

Legislative Journal

MONDAY, JUNE 9, 1997

SESSION OF 1997

181ST OF THE GENERAL ASSEMBLY

No. 36

SENATE

MONDAY, June 9, 1997

The Senate met at 2 p.m., Eastern Daylight Saving Time.

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

PRAYER

The Chaplain, Rabbi ALAN J. ISER, of Congregation Or-Shalom, Berwyn, offered the following prayer:

God of all people and places, God of the powerful and the powerless, we ask Your blessing for our country, our Commonwealth, and especially for the Members of this Senate. Teach them the insights of Your ways so that they administer all the affairs of State fairly and pass just laws. Inspire them to follow the words of Your Prophet Micah and do what the Lord requires of us - to do justly, love mercy, and walk humbly with Your God.

Creator of all flesh, bless all the inhabitants of our country with Your spirit. May citizens of all backgrounds and creeds forge a common and harmonious bond to banish all hatred and bigotry and to safeguard the ideals which are the pride and glory of our country.

With Your divine guidance, may our country continue to be a model for the whole world, a light unto the nations, and let us say, Amen.

The PRESIDENT. The Chair thanks Rabbi Iser, who is the guest today of Senator Thompson.

JOURNAL APPROVED

The PRESIDENT. A quorum of the Senate being present, the Clerk will read the Journal of the preceding Session of June 4, 1997.

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

COMMUNICATIONS FROM THE GOVERNOR

NOMINATIONS REFERRED TO COMMITTEE

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

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

June 5, 1997

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 L. James, 114 West Second Street, Oil City 16301, Venango County, Twenty-fifth Senatorial District, for appointment as a member of the Council of Trustees of Clarion University of Pennsylvania of the State System of Higher Education, to serve until the third Tuesday of January 2001, and until his successor is appointed and qualified, vice Kim C. Kesner, Esquire, Clearfield, whose term expired.

THOMAS J. RIDGE
Governor

MEMBER OF THE ADVISORY COMMITTEE ON PROBATION

June 5, 1997

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 Donna D. Gority, 1120 Sixth Avenue, Altoona 16602, Blair County, Thirtieth Senatorial District, for reappointment as a member of the Advisory Committee on Probation, to serve for a term of four years and until her successor is appointed and qualified, but not longer than ninety days beyond that period.

THOMAS J. RIDGE
Governor

REGISTER OF WILLS AND CLERK OF ORPHANS' COURT, MCKEAN COUNTY

June 5, 1997

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, Harrijane Hannon, 33 Sanford Street, Bradford 15701, McKean County, Twenty-fifth Senatorial District, for appointment as Register of Wills and Clerk of Orphans' Court, in and for the County of McKean, to serve until the first Monday of January 1998, vice Carol P. Christensen, resigned.

THOMAS J. RIDGE
Governor

DISTRICT JUSTICE

June 5, 1997

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, Carl W. Smith, Jr., R. R. #2, Box 284, Harveys Lake 18618, Wyoming County, Twentieth Senatorial District, for appointment as District Justice, in and for the County of Wyoming, Magisterial District 44-3-02, to serve until the first Monday of January 1998, vice Marion J. Robinson, mandatory retirement.

THOMAS J. RIDGE
Governor

JUDGE, COURT OF COMMON PLEAS,
WASHINGTON COUNTY

June 6, 1997

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, Paul Pozonsky, Esquire, 209 Bonaire Drive, Cecil Township 15321, Washington County, Forty-sixth Senatorial District, for appointment as Judge of the Court of Common Pleas of Washington County, to serve until the first Monday of January 1998, vice The Honorable Thomas J. Terputac, mandatory retirement.

THOMAS J. RIDGE
Governor

JUDGE, COURT OF COMMON PLEAS,
YORK COUNTY

June 6, 1997

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 P. Linesbaugh, Esquire, 3221 Brookside Avenue, York 17401, York County, Twenty-eighth Senatorial District, for appointment as Judge of the Court of Common Pleas of York County, to serve until the first Monday of January 1998, vice The Honorable John T. Miller, mandatory retirement.

THOMAS J. RIDGE
Governor

**RECALL COMMUNICATION
REFERRED TO COMMITTEE**

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

JUDGE, COURT OF COMMON PLEAS,
WASHINGTON COUNTY

June 6, 1997

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated April 9, 1997 for the appointment of Kenneth Bowman, Esquire, 122 West Edgewood Drive, McMurray 15317, Washington County, Thirty-seventh Senatorial District, as Judge of the Court of Common Pleas of Washington County, to serve until the first Monday of January 1998, vice The Honorable Thomas J. Terputac, mandatory retirement.

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

THOMAS J. RIDGE
Governor

BILLS INTRODUCED AND REFERRED

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

June 9, 1997

Senators GREENLEAF, AFFLERBACH, COSTA, WHITE, SCHWARTZ, SALVATORE, BELL, KUKOVICH, SLOCUM, DELP, THOMPSON and PUNT presented to the Chair **SB 994**, entitled:

An Act amending Title 20 (Decedents, Estates and Fiduciaries) of the Pennsylvania Consolidated Statutes, providing for the removal and replacement of a corporate or individual trustee.

Which was committed to the Committee on JUDICIARY, June 9, 1997.

Senators STOUT, BELAN, RHOADES, WAGNER, MELLOW and BODACK presented to the Chair **SB 997**, entitled:

An Act amending Title 71 (State Government) of the Pennsylvania Consolidated Statutes, providing for creditable nonstate service for certain former county employees.

Which was committed to the Committee on FINANCE, June 9, 1997.

Senators AFFLERBACH, GERLACH, STOUT, BELL, SCHWARTZ and BELAN presented to the Chair **SB 998**, entitled:

An Act amending the act of May 25, 1945 (P.L.1050, No.394), entitled Local Tax Collection Law, authorizing the prepayment of real estate taxes.

Which was committed to the Committee on FINANCE, June 9, 1997.

Senators WILLIAMS, KUKOVICH, AFFLERBACH, HUGHES, BODACK and SCHWARTZ presented to the Chair **SB 1001**, entitled:

An Act providing for confidentiality of medical records.

Which was committed to the Committee on PUBLIC HEALTH AND WELFARE, June 9, 1997.

Senators DELP, STAPLETON, WENGER, MADIGAN and PUNT presented to the Chair **SB 1002**, entitled:

An Act amending Title 3 (Agriculture) of the Pennsylvania Consolidated Statutes, adding provisions relating to public eating and drinking places; providing for the protection of public health and for regulations; requiring licensing; providing for penalties; and making repeals.

Which was committed to the Committee on AGRICULTURE AND RURAL AFFAIRS, June 9, 1997.

Senators DELP, WENGER, STAPLETON, MADIGAN, O'PAKE, HELFRICK, KASUNIC, MOWERY, WOZNAK, LEMMOND and SLOCUM presented to the Chair **SB 1003**, entitled:

An Act amending the act of April 9, 1929 (P.L.177, No.175), entitled The Administrative Code of 1929, establishing the Office of Federal Liaison within the Department of Agriculture; and providing for its powers and duties.

Which was committed to the Committee on AGRICULTURE AND RURAL AFFAIRS, June 9, 1997.

RESOLUTIONS INTRODUCED AND REFERRED

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

June 9, 1997

Senators WHITE, WAGNER, HELFRICK, EARLL, SALVATORE, TOMLINSON, MUSTO, ROBBINS, AFFLERBACH, GREENLEAF, GERLACH, LEMMOND, RHOADES, BRIGHTBILL, MADIGAN, PICCOLA, HOLL, COSTA, BELL, LAVALLE, ULIANA, STAPLETON, SCHWARTZ, HUGHES, HART and KASUNIC presented to the Chair **SR 48**, entitled:

A Resolution memorializing Congress to include Veterans Integrated Service Network Number Four in all Department of Veterans Affairs demonstration programs for Medicare-eligible veterans.

Which was committed to the Committee on MILITARY AND VETERANS AFFAIRS, June 9, 1997.

Senators EARLL, MOWERY and THOMPSON presented to the Chair **SR 51**, entitled:

A Resolution amending section 4 of Senate Financial Operating Rule XII.

Which was committed to the Committee on RULES AND EXECUTIVE NOMINATIONS, June 9, 1997.

Senators EARLL, MOWERY, KUKOVICH, HART and DELP presented to the Chair **SR 52**, entitled:

A Resolution amending Senate Financial Operating Rule III.

Which was committed to the Committee on RULES AND EXECUTIVE NOMINATIONS, June 9, 1997.

Senators EARLL, MOWERY, KUKOVICH, HART, DELP, WHITE and ULIANA presented to the Chair **SR 53**, entitled:

A Resolution amending sections 3(a) and 4(a)(3) of Senate Financial Operating Rule II.

Which was committed to the Committee on RULES AND EXECUTIVE NOMINATIONS, June 9, 1997.

Senators DELP, STAPLETON, WENGER, WOZNAK, MADIGAN, HELFRICK and THOMPSON presented to the Chair **SR 54**, entitled:

A Resolution directing the Department of Agriculture to make a report to the Agriculture and Rural Affairs Committee of the Senate on certain matters relating to avian flu.

Which was committed to the Committee on AGRICULTURE AND RURAL AFFAIRS, June 9, 1997.

SPECIAL ORDER OF BUSINESS ANNOUNCEMENT BY THE SECRETARY

The SECRETARY. Consent has been given for the Committee on Rules and Executive Nominations to meet during today's Session to consider Senate Bills No. 45, 870, and certain executive nominations.

