficiently.

Thank you.

And the question recurring,

Will the Senate agree to the motion?

It was agreed to.

The PRESIDING OFFICER. House Bill No. 84 will be rereferred to the Committee on Communications and High Technology.

CONSIDERATION OF CALENDAR RESUMED

SECOND CONSIDERATION CALENDAR RESUMED

BILL OVER IN ORDER

HB 351 -- Without objection, the bill was passed over in its order at the request of Senator AFFLERBACH.

BILL ON SECOND CONSIDERATION
AND REREFERRED

SB 471 (Pr. No. 1457) — The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, providing for a safe driving course.

Considered the second time and agreed to,
Ordered, To be printed for third consideration.

Upon motion of Senator AFFLERBACH, and agreed to, the bill just considered was rereferred to the Committee on Appropriations.

BILLS OVER IN ORDER

HB 678, SB 715 and SB 717 — Without objection, the bills were passed over in their order at the request of Senator AFFLERBACH.

BILL REREFERRED

HB 829 (Pr. No. 1180) — The Senate proceeded to consideration of the bill, entitled:

An Act designating a bridge over the Allegheny River in Allegheny County, as the Jonathan Hulton Memorial Bridge.

Upon motion of Senator AFFLERBACH, and agreed to, the bill was rereferred to the Committee on Appropriations.

BILL ON SECOND CONSIDERATION
AND REREFERRED

SB 877 (Pr. No. 1459) — The Senate proceeded to consideration of the bill, entitled:

An Act providing for the tax exemption of institutions of purely public charity; and making repeals.

Considered the second time and agreed to,
Ordered, To be printed for third consideration.

Upon motion of Senator AFFLERBACH, and agreed to, the bill just considered was rereferred to the Committee on Appropriations.

BILL OVER IN ORDER

SB 967 — Without objection, the bill was passed over in its order at the request of Senator AFFLERBACH.

BILL ON SECOND CONSIDERATION
AND REREFERRED

SB 1035 (Pr. No. 1470) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of November 29, 1967 (P. L. 636, No. 292), entitled "Neighborhood Assistance Act," further providing for statement of public policy; increasing the total amount of annual tax credit granted; providing for the designation of certain enterprise zones as recycling manufacturing zones; providing for powers and duties of the Department of Community Affairs; providing tax credits for investments in recycling manufacturing zones; and making editorial changes.

Considered the second time and agreed to,
Ordered, To be printed for third consideration.

Upon motion of Senator AFFLERBACH, and agreed to, the bill just considered was rereferred to the Committee on Appropriations.

BILLS OVER IN ORDER

HB 1080, SB 1089 and SB 1096 — Without objection, the bills were passed over in their order at the request of Senator AFFLERBACH.

BILL ON SECOND CONSIDERATION

SB 1099 (Pr. No. 1255) — The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 9 (Burial Grounds) of the Pennsylvania Consolidated Statutes, further providing for initial deposits by existing cemetery companies and for periodic deposits.

Considered the second time and agreed to,
Ordered, To be printed on the Calendar for third consideration.

BILL OVER IN ORDER

SB 1101 — Without objection, the bill was passed over in its order at the request of Senator AFFLERBACH.

BILL REREFERRED

SB 1183 (Pr. No. 1458) — The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, requiring the department to issue special motorcycle organization registration plates.

Upon motion of Senator AFFLERBACH, and agreed to, the bill was rereferred to the Committee on Appropriations.

BILL OVER IN ORDER

SB 1213 — Without objection, the bill was passed over in its order at the request of Senator AFFLERBACH.

BILLS ON SECOND CONSIDERATION

SB 1214 (Pr. No. 1452) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of June 1, 1956 (1955 P. L. 1944, No. 655), entitled "Liquid Fuels Tax Municipal Allocation Law," further providing for the expenditure of liquid fuels tax revenues by municipalities.

Considered the second time and agreed to,
Ordered, To be printed on the Calendar for third consideration.

HB 1416 (Pr. No. 1882) — The Senate proceeded to consideration of the bill, entitled:

An Act providing for the eligibility of certain persons for

licensure to practice chiropractic and for colleges' notice as to accreditation; and making a repeal.

Considered the second time and agreed to,

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

HB 1548 (Pr. No. 1800) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of May 6, 1968 (P.L.117, No.61), known as the Site Development Act, extending the expiration of approval authority.

Considered the second time and agreed to,

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

BILL RECOMMITTED

HB 1647 (Pr. No. 2144) -- The Senate proceeded to consideration of the bill entitled:

An Act amending the act of June 1, 1937 (P.L.1168, No.294), known as the Pennsylvania Labor Relations Act, further providing for the Pennsylvania Labor Relations Board; and making a repeal.

Upon motion of Senator AFFLERBACH, and agreed to, the bill was recommitted to the Committee on Judiciary.

BILL ON SECOND CONSIDERATION AND REREFERRED

HB 1709 (Pr. No. 2146) -- The Senate proceeded to consideration of the bill, entitled:

An Act creating the IRC/Ben Franklin Partnership and providing for its powers; establishing the IRC/Ben Franklin Partnership Fund; providing for certification of industrial resource centers, for certification of Ben Franklin technology centers and for certain transfers; and making repeals.

Considered the second time and agreed to,

Ordered, To be printed for third consideration.

Upon motion of Senator AFFLERBACH, and agreed to, the bill just considered was rereferred to the Committee on Appropriations.

COMMUNICATION FROM THE ACTING GOVERNOR

RECALL COMMUNICATION LAID ON THE TABLE

The PRESIDING OFFICER laid before the Senate the following communication in writing from the office of His Excellency, the Governor of the Commonwealth, which was read as follows and laid on the table:

MEMBER OF THE BOARD OF GOVERNORS OF THE STATE SYSTEM OF HIGHER EDUCATION

June 16, 1993

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

In accordance with the power and authority vested in me as Acting Governor of the Commonwealth, I do hereby recall my nomination dated March 26, 1993 for the reappointment of James A. Hughes, 258 South Saint Bernard Street, Philadelphia 19139, Philadelphia County, Eighth Senatorial District, as a member of the Board of Governors of the State System of Higher Education, to serve until December 31, 1994 and until his successor is appointed and qualified.

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

MARK S. SINGEL
Lieutenant Governor,
Acting Governor

REPORT FROM COMMITTEE ON RULES AND EXECUTIVE NOMINATIONS

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

STATE ATHLETIC COMMISSION

June 2, 1993

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, Marvis K. Frazier, 305 Bok Road, Wyncote 19095, Montgomery County, Fourth Senatorial District, for appointment as a member of the State Athletic Commission, to serve for a term of four years and until his successor is appointed and qualified, vice Howard E. McCall, Philadelphia, whose term expired.

ROBERT P. CASEY
Governor

MEMBER OF THE CHILDREN'S TRUST FUND BOARD

June 11, 1993

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, Carmen A. Anderson, 5081 Rosecrest Drive, Pittsburgh 15201, Allegheny County, Thirty-eighth Senatorial District, for reappointment as a member of the Children's Trust Fund Board, to serve for a term of three years, and until her successor is appointed and qualified.

ROBERT P. CASEY
Governor

MEMBER OF THE CHILDREN'S TRUST FUND BOARD

June 11, 1993

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, John M. Pierce, Ph.D., R. D. 1,

Box 210A, Annville 17003-9711, Lebanon County, Forty-eighth Senatorial District, for reappointment as a member of the Children's Trust Fund Board, to serve for a term of three years, and until his successor is appointed and qualified.

ROBERT P. CASEY
Governor

MEMBER OF THE STATE BOARD
OF CHIROPRACTIC

June 11, 1993

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, Mary Anne Fuller, D.C., 902 Cranberry Lane, York 17402, York County, Twenty-eighth Senatorial District, for appointment as a member of the State Board of Chiropractic, to serve for a term of four years or until her successor is appointed and qualified, but not longer than six months beyond that period, vice Francis A. Wisniewski, D.C., Pittsburgh, whose term expired.

ROBERT P. CASEY
Governor

MEMBER OF THE BOARD OF TRUSTEES
OF CLARKS SUMMIT STATE HOSPITAL

June 2, 1993

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, John J. Jennings, 1715 Capouse Avenue, Scranton 18509, Lackawanna County, Twenty-second Senatorial District, for reappointment as a member of the Board of Trustees of Clarks Summit State Hospital, to serve until the third Tuesday of January 1999, and until his successor is appointed and qualified.

ROBERT P. CASEY
Governor

DISTRICT JUSTICE

May 26, 1993

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, Mary Di Claudio, 503 Harrison Avenue, Jeannette 15644, Westmoreland County, Thirty-ninth Senatorial District, for appointment as District Justice, in and for the County of Westmoreland, Magisterial District 10-1-01, to serve until the first Monday of January 1994, vice Donald C. Japalucci, resigned.

ROBERT P. CASEY
Governor

MEMBER OF THE BOARD OF TRUSTEES OF
THE EASTERN YOUTH DEVELOPMENT CENTERS

April 14, 1993

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, Louis H. Carter, 6206 Catherine Street, Philadelphia 19143, Philadelphia County, Eighth Senatorial District, for appointment as a member of the Board of Trustees of The Eastern Youth Development Centers, to serve until the third Tuesday of January, 1995, and until his successor is appointed and qualified, vice Constance Voynow, Elkins Park, whose term expired.

ROBERT P. CASEY
Governor

MEMBER OF THE BOARD OF TRUSTEES OF
THE EASTERN YOUTH DEVELOPMENT CENTERS

April 14, 1993

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 Sheldon C. Jelin, 2401 Pennsylvania Avenue, Philadelphia 19130, Philadelphia County, First Senatorial District, for appointment as a member of the Board of Trustees of The Eastern Youth Development Centers, to serve until the third Tuesday of January, 1997, and until his successor is appointed and qualified, vice Bertha M. Brown, whose term expired.

ROBERT P. CASEY
Governor

MEMBER OF THE BOARD OF TRUSTEES OF
THE EASTERN YOUTH DEVELOPMENT CENTERS

April 14, 1993

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Robert J. Stanzone, R. D. #2, Box 279, Tower Road, Ottsville 18942, Bucks County, Tenth Senatorial District, for appointment as a member of the Board of Trustees of The Eastern Youth Development Centers, to serve until the third Tuesday of January, 1999, and until his successor is appointed and qualified, vice William Ford, Chalfont, whose term expired.

ROBERT P. CASEY
Governor

MEMBER OF THE BOARD OF TRUSTEES OF
THE EASTERN YOUTH DEVELOPMENT CENTERS

April 14, 1993

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, Jesse E. Williams, Jr., 220 East Mermaid Lane, Townhouse #131, Philadelphia 19118, Philadelphia County, Fourth Senatorial District, for appointment as a member of the Board of Trustees of The Eastern Youth Development Centers, to serve until the third Tuesday of January, 1995, and until his successor

is appointed and qualified, vice Raymond Kohl, Philadelphia, whose term expired.