REPORTS FROM COMMITTEE

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

SB 425 (Pr. No. 1155) (Amended) (Rereported)

An Act amending Title 5 (Athletics and Sports) of the Pennsylvania Consolidated Statutes, providing for the registration of athletic agents; and imposing a penalty.

SB 763 (Pr. No. 1156) (Amended) (Rereported)

An Act relating to the rights of purchasers and lessees of defective new motor vehicles; creating a motor vehicle arbitration board; imposing obligations, duties of refund and replacement; making an appropriation; and making a repeal.

SB 991 (Pr. No. 1144) (Rereported)

An Act amending Title 71 (State Government) of the Pennsylvania Consolidated Statutes, providing for the establishment and treatment of a special vestee classification to cover certain employees affected by mergers in the medical treatment fields.

HB 171 (Pr. No. 754) (Rereported)

A Joint Resolution proposing an amendment to the Constitution of the Commonwealth of Pennsylvania, further providing for absentee voting.

HB 502 (Pr. No. 1977) (Amended) (Rereported)

An Act amending the act of May 22, 1933 (P.L.853, No.155), known as The General County Assessment Law, further providing for the valuation of property in counties of the second class A and third class and for auxiliary boards of assessment appeals; and providing for refunding of certain unconstitutionally collected personal property tax.

HB 798 (Pr. No. 1065) (Rereported)

An Act amending the act of July 2, 1984 (P.L.561, No.112), known as the Pennsylvania Conservation Corps Act, further providing for definitions, for duties of the Secretary of Labor and Industry, for work experience projects, for program eligibility, for compensation and for supervisors; providing for volunteers; and further providing for annual reports, for appropriations, for funding and for expiration.

HB 849 (Pr. No. 1978) (Amended) (Rereported)

An Act making appropriations from a restricted revenue account within the General Fund to the Office of Consumer Advocate in the Office of Attorney General.

HB 1054 (Pr. No. 1471) (Rereported)

An Act amending the act of May 17, 1921 (P.L.789, No.285), known as The Insurance Department Act of 1921, providing for sharing of confidential information.

HB 1055 (Pr. No. 1985) (Rereported)

An Act amending the act of May 17, 1921 (P.L.789, No.285), known as The Insurance Department Act of 1921, providing for risk-based capital requirements; further providing for agents and brokers definitions, solicitation penalties, licenses, compensation penalties and rebates and inducements; providing for agents and brokers disclosures; further providing for general penalties and for institutional agents and brokers; and providing for insurance sales by financial institutions.

HB 1414 (Pr. No. 1979) (Amended) (Rereported)

An Act amending the act of June 29, 1996 (P.L.434, No.67), entitled Job Enhancement Act, establishing the Export Financing Loan Fund and the Family Savings Account Program in the Department of Community and Economic Development to provide financial assistance to small businesses; establishing a special account in the Treasury Department; and providing for special accounts in banks or trust companies.

LEGISLATIVE LEAVES

The PRESIDENT. The Chair recognizes the gentleman from Lebanon, Senator Brightbill.

Senator BRIGHTBILL. Mr. President, I request a temporary Capitol leave for Senator Armstrong.

The PRESIDENT. Senator Brightbill requests a temporary Capitol leave for Senator Armstrong. Without objection, that leave is granted.

The Chair recognizes the gentleman from Lackawanna, Senator Mellow.

Senator MELLOW. Mr. President, I request temporary Capitol leaves for Senator Hughes, Senator Kitchen, and Senator Tartaglione.

The PRESIDENT. Senator Mellow requests temporary Capitol leaves for Senator Hughes, Senator Kitchen, and Senator Tartaglione. Without objection, those leaves are granted.

LEAVE OF ABSENCE

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

SENATE CONCURRENT RESOLUTION**WEEKLY ADJOURNMENT**

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

In the Senate, June 9, 1997

RESOLVED, (the House of Representatives concurring), That when the Senate adjourns this week it reconvene on Monday, June 16, 1997, unless sooner recalled by the President Pro Tempore of the Senate; and be it further

RESOLVED, That when the House of Representatives adjourns this week it reconvene on Monday, June 16, 1997, unless sooner recalled by the Speaker of the House of Representatives.

On the question,
Will the Senate adopt the resolution?

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

YEA-49

Afflerbach	Heckler	Mowery	Tartaglione
Armstrong	Helfrick	Murphy	Thompson
Belan	Holl	Musto	Tilghman
Bell	Hughes	O'Pake	Tomlinson
Bodack	Jubelirer	Piccola	Uliana
Brightbill	Kasunic	Punt	Wagner
Corman	Kitchen	Rhoades	Wenger
Costa	Kukovich	Robbins	White
Delp	LaValle	Salvatore	Williams
Earll	Lemmond	Schwartz	Wozniak
Gerlach	Loeper	Slocum	
Greenleaf	Madigan	Stapleton	
Hart	Mellow	Stout	

NAY-0

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

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

LEGISLATIVE LEAVE CANCELLED

The PRESIDENT. Senator Tartaglione has returned, and her temporary Capitol leave is cancelled.

**SPECIAL ORDER OF BUSINESS
GUEST OF SENATOR JOSEPH M. ULIANA
PRESENTED TO THE SENATE**

The PRESIDENT. The Chair recognizes the gentleman from Northampton, Senator Uliana.

Senator ULIANA. Mr. President, it is my great honor to introduce a guest Page who is actually a constituent of Senator Corman, but Kevin Troutman O'Donnell bears a special relationship to me in that he is the nephew of my administrative assistant, Bonnie Book. He will be a freshman at Juniata High School this fall, and he also bears another special designation in that his mother is a secretary for Representative Lita Cohen over in the House of Representatives.

Would Kevin please rise so that we could give him our usual and customary warm welcome.

The PRESIDENT. Would our guest Page please rise so that we can acknowledge you.

(Applause.)

Senator ULIANA. Mr. President, I would just say that now his aunt and his mom can go back to work serving the taxpayers of Pennsylvania.

**GUESTS OF SENATOR ROBERT J.
THOMPSON PRESENTED TO THE SENATE**

The PRESIDENT. The Chair recognizes the gentleman from Chester, Senator Thompson.

Senator THOMPSON. Mr. President, it is my pleasure to introduce three constituents from the 19th Senate District in Chester County who accompanied Rabbi Iser here this afternoon for the invocation. They are his wife, Sharon Liebhaber, his son, Sam, and his daughter, Naomi.

Would the Senate please give them its usual warm welcome.

The PRESIDENT. Would our guests please rise so the Senate may give you its usual warm welcome.

(Applause.)

The PRESIDENT. Thank you for your effort in being with us today and, of course, your prayerful reflections.

GUESTS OF SENATOR PATRICK J. STAPLETON PRESENTED TO THE SENATE

The PRESIDENT. The Chair recognizes the gentleman from Indiana, Senator Stapleton.

Senator STAPLETON. Mr. President, this afternoon I have some guests in the gallery. They are Boy Scout Troop 141 of Lower Burrell, which is in my district, and they will be touring the Capitol. This troop has existed for some 55 years and is one of the oldest troops in the William Boyce District. The troop has been sponsored by the Puckety Presbyterian Church there for the entire period. The scoutmaster is Mr. James Shields, and accompanying him is Mr. James Antoniono. I ask the Senate to give them its usual warm welcome.

The PRESIDENT. Would our guests please rise so that the Senate may acknowledge you.

(Applause.)

SPECIAL ORDER OF BUSINESS ANNOUNCEMENT BY THE SECRETARY

The SECRETARY. Consent has been given for the Committee on Appropriations to meet during today's Session to consider Senate Bill No. 10.

LEGISLATIVE LEAVE CANCELLED

The PRESIDENT. Senator Kitchen has returned, and her temporary Capitol leave is cancelled.

RECESS

The PRESIDENT. The Chair recognizes the gentleman from Lebanon, Senator Brightbill.

Senator BRIGHTBILL. Mr. President, I ask for a recess of the Senate for the purpose of a Republican caucus to be held in the Majority Caucus Room immediately. We expect it to be about an hour to an hour-and-a-half caucus.

The PRESIDENT. The Chair recognizes the gentleman from Indiana, Senator Stapleton.

Senator STAPLETON. Mr. President, I ask all the Democrats to report to their caucus room.

The PRESIDENT. For purposes of Republican and Democratic caucuses, with the intention of returning at approximately 4 p.m., this Senate stands in recess.

AFTER RECESS

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

CALENDAR

THIRD CONSIDERATION CALENDAR

BILL REREPORTED FROM COMMITTEE AS AMENDED OVER IN ORDER

SB 999 -- Without objection, the bill was passed over in its order at the request of Senator LOEPER.

BILLS OVER IN ORDER

HB 86, HB 87, SB 105, SB 114 and SB 251 -- Without objection, the bills were passed over in their order at the request of Senator LOEPER.

SB 363 CALLED UP OUT OF ORDER

SB 363 (Pr. No. 372) -- Without objection, the bill was called up out of order, from page 2 of the Third Consideration Calendar, by Senator LOEPER, as a Special Order of Business.

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

SB 363 (Pr. No. 372) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for the duty of a judgment creditor to enter satisfaction.

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:

YEA-49

Afflerbach	Heckler	Mowery	Tartaglione
Armstrong	Helfrick	Murphy	Thompson
Belan	Holl	Musto	Tilghman
Bell	Hughes	O'Pake	Tomlinson
Bodack	Jubelirer	Piccola	Uliana
Brightbill	Kasunic	Punt	Wagner
Corman	Kitchen	Rhoades	Wenger
Costa	Kukovich	Robbins	White
Delp	LaValle	Salvatore	Williams
Earll	Lemmond	Schwartz	Wozniak
Gerlach	Loeper	Slocum	
Greenleaf	Madigan	Stapleton	
Hart	Mellow	Stout	

NAY-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.

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

The SECRETARY. Consent has been given for the Committee on Education to meet during today's Session to consider House Bill No. 8.

LEGISLATIVE LEAVES CANCELLED

The PRESIDENT. Senator Armstrong and Senator Hughes have returned, and their temporary Capitol leaves are cancelled.

LEGISLATIVE LEAVE

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

Senator LOEPER. Mr. President, Senator Hart has been called from the floor, and I request a temporary Capitol leave on her behalf.

The PRESIDENT. Without objection, that temporary Capitol leave is granted.

RECESS

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

Senator LOEPER. Mr. President, at this time I request a very brief recess of the Senate, first for a meeting of the Committee on Appropriations, to be followed by a meeting of the Committee on Rules and Executive Nominations and a meeting of the Committee on Education in the Rules room at the rear of the Senate Chamber.

The PRESIDENT. For a brief recess for various meetings, the Senate will stand in recess.

AFTER RECESS

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

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

COMMUNICATION FROM THE GOVERNOR

**RECALL COMMUNICATION
LAID ON THE TABLE**

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

**REGISTER OF WILLS, RECORDER OF
DEEDS, BLAIR COUNTY**

June 9, 1997

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated

March 7, 1997 for the appointment of Shirley A. Burket, 412 Allegheny Street, Hollidaysburg 16648, Blair County, Thirtieth Senatorial District, as Register of Wills and Recorder of Deeds, in and for the County of Blair, to serve until the first Monday of January 1998, vice Wilfred L. Carey, resigned.

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

THOMAS J. RIDGE
Governor

REPORTS FROM COMMITTEES

Senator LOEPER, from the Committee on Rules and Executive Nominations, reported the following bill:

SB 870 (Pr. No. 1157) (Amended) (Rereported) (Concurrence)

An Act amending the act of May 6, 1997 (P.L. , No.4A), entitled General Appropriations Act of 1997, adding and amending certain Federal and State appropriations made to certain agencies within the Executive Department of the Commonwealth.

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

SB 10 (Pr. No. 1159) (Amended) (Rereported)

An Act amending the act of June 29, 1996 (P.L.434, No.67), entitled Job Enhancement Act, further defining "financing programs"; and providing for the Community Development Bank Grant and Loan Program.

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

SB 316 (Pr. No. 320)

An Act amending the act of July 28, 1988 (P.L.556, No.101), entitled Municipal Waste Planning, Recycling and Waste Reduction Act, continuing authorization for the recycling fee.

SB 970 (Pr. No. 1081)

An Act providing for the removal of waste illegally deposited on or adjacent to State forests, for the closure of disposal sites, for the prevention of unauthorized waste disposal on State forests and for grant programs; and establishing the Forest Lands Beautification Restricted Account.

HB 924 (Pr. No. 1038)

An Act permitting distribution of the Department of Conservation and Natural Resources' topographic and geologic survey without registration of a copyright; and permitting copying and distribution of previously copyrighted publications of the survey.

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

Senator SALVATORE, from the Committee on Rules and Executive Nominations, by unanimous consent, reported the following communication, and called from the table certain communications, from His Excellency, the Governor of the

Commonwealth, recalling the following nominations, which were read by the Clerk as follows:

CONTROLLER, CLEARFIELD COUNTY

June 4, 1997

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated February 12, 1997 for the appointment of Percy O. Kephart, Jr., 129 West Sixth Avenue, Clearfield 16830, Clearfield County, Thirty-fifth Senatorial District, as Controller, in and for the County of Clearfield, to serve until the first Monday of January 1998, vice Gene Lunsford, resigned.

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

THOMAS J. RIDGE
Governor

CORONER, CENTRE COUNTY

June 4, 1997

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated February 11, 1997 for the appointment of Richard A. Kelley, 636 Jacksonville Road, Bellefonte 16823-7904, Centre County, Thirty-fourth Senatorial District, as Coroner, in and for the County of Centre, to serve until the first Monday of January 1998, vice Kerry A. Benninghoff, resigned.

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

THOMAS J. RIDGE
Governor

**MEMBER OF THE PENNSYLVANIA DRUG,
DEVICE AND COSMETIC BOARD**

June 4, 1997

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated February 28, 1997 for the appointment of Lauren P. Argenio, D.O., 901 Wyoming Avenue, West Pittston 18643, Luzerne County, Fourteenth Senatorial District, as a member of the Pennsylvania Drug, Device and Cosmetic Board, 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 Leo R. Kairys, M.D., Pittsburgh, whose term expired.

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

THOMAS J. RIDGE
Governor

**MEMBER OF THE PENNSYLVANIA DRUG,
DEVICE AND COSMETIC BOARD**

June 4, 1997

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated February 25, 1997 for the appointment of Arlene Snyder, 103 Aqua Drive, Pittsburgh 15238, Allegheny County, Thirty-eighth Senatorial District, as a member of the Pennsylvania Drug, Device and Cosmetic Board, 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 Gerald R. Keenan, Jr., Johnstown, whose term expired.

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

THOMAS J. RIDGE
Governor

**JUDGE, COURT OF COMMON PLEAS,
WASHINGTON COUNTY**

June 6, 1997

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated April 9, 1997 for the appointment of Kenneth Bowman, Esquire, 122 West Edgewood Drive, McMurray 15317, Washington County, Thirty-seventh Senatorial District, as Judge of the Court of Common Pleas of Washington County, to serve until the first Monday of January 1998, vice The Honorable Thomas J. Terputac, mandatory retirement.

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

THOMAS J. RIDGE
Governor

**REGISTER OF WILLS, RECORDER OF
DEEDS, BLAIR COUNTY**

June 9, 1997

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated March 7, 1997 for the appointment of Shirley A. Burket, 412 Allegheny Street, Hollidaysburg 16648, Blair County, Thirtieth Senatorial District, as Register of Wills and Recorder of Deeds, in and for the County of Blair, to serve until the first Monday of January 1998, vice Wilfred L. Carey, resigned.

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

THOMAS J. RIDGE
Governor

NOMINATIONS RETURNED TO THE GOVERNOR

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

The motion was agreed to.

The PRESIDENT pro tempore. The nominations will be returned to the Governor.

**REPORT FROM COMMITTEE ON
RULES AND EXECUTIVE NOMINATIONS**

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

**MEMBER OF THE STATE BOARD
OF ACCOUNTANCY**

March 26, 1997

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, Francis J. Lison, 104 Meadowvue Court, Venetia 15367, Washington County, Thirty-seventh Senatorial District, for appointment as a member of the State Board of Accountancy, to serve for a term of four years and until his successor is appointed and qualified, but not longer than six months beyond that period, vice Joseph T. Senko, Mount Lebanon, whose term expired.

THOMAS J. RIDGE
Governor

**MEMBER OF THE ARCHITECTS
LICENSURE BOARD**

April 2, 1997

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Dennis L. Astorino, 1117 Tall Trees Drive, Pittsburgh 15241, Allegheny County, Thirty-seventh Senatorial District, for reappointment as a member of the Architects Licensure Board, to serve for a term of four years or until his successor is appointed and qualified, but not longer than six months beyond that period.

THOMAS J. RIDGE
Governor

**SECRETARY OF COMMUNITY AND
ECONOMIC DEVELOPMENT**

May 13, 1997

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, Samuel A. McCullough, Old Lauer's Lane, Wyomissing 19610, Berks County, Forty-eighth Senatorial District, for appointment as Secretary of Community and Economic Development, to serve until the third Tuesday of January 1999 and until his successor shall have been appointed and qualified, vice The Honorable Thomas B. Hagen, Erie, resigned.

THOMAS J. RIDGE
Governor

**MEMBER OF THE BOARD OF TRUSTEES OF
HARRISBURG STATE HOSPITAL**

May 15, 1997

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, Willie M. Cooney, 4419 Venus Avenue, Harrisburg 17112, Dauphin County, Fifteenth Senatorial District, for reappointment as a member of the Board of Trustees of Harrisburg State Hospital, to serve until the third Tuesday of January 2003, and until her successor is appointed and qualified.

THOMAS J. RIDGE
Governor

MEMBER OF THE HEALTH POLICY BOARD

April 30, 1997

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, Susan J. Navish, 27 North Meadowcroft Avenue, Pittsburgh 15216, Allegheny County, Thirty-seventh Senatorial District, for appointment as a member of the Health Policy Board, to serve for a term of three years and until her successor is appointed and qualified, vice Emily Fedullo, Lancaster, resigned.

THOMAS J. RIDGE
Governor

**MEMBER OF THE COUNCIL OF TRUSTEES OF
INDIANA UNIVERSITY OF PENNSYLVANIA**

March 25, 1997

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 M. Hovanec, 2415 Delo Drive, Gibsonia 15044, Allegheny County, Fortieth Senatorial District, for appointment as a member of the Council of Trustees of Indiana University of Pennsylvania, to serve until the third Tuesday of January 2003, and until his successor is appointed and qualified, vice Thomas J. O'Donnell, Dunmore, whose term expired.