ROBERT P. CASEY
Governor

MEMBER OF THE PENNSYLVANIA
FISH AND BOAT COMMISSION

June 10, 1993

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, Stephen A. Shabbick (District 7), 61 Franklin Avenue, Tunkhannock 18657, Wyoming County, Twentieth Senatorial District, for appointment as a member of the Pennsylvania Fish and Boat Commission, to serve until the second Tuesday of January, 2000, and until his successor is appointed and qualified, vice Leon H. Reed, Jr., Honesdale, whose term expired.

ROBERT P. CASEY
Governor

MEMBER OF THE INDUSTRIAL BOARD

May 11, 1993

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, John J. Gallagher, 7800 Castor Avenue, Philadelphia 19152, Philadelphia County, Second Senatorial District, for appointment as a member of the Industrial Board, to serve until the third Tuesday of January, 1995 and until his successor is appointed and qualified, vice Gabriel L. I. Bevilacqua, Philadelphia, resigned.

ROBERT P. CASEY
Governor

JUDGE, COURT OF COMMON PLEAS,
MONTGOMERY COUNTY

June 10, 1993

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, Andrew B. Cantor, Esquire, 224 Waring Road, Elkins Park 19117, Montgomery County, Fourth Senatorial District, for appointment as Judge of the Court of Common Pleas of Montgomery County, to serve until the first Monday of January, 1994, vice The Honorable William H. Yohn, Jr., resigned.

ROBERT P. CASEY
Governor

JUDGE, COURT OF COMMON PLEAS,
THIRTY-NINTH JUDICIAL DISTRICT

May 21, 1993

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, Douglas W. Herman, Esquire,

173 Lincoln Way East, Chambersburg 17201, Franklin County, Thirty-third Senatorial District, for appointment as Judge of the Court of Common Pleas of the Thirty-ninth Judicial District, to serve until the first Monday of January, 1994, vice The Honorable John W. Keller, resigned.

ROBERT P. CASEY
Governor

MEMBER OF THE SUSQUEHANNA
COUNTY BOARD OF ASSISTANCE

June 11, 1993

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, Catherine T. Hough (Democrat), 414 Pine Street, Susquehanna 18847, Susquehanna County, Twentieth Senatorial District, for appointment as a member of the Susquehanna County Board of Assistance, to serve until December 31, 1995, and until her successor is appointed and qualified, to add to complement.

ROBERT P. CASEY
Governor

MEMBER OF THE SUSQUEHANNA
COUNTY BOARD OF ASSISTANCE

June 11, 1993

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, Isabell H. Plonski (Democrat), R. D. 1, Box 60, Thompson 18465, County, Twentieth Senatorial District, for appointment as a member of the Susquehanna County Board of Assistance, to serve until December 31, 1995, and until her successor is appointed and qualified, to add to complement.

ROBERT P. CASEY
Governor

MEMBER OF THE WAYNE COUNTY
BOARD OF ASSISTANCE

June 11, 1993

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Joseph E. Sheridan, Jr. (Democrat), 211 Spruce Avenue, Hawley 18428, Wayne County, Twentieth Senatorial District, for reappointment as a member of the Wayne County Board of Assistance, to serve until December 31, 1995, and until his successor is appointed and qualified.

ROBERT P. CASEY
Governor

DISTRICT JUSTICE

May 26, 1993

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, Stuart J. Mylin, 1052 Deaver Road, Quarryville 17566, Lancaster County, Thirteenth Senatorial District, for appointment as District Justice, in and for the County of Lancaster, Magisterial District 2-3-04, to serve until the first Monday of January 1994, vice Joseph Bledsoe, resigned.

ROBERT P. CASEY
Governor

MEMBER OF THE STATE HEALTH
FACILITY HEARING BOARD

May 17, 1993

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, Bruce L. Davidson, M.D., 501 Mary Watersford Road, Bala Cynwyd 19004, Montgomery County, Seventeenth Senatorial District, for appointment as a member of the State Health Facility Hearing Board, to serve for a term of four years and until his successor is appointed and qualified, vice Arthur B. King, M.D., Athens, whose term expired.

ROBERT P. CASEY
Governor

NOMINATIONS LAID ON THE TABLE

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

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

DISCHARGE PETITIONS

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

In the Senate, June 16, 1993

A PETITION

To place before the Senate the nomination of William E. Strickland, Jr., as a member of the Pennsylvania Council on the Arts.

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 William E. Strickland, Jr., Pittsburgh, Pennsylvania, as a member of the Pennsylvania Council on the Arts, before the entire Senate body for a vote, the nomination not having been voted upon within 15 legislative days:

Robert C. Jubelirer
F. Joseph Loeper
D. Michael Fisher
Noah W. Wenger
Richard A. Tilghman

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

In the Senate, June 16, 1993

A PETITION

To place before the Senate the nomination of Dennis J. Kwiatkowski as Coroner of Cambria County.

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 Dennis J. Kwiatkowski, Johnstown, Pennsylvania, as Coroner of Cambria County, before the entire Senate body for a vote, the nomination not having been voted upon within 15 legislative days:

Robert C. Jubelirer
F. Joseph Loeper
D. Michael Fisher
Noah W. Wenger
Richard A. Tilghman

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

In the Senate, June 16, 1993

A PETITION

To place before the Senate the nomination of Louis H. Carter as a member of the Board of Trustees of Eastern Youth Development Centers.

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 Louis H. Carter, Philadelphia, Pennsylvania, as a member of the Board of Trustees of Eastern Youth Development Centers, before the entire Senate body for a vote, the nomination not having been voted upon within 15 legislative days:

Robert C. Jubelirer
F. Joseph Loeper
D. Michael Fisher
Noah W. Wenger
Richard A. Tilghman

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

In the Senate, June 16, 1993

A PETITION

To place before the Senate the nomination of Donna A. Frisby as a member of the Board of Trustees of Eastern Youth Development Centers.

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 Donna A. Frisby, Philadelphia, Pennsylvania, as a member of the Board of Trustees of Eastern Youth Development Centers, before the entire Senate body for a vote, the nomination not having been voted upon within 15 legislative days:

Robert C. Jubelirer
F. Joseph Loeper

D. Michael Fisher
Noah W. Wenger
Richard A. Tilghman

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

In the Senate, June 16, 1993

A PETITION

To place before the Senate the nomination of Honorable Sheldon C. Jelin as a member of the Board of Trustees of Eastern Youth Development Centers.

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 Honorable Sheldon C. Jelin, Philadelphia, Pennsylvania, as a member of the Board of Trustees of Eastern Youth Development Centers, before the entire Senate body for a vote, the nomination not having been voted upon within 15 legislative days:

Robert C. Jubelirer
F. Joseph Loeper
D. Michael Fisher
Noah W. Wenger
Richard A. Tilghman

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

In the Senate, June 16, 1993

A PETITION

To place before the Senate the nomination of Robert J. Stanzione as a member of the Eastern Youth Development Centers.

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 Robert J. Stanzione, Ottsville, Pennsylvania, as a member of the Eastern Youth Development Centers, before the entire Senate body for a vote, the nomination not having been voted upon within 15 legislative days:

Robert C. Jubelirer
F. Joseph Loeper
D. Michael Fisher
Noah W. Wenger
Richard A. Tilghman

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

In the Senate, June 16, 1993

A PETITION

To place before the Senate the nomination of Jesse E. Williams, Jr., as a member of the Eastern Youth Development Centers.

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 Jesse E. Williams, Jr., Philadelphia, Pennsylvania, as a member of the Eastern Youth Development Centers, before the entire Senate body for a vote, the nomination not having been voted upon within 15 legislative days:

Robert C. Jubelirer
F. Joseph Loeper
D. Michael Fisher
Noah W. Wenger
Richard A. Tilghman

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

In the Senate, June 16, 1993

A PETITION

To place before the Senate the nomination of Ruth W. Kline as a member of the Board of Trustees of Ebensburg Center.

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 Ruth W. Kline, Ebensburg, Pennsylvania, as a member of the Board of Trustees of Ebensburg Center, before the entire Senate body for a vote, the nomination not having been voted upon within 15 legislative days:

Robert C. Jubelirer
F. Joseph Loeper
D. Michael Fisher
Noah W. Wenger
Richard A. Tilghman

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

In the Senate, June 16, 1993

A PETITION

To place before the Senate the nomination of Robert C. Watson, Esquire, as Judge of the Court of Common Pleas of Allegheny County.

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 Robert C. Watson, Esquire, Pittsburgh, Pennsylvania, as Judge of the Court of Common Pleas of Allegheny County, before the entire Senate body for a vote, the nomination not having been voted upon within 15 legislative days:

Robert C. Jubelirer
F. Joseph Loeper
D. Michael Fisher
Noah W. Wenger
Richard A. Tilghman

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

In the Senate, June 16, 1993

A PETITION

To place before the Senate the nomination of Juan Cruz, Jr., as a member of the Professional Standards and Practices Commission.

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 Juan Cruz, Jr., Bethlehem, Pennsylvania, as a member of the Professional Standards and Practices Commission, before the entire Senate body for a vote, the nomination not having been voted upon within 15 legislative days:

Robert C. Jubelirer
F. Joseph Loeper
D. Michael Fisher
Noah W. Wenger
Richard A. Tilghman

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

In the Senate, June 16, 1993

A PETITION

To place before the Senate the nomination of Carol Newman as the Prothonotary and Clerk of Courts of Blair County.

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 Carol Newman, Duncansville, Pennsylvania, as the Prothonotary and Clerk of Courts of Blair County, before the entire Senate body for a vote, the nomination not having been voted upon within 15 legislative days:

Robert C. Jubelirer
F. Joseph Loeper
D. Michael Fisher
Noah W. Wenger
Richard A. Tilghman

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

In the Senate, June 16, 1993

A PETITION

To place before the Senate the nomination of Patricia Dozor as a member of the Elk County Board of Assistance.

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 Patricia Dozor, St. Marys, Pennsylvania, as a member of the Elk County Board of Assistance, before the entire Senate body for a vote, the nomination not having been voted upon within 15 legislative days:

Robert C. Jubelirer
F. Joseph Loeper
D. Michael Fisher

Noah W. Wenger
Richard A. Tilghman

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

In the Senate, June 16, 1993

A PETITION

To place before the Senate the nomination of Karen Roberts as a member of the Elk County Board of Assistance.

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 Karen Roberts, St. Marys, Pennsylvania, as a member of the Elk County Board of Assistance, before the entire Senate body for a vote, the nomination not having been voted upon within 15 legislative days:

Robert C. Jubelirer
F. Joseph Loeper
D. Michael Fisher
Noah W. Wenger
Richard A. Tilghman

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

EXECUTIVE NOMINATIONS

EXECUTIVE SESSION

Motion was made by Senator AFFLERBACH,

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 AFFLERBACH. Madam President, I ask for unanimous consent to call from the table certain nominations and ask for their consideration.