THOMAS J. RIDGE
Governor

**MEMBER OF THE STATE REGISTRATION
BOARD FOR PROFESSIONAL ENGINEERS,
LAND SURVEYORS AND GEOLOGISTS**

May 8, 1997

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, Albert M. Tantala, 1033 Wakeling Street, Philadelphia 19124, Philadelphia County, Second Senatorial District, for appointment as a member of the State Registration Board for Professional Engineers, Land Surveyors and Geologists, to serve for a term of six years or until his successor is appointed and qualified, but not longer than six months beyond that period, vice Haunani S. L. Kekuna, Allentown, whose term expired.

THOMAS J. RIDGE
Governor

**MEMBER OF THE STATE REAL
ESTATE COMMISSION**

March 17, 1997

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 Ottaviano, Jr. (Public Member), 251 Cheswold Lane, Haverford 19041, Montgomery County, Seventeenth Senatorial District, for appointment as a member of the State Real Estate Commission, to serve for a term of five years or until his successor is appointed and qualified, but not longer than six months beyond that period, vice Raymond H. Miley, Jr., North Wales, whose term expired.

THOMAS J. RIDGE
Governor

**MEMBER OF THE BOARD OF TRUSTEES
OF SELINGROVE CENTER**

May 15, 1997

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, Nancy H. Leach, 27 Sycamore Drive, Mifflintown 17059, Juniata County, Thirty-fourth Senatorial District, for appointment as a member of the Board of Trustees of Selingsrove Center, to serve until the third Tuesday of January 1999, and until her successor is appointed and qualified, vice Robert L. Compton, Jr., Richfield, resigned.

THOMAS J. RIDGE
Governor

**MEMBER OF THE BOARD OF TRUSTEES
OF SELINGROVE CENTER**

May 15, 1997

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, James A. Zurick, Esquire, 20 South Market Street, Shamokin 17872, Northumberland County, Twenty-seventh Senatorial District, for reappointment as a member of the Board of Trustees of Selingsrove Center, to serve until the third Tuesday of January 2003, and until his successor is appointed and qualified.

THOMAS J. RIDGE
Governor

**MEMBER OF THE COUNCIL OF TRUSTEES OF
SLIPPERY ROCK UNIVERSITY OF PENNSYLVANIA
OF THE STATE SYSTEM OF HIGHER EDUCATION**

April 15, 1997

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, Rose E. Schneider, 426 Canterbury Trail, Cranberry Township 16066, Butler County, Fortieth Senatorial District, for appointment as a member of the Council of Trust-

ees of Slippery Rock University of Pennsylvania of the State System of Higher Education, to serve until the third Tuesday of January 2003, and until her successor is appointed and qualified, vice Joyce H. Catt, Butler, whose term expired.

THOMAS J. RIDGE
Governor

**MEMBER OF THE STATE BOARD OF EXAMINERS
IN SPEECH-LANGUAGE AND HEARING**

April 23, 1997

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 R. Sieminski, Ph.D., 730 Hampton Road, Shavertown 18708, Luzerne County, Twentieth Senatorial District, for appointment as a member of the State Board of Examiners in Speech-Language and Hearing, to serve for a term of three years and until his successor is appointed and qualified, but not longer than six months beyond that period, vice Dorothy J. Wavrek, Devon, whose term expired.

THOMAS J. RIDGE
Governor

**MEMBER OF THE STATE BOARD OF VEHICLE
MANUFACTURERS, DEALERS AND SALESPERSONS**

April 15, 1997

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Michael D. Lieberth, 1504 Oak Street, Oakmont 15139, Allegheny County, Thirty-eighth Senatorial District, for appointment as a member of the State Board of Vehicle Manufacturers, Dealers and Salespersons, to serve for a term of four years and until his successor is appointed and qualified, but not longer than six months beyond that period, vice Lawrence E. Filiaggi, Uniontown, whose term expired.

THOMAS J. RIDGE
Governor

**MEMBER OF THE CLINTON COUNTY
BOARD OF ASSISTANCE**

February 24, 1997

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, Dorothy A. Walker (Democrat), 129 Woodward Avenue, Lot 53, Lock Haven 17745, Clinton County, Thirty-fourth Senatorial District, for reappointment as a member of the Clinton County Board of Assistance, to serve until December 31, 1999, and until her successor is appointed and qualified.

THOMAS J. RIDGE
Governor

NOMINATIONS LAID ON THE TABLE

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

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

EXECUTIVE NOMINATIONS

EXECUTIVE SESSION

Motion was made by Senator SALVATORE, 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 SALVATORE. Mr. President, I call from the table certain nominations and ask for their consideration.

The Clerk read the nominations as follows:

CORONER, GREENE COUNTY

March 20, 1997

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, Gregory P. Rohanna, P. O. Box 440, Jefferson 15344, Greene County, Forty-sixth Senatorial District, for appointment as Coroner, in and for the County of Greene, to serve until the first Monday of January 1998, vice Frank J. Behm, resigned.

THOMAS J. RIDGE
Governor

**JUDGE, COURT OF COMMON PLEAS,
WESTMORELAND COUNTY**

February 12, 1997

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, William J. Ober, Esquire, R. D. #5, Box 331, Greensburg 15601, Westmoreland County, Thirty-ninth Senatorial District, for appointment as Judge of the Court of Common Pleas of Westmoreland County, to serve until the first Monday of January 1998, vice The Honorable Gilfert M. Mihalich, mandatory retirement.

THOMAS J. RIDGE
Governor

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

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

YEA-49

Afflerbach	Heckler	Mowery	Tartaglione
Armstrong	Helfrick	Murphy	Thompson
Belan	Holl	Musto	Tilghman
Bell	Hughes	O'Pake	Tomlinson
Bodack	Jubelirer	Piccola	Uliana
Brightbill	Kasunic	Punt	Wagner
Corman	Kitchen	Rhoades	Wenger

Costa	Kukovich	Robbins	White
Delp	La Valle	Salvatore	Williams
Earll	Lemmond	Schwartz	Wozniak
Gerlach	Loeper	Slocum	
Greenleaf	Madigan	Stapleton	
Hart	Mellow	Stout	

NAY-0

A constitutional two-thirds majority of all the Senators having voted "aye," the question was determined in the affirmative. Ordered, That the Governor be informed accordingly.

NOMINATION TAKEN FROM THE TABLE

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

The Clerk read the nomination as follows:

**MEMBER OF THE PENNSYLVANIA
GAME COMMISSION**

February 19, 1997

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, Angelo Mazzanti (District 7), R. R. #1, Box 147, Springville 18844, Wyoming County, Twentieth Senatorial District, for appointment as a member of the Pennsylvania Game Commission, to serve for a term of eight years or until his successor is appointed and qualified, but not longer than six months beyond that period, vice Edward L. Vogue, Jr., Dupont, whose term expired.

THOMAS J. RIDGE
Governor

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

LEGISLATIVE LEAVES

The PRESIDENT pro tempore. The Chair recognizes the gentleman from Lackawanna, Senator Mellow.

Senator MELLOW. Mr. President, I request temporary Capitol leaves for Senator Bodack, Senator Kasunic, Senator O'Pake, and Senator Wozniak.

The PRESIDENT pro tempore. Senator Mellow requests temporary Capitol leaves for Senator Wozniak, Senator Bodack, Senator Kasunic, and Senator O'Pake. Without objection, those leaves will be granted.

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

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

YEA-30

Armstrong	Hart	Mowery	Thompson
Bell	Heckler	Murphy	Tilghman
Brightbill	Helfrick	Piccola	Tomlinson
Corman	Holl	Punt	Uliana

Delp	Jubelirer	Rhoades	Wenger
Earll	Lemmond	Robbins	White
Gerlach	Loeper	Salvatore	
Greenleaf	Madigan	Slocum	

NAY-19

Afflerbach	Kasunic	Musto	Tartaglione
Belan	Kitchen	O'Pake	Wagner
Bodack	Kukovich	Schwartz	Williams
Costa	LaValle	Stapleton	Wozniak
Hughes	Mellow	Stout	

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

Ordered, That the Governor be informed accordingly.

EXECUTIVE SESSION RISES

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

The motion was agreed to.

THIRD CONSIDERATION CALENDAR RESUMED

BILL AMENDED AND LAID ON THE TABLE

SB 254 (Pr. No. 255) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of July 3, 1986 (P.L.388, No.84), entitled Sunshine Act, further providing for attorney fees.

On the question,

Will the Senate agree to the bill on third consideration?

Senator LOEPER, on behalf of Senator JUBELIRER, offered the following amendment No. A2955:

Amend Sec. 2 (Sec. 14.1), page 2, lines 10 and 11, by striking out all of line 10 and "act or prevails" in line 11 and inserting: Should the court determine that an agency willfully, recklessly or negligently violated a provision of this act, in whole or

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

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

Senator MELLOW offered the following amendment No. A2587:

Amend Sec. 2 (Sec. 14.1), page 2, line 15, by inserting after "fees": and costs of litigation or an appropriate portion thereof

On the question,

Will the Senate agree to the amendment?

It was agreed to.

Senator LOEPER. Mr. President, I move that Senate Bill No. 254, as amended, be laid on the table.

The motion was agreed to and the bill will be laid on the table.