The Clerk read the nominations as follows:

DISTRICT JUSTICE

May 26, 1993

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, Stuart J. Mylin, 1052 Deaver Road, Quarryville 17566, Lancaster County, Thirteenth Senatorial District, for appointment as District Justice, in and for the County of Lancaster, Magisterial District 2-3-04, to serve until the first Monday of January 1994, vice Joseph Bledsoe, resigned.

ROBERT P. CASEY
Governor

MEMBER OF THE STATE HEALTH FACILITY HEARING BOARD

May 17, 1993

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, Bruce L. Davidson, M.D., 501 Mary Watersford Road, Bala Cynwyd 19004, Montgomery County, Seventeenth Senatorial District, for appointment as a member of the State Health Facility Hearing Board, to serve for a term of four years and until his successor is appointed and qualified, vice Arthur B. King, M.D., Athens, whose term expired.

ROBERT P. CASEY
Governor

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

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

YEAS—48

Afflerbach	Fisher	Loeper	Robbins
Andrezeski	Fumo	Madigan	Salvatore
Armstrong	Greenleaf	Mellow	Scanlon
Baker	Hart	Mowery	Schwartz
Belan	Helfrick	Musto	Shaffer
Bell	Holl	O'Pake	Shumaker
Bodack	Jones	Pecora	Stapleton
Bortner	Jubelirer	Peterson	Stewart
Brightbill	LaValle	Porterfield	Stout
Corman	Lemmond	Punt	Tilghman
Dawida	Lewis	Reibman	Wenger
Fattah	Lincoln	Rhoades	Williams

NAYS—0

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

Ordered, That the office of the Governor be informed accordingly.

NOMINATIONS TAKEN FROM THE TABLE

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

The Clerk read the nominations as follows:

MEMBER OF THE COMMONWEALTH OF PENNSYLVANIA COUNCIL ON THE ARTS

April 12, 1993

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 E. Strickland, Jr., 3021 Mount Allister Street, Pittsburgh 15214, Allegheny County, Thirty-eighth Senatorial District, for appointment as a member of the Commonwealth of Pennsylvania Council on the Arts, to serve until July

1, 1995 and until his successor is appointed and qualified, vice Joan F. Apt, Pittsburgh, whose term expired.

ROBERT P. CASEY
Governor

DISTRICT JUSTICE

May 28, 1993

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 N. Hall, Jr., 850 Schuylkill Avenue, Reading 19601, Berks County, Eleventh Senatorial District, for appointment as District Justice, in and for the County of Berks, Magisterial District 23-1-05, to serve until the first Monday of January 1994, vice O. Andrew Farrara, mandatory retirement.

ROBERT P. CASEY
Governor

DISTRICT JUSTICE

May 26, 1993

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, Douglas B. Gerwick, R. D. 2, Box 166, Emlenton 16373, Venango County, Twenty-first Senatorial District, for appointment as District Justice, in and for the County of Venango, Magisterial District 28-3-04, to serve until the first Monday of January 1994, vice Walter Sam Turk, resigned.

ROBERT P. CASEY
Governor

MEMBER OF THE BOARD OF GOVERNORS OF THE STATE SYSTEM OF HIGHER EDUCATION

March 26, 1993

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, Raymond R. Christman, 7152 Reynolds Street, Pittsburgh 15208, Allegheny County, Forty-third Senatorial District, for appointment as a member of the Board of Governors of the State System of Higher Education, to serve until December 31, 1996 and until his successor is appointed and qualified, vice Rebecca F. Gross, Lock Haven, whose term expired.

ROBERT P. CASEY
Governor

MEMBER OF THE STATE BOARD OF PHYSICAL THERAPY

March 26, 1993

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, Augustus Hatzas, R. D. #9, Box

9085, Reading 19605, Berks County, Eleventh Senatorial District, for reappointment as a member of the State Board of Physical Therapy, to serve for a term of four years and until his successor is appointed and qualified, but not longer than six months beyond that period.

ROBERT P. CASEY
Governor

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

QUESTION DIVIDED

The PRESIDING OFFICER. The Chair recognizes the gentleman from Lehigh, Senator Afflerbach.

Senator AFFLERBACH. Madam President, I would request that the nomination of Raymond R. Christman be voted as a separate nomination, and that we consider the other nominations first.

The PRESIDING OFFICER. Are there any objections to that?

The Chair recognizes the gentleman from Lancaster, Senator Wenger.

Senator WENGER. Madam President, would the gentleman from Lehigh, Senator Afflerbach, clarify something on the district justice. I was aware of the Berks County and the Lancaster County justices. I think the gentleman mentioned another district justice.

Senator AFFLERBACH. Madam President, yes, we have a district justice from Venango County, Douglas B. Gerwick.

Senator WENGER. Madam President, thank you.

The PRESIDING OFFICER. The Chair recognizes the gentleman from Lehigh, Senator Afflerbach.

Senator AFFLERBACH. Madam President, I request favorable consideration of these nominees, with the exception of Raymond R. Christman, which we will cast as a separate vote.

On the question,
Will the Senate advise and consent to the nominations of William E. Strickland, Jr., William N. Hall, Jr., Douglas B. Gerwick and Augustus Hatzas?

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

YEAS—48

Afflerbach	Fisher	Loeper	Robbins
Andrezeski	Fumo	Madigan	Salvatore
Armstrong	Greenleaf	Mellow	Scanlon
Baker	Hart	Mowery	Schwartz
Belan	Helfrick	Musto	Shaffer
Bell	Holl	O'Pake	Shumaker
Bodack	Jones	Pecora	Stapleton
Bortner	Jubelirer	Peterson	Stewart
Brightbill	LaValle	Porterfield	Stout
Corman	Lemmond	Punt	Tilghman
Dawida	Lewis	Reibman	Wenger
Fattah	Lincoln	Rhoades	Williams

NAYS—0

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

Ordered, That the office of the Governor be informed accordingly.

The PRESIDING OFFICER. The Chair recognizes the gentleman from Lehigh, Senator Afflerbach.

Senator AFFLERBACH. Madam President, I would now request a favorable vote on the nomination of Raymond R. Christman to the State Board of Governors of the State System of Higher Education.

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

The PRESIDING OFFICER. The Chair recognizes the gentleman from Lancaster, Senator Wenger.

Senator WENGER. Madam President, I request a negative vote on the nomination of Raymond R. Christman to the State System of Higher Education.

And the question recurring,
Will the Senate advise and consent to the nomination?

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

YEAS—24

Afflerbach	Fattah	Mellow	Scanlon
Andrezeski	Fumo	Musto	Schwartz
Belan	Jones	O'Pake	Stapleton
Bodack	LaValle	Pecora	Stewart
Bortner	Lewis	Porterfield	Stout
Dawida	Lincoln	Reibman	Williams

NAYS—24

Armstrong	Greenleaf	Loeper	Robbins
Baker	Hart	Madigan	Salvatore
Bell	Helfrick	Mowery	Shaffer
Brightbill	Holl	Peterson	Shumaker
Corman	Jubelirer	Punt	Tilghman
Fisher	Lemmond	Rhoades	Wenger

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

Ordered, That the office of the Governor be informed accordingly.

**COMMUNICATION FROM THE ACTING GOVERNOR
TAKEN FROM THE TABLE**

Senator AFFLERBACH, by unanimous consent, called from the table a communication from the office of His Excellency, the Governor of the Commonwealth, recalling the following nomination, which was read by the Clerk as follows:

MEMBER OF THE BOARD OF GOVERNORS OF
THE STATE SYSTEM OF HIGHER EDUCATION

June 16, 1993

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

In accordance with the power and authority vested in me as Acting Governor of the Commonwealth, I do hereby recall my nomination dated March 26, 1993 for the reappointment of James A. Hughes, 258 South Saint Bernard Street, Philadelphia 19139, Philadelphia County, Eighth Senatorial District, as a member of the Board of Governors of the State System of Higher Education, to serve until December 31, 1994 and until his successor is appointed and qualified.

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

MARK S. SINGEL
Lieutenant Governor
Acting Governor

**NOMINATION RETURNED TO THE
OFFICE OF THE GOVERNOR**

Senator AFFLERBACH. Madam President, I move that the nomination just read by the Clerk be returned to the office of His Excellency, the Governor.

The motion was agreed to.

The PRESIDING OFFICER. The nomination will be returned to the office of the Governor.

EXECUTIVE SESSION RISES

Senator AFFLERBACH. Madam President, I move that the Executive Session do now rise.

The motion was agreed to.

LEGISLATIVE LEAVES CANCELLED

The PRESIDING OFFICER. The Chair recognizes the presence on the floor of Senator Mellow and Senator Lincoln, and their temporary Capitol leaves will be cancelled.

REQUEST FOR RECESS

The PRESIDING OFFICER. The Chair recognizes the gentleman from Fayette, Senator Lincoln.

Senator LINCOLN. Madam President, at this time I would ask for a recess of the Senate for a caucus to be held in the Majority Caucus Room on the first floor, and I would ask that all Democratic Members report there immediately. We are going to discuss the conference committee report on Senate Bill No. 1, which is workers' comp, and hopefully be back on the floor in 45 minutes to an hour to debate the issue and hopefully concur in the conference report.

The PRESIDING OFFICER. Senator Lincoln asks for a recess of the Senate for approximately an hour for the purpose of a Democratic caucus to be held in the first floor caucus room.

Senator Loeper, are there any additions? The Chair recognizes the gentleman from Delaware, Senator Loeper.

Senator LOEPER. Madam President, I would request all

Members of the Republican Caucus to meet in the second floor caucus room at the rear of the Senate Chamber.

The PRESIDING OFFICER. The Chair recognizes the gentleman from Fayette, Senator Lincoln.

Senator LINCOLN. Madam President, two things. One, has the conference committee report been read across the desk yet?

The PRESIDING OFFICER. No.

Senator LINCOLN. Madam President, may I inquire as to what that procedure might be? Is there a reason for the delay, or is that normal?

The PRESIDING OFFICER. We have not yet reached reports of committee in the normal course of events.

Senator LINCOLN. Madam President, can we do that prior to the recess?

The PRESIDING OFFICER. Without objection, we can call for reports of committees.

**REPORT OF COMMITTEE OF CONFERENCE
SUBMITTED**

Senator MELLOW submitted the Report of Committee of Conference on SB 1, which was placed on the Calendar.

RECESS

Senator LINCOLN. Madam President, there has been a change in the request that I will make for our caucus, and rather than hold it in the Democratic caucus room on the first floor, we will hold our caucus in the Rules room at the rear of the Chamber, and I would like that announcement made so that all Members will know that, and immediately upon the recess, to report to the Rules room for the Democratic caucus.

The PRESIDING OFFICER. For purposes of Republican and Democratic caucuses, we will now have a brief recess.

AFTER RECESS

The PRESIDENT pro tempore (Robert J. Mellow) in the Chair.

The PRESIDENT pro tempore. The time of recess having expired, the Senate will come to order.

REPORTS FROM COMMITTEES

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

SB 889 (Pr. No. 972)

An Act amending the act of March 10, 1949 (P. L. 30, No. 14), entitled "Public School Code of 1949," providing for voter registration forms to be given to high school graduates.

SB 1022 (Pr. No. 1136)

An Act amending the act of April 9, 1929 (P. L. 177, No. 175), entitled "The Administrative Code of 1929," providing for the recognition of the Pennsylvania Geographic Alliance; imposing powers and duties on the Secretary of Education; and making an appropriation.

HB 105 (Pr. No. 2173) (Amended)

An Act amending the act of December 19, 1990 (P.L.1372, No.212), known as the Early Intervention Services System Act, further providing for intervention services for infants, toddlers and eligible young children with disabilities; expanding the membership of the Interagency Coordinating Council; further providing for the expenditure of certain appropriations; and making editorial changes.

HB 1609 (Pr. No. 1817)

An Act amending the act of July 2, 1984 (P.L.553, No.110), known as the Engineering School Equipment Act, further providing for reallocation of unused funds and for the expiration of the act.

Senator STEWART, from the Committee on Law and Justice, reported the following bills:

SB 1011 (Pr. No. 1114)

An Act amending the act of April 12, 1951 (P. L. 90, No. 21), entitled, as reenacted, "Liquor Code," exempting units of nonprofit nationally chartered clubs from licensing quota.

HB 1462 (Pr. No. 2169) (Amended)

An Act amending the act of April 12, 1951 (P.L.90, No.21), known as the Liquor Code, permitting certain sales on Super Bowl Sundays; and providing for additional activities of limited wineries.

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

SB 393 (Pr. No. 1482) (Amended)

An Act providing for the establishment, operation and administration of the Keystone Recreation, Park and Conservation Fund; designating a portion of the State Realty Tax Transfer revenues as a funding source for the fund; authorizing the incurring of indebtedness, with the approval of the electorate, to provide funding for the acquisition of, improvements to and the rehabilitation of parks, recreational facilities, historic sites, zoos and public libraries; imposing additional powers and duties on the Department of Environmental Resources, Department of Community Affairs, Department of Education, the Pennsylvania Historical and Museum Commission, Pennsylvania Game Commission and the Pennsylvania Fish and Boat Commission; and making an appropriation.

SB 467 (Pr. No. 1483) (Amended)

An Act providing for a goal for composting organic residual and municipal waste; setting standards for compost; excluding compost from the definition of "solid waste"; and establishing an assistance program for developing composting facilities and organic waste collection programs.

SB 737 (Pr. No. 1484) (Amended)

An Act amending Title 66 (Public Utilities) of the Pennsylvania Consolidated Statutes, further providing for watershed land.

SB 971 (Pr. No. 1485) (Amended)

An Act regulating the use, storage, purchase and sale of explosive materials; requiring the licensing of persons for the detonation of explosive materials; requiring permits for the purchase and sale of explosive materials; imposing duties on persons who use, store purchase and sell explosive materials; authorizing the Environmental Quality Board to adopt regulations and the Department of Environmental Resources to enforce and administer the act and

regulations; providing for enforcement and remedies; establishing a fund; prescribing penalties; and making repeals.

BILLS ON FIRST CONSIDERATION

Senator REIBMAN. Mr. President, I move that the Senate do now proceed to consideration of all bills reported from committees for the first time at today's Session.

The motion was agreed to.

The bills were as follows:

SB 393, 467, 737, 889, 971, 1011, 1022, HB 105, 149, 1462 and 1609.

On the question,

Will the Senate agree to the bills on first consideration?

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

YEAS—48

Afflerbach	Fisher	Loeper	Robbins
Andrezeski	Fumo	Madigan	Salvatore
Armstrong	Greenleaf	Mellow	Scanlon
Baker	Hart	Mowery	Schwartz
Belan	Helfrick	Musto	Shaffer
Bell	Holl	O'Pake	Shumaker
Bodack	Jones	Pecora	Stapleton
Bortner	Jubelirer	Peterson	Stewart
Brightbill	LaValle	Porterfield	Stout
Corman	Lemmond	Punt	Tilghman
Dawida	Lewis	Reibman	Wenger
Fattah	Lincoln	Rhoades	Williams

NAYS—0

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

The PRESIDENT pro tempore. The bills will be printed on the Calendar for second consideration.

LEGISLATIVE LEAVES

The PRESIDENT pro tempore. The Chair recognizes the gentleman from Fayette, Senator Lincoln.

Senator LINCOLN. Mr. President, I request temporary Capitol leaves for Senator Afflerbach, Senator Jones, and Senator Stapleton.

The PRESIDENT pro tempore. The Chair recognizes the gentleman from Blair, Senator Jubelirer.

Senator JUBELIRER. Mr. President, I ask for a legislative leave for the remainder of today's Session for Senator Loeper.

The PRESIDENT pro tempore. Senator Lincoln requests temporary Capitol leaves for Senator Afflerbach, Senator Jones, and Senator Stapleton.

Senator Jubelirer requests legislative leave for Senator Loeper.

The Chair hears no objection. The leaves will be granted.

LEGISLATIVE LEAVES CANCELLED

Senator JUBELIRER. Mr. President, if you would recognize the presence on the floor of Senator Shaffer, I would ask that

his leave be cancelled. Senator Madigan was also on leave and he is, of course, on the floor.

The PRESIDENT pro tempore. The Chair recognizes the presence on the floor of Senator Shaffer and Senator Madigan. Their leaves will be cancelled.

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

REPORT OF COMMITTEE OF CONFERENCE

REPORT ADOPTED

SB 1 (Pr. No. 1486) — The Senate proceeded to consideration of the bill entitled:

An Act amending the act of June 2, 1915 (P. L. 736, No. 338), entitled, as reenacted and amended, "The Pennsylvania Workmen's Compensation Act," adding and amending certain definitions; redesignating referees as workers' compensation judges; further providing for contractors, for insurance and self-insurance, for compensation and for payments for medical services; providing for coordinated care organizations; further providing for procedures for the payment of compensation and for medical services and for procedures of the department, referees and the board; adding provisions relating to insurance, self-insurance pooling, self-insurance guaranty fund, health and safety and the prevention of insurance fraud; further providing for certain penalties; making repeals; and making editorial changes.

Senator LINCOLN. Mr. President, I move that the Senate adopt the Report of the Committee of Conference on Senate Bill No. 1.

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

The PRESIDENT pro tempore. The Chair recognizes the gentleman from Bradford, Senator Madigan.

Senator MADIGAN. Mr. President, I want to stand to support the Majority Leader's recommendation that we adopt the conference report on Senate Bill No. 1. I want to compliment the gentleman from Lackawanna, Senator Mellow, and the gentleman from Fayette, Senator Lincoln, my fellow conferees, but most of all, I want to compliment the gentleman from Lackawanna, Senator Mellow, for his support and the efforts of his staff in the long, long road that we have had over the past 2 to 3 years in reaching this point of taking a first step in meaningful workers' comp reform. Certainly, as prime sponsor of an amendment in the previous Session, this is somewhat far afield from that, but in working together with the gentleman from Lackawanna, Senator Mellow, we put together a compromise that he so willingly introduced again this Session, and as it moved through the process, I believe the conference report before us is very close to the Senate Bill No. 1 that the gentleman from Lackawanna, Senator Mellow, and I cosponsored this year.

I will not go into further detail. I believe there are some concerns, there are many areas that I firmly believe we could have improved it in speeding up the delivery of our workers' comp system, but good things do come slowly, and I am pleased to have been a part in taking the first step, and hope-

fully, and unfortunately, we may be back in the near future to address some of the areas that we were unable to address in this conference report.

I do believe we are sending a strong message to our employers and their employees, as well as to the other States in this nation, that Pennsylvania has taken a first step in making us more employer-friendly, and I hope that we can build on this, and I would encourage an "aye" vote on the conference committee report on Senate Bill No. 1.

Thank you, Mr. President.

The PRESIDENT pro tempore. The Chair recognizes the gentleman from Centre County, Senator Corman.

Senator CORMAN. Mr. President, I would like to thank all who worked so very hard to bring us this proposal today. I intend to vote for it, but there are some areas in the legislation that bother me a lot and I have some disappointments in this particular proposal.

One of the areas that bothers me a lot is the provision of 113 percent of Medicare payment to the health care providers. In rural Pennsylvania, where I live, our hospitals are already short-funded by Medicare, and now we are going to short-fund them further in providing payment for workers' compensation claims that are presented at their hospitals. This is going to give us problems that I think we are going to have to deal with tomorrow and the next tomorrow. We certainly cannot afford to have the health care providers, particularly the hospitals, go out of business. So that is a disappointment and a problem area.

I am disappointed that we could not convince the conferees that either you are injured and should be able to collect workers' compensation or you are retired and should be collecting Social Security and/or your various pensions. They ought not to be able to be retired and collect workers' comp all at the same time. That did not carry today, but there are enough of other good things in the bill that I will be supporting it.

And I think really one of the very, very troublesome parts of the bill that did not get attended to and we need to come back and look at in the future is that portion that would have provided an opportunity for an informal conference between the provider of insurance or the employer and their injured employee to come to a final agreement as to how do we handle this particular person's injuries? I have had many people come to my constituent hours practically in tears that they have been a claimant for workers' compensation for a very long period of time—I think the longest a person ever had was about 2 years—and they could never get the thing finally adjudicated whether they were in fact entitled to collect workers' compensation or whether they were not because one person or another's attorney would get another continuance and the judge or the referee would not finally make a decision. And I think that we could have helped a lot of injured employees by providing for this informal conference to have an ability to straighten it out without having it be a legal process.

But I think in spite of those problem areas that still exist in the workers' compensation program, I think this is a very good

step forward, and I will be supporting it.

Thank you.

The PRESIDENT pro tempore. The Chair recognizes the gentleman from Cumberland, Senator Mowery.

Senator MOWERY. Mr. President, I, too, would like to commend the gentleman from Bradford, Senator Madigan, and the Chair, the President pro tempore, for the work that they have done on the workers' comp bill. Unfortunately, I have a lot of concerns as to whether or not it is really going to make any significant difference in the rating and the cost to our employers in the State of Pennsylvania. For that reason, I am going to vote "no" on this piece of legislation.

I guess there is no one in the Senate who was any more concerned and wanted to see a meaningful legislation passed that was fair to the employers of Pennsylvania as well as to the employees. One of the things that concerns me tremendously about this particular bill is the fact that I think employers have been waiting for us to pass a meaningful bill so that there could be a reduction in the premiums and in the costs to business in Pennsylvania. I really felt very taken aback, I guess, when I heard the report that was given that indicated that there is no rate reduction to take place in this legislation. Now, there are only two ways you can look at that, because if there is no room for a rate reduction at the time that we pass these changes, it would certainly indicate to me that at the time this was put together it was felt that there were not significant differences in changes made to allow for a rate reduction, and I think that is very unfair. I think that the business community has been looking for legislation that would give a meaningful opportunity to reduce rates.