BILLS OVER IN ORDER

SB 268 and HB 385 -- Without objection, the bills were passed over in their order at the request of Senator LOEPER.

BILLS ON THIRD CONSIDERATION AND FINAL PASSAGE

SB 392 (Pr. No. 1142) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of April 9, 1929 (P.L.177, No.175), entitled The Administrative Code of 1929, further providing for deputy secretaries of the Department of Transportation.

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:

YEA-49

Afflerbach	Heckler	Mowery	Tartaglione
Armstrong	Helfrick	Murphy	Thompson
Belan	Holl	Musto	Tilghman
Bell	Hughes	O'Pake	Tomlinson
Bodack	Jubelirer	Piccola	Uliana
Brightbill	Kasunic	Punt	Wagner
Corman	Kitchen	Rhoades	Wenger
Costa	Kukovich	Robbins	White
Delp	LaValle	Salvatore	Williams
Earll	Lemmond	Schwartz	Wozniak
Gerlach	Loeper	Slocum	
Greenleaf	Madigan	Stapleton	
Hart	Mellow	Stout	

NAY-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 435 (Pr. No. 1102) -- The Senate proceeded to consideration of the bill, entitled:

An Act requiring that, when motor vehicles are serviced or repaired, any parts replaced must be returned upon request; and providing penalties for noncompliance.

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:

YEA-49

Afflerbach	Heckler	Mowery	Tartaglione
Armstrong	Helfrick	Murphy	Thompson
Belan	Holl	Musto	Tilghman
Bell	Hughes	O'Pake	Tomlinson
Bodack	Jubelirer	Piccola	Uliana
Brightbill	Kasunic	Punt	Wagner
Corman	Kitchen	Rhoades	Wenger
Costa	Kukovich	Robbins	White
Delp	LaValle	Salvatore	Williams
Earll	Lemmond	Schwartz	Wozniak
Gerlach	Loeper	Slocum	
Greenleaf	Madigan	Stapleton	
Hart	Mellow	Stout	

NAY-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

HB 479, SB 492, SB 506, SB 509, SB 510, SB 512, SB 539, SB 540, SB 541, SB 542 and SB 573 -- Without objection, the bills were passed over in their order at the request of Senator LOEPER.

BILLS ON THIRD CONSIDERATION
AND FINAL PASSAGE

SB 641 (Pr. No. 674) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for law enforcement records concerning juveniles.

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:

YEA-48

Afflerbach	Hart	Madigan	Slocum
Armstrong	Heckler	Mellow	Stapleton
Belan	Helfrick	Mowery	Stout
Bell	Holl	Murphy	Tartaglione
Bodack	Hughes	Musto	Thompson
Brightbill	Jubelirer	O'Pake	Tilghman
Corman	Kasunic	Piccola	Tomlinson
Costa	Kitchen	Punt	Uliana
Delp	Kukovich	Rhoades	Wagner
Earll	LaValle	Robbins	Wenger
Gerlach	Lemmond	Salvatore	White
Greenleaf	Loeper	Schwartz	Wozniak

NAY-1

Williams

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 669 (Pr. No. 1143) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 53 (Municipalities Generally) of the Pennsylvania Consolidated Statutes, further providing for automatic certification, for definitions, for applicability, for ordinances on lease rental debt, for small borrowing for capital purposes and for management of funds; making a repeal; and making editorial changes.

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:

YEA-49

Afflerbach	Heckler	Mowery	Tartaglione
Armstrong	Helfrick	Murphy	Thompson
Belan	Holl	Musto	Tilghman
Bell	Hughes	O'Pake	Tomlinson
Bodack	Jubelirer	Piccola	Uliana
Brightbill	Kasunic	Punt	Wagner
Corman	Kitchen	Rhoades	Wenger
Costa	Kukovich	Robbins	White
Delp	LaValle	Salvatore	Williams
Earll	Lemmond	Schwartz	Wozniak
Gerlach	Loeper	Slocum	
Greenleaf	Madigan	Stapleton	
Hart	Mellow	Stout	

NAY-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 861, SB 862, SB 864 and SB 965 -- Without objection, the bills were passed over in their order at the request of Senator LOEPER.

SECOND CONSIDERATION CALENDAR

BILL OVER IN ORDER

HB 41 -- Without objection, the bill was passed over in its order at the request of Senator LOEPER.

SPECIAL ORDER OF BUSINESS
SUPPLEMENTAL CALENDAR No. 4

SENATE CONCURS IN HOUSE AMENDMENTS

SB 870 (Pr. No. 1157) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of May 6, 1997 (P.L. , No.4A), entitled General Appropriations Act of 1997, adding and amending certain Federal and State appropriations made to certain agencies within the Executive Department of the Commonwealth.

On the question,

Will the Senate concur in the amendments made by the House, as amended, to Senate Bill No. 870?

Senator LOEPER. Mr. President, I move that the Senate do concur in the amendments made by the House, as amended by the Senate, to Senate Bill No. 870.

On the question,

Will the Senate agree to the motion?

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

YEA-49

Afflerbach	Heckler	Mowery	Tartaglione
Armstrong	Helfrick	Murphy	Thompson
Belan	Holl	Musto	Tilghman
Bell	Hughes	O'Pake	Tomlinson
Bodack	Jubelirer	Piccola	Uliana
Brightbill	Kasunic	Punt	Wagner
Corman	Kitchen	Rhoades	Wenger
Costa	Kukovich	Robbins	White
Delp	LaValle	Salvatore	Williams
Earll	Lemmond	Schwartz	Wozniak
Gerlach	Loeper	Slocum	
Greenleaf	Madigan	Stapleton	
Hart	Mellow	Stout	

NAY-0

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

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

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

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

HB 849 (Pr. No. 1978) -- The Senate proceeded to consideration of the bill, entitled:

An Act making appropriations from a restricted revenue account within the General Fund to the Office of Consumer Advocate in the Office of Attorney General.

Considered the third time and agreed to,

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

On the question,

Shall the bill pass finally?

The PRESIDENT pro tempore. The Chair recognizes the gentleman from Lehigh, Senator Afflerbach.

Senator AFFLERBACH. Mr. President, will the Majority Leader please stand for interrogation?

The PRESIDENT pro tempore. Senator Loeper indicates he will.

Senator AFFLERBACH. Mr. President, perhaps the Majority Leader could indicate why the Majority in the Committee on Appropriations has reduced this appropriation by \$100,000 from that which was requested by the Governor and approved by the House of Representatives.

Senator LOEPER. Mr. President, it is my understanding that included in the appropriation not only is a decrease of \$100,000 but also an increase of \$235,000, which essentially is allocated to moving expenses for the Office of the Consumer Advocate, and therefore it would be a net increase of \$135,000.

Senator AFFLERBACH. Mr. President, is the gentleman aware of the fact that the Consumer Advocate requested that \$235,000 in addition to the \$3,860,000 that was in fact requested by the Governor?

Senator LOEPER. My understanding, Mr. President, is that the Committee on Appropriations made a recalculation of the needs of that office and determined that that amount, with the additional \$135,000, would be sufficient.

Senator AFFLERBACH. Mr. President, is that \$235,000 for moving expenses restricted solely to that purpose, or if there is a residual remainder, may it be used by the Office of the Consumer Advocate for the normal operation of that office?

Senator LOEPER. I believe, Mr. President, that is a line item dedicated exclusively to expenses for the moving of the office.

Senator AFFLERBACH. Thank you, Mr. President. That concludes the interrogation. I would like to speak on the bill.

The PRESIDENT pro tempore. Senator Afflerbach is recognized to speak on the bill.

Senator AFFLERBACH. Mr. President, as the gentleman has indicated, it is not in fact an increase of an additional \$135,000 for operation of the Consumer Advocate's Office but rather it is a net decrease of \$100,000 in operational expenses. The \$235,000 line item, as the gentleman indicated, is restricted solely to movement and relocation expenses and cannot be used for anything else.

Mr. President, I think it is unfortunate that at this time when we are moving into an avenue of deregulation for the electric industry and contemplating moving into an avenue of retail deregulation of the gas industry, we are simultaneously reducing the request of the Consumer Advocate, whose job it will be to indeed look out for the consumer as these deregulation practices begin to be enacted and take effect. Clearly, we are not going to have time to delay this process. Clearly, if we are going to adjourn no later than the 18th of this month, as has been indicated by the Majority, we must provide some budget for the Consumer Advocate.

I would, however, like to say that we need to come back and revisit this appropriation for a supplemental appropriation, in my opinion, and I think activity in the Public Utility Commission is going to bear that out as we go through the summer and fall months. Since we do need an active Consumer Advocate, I recommend approval of the bill at this time, but I think it is totally inappropriate to be reducing the appropriation.

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:

YEA-49

Afflerbach	Heckler	Mowery	Tartaglione
Armstrong	Helfrick	Murphy	Thompson
Belan	Holl	Musto	Tilghman
Bell	Hughes	O'Pake	Tomlinson
Bodack	Jubelirer	Piccola	Uliana
Brightbill	Kasunic	Punt	Wagner
Corman	Kitchen	Rhoades	Wenger
Costa	Kukovich	Robbins	White
Delp	LaValle	Salvatore	Williams
Earll	Lemmond	Schwartz	Wozniak
Gerlach	Loeper	Slocum	
Greenleaf	Madigan	Stapleton	
Hart	Mellow	Stout	

NAY-0

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

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

**SPECIAL ORDER OF BUSINESS
SUPPLEMENTAL CALENDAR No. 2**

**BILLS REREPORTED FROM COMMITTEE
AS AMENDED ON SECOND CONSIDERATION**

HB 502 (Pr. No. 1977) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of May 22, 1933 (P.L.853, No.155), known as The General County Assessment Law, further providing for the valuation of property in counties of the second class A and third class and for auxiliary boards of assessment appeals; and providing for refunding of certain unconstitutionally collected personal property tax.

Considered the second time and agreed to,

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

HB 1414 (Pr. No. 1979) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of June 29, 1996 (P.L.434, No.67), entitled Job Enhancement Act, establishing the Export Financing Loan Fund and the Family Savings Account Program in the Department of Community and Economic Development to provide financial assistance to small businesses; establishing a special account in the Treasury Department; and providing for special accounts in banks or trust companies.

Considered the second time and agreed to,

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

BILLS ON SECOND CONSIDERATION

HB 171 (Pr. No. 754) -- The Senate proceeded to consideration of the bill, entitled:

A Joint Resolution proposing an amendment to the Constitution of the Commonwealth of Pennsylvania, further providing for absentee voting.

Considered the second time and agreed to,

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

HB 798 (Pr. No. 1065) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of July 2, 1984 (P.L.561, No.112), known as the Pennsylvania Conservation Corps Act, further providing for definitions, for duties of the Secretary of Labor and Industry, for work experience projects, for program eligibility, for compensation and for supervisors; providing for volunteers; and further providing for annual reports, for appropriations, for funding and for expiration.

Considered the second time and agreed to,

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

SB 991 (Pr. No. 1144) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 71 (State Government) of the Pennsylvania Consolidated Statutes, providing for the establishment and treatment of a special vestee classification to cover certain employees affected by mergers in the medical treatment fields.

Considered the second time and agreed to,

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

**SPECIAL ORDER OF BUSINESS
SUPPLEMENTAL CALENDAR No. 1**

BILL ON SECOND CONSIDERATION

HB 1054 (Pr. No. 1471) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of May 17, 1921 (P.L.789, No.285), known as The Insurance Department Act of 1921, providing for sharing of confidential information.

Considered the second time and agreed to,

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

BILL ON SECOND CONSIDERATION, AMENDED

HB 1055 (Pr. No. 1527) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of May 17, 1921 (P.L.789, No.285), known as The Insurance Department Act of 1921, providing for risk-based capital requirements.

On the question,

Will the Senate agree to the bill on second consideration?

Senator CORMAN offered the following amendment No. A2849:

Amend Title, page 1, line 13, by removing the period after "requirements" and inserting: ; further providing for agents and brokers definitions, solicitation penalties, licenses, compensation penalties and rebates and inducements; providing for agents and brokers disclosures; further providing for general penalties and for institutional agents and brokers; and providing for insurance sales by financial institutions.

Amend Bill, page 18, line 24, by striking out all of said line and inserting:

Section 2. The definition of "person" in section 601 of the act, amended June 11, 1992 (P.L.284, No.48), is amended and the section is amended by adding definitions to read:

Section 601. Certain Words Defined.--* * *

The term "customer information," as used in this article, means individually identifiable insurance-related information regarding a person that has been derived from a record of a financial institution related to its lending activities. Such information shall be limited to information concerning the terms and conditions of insurance coverage, insurance expirations, insurance claims or insurance history of an individual. The term does not include customer names, addresses or telephone numbers.

* * *

The term "financial institution," as used in this article, means any Federal or State-chartered bank, bank and trust company, savings bank, savings and loan association, trust company or credit union.

The term "insurer," as used in this article, means any insurance company, association, exchange, health maintenance organization, preferred provider organization and professional health plan corporation.

* * *

The term "person," as used in this article, means any individual, corporation, association, partnership, reciprocal exchange, inter-insurer, Lloyds insurer, financial institution, fraternal benefit society, beneficial association and any other legal entity engaged in the business of insurance, including agents, brokers and adjusters and also means health care plans as defined in 40 Pa.C.S. Chs. 61 (relating to hospital plan corporations), 63 (relating to professional health services plan corporations), 65 (relating to fraternal benefit societies) and 67 (relating to beneficial societies) and the act of December 29, 1972 (P.L.1701, No.364), known as the "Health Maintenance Organization Act." For purposes of this article, health care plans, fraternal benefit societies and beneficial societies shall be deemed to be engaged in the business of insurance.

Section 3. Sections 609 and 622(a) of the act, amended or added June 11, 1992 (P.L.284, No.48), are amended to read:

Section 609. Penalty for Soliciting for Nonexistent Entity.—Any individual, and the officers, managers, agents, owners or representatives of and any corporation [or], partnership or financial institution, offering in this Commonwealth to sell, procure or obtain policies, certificates, agreements, binders or applications for insurance, surety or indemnity for or on behalf of any spurious, fictitious, nonexistent, dissolved, inactive, liquidated, liquidating or bankrupt insurance entity, society or order commits a misdemeanor of the third degree.

Section 622. Brokers' Licenses.—(a) The Insurance Department may issue to any individual or to any partnership [or], corporation or financial institution a license to act as an insurance broker to negotiate contracts of insurance or reinsurance with any insurance entity or the appointed agents thereof authorized by law to transact business in this Commonwealth.

* * *

Section 4. Section 634 of the act, amended December 30, 1974 (P.L.1047, No.343), is amended to read:

Section 634. Penalties for Paying or Receiving Commission or Compensation for Insuring Lives of Attorneys, Partners, Clerks, Servants, or Employees.—(a) It shall be unlawful for any person, copartnership, corporation, financial institution, insurance agent, broker, solicitor, or representative to pay or cause to be paid any commission

or compensation whatsoever to any attorney, partner, clerk, servant, employe, or any other person, howsoever hired or employed by or with any insured or any beneficiary named in any policy of life insurance. It shall be unlawful for any attorney, partner, clerk, servant, employe, or any other person, howsoever hired or employed by or with any insured or any beneficiary named in any policy of life insurance, to receive, directly or indirectly, any commission, compensation, or other benefit because or by reason of any such life insurance being placed, sold, or solicited on the life or for the benefit of their respective clients, employers, or masters, or any of them. It shall be unlawful for any attorney, officer, clerk, servant, or employe of any corporation, partnership, association, financial institution, or individual to receive, directly or indirectly, any commission, compensation, or benefit because or by reason of any life insurance being placed, sold, or solicited on the life or for the benefit of any attorney, officer, clerk, servant, or employe of the same corporation, copartnership, association, financial institution, or individual, whether or not any such attorney, partner, officer, clerk, servant, or employe, or other person, hired or employed by or with the insured or of any beneficiary named in any policy of life insurance, is duly licensed by the proper authority in this Commonwealth to place, sell, or solicit life insurance.

(b) Every such attorney, partner, officer, clerk, servant, or employe or other person, hired or employed or continuing to be hired or employed in the relation aforesaid, within ninety days before or after the placing, selling, or soliciting of life insurance on the life or for the benefit of their respective clients, partners, officers, employes, masters, or person in the relation aforesaid, or any of them, shall be subject to the provisions of this section; and every person, copartnership, financial institution, or corporation participating in the payment or receipt of any compensation or benefit in violation of this section shall be guilty of a misdemeanor, and, upon conviction thereof, shall be liable to a fine of not more than one thousand dollars, payable to the Commonwealth, and imprisonment of not less than thirty days nor more than six months, at the discretion of the court.

Section 5. Section 635 of the act is amended to read:

Section 635. Rebates and Inducements Prohibited.—(a) No insurance agent, solicitor or broker, personally or by any other party, shall offer, promise, allow, give, set off, or pay, directly or indirectly, any rebate of, or part of, the premium payable on the policy or on any policy or agent's commission thereon, or earnings, profit, dividends, or other benefit founded, arising, accruing or to accrue thereon or therefrom, or any special advantage in date of policy or age of issue, or any paid employment or contract for services of any kind, or any other valuable consideration or inducement, to or for insurance on any risk in this Commonwealth, now or hereafter to be written, which is not specified in the policy contract of insurance; nor shall any such agent, solicitor, or broker, personally or otherwise, offer, promise, give, option, sell, or purchase any stocks, bonds, securities, or property, or any dividends or profits accruing or to accrue thereon, or other thing of value whatsoever, as inducement to insurance or in connection therewith. Nothing in this section shall be construed to prevent the taking of a bona fide obligation, with legal interest, in payment of any premium.

(b) No financial institution, nor any director, officer, employee, agent or broker thereof, may require the purchase of insurance from a financial institution or its affiliate or from a designated insurer, agent or broker as a condition of any loan or deposit transaction. Neither a financial institution nor any director, officer, employe, agent or broker thereof may reject a required policy solely because the policy was sold by a person who is not associated with the financial institution. No financial institution may impose any unreasonable requirement on any agent or broker not associated with that financial institution.

Section 6. The act is amended by adding a section to read:

Section 637.1. Disclosures and Acknowledgments.—(a) An agent or broker employed by or affiliated with a financial institution who solicits the sale of annuities or life insurance, except credit life insurance, on or from the premises of that financial institution, shall pro-

vide the applicant with written disclosure at or prior to the time of application for life insurance or annuities from the financial institution that such life insurance or annuity is:

- (1) not a deposit;
- (2) not insured by the Federal Deposit Insurance Corporation or any other agency or instrumentality of the Federal Government;
- (3) not guaranteed by the financial institution or an affiliated insured depository institution; and
- (4) subject to investment risk, including potential loss of principal, when appropriate.