I also understand that probably one of the reasons why we are not giving a rate reduction at this time is because of the SWIF plan. The SWIF plan needs the money. And unfortunately, when we cannot make a reduction on the SWIF plan, we are saying to the private sector, the private insurers in Pennsylvania, that it is in not too good of financial shape, and as a result, under the Guaranty Fund, each one of the private companies are individually responsible for the financial status of the SWIF plan.

And so, when I take a look at the overall bill, I see that, yes, there are certainly some good things that I think it has been a job well done, but I do not think we have gone far enough. And for that reason, I feel that we should not vote for this program today, go back to the table and come back with something that is meaningful to our constituency.

Thank you.

The PRESIDENT pro tempore. The Chair recognizes the gentleman from Blair, Senator Jubelirer.

Senator JUBELIRER. Mr. President, let me preface my remarks by saying that many times I speak over here on behalf of the Republican Caucus in the Senate, and as I make these remarks now, I want to make it very clear that I speak for myself only, because there are differences of opinion, as the gentleman from Cumberland, Senator Mowery, and some others will be voting one way and I will be voting a different way. I will be voting with the gentleman from Bradford,

Senator Madigan, our conferee.

Mr. President, several years ago a journey began, led by the then chairman of the Committee on Labor and Industry, Senator Roger Madigan, and shortly thereafter joined by the Chair, the President pro tempore, to reform a system that certainly was in dire need of attention, a system that had begun to send a message to employers across Pennsylvania that they were really going to have to pay substantial increases over a period of years. Mr. President, today that journey has not ended, and as the gentleman from Bradford, Senator Madigan, has aptly stated, it is a first step. And it is the step that is the best we can get, and I respectfully differ with some of my colleagues who have spoken previously as to whether to vote "no" or to vote "yes," and I labored very difficultly as to whether I wanted to vote against it for the reason that the gentleman from Cumberland, Senator Mowery, just said, that it does not go far enough, that we need to send a stronger signal. But, Mr. President, the system is so sick now that to do nothing, in my judgment, at least, and, again, I speak for myself, would not satisfy the workers and the employers in my senatorial district.

And yes, Mr. President, the workers perhaps are the biggest loser when we do not fix a system that is broken because employers have to lay them off, must close their doors and are crying out. As I indicated not too long ago, just a few days ago on a beautiful Sunday afternoon, as I walked in the Baskin-Robbins store in the city of Altoona just to get an ice cream cone, I was besieged by the owner telling me the extraordinary costs that he was having with his small business, and, frankly, that was typical and I know that all of us have stories to tell, but the fact is, the system is very, very much broken and in need of attention. And to the credit of you, Mr. President, and to the gentleman from Bradford, Senator Madigan, it cried out for leadership and you provided that.

As someone who has been involved in major issues before this body and who has worked day and night on issues of like concern, and frankly, with some success and far more often failure, because it is very difficult to put these large issues together, I know what it is like. The pain, the trauma, people who you think are friends who are saying to you, you cannot do this to me, you cannot do this to our group, and yet, if we are to have any kind of leadership, if we are to solve Pennsylvania's problems, and they need solving every day, then indeed it does take bipartisan cooperation to rise above and take on the issues at hand, and the most crucial issue in Pennsylvania today is the issue which is addressed in the conference report on Senate Bill No. 1. It is the best we can get. I think that has been made very clear. I do not believe it to be a panacea for the problems, but I believe, at least for the time being, it will stop the hemorrhage. It will at least say to the employer out there, we have dealt with the issue and it is the best we can do, that the House of Representatives, after we pass this, and I am sure there are sufficient votes to pass it, will indeed finally deal with the bill that we dealt with and again, finally on a bipartisan basis, we will get a bill signed into law.

Each of us I think has made a commitment, starting with

you, Mr. President, that we would not leave this body for a summer recess until this issue was addressed, and today that commitment made is a commitment kept, and I believe that was an important signal to send to those who felt that delay would destroy any effort to keep this coalition together. And so that was an important step. Again, Mr. President, I am not in a position to rave about the product, but again, I also believe it is better than what we have now and it is, as Senator Madigan said, a first step in dealing with the entire broken-down system that we call workers' compensation. It has drastically changed over the years. But I think there is no question that this Senate or future Senates are going to be back, future General Assemblies or Governors are going to have to deal with this issue again. But, Mr. President, I will be voting in the affirmative on the conference report on Senate Bill No. 1, and I believe it is for me perhaps a more difficult vote than I hoped it would be, but I believe it to be the right vote because I believe the conference report on Senate Bill No. 1 does, as the gentleman from Centre, Senator Corman, has indicated, make some good changes, but it is an opportunity for us to sit back and reflect now that we have done this and see perhaps in a less hostile manner than you all have had to deal with and we who go home every week to hear our constituents complain about it perhaps will be able to make some of the other changes that are so desperately needed.

Mr. President, once again, I congratulate the gentleman from Bradford, Senator Madigan, I congratulate you, and all who worked so hard to bring this day about. I think it is an important piece of legislation, perhaps the most important vote we will make in this Session of the General Assembly. And I hope that the House of Representatives will deal expeditiously with this and that we will at least stop the hemorrhage in time to save jobs, to save employers from going under, and begin to deal with other problems that are facing Pennsylvania because, without question, Pennsylvania is not able, I believe, to be competitive with our sister States, particularly those surrounding us who are raiding our businesses, talking to our employers on a regular basis about moving to other States. This is the first step. Let it not be the last.

Thank you, Mr. President.

The PRESIDENT pro tempore. The Chair thanks the gentleman from Blair, Senator Jubelirer, for his kind remarks.

The Chair recognizes the gentleman from Lancaster, Senator Wenger.

Senator WENGER. Mr. President, I want to, first of all, express my appreciation to the work done by the conferees on Senate Bill No. 1. I realize that this is a difficult subject and it was very time-consuming. I would like to have an opportunity to briefly interrogate one of the conferees, and I realize, Mr. President, that you indeed were one of the conferees, and I would be pleased to direct my interrogation to you, but if that is not appropriate, I realize the Majority Leader also was one of the conferees, and could I interrogate the Majority Leader?

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

Senator LINCOLN. I will, Mr. President.

Senator WENGER. Mr. President, over the last year or so, we have made several votes on workers' compensation, and all of these bills that we have voted have contained a cap on the medical providers. Now, these caps, as I recall, ranged anywhere from perhaps 117 percent of the Medicare rate to 120 percent of the Medicare rate, and in the one bill I think there was a split, perhaps basic providers were at 117 percent and specialists were at 120 percent. But anyhow, we were in that range of 117 to 120 percent. At those times, I supported, rather reluctantly supported, those caps, although I realized that it can bring a hardship and a problem with medical providers in certain parts of the State, especially in some of the rural areas, especially in a county like Lancaster, where the Medicare reimbursement rate is lower proportionately than it is in some other parts of the State. But I did support the bills because I am interested and continue to be interested in making at least a significant step towards solving the workers' compensation problem.

My question to the gentleman, as one of the conferees, is now I think we have gone to a new low of 113 percent of the Medicare rate, and what is the rationale for this erosion of support for medical providers? That would be the question, Mr. President.

Senator LINCOLN. Mr. President, my understanding is that the percentage was dropped to 113 percent, but there was a provision put in called the snapshot, which will allow for an increase over a period of time—I think after 1994—based on certain provisions surrounding the workers' compensation medical costs. And I believe that snapshot will be based on the average weekly cost and it begins in January of 1995. And my understanding is that that is a provision that will allow for a gradual increase with increased costs over a period of years.

Senator WENGER. Mr. President, could the gentleman comment on his sentiment as to the cap at this lower percentage and as to what impact he feels it may have on medical providers, especially in those areas that I mentioned, the rural areas, where hospitals already are having a rather difficult time, and then having the cap maintained at that lower percentage, at least until 1995?

Senator LINCOLN. Mr. President, there is no question that the savings in this bill are going to be enhanced by lowering the cap from 117 percent or 115 percent down to 113 percent, and the cap on payments to doctors and hospitals and other people involved in medical treatment and the medical delivery field. I do not believe that if you are going to try to solve this problem you can mix a problem that a hospital is having and simply say to them you should be allowed to charge more than what your costs are to stay in business. I think if that is a problem, then we ought to address those rural hospital problems in a different manner. We did that in the budget, whereas there was a problem with the Governor proposing \$130 million, or somewhere in that area, of cuts in medical assistance which were finally negotiated through a lengthy process. I met with the three disproportionate share hospitals in my district, and we worked through that problem and came out of it without the tremendous losses that would have been

there. But that has very little to do with the issue of workers' comp, and I think if you are going to consider all the other factors involved that are driving the costs up, then I think that you are never going to see any legitimate effort made to solve a very serious problem in Pennsylvania.

As you know, this is not a position that I have been in one time in the past 3 years of defending an effort being made to solve the problem, but to be very factual about it, I think the one area where there had to be some containment was on the medical costs, and that is what we are trying to do. That is where the savings are.

Senator WENGER. Thank you, Mr. President. That concludes my interrogation. I would like to be recognized to make a brief statement.

The PRESIDENT pro tempore. You may continue.

Senator WENGER. Mr. President, I plan to vote in the affirmative on the conference report before us. I do that with a certain amount of reservation, and one of the reservations I have, although there are other concerns, is especially the impact that it may have on the medical providers in those parts of the State where Medicare rates are lower, the reimbursement rates are lower, and the providers may not have the opportunity to have the return on their investment that they need to really continue to provide quality care, and then it becomes a question of accessibility. If we do not have accessibility to the finest health care, then we may actually end up with higher indemnity payments than we would have or if people had access to the kind of care that they need to get them whole and back on the job and back to work.

So one of the concerns that I have, Mr. President, and I wanted to state, is that I realize that we are trying desperately to contain the costs of workers' compensation, and for that reason I will support the bill. I think that it is, however, just a first step in what will have to be a longer journey than what we are able to do here today in the Senate Chamber. But it is a first step and I am willing to make that step, and I would encourage all of my colleagues in the Senate to be alert for opportunities to take additional steps to improve the workers' compensation law here in Pennsylvania.

Thank you, Mr. President.

The PRESIDENT pro tempore. The Chair recognizes the gentleman from Allegheny, Senator Fisher.