(b) Compliance by a financial institution with the disclosure requirements set forth in the "Interagency Statement on Retail Sales of Nondeposit Investment Products" issued February 15, 1994, by the Board of Governors of the Federal Reserve System, the Federal Deposit Insurance Corporation, the Office of the Comptroller of the Currency, and the Office of Thrift Supervision, shall satisfy the requirements of subsection (a).

(c) When a financial institution requires a customer to obtain insurance in connection with a loan and the insurance is available through the financial institution, the agent or broker of the financial institution shall inform the customer at or prior to the time of application that the purchase of the insurance from the financial institution is not a condition of the loan and will not affect current or future credit decisions. The agent or broker of the financial institution may inform the customer that insurance is available from the financial institution. The financial institution shall obtain a written statement or acknowledgment from the customer prior to the purchase of insurance stating that the customer has been advised that the customer is not required to purchase from the financial institution any insurance as a condition of receiving any loan.

(d) For marketing techniques that do not involve direct contact with the customer at the time of solicitation or application, the Insurance Commissioner shall promulgate rules and regulations providing for alternative disclosure methods under subsections (a) and (c).

Section 7. Section 639(a) and (c) of the act, amended June 11, 1992 (P.L.284, No.48) and December 12, 1994 (P.L.1035, No.141), are amended to read:

Section 639. Penalties Imposed by Insurance Department.—(a) Upon satisfactory evidence of the [violation of] conduct violating sections 602, 605, 606, 607, 608, 609, 622 [and], 623, 631 through 638, 646, 647, 648 and 649 by any agent of any insurance entity [or by any], insurance broker or surplus lines licensee or on satisfactory evidence of such conduct that would disqualify the agent or broker from initial issuance of a certificate of qualification under section 604 or 622, the department may pursue any one or more of the following courses of action regardless of whether the agent or broker was so authorized by the department:

- (1) Suspend or revoke or refuse to renew the certificate of qualification or license of the offending party or parties.
- (2) Impose a civil penalty of not more than [one thousand dollars (\$1,000.00)] five thousand dollars (\$5,000.00) for each [act] action in violation of any of the provisions listed in this subsection.
- (3) Issue an order to cease and desist.
- (4) Impose such other conditions as the department may deem appropriate.

(c) Any agent or solicitor of any entity or any insurance broker or any person, partnership, association or corporation violating the provisions of sections 633.1, 635, 636, 637 [and], 638, 646, 647, 648 and 649 of the act shall be guilty of a misdemeanor and, upon conviction thereof, shall be sentenced to pay a fine of not more than [one thousand dollars (\$1,000.00)] five thousand dollars (\$5,000.00) for each and every violation or, at the discretion of the court, to imprisonment in the county jail of the court in which the offense is committed for a period of not more than six (6) months.

Section 8. Section 641 of the act, amended May 27, 1994 (P.L.257, No.41), is amended to read:

Section 641. [Lending Institutions,] Public Utilities [and Holding Companies] Not to be Licensed.—(a) As used in this section:

[(1) "Lending institution" means any institution that accepts deposits and lends money in the Commonwealth of Pennsylvania, including banks and savings and loan associations, but excluding insurance companies.]

(2) "Public utility" means a private employer subject to the jurisdiction of the Pennsylvania Public Utility Commission and engaged in the business of rendering electric, gas, water and steam heat services to the public in this Commonwealth: Provided, however, That the term "public utility" shall not include rural electrification cooperatives.

[(3) The terms "subsidiary" and "affiliate" shall be defined in the regulations promulgated by the Insurance Commissioner, except that "affiliate" shall not apply to an entity which owns an interest in another company or corporation where the ownership interest is not sufficient to permit exercise of effective control, and does not involve direct or indirect ownership or control of five per centum or more of the voting stock of such company or corporation. Nor shall it apply to an entity whose stock is owned by another, provided that the amount of stock owned by any one company or corporation does not permit effective control and does not exceed five per centum of the voting stock of the entity. The term "affiliate" shall, subject to the provisions to invest in stock contained in this subsection, include bank holding company, savings and loan holding company, and a public utility holding company as hereinafter defined.]

(4) "Bank holding company" shall mean and include the definition of such term in section two of an act of Congress entitled the "Bank Holding Company Act of 1956," as amended: Provided, however, That if on or before the effective date of this act, a bank holding company has been granted an exemption by the Board of Governors of the Federal Reserve System pursuant to section 4(d) of the Bank Holding Company Act of 1956, as amended, such bank holding company shall not be held to be a bank holding company within the meaning of section 2 of the Bank Holding Company Act of 1956, as amended.

(5) "Credit life, health, and accident insurance" means insurance on the life and health of a borrower from a lending institution to secure the repayment of the amount borrowed, in accordance with regulations promulgated by the Insurance Commissioner.

(5.1) "Credit unemployment insurance" means insurance on a debtor to provide indemnity for payments becoming due on a specific loan or other credit transaction while the debtor is unemployed as defined in the policy.

(6) "Title insurance" shall mean and include the definition of such term in section seven hundred and one of the act of May 17, 1921 (P.L.682, No.284), known as "The Insurance Company Law of 1921."

(7) A "savings and loan holding company" shall mean and include the definition of such term as defined in Title 12, United States Code, sections 1730a (a) (1) (D) (E) (F).]

(8) "Public utility holding company" shall mean and include the definition of such term as defined in Title 15, United States Code, sections 79b (a) (7), including electric, gas, water and steam heat services.

[(9) "Deposits" shall mean and include the definition of such term as set forth in Title 12, United States Code, section 1813 (1), (1), (2), (3), (4), (5).]

(b) No [lending institution,] public utility[, bank holding company, savings and loan holding company] or any subsidiary or affiliate of [the foregoing] a public utility, or officer or employe thereof, may, directly or indirectly, be licensed or admitted as an insurer or be licensed to sell insurance in this State either as a broker or as an agent [except that a lending institution or bank holding company, subsidiary or affiliate of a lending institution. A financial institution may be licensed to sell credit life, health and accident insurance, as regulated under the act of September 2, 1961 (P.L.1232, No.540), known as the "Model Act for the Regulation of Credit Life Insurance and Credit Accident and Health Insurance," to sell credit unemployment insurance, subject to subsection (b.1) and as regulated under the "Model Act for the Regulation of Credit Life Insurance and Credit

Accident and Health Insurance," and to sell and underwrite title insurance in accordance with regulations promulgated by the Insurance Commissioner].

[b.1] (1) All credit unemployment insurance in connection with loans or other credit transactions shall be subject to the same provisions of the "Model Act for the Regulation of Credit Life Insurance and Credit Accident and Health Insurance" as apply to credit life insurance and credit accident and health insurance.

(2) The total amount of benefits payable by credit unemployment insurance in the event of unemployment as defined in the policy shall not exceed the aggregate of the periodic scheduled unpaid installments of the indebtedness. The amount of each monthly payment shall not exceed the original indebtedness divided by the number of installments.

(3) The Insurance Commissioner shall set a loss ratio for credit unemployment insurance. The loss ratio shall be set and regulated in the same manner as the loss ratio is set and regulated for credit life and credit accident and health insurance.

(4) Credit unemployment insurance sold in connection with open-end credit must provide, in the event of the debtor's involuntary unemployment, monthly benefits at least equal to the debtor's minimum monthly payment calculated at the time of such unemployment, subject to a maximum monthly indemnity as contained in the certificate of insurance.

(5) At the minimum, credit unemployment insurance benefits are payable upon the debtor meeting the eligibility requirements for unemployment compensation.

(6) The period during which credit unemployment insurance benefits are payable in the event of the debtor's involuntary unemployment shall continue at least until the earliest of the following:

- (i) Return of the debtor to full-time work.
- (ii) Satisfaction of the loan or other credit transaction.
- (iii) In the case of open-end credit, payment of twelve consecutive monthly installments.

(7) Credit unemployment insurance shall not be required as a condition of the extension of credit.

(8) If a creditor offers credit unemployment insurance to any of its debtors, it must offer it under the same terms and conditions to all of its like debtors and under the same terms and conditions at all of its offices or locations in this Commonwealth.]

(c) The Insurance Commissioner is authorized to promulgate regulations in order to effectuate the purposes of this section, which are to help maintain the separation between [lending institutions and] public utilities and the insurance business and to minimize the possibilities of unfair competitive practices by [lending institutions and] public utilities against insurance companies, agents and brokers.

Section 9. Article VI of the act is amended by adding a subdivision to read:

(c.1) SALE OF INSURANCE BY FINANCIAL INSTITUTIONS.

Section 646. The Sale of Insurance by Financial Institutions.--(a) A financial institution may not be licensed or admitted as an insurer, except to underwrite title insurance in accordance with regulations promulgated by the Insurance Commissioner.

(b) A financial institution, and any officer, employe or agent thereof, that sells insurance shall be licensed in accordance with the provisions of this act and regulations promulgated under this act.

Section 647. Physical premises.--(a) The sale of annuities or insurance, except credit insurance, by financial institutions and agents and brokers thereof shall take place in a location that is distinct from the area where deposits are taken and loan applications are discussed and accepted. Signs or other means shall be used to distinguish the insurance or annuities sales area from the deposit taking and lending areas. The Insurance Commissioner shall exempt a financial institution from the requirements of this section if the number of staff or size of the facility would prevent compliance.