Senator FISHER. Mr. President, I do not want to restate what everybody has stated, however, I do certainly want to commend you, Mr. President, and my colleague and good friend, the gentleman from Bradford, Senator Madigan, on a really tremendous job in working long and hard for well over a year in trying to come to where we are today. You can look at the conference report on Senate Bill No. 1, you can go through it and you can find any number of areas of which anyone who is at all familiar with the problems of workers' compensation rates and insurance today can be critical. You can do that with current law. That is not my point for standing here. I can find a number of very good reasons to vote against the conference report on Senate Bill No. 1 because, as many people have said, it is just a first step, and perhaps it is a large

first step, perhaps it is only a small first step. But, Mr. President, I think what we have accomplished here today is at least taking that first step. We have taken a first step to reform the law in a few ways. We have not gone anywhere near as far as I would have liked to have seen us go. There are not as many eliminations of what we know as the double dips as I would like to see.

I am concerned, Mr. President, that what we have done here in Senate Bill No. 1 in setting the reimbursement rate at 113 percent has really driven a third nail in the coffin of the medical profession in this Commonwealth. I am not happy with that. I do not know that we have looked at the full impact of what 113 percent will do. We know it will save costs in this system, but I am not sure that we fully understand the overall implications of what this will do to the medical profession and to our many hospitals, not only in the area that I come from but across the State. But when I look and listen to the people not only in my district but the many people I have spoken to all across Pennsylvania this year who are concerned about the economic climate in Pennsylvania, which is the number one concern on the minds of the people, after they talk about their concern of the tax structure, the second thing most people tell you is their concern with workers' compensation and the need for workers' compensation reform. So that is one of the reasons why I support this today.

But one additional reason, and one that we have not had too much discussion on up to this point, is something that the gentleman from Bradford, Senator Madigan, and I talked about just 2 weeks ago here in the Capitol at a press conference, and that is the terrible shape of SWIF in Pennsylvania. SWIF, which is currently insuring 450,000 Pennsylvania employees coming from about 35,000 employers, is close to the verge of bankruptcy. As we talk, at a loss of probably \$6 million a month, that fund is in bankruptcy, I would daresay. And without some immediate change--and that is what I believe at least Senate Bill No. 1 does upon its effective date, bring about some immediate change--I do not know where we are going to go. At this press conference both the gentleman from Bradford, Senator Madigan, and I were asked, what do you recommend? We recommended an end to raids on SWIF and we said that there had to be some change in the workers' compensation system.

So, Mr. President, when I look at what everybody is looking for across the Commonwealth, many people would like more than what we have in Senate Bill No. 1 today, and I hope that perhaps, and I realize it probably will not be by the end of this year, but perhaps by the end of 1994, and if not, maybe by 1995, maybe we can take step two and maybe we can take step three by eliminating some of the problems in the system of how claims are processed and how claims are made. Maybe we can take those steps. But if we do not take step one, I am afraid that many employers just are not going to be able to continue to afford to keep the number of employees they have on their payrolls or to add additional employees to their payrolls, and I am fairly well certain that if we do not take step one, those words that the gentleman from Bradford,

Senator Madigan, and I said a couple of weeks ago, and many others joined in in one way or another, that the SWIF fund is bankrupt will, in fact, be a reality and we will be back here dealing with some legislation that will be trying to spread the cost of bailing that fund out on the backs of the same employers who are asking for help, which we are giving them in some small way in Senate Bill No. 1.

So, Mr. President, I support Senate Bill No. 1 and I would urge others to consider supporting it for the reasons that I have set forth.

Thank you, Mr. President.

The PRESIDENT pro tempore. The Chair recognizes the gentleman from Venango, Senator Peterson.

Senator PETERSON. Mr. President, first, I would like to rise today to compliment and thank the gentleman from Lackawanna, Senator Mellow, and the gentleman from Bradford, Senator Madigan, for what I think is one of the most comprehensive efforts I have seen since I have been here to bring about change to a system. They have worked endlessly, they have worked tirelessly, at great odds, with little or no help from the administration, with little or no cooperation from House leadership, certainly with a lot of animosity and fighting from the AFL-CIO and the trial lawyers. You combine all those four and those are pretty tough odds to win. I think they have had a small win in spite of all the opposition that they have received.

I would say today that the bill before us will lessen the pain, but it will not cure the disease. I think those who have predicted SWIF will be in trouble in the near future are accurate, and I guess the part that bothers me the most is I think the amount of reform we are getting today may keep another major increase from hitting, but I would be very surprised to see if we have any cut in rates, even next year.

The foundries in my district are closing or leaving town because of workers' comp rates. Steel mills have been downsizing almost monthly and laying off and some have been going out of business. Tank builders in my district are relocating in Ohio and West Virginia because of workers' comp rates. Painters and small contractors are downsizing to where they work alone or where the father and son work together because they no longer can make a profit and pay workers' compensation. And small manufacturers are choosing to get smaller or go out of business. They certainly are not expending funds to grow, because of current workers' comp rates. And if we cannot help push those costs down, the illness is still there.

I do not understand why items like the standards of evidence could not be part of it or capping attorney's fees or informal conferences, and the one that has been the most difficult for me to understand, and I know it was on the table yesterday for a few hours, is the offset of pensions and Social Security. Almost every neighboring system offsets pensions and Social Security, I am told, on a 5-, 6-, or 7-percent decrease in premium. I have talked to the steelworkers who live on my street and I have asked them if they are concerned about removing the ability to collect workers' comp, Social Security, and pensions, and they said, no siree, that was not

appropriate. And they certainly felt it was inappropriate to have workers' compensation benefits and unemployment comp benefits. These are the workers. These are the people who are producing the products. And I do not understand why their leaders have fought for those benefits when it is actually endangering the job of the worker they are paid to lead and protect. And that is the part of this whole argument that has so baffled me, because I do not think anybody here wanted to take benefits away from the really truly injured worker, did not want him to have the very best medical care that was possible, but for some reason there are those who have fought to not touch the system. Some groups I understand, but I have not understood the unions fighting on this issue because I do not think they had the best interest of their workers in mind with the position they have taken on this issue.

In conclusion, I must share with you one issue on health care, and that is the 110 percent of Medicare in auto reform. At my rural hospitals, I think all of you must remember that rural hospitals get 10 to 40 percent less, depending on the case, than urban/suburban hospitals of everything they do in Medicare. Most rural hospitals get 40-some percent of what they used to get for auto cases. I do not think workers' comp will hit them quite that hard because a lot of it is outpatient, but that was a tremendous hit on small rural hospitals. And as the Senator from Fayette, Senator Lincoln, said a few moments ago, we did stave off the Medicaid cuts, but our rural hospitals run from 40 to 50 percent Medicare already and they lose money. Many of them have 10 to 20 percent Medicaid and they lose a lot of money. In fact, of the 14 hospitals that serve my district, for the last 6 months of '92, they lost \$400,000 a piece, or 4 to 5 percent of their volume. That was last year, and things have not gotten better. We must be careful if we continue to tag things to Medicare, assuming Medicare is the fair rate. I am going to tell you what Congress is going to do with Medicare. They are going to cut the budget by putting less money in the Medicare line item and Medicare rates are going to be frozen, at best, and maybe cut, so when they do that, our hospitals, and specifically the rural hospitals, are going to be in even more serious shape.

I, today, have the toughest decision I have had to make since I have been here because it is an issue I have always fought for. I want to commend those in this Senate because if it were up to the Senate, we would have had damn good workers' compensation reform. The Senate was ready to play ball and get this job done, but the House and the administration were certainly not as zealous in this effort. But because of the lack of completeness that we needed, I am very reluctantly going to vote "no" today.

The PRESIDING OFFICER. The Chair recognizes the gentlewoman from Philadelphia, Senator Schwartz.

Senator SCHWARTZ. Mr. President, I, too, would like to speak briefly on the subject. We have been dealing with workers' compensation almost from the time that I arrived in this Chamber, and certainly I feel strongly that we do need to bring down the rates, control the rates in workers' compensation. I hear not daily but quite frequently from businesses in

my community, particularly small businesses and nonprofits, about the high cost of workers' compensation. There is no question that workers' compensation alone is not what is the driving difficulty businesses have in the 1990s, but it is a factor and it is a factor that we could do something about. I have consistently, Mr. President, voted, I believe, with workers on this issue. I have voted not to support what have been known as the Mellow-Madigan bills along the way. I have endorsed and originally supported the Governor's position and some of his legislation on workers' compensation.

I have been concerned all along about protecting injured workers' rights, making sure that they have access to fair and appropriate health care. I have been concerned particularly about insurance rates and making sure that insurance companies are held closely accountable for their rates and any rate increases. I have discussed those issues on the floor. I have discussed those issues privately. As I look at this bill, and not having read every word of it but hearing from the conference committee, I feel that it is time to vote for this compromise, to trust the conference committee. The representation on that committee truly represented both the interests of working people in Pennsylvania, the working people of my district, and also the interests of businesses, both large and small. I believe it is time for those of us who have had differences of opinion on this to move forward.

I hope very strongly that this bill will, in fact, keep rates down. I am somewhat sorry that we could not have done it sooner to make sure that the rate increases we have experienced in this past year did not happen, but I can say that I am going to vote for this compromise in the conference report. I do so because I believe that it is our responsibility to do all that we can to help businesses, particularly small businesses in the Commonwealth, create those jobs for workers across the Commonwealth, and I do so, as I say, in the hopes that the Insurance Department will keep a careful eye on their responsibility to keep those rates down and that we will have done something in the General Assembly to assist workers across the Commonwealth in assuring that our businesses are healthy and strong and can compete in the next decade.

Thank you.

The PRESIDENT pro tempore. The Chair thanks Senator Schwartz for her words of support.

LEGISLATIVE LEAVE CANCELLED

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

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

The PRESIDENT pro tempore. The Chair recognizes the gentleman from Chester, Senator Baker.

Senator BAKER. Mr. President, I would like to apply the term "gridlock," which we hear a lot in today's media, to this bill. I describe it as a gridlock bill because I think the proportion of change from the rather hefty 100-plus page bill that we

have is not truly in proportion to the savings that those who pay the costs of workers' comp have expected from this bill. In fact, I think there will be a grievous disappointment as we observe that there will be a minimal impact, but not to say that we should not examine the effect of the bill that is before us.

Jobs are being lost in Pennsylvania every day. When companies move out of Pennsylvania and give workers' comp as the reason or one of the reasons why they are moving out of Pennsylvania, then we should ask, when a system like workers comp is not functioning for the benefit of Pennsylvania, who is to blame? If we look at the players in the dialogue that has taken place over the past few years, we can ask that question of each of them. And if we look at the insurance companies, people tell us that they are simply the bearers of the news and not responsible for the costs that they pass along. If we ask, is it the hospitals and medical providers, we have been told that workers' comp is the only system with which they deal that pays full freight, and therefore they have to defend the current system. If we ask about attorneys, they can say that they are only representing their clients and what they get paid in the cases that they bring about or in which they represent clients is only payment for their professional duties. Certainly the workers who are injured in a work-related accident or situation do not expect to lose money or lose their jobs. And if we ask about labor, we are told that they are simply protecting their members' interest. And if business says that they would like to lower the cost of workers' comp so that they can lower the cost of doing business, hire people, give pay increases that they may not be able to give because of workers' comp or keep people working, and add all those together, the balance between those conflicting interests is what gives us the so-called gridlock bill, as I have labeled the bill before us.

What it does not deal with are the parameters of the system, the prevention of abuse within the system by a small proportion of those who receive benefits or those who service them professionally. It does not deal with the parallel benefit programs, it does not deal with many of the administrative problems of the system itself, and certainly not of the SWIF fund which has already been alluded to and which I will not embellish, and it also does not deal with the root causes of medical costs. It attempts to deal with them in a rather arbitrary manner but one which will give us at least some hope of reducing costs in the short run.

Well, where does that lead me? I can certainly understand someone who would vote "no" on this bill who had high expectations for this process and who is applying the criteria of saying, was there a better job that we could have done on this bill? On the other hand, I also think we have to recognize the efforts of the gentleman from Bradford, Senator Roger Madigan, and the gentleman from Lackawanna, the President pro tempore, for their efforts in putting together a bill that passed in this Senate with 30 votes and which obviously had the support of most of us in this Chamber. And yet that bill was worked over thoroughly by those who, in many respects, hoped to weaken it and who to some extent have been successful.

I think we have to try to avoid criticizing this bill for what it cannot do at this time. I do support the bill. I do it somewhat reluctantly and I am only adding to the comments of previous speakers who have expressed their concerns, and I associate myself with many of those, but I also want to say that there will be a time when we will not be able to afford gridlock, there will be a time when we will face the true crisis that this bill only moderately deals with, and I think there will be a time when future administrations and future General Assemblies will be able to exert more extensive and meaningful reform. But I do think my criterion in voting for this bill is if it saves even a dollar, then there is a reason to vote for this bill. If we asked, could it have done more? The answer is, yes, it most certainly could have.

Thank you, Mr. President.

The PRESIDENT pro tempore. The Chair recognizes the gentleman from Washington, Senator Stout.

Senator STOUT. Mr. President, I rise to urge support for this conference committee report on Senate Bill No. 1, and indeed, this is a very important vote for the future of Pennsylvania. This has been an extremely difficult piece of legislation because I am the only Democrat in the southwestern portion of the State who had previously supported workers' compensation reform on at least five previous occasions, and it has been kind of lonesome because I have very few Members, even my House delegation or in neighboring districts, to do that.

The reason I come to support major improvements, reforms, whatever you want to call it, in workmen's compensation is because it is necessary for the survival, the economic survival, of Pennsylvania. It is ironic that earlier this afternoon, by a vote of 47 to 1, we passed Senate Bill No. 1192, nearly \$30 million of Sunny Day funds for business in Pennsylvania. Seven different projects throughout this Commonwealth, for the purpose of retaining and attracting jobs to Pennsylvania. And this is something we should do and have the necessary votes to support from the General Assembly and the administration to do that to promote jobs and economic development.

But while we are using that carrot and stick to bring in jobs in the front door in Pennsylvania, we are losing tens of thousands of jobs out the back door of Pennsylvania. Particularly in the district that I represent, which touches West Virginia on two sides and Ohio, it touches the tip of Ohio, and I see an out-migration of jobs from southwestern counties to adjoining States, and it is quite ironic. I am familiar with the construction industry in Pennsylvania. Just take one item alone, structural steel—erecting a building, a planned addition where you use ironworkers and steelworkers to erect that—in Pennsylvania, that rate is over \$56 per hundred of payroll. Across the imaginary Ohio state line it is \$19 and some cents, a difference of 2 1/2 times. Why are other States attracting jobs? That is one reason. All the costs and much concern and debate on this floor concerns the consumer and what we do. But these uncontrollable costs of workmen's compensation are passed on to the consumer, whether it is in the form of higher utility rates or in products you buy that are manufactured by businesses here in

Pennsylvania. Pennsylvanians have to compete on a national basis and also on an international basis. And I philosophically embrace the philosophy of workmen's compensation, that a worker legitimately injured in the workplace should be made as whole as possible with lost wages and benefits, medical benefits, paid to cover that. That is what we should do.

Members gnash their teeth here on the floor, but the bill on workmen's compensation was first passed in this Commonwealth, I believe, in 1915, 1917; about the time of World War I. This is only about the third or fourth time in 70-some years that we have amended this act and made changes. There are currently 48 sitting Members of this body, and we can go around this room, Mr. President, and find at least 48 different reasons not to vote for it. Yes, I have disappointments in certain areas, and I do not know what your definition of politics is, Mr. President, but to me politics is the art of the possible, not the impossible. This body, on at least five previous occasions, has voted for, I feel, a more responsible form of workmen's compensation. But this is a business of compromise between the House and Senate, and that is what our conferees have done. And I praise the gentleman from Bradford, Senator Madigan, and the gentleman from Lackawanna, Senator Mellow, for their leadership on this very controversial issue. It is not easy. It is not popular, and you are going to make some people upset, but we have to do this if we are going to worry about future jobs, the tax base of this Commonwealth, and I urge this body to send a strong message about the economic future of Pennsylvania by concurring in the conference report on Senate Bill No. 1.

Thank you, Mr. President.

The PRESIDENT pro tempore. The Chair would ask the gentleman from Fayette, Senator Lincoln, if he could come to the Chair, because I would like to go to the podium and make a few remarks.

The PRESIDING OFFICER (J. William Lincoln) in the Chair.

The PRESIDENT pro tempore. Mr. President, would you please recognize me.

The PRESIDING OFFICER. The Clerk will call the roll. (Laughter.)

The PRESIDING OFFICER. For what purpose does the gentleman from Washington, Senator Stout, rise?

Senator STOUT. Mr. President, I forgot just one remark. We are maybe 7 or 10 days away from adjourning this body for maybe a considerable length of time, and there may be things you do not like in Senate Bill No. 1 as of now, but if you walk away from here and do not come back and they come out with another 50- or 24-percent rate increase, you will be sorry you did not vote for Senate Bill No. 1.

Thank you, Mr. President.

The PRESIDING OFFICER. The Chair recognizes the gentleman from Lackawanna, Senator Mellow. For what purpose does the gentleman rise?

The PRESIDENT pro tempore. Mr. President, I rise only to talk for a few brief moments about what I consider to be a

very long and difficult battle and a long and very trying time in my legislative career. Several years ago the gentleman from Bradford, Senator Madigan, and I talked about the possibility of putting together a package that would hopefully bring about the proper type of reform in workers' compensation. I never realized when I agreed to get involved in the issue that the issue was of the magnitude that it was, and the fact that there would be so many different groups of people that would take very strong positions one way or the other. I also, Mr. President, did not realize at that point in time that if, perhaps, we were going to go ahead and do the right thing, then appropriately no group that was interested in the issue would be totally in favor of or totally satisfied with what we did. And I listened to the debate as it developed here this afternoon and I think in most of the debate the issues that have been mentioned have been issues that should be mentioned and should be talked about. But I think perhaps, Mr. President, we might go a little bit further, as one of those who had some input in what did take place and how maybe we should talk about some of those.

First of all, earlier today it was mentioned about the possibility of a rollback and that some people felt that it was unfortunate that this bill did not have a rollback in it and that maybe that was a reason why it should not be supported. And, Mr. President, I sympathize and I could kind of identify with individuals who may talk about a rollback, because there is one thing that each and every one of us have together, collectively, the 48 active members of the Senate, and that is that we would like to see an immediate rollback in workers' compensation rates in Pennsylvania, because many of us oppose the 24-percent rate increase that took effect in December of 1992. But, Mr. President, in working through the intricacies of workers' comp, we soon found out that although idealistically a rollback seemed to be very important, because people in our Caucus have talked about that, people in the House of Representatives have talked about that, people in the Republican Caucus are so very much interested in that, that it would be very, very difficult to roll back rates that have now been in effect for the past 7 months. It is virtually impossible today to tell insurance companies that you have been paying out benefits at a higher rate over the last 7 months but at this point in time based on this law, you would have to roll back those rates. It is virtually an impossibility, and there seems to be some great question whether the courts would allow to us do that, as badly as we might want to bring that about.

Under no circumstances, Mr. President, and I want to be clear about this, under no circumstances was there ever any thought given to the concept of a rollback because of any potential problem that may be suffered by the State Workmen's Insurance Fund, because if there was a rollback, the State Workmen's Insurance Fund would be in the same difficult position as would every private insurer. They would have paid out benefits over the past 7 months and then they would have been asked to roll back those rates but yet they still would have paid the money for those benefits.

Prospectively, Mr. President, I think a lot can be done, be-

cause this bill talks about an immediate refiling of workers' compensation rates in Pennsylvania and it gives the Insurance Commissioner until December to hand down her decision based on that filing. And when you talk about immediate refiling based on the fact that there is a capping of medical benefits and benefits to health care providers at 113 percent, sure we have a snapshot in there that takes effect in January of 1995, but over the next 18 months benefits to health care providers will be capped at 113 percent, and that is going to provide for a significant savings.

In this proposal, Mr. President, we have taken issue with the areas that should have been addressed. For example, people will not be able to double dip under this proposal. They will not be able to collect both unemployment compensation and workers' compensation. Mr. President, we heard over and over and over from industry that you cannot allow people in Pennsylvania to collect more while they are on workers' compensation than when they were working. We addressed that issue in this proposal on a bipartisan basis. Each and every one of those issues will bring about a resolution of lower rates in Pennsylvania but it will be done prospectively because it cannot be done retrospectively.

Mr. President, there is something in this bill that, basically, if you want to look in the long run, will elate everyone. There is an advantage in this bill to business. I know business is not totally satisfied, but there are advantages to this bill that will tell businesses not only in Pennsylvania but those that want to relocate here that Pennsylvania is a good State in which you can do your business because we recognize your problems. There are tremendous advantages, Mr. President, for the working men and women in Pennsylvania because the individual who has a legitimate injury in this great State of ours will benefit significantly from the type of legislation which we are hopefully going to pass very shortly this evening and which the House will concur in later on tonight. There are many advantages in this proposal to help the legitimate injury that the working men and women in Pennsylvania might suffer. The injured worker will receive their just and due compensation. The injured worker who is currently on workers' compensation will in no way be impacted whatsoever by this proposal. And certainly we would like to talk about additional offsets, because I think that is the time for another discussion. But this particular bill is a bill of compromise. And I think the gentleman from Washington, Senator Stout, very correctly pointed out that politics is the art of compromise. Not everybody, in a compromise situation, gets exactly what they want, but they realize that when you put the entire package together it spells victory for all the individuals who so badly talk about reform and who so badly need reform.

Mr. President, there are a number of people who I think have to be congratulated for a job well done, but, unfortunately, those who are never thanked are those individuals who represent the staff, and I am going to take the liberty here this evening to thank those individuals who have worked so hard for us, going back to several years ago when Gladys Brown handled the matter for us as a lawyer.

In the last 6 months or so, Mr. President, the staff work has escalated to a point where it brings us here today with accomplishment. I would like to publicly thank the individual who has been so active in it through Senator Madigan's office, and that is Phil DiMartile, because Phil has done an excellent job. When Senator Lincoln got elected to the position of Majority Leader, he hired an outstanding young lawyer by the name of Judy Eschberger. Judy has done a tremendous job, especially over the last several weeks, in making sure that everything that we have talked about in this bill has been done properly and in a legal manner. And I especially, Mr. President, have to say thank you to my guy, Neil Malady, because Neil has been a fellow over the last several years who has met with every constituent group that one can possibly think of. Every group of individuals that has asked for a discussion on workers' comp, if I could not meet with them, Neil met with them. He listened to them, he was able to compile the information they wanted compiled and he got back to them, including a tremendous amount of work with the news media.

But I think tonight a special debt of thank you goes to the gentleman from Bradford, Senator Madigan, for his vision 2 years ago of bringing this issue to the forefront, and for the tremendous amount of criticism that he has been able to withstand. I can recall time after time when the gentleman from Bradford, Roger Madigan, was ridiculed badly, and I knew from the discussions that I had with Senator Madigan that his only interest was to try to bring to the Senate a good, quality, competent workers' compensation reform that would do the job for business and would do the job for workers, because when you do the job for both, you have a win-win situation, and over these past several months, that job has been done by the members of the conference committee.

I know that it was very difficult for the gentleman from Fayette, Senator Lincoln, to take the position that he took. Senator Lincoln took a position based on compromise, once again, based on knowing that gridlock should not prevail and that we should do the job that we have been elected to do, and that is to bring about a means to the end of some very, very difficult positions and very difficult votes that had to be taken.

And in the House of Representatives, I think it is important that we talk about the work that was done by Representative Bill Lloyd, and of recent vintage, Representative Mike Veon. And also it is important that I mention the tremendous work that Representative Joe Gladeck did. Each and every one of those three individuals from the House of Representatives went that extra mile to make sure that we could come up with a profound piece of legislation today that would represent reform but would still represent compromise.

Finally, I would like to thank the Majority Leader of the House, Ivan Itkin, because it was with Ivan's indulgence and with his involvement and a tremendous amount of perseverance on his part and in a very low key manner that we are here at the position tonight at 10 minutes to 7:00 where we are able to, hopefully, pass this bill. Hopefully, we will be able to get a resounding vote here in the Senate on this bill.

To these people, I want to say thank you very much. To the

Members of the Senate, all 48 Members who are here, and unfortunately to our good friend, the late Senator Lynch, and Congressman Greenwood, who was involved in this right from the inception, I want to say to each and every one of you, whether you support the bill on final passage or do not, from the bottom of my heart. I really appreciate the tremendous words of encouragement and the tremendous amount of accomplishment that we have had right here in this body. I would urge each and every Member, if you could somehow find it in your heart to support this proposal, I think you will be doing a tremendous deed tonight for the people whom you represent by representing them properly, and I want to thank you very much.

LEGISLATIVE LEAVES

The PRESIDING OFFICER. The Chair recognizes the gentleman from Lackawanna, Senator Mellow.

The PRESIDENT pro tempore. Mr. President, I would like to request temporary Capitol leaves for Senator Dawida and Senator Lewis.

The PRESIDING OFFICER. Senator Mellow requests temporary Capitol leaves for Senator Lewis and Senator Dawida. The Chair hears no objections. Those leaves will be granted.

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

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

The PRESIDING OFFICER. 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—34

Afflerbach	Fumo	Lincoln	Scanlon
Armstrong	Greenleaf	Loeper	Schwartz
Baker	Hart	Madigan	Shumaker
Bortner	Helfrick	Mellow	Stapleton
Brightbill	Holl	Musto	Stewart
Corman	Jones	O'Pake	Stout
Dawida	Jubelirer	Pecora	Wenger
Fattah	Lemmond	Reibman	Williams
Fisher	Lewis		

NAYS—14

Andrezeski	LaValle	Punt	Salvatore
Belan	Mowery	Rhoades	Shaffer
Bell	Peterson	Robbins	Tilghman
Bodack	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 inform the House of Representatives accordingly.

The PRESIDING OFFICER (Allyson Y. Schwartz) in the Chair.

UNFINISHED BUSINESS CONGRATULATORY RESOLUTIONS

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

Congratulations of the Senate were extended to Ken Oaks by Senator Afflerbach.

Congratulations of the Senate were extended to Robert P. Hoffman by Senator Brightbill.

Congratulations of the Senate were extended to Mary Mason by Senator Fattah.

Congratulations of the Senate were extended to Geraldine Pinto Scardino by Senator Fumo.

Congratulations of the Senate were extended to Sister Isabelle Keiss by Senators Greenleaf and Holl.

Congratulations of the Senate were extended to Bob and Carol Jackson by Senator Hart.

Congratulations of the Senate were extended to Justin B. Moyer by Senator Helfrick.

Congratulations of the Senate were extended to Celeste Cianfrani by Senator Holl.

Congratulations of the Senate were extended to John H. Jordan by Senator Jubelirer.

Congratulations of the Senate were extended to Mr. and Mrs. Carl E. Thornblade and to Robert C. Antram by Senator Lincoln.

Congratulations of the Senate were extended to Colin Osburn by Senator Loeper.

Congratulations of the Senate were extended to Robert E. Fletcher by Senator Madigan.

Congratulations of the Senate were extended to Linda Zuschlag and to Gerard C. Miller by Senator Robbins.

Congratulations of the Senate were extended to Toni Nash by Senator Salvatore.

Congratulations of the Senate were extended to Mary Viola Smith and to Bryan Perdue by Senator Shaffer.

Congratulations of the Senate were extended to Mr. and Mrs. Robert H. Updegraff and to Mr. and Mrs. Francis Cadden by Senator Shumaker.

CONDOLENCE RESOLUTION

The PRESIDING OFFICER laid before the Senate the following resolution, which was read, considered and adopted:

Condolences of the Senate were extended to the family of the late Dennis Wynn, Jr., by Senator Fattah.

BILLS INTRODUCED AND REFERRED

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

June 16, 1993

Senators STEWART, FUMO, BELL, PORTERFIELD and MELLOW presented to the Chair **SB 1220**, entitled:

An Act amending the act of August 26, 1971 (P. L. 351, No. 91), entitled "State Lottery Law," creating the State Lottery Commission; providing for video gaming; and making a repeal.

Which was committed to the Committee on FINANCE, June 16, 1993.

Senators BODACK, BELAN, DAWIDA and SCANLON presented to the Chair **SB 1221**, entitled:

An Act amending the act of April 13, 1972 (P. L. 184, No. 62), entitled "Home Rule Charter and Optional Plans Law," providing an additional limited optional procedure for the adoption of a home rule charter by second class counties.

Which was committed to the Committee on LOCAL GOVERNMENT, June 16, 1993.

Senator ARMSTRONG presented to the Chair **SB 1222**, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for sentencing and penalties for trafficking drugs to minors.

Which was committed to the Committee on JUDICIARY, June 16, 1993.

Senators HART, FISHER, HELFRICK and MOWERY presented to the Chair **SB 1223**, entitled:

An Act providing for advance notification of pesticide application within schools, school grounds, athletic fields and playgrounds.

Which was committed to the Committee on AGRICULTURE AND RURAL AFFAIRS, June 16, 1993.

Senator MUSTO presented to the Chair **SB 1224**, entitled:

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

Which was committed to the Committee on STATE GOVERNMENT, June 16, 1993.

Senator MUSTO presented to the Chair **SB 1225**, entitled:

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

Which was committed to the Committee on STATE GOVERNMENT, June 16, 1993.

Senators MUSTO, BELAN, AFFLERBACH, STAPLETON, O'PAKE and DAWIDA presented to the Chair **SB 1226**, entitled:

An Act amending the act of March 10, 1949 (P. L. 30, No. 14), entitled "Public School Code of 1949," providing for a budget advisory committee in each school district; and further providing for adoption of school district budgets.

Which was committed to the Committee on EDUCATION, June 16, 1993.

Senator BODACK presented to the Chair **SB 1227**, entitled:
An Act authorizing disposition of land of the Department of Transportation located in the second ward of Pittsburgh.

Which was committed to the Committee on TRANSPORTATION, June 16, 1993.

Senator TILGHMAN presented to the Chair **SB 1228**, entitled:

An Act authorizing the Township of Lower Merion, Montgomery County, to sell and convey certain Project 70 lands free of restrictions imposed by the Project 70 Land Acquisition and Borrowing Act.

Which was committed to the Committee on STATE GOVERNMENT, June 16, 1993.

BILLS SIGNED

The PRESIDING OFFICER. The Chair wishes to announce the following bills were signed in the presence of the Senate:

SB 181, 502, 503 and HB 958.

RECESS

The PRESIDING OFFICER. The Chair recognizes the gentleman from Fayette, Senator Lincoln.

Senator LINCOLN. Madam President, I move that the Senate do now recess to the call of the President, with the expectation that we will return on Monday, June 21, at 2 p.m.

On the question,

Will the Senate agree to the motion?

The PRESIDING OFFICER. The Chair recognizes the gentleman from Blair, Senator Jubelirer.

Senator JUBELIRER. Madam President, without asking for formal interrogation, does that mean no later than Monday, June 21?

Senator LINCOLN. We fully expect, Madam President, to be here at 2 p.m. on Monday, June 21.

The PRESIDING OFFICER. The answer is, yes.

Senator LINCOLN. Madam President, the normal time of 2 p.m., generally. That is what we expect to do.

Senator JUBELIRER. Madam President, so we will advise our Members to be here at 2 p.m. on Monday with the expectation of a Session?

Senator LINCOLN. Madam President, unless recalled sooner, but I do not expect that to happen.

Senator JUBELIRER. Madam President, in the form of interrogation, if I can just cut through this, would there be any reason to be in earlier, other than to sign bills?

Senator LINCOLN. No, Madam President, but I think I have to be honest with the gentleman, depending on whatever else may happen, but I fully expect that the President of the Senate will call us back in at 2 p.m. on Monday, June 21.

Senator JUBELIRER. Thank you, Madam President.

And the question recurring,

Will the Senate agree to the motion?

It was agreed to.

The PRESIDING OFFICER. The Senate will stand in recess to the call of the President.

AFTER RECESS

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

The PRESIDENT. The time of recess having expired, the Senate will come to order.

ADJOURNMENT

Senator LINCOLN. Mr. President, I move that the Senate do now adjourn until Monday, June 21, 1993, at 2:45 p.m., Eastern Daylight Saving Time.

The motion was agreed to.

The Senate adjourned at 11:59 p.m., Eastern Daylight Saving Time.