(b) Compliance by a financial institution with the setting and circumstances requirements set forth in the "Interagency Statement on Retail Sales of Nondeposit Investment Products" issued February 15, 1994, by the Board of Governors of the Federal Reserve System, the

Federal Deposit Insurance Corporation, the Office of the Comptroller of the Currency, and the Office of Thrift Supervision, shall satisfy the requirements of subsection (a).

Section 648. Customer Privacy.--(a) No financial institution shall use or share with a third party any customer information for the purpose of selling or soliciting the purchase of insurance or annuities unless the requirements of this section are met.

(b) The following notice to a loan customer shall be set forth in standard or larger type:

USE OF INSURANCE INFORMATION RELATING
TO YOUR LOAN

AS A CURRENT LOAN CUSTOMER WE MAY HAVE INSURANCE COVERAGE INFORMATION THAT WAS OBTAINED AS PART OF YOUR LOAN PROCESS. UNDER PENNSYLVANIA LAW, YOU HAVE THE RIGHT TO DIRECT THAT WE NOT USE OR SHARE THIS INFORMATION IN THE MARKETING OF INSURANCE OR ANNUITIES. TO EXERCISE THIS RIGHT, YOU MUST SIGN AND RETURN THIS FORM WITHIN THIRTY (30) DAYS. IF YOU DO NOT SIGN AND RETURN THIS FORM TO US, WE MAY USE OR SHARE THIS INFORMATION IN THE MARKETING OF INSURANCE OR ANNUITIES.

.....
(Signature)

(c) The notice prescribed in subsection (b) shall be sent by first class mail and may be included in a solicitation for the purchase of insurance or annuities. This notice shall be addressed to the individual customer and shall include a postage prepaid response mechanism.

(d) If a loan customer has not responded to the notice prescribed in subsection (b), the financial institution shall send a second notice. The second notice shall meet the requirements set forth in subsections (b) and (c).

(e) For the purpose of complying with subsection (a), a financial institution may directly obtain written consent for the use of customer information from a current or prospective loan customer. The following notice, set forth in standard or larger type, shall be used for this purpose.

USE OF INSURANCE INFORMATION RELATING
TO YOUR LOAN

THE BORROWER HEREBY CONSENTS TO THE USE OR SHARING OF ANY INSURANCE COVERAGE INFORMATION OBTAINED AS PART OF THE LOAN PROCESS IN THE MARKETING OF INSURANCE OR ANNUITIES.

.....
(Signature)

Section 649. Credit, Life, Health and Accident Insurance and Credit Unemployment Insurance.--(a) A person who sells credit life, health and accident insurance and credit unemployment insurance shall do so in accordance with the act of September 2, 1961 (P.L.1232, No.540), known as the "Model Act for the Regulation of Credit Life Insurance and Credit Accident and Health Insurance."

(b) A person who sells credit personal property insurance shall do so in accordance with regulations of the department.

(c) All credit unemployment insurance sold in connection with loans or other credit transactions shall be subject to the same provisions of the "Model Act for the Regulation of Credit Life Insurance and Credit Accident and Health Insurance" as apply to credit life insurance and credit accident and health insurance.

(d) Credit unemployment insurance shall also be subject to the following:

(1) The total amount of benefits payable by credit unemployment insurance in the event of unemployment as defined in the policy shall not exceed the aggregate of the periodic scheduled unpaid installments of the indebtedness. The amount of each monthly payment shall not exceed the original indebtedness divided by the number of installments.

(2) The Insurance Commissioner shall set a loss ratio for credit unemployment insurance. The loss ratio shall be set and regulated in the same manner as the loss ratio is set and regulated for credit life and credit accident and health insurance.

(3) Credit unemployment insurance sold in connection with open-end credit must provide, in the event of the debtor's involuntary unemployment, monthly benefits at least equal to the debtor's minimum monthly payment calculated at the time of such unemployment, subject to a maximum monthly indemnity as contained in the certificate of insurance.

(4) At the minimum, credit unemployment insurance benefits are payable upon the debtor meeting the eligibility requirements for unemployment compensation.

(5) The period during which credit unemployment insurance benefits are payable in the event of the debtor's involuntary unemployment shall continue at least until the earliest of the following:

(i) Return of the debtor to full-time work.

(ii) Satisfaction of the loan or other credit transaction.

(iii) In the case of open-end credit, payment of twelve consecutive monthly installments.

(6) Credit unemployment insurance shall not be required as a condition of the extension of credit.

(7) If a creditor offers credit unemployment insurance to any of its debtors, it must offer it under the same terms and conditions to all of its like debtors and under the same terms and conditions as all of its offices or locations in this Commonwealth.

Section 650. Federal Preemption.—Notwithstanding any law or regulation of this Commonwealth to the contrary, in the event of Federal preemption of any of the provisions of this act or any other law of this Commonwealth regarding the sale of insurance or annuities by federally chartered financial institutions, State-chartered financial institutions shall not be subject to those provisions or laws which were the subject of the Federal preemption.

Section 10. This act shall take effect immediately.

On the question,

Will the Senate agree to the amendment?

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

Senator CORMAN. Mr. President, this amendment provides a regulatory framework for the integration of banking and insurance services, especially for the sale of insurance through banks. Its focus is not to promote or protect either banks or agents in selling insurance but to protect the consumers who purchase insurance from either source.

Some may wonder why are we here today dealing with this subject. Well, the impetus for this comes from two United States Supreme Court cases, the *VALIC* decision in 1995 and the *Barnett Bank* decision in 1996. The *VALIC* decision allowed banks to sell annuities, and the *Barnett Bank* decision allowed banks to sell insurance in areas of less than 5,000 population. Senator Holl, Senator Mowery and I, the staff of my office, Hope Rice, Melissa Gizzi from Senator Holl's office, Bill Brandamore from Senator Mowery's office, and Donna Malpezzi from Senator Loeper's office have worked very hard on this particular issue. Probably it has been 9 months, it seems more like 2 years, but we worked very hard to try to figure out how to provide this integration of banks and insurance services.

I certainly want to thank Senator Holl for the leadership and guidance that he gave me during this period of time in how to move this issue forward. I want to thank Senator Mowery for his invaluable advice and his help in forming the compromises so that we were able to finally get this accomplished. And certainly anytime you are moving forward on an issue like this, you have to thank the staff of Hope Rice and Melissa Gizzi

and Bill Brandamore for their helpful suggestions and their great gruntwork, because it always takes a lot of gruntwork to move these issues forward, and to Donna Malpezzi, who worked very hard with us and to whom I apologize for losing my cool at one of our meetings and acting out in a fashion that would not have been acceptable by my mother nor by me, I apologize, but it was a very difficult situation.

We worked with the administration and we listened to the representatives of the banks and the agents and the insurance industry to understand their points of view, and all of these groups, with varying degrees of enthusiasm, accept this amendment as a fair compromise that will expand the marketing and therefore the availability of insurance. It will retain strong regulatory oversight of agents and companies by the Insurance Department, and it will ensure that consumers are dealt with fairly and not coercively when facing a bank selling both bank and insurance products.

Among the key provisions, Mr. President, is antirebating, section 635(a). The amendment extends to bank-affiliated agents the same antirebating rule that applies to all other insurance agents. You simply cannot slip money under the table from any pocket that you have when you are selling insurance.

The antitying and antidiscrimination section, 635(b). A bank cannot require that a customer buy insurance from it when it gets bank services. A bank cannot reject an insurance policy that is required as part of a loan, as with car loans and mortgages, simply because it was purchased through an agent other than through the bank's agent, and a bank cannot impose unreasonable requirements on agents not affiliated with the bank.

Disclosures and acknowledgements. There is a section that deals with that to make sure that the consumers know their rights. First, when a bank is selling life insurance or annuities, it has to disclose that these products are not deposits, are not FDIC insured or guaranteed by the bank. This brings under State law a similar requirement imposed by banks at the Federal level. Second, when a bank requires insurance to cover the subject of a loan, as with car loans or mortgages, the bank must disclose to the customer that they have acknowledged that the insurance need not be purchased from the bank.

There are penalties in this amendment. The amendment increases the penalties the Insurance Commissioner may impose on banks, other agents, and insurance companies that violate these provisions as well as other provisions of the Insurance Law.

Licensing is required. The amendment requires that any bank selling insurance be subject to the same rules and regulations of all other agents. This means licensing, education, code of conduct rules apply equally, with enforcement coming from the Insurance Commissioner. The amendment also prohibits a bank from being licensed as an insurer. However, it will allow banks to be part of the same corporate structure. This balance will ensure the continued separate regulations of banks and insurance companies while acknowledging the modern reality that insurers and banks are both part of the financial services market and will have corporate affiliations.

Physical premises. Again in the interest of avoiding consumer confusion, the amendment requires that areas where

banking and insurance services are provided be kept distinct and prominently marked from areas where insurance is being marketed, another requirement of Federal law that we are extending to the State.

Consumer privacy. Mr. President, this was probably one of the most difficult parts of the amendment to work out, because banks have in their records considerable insurance information about their borrowers, information they got from agents and from consumers long before anyone thought banks could use it for selling insurance themselves. The question we grappled with was how to legitimately protect that information. The amendment requires that a bank notify a consumer twice, giving him the right to keep his insurance information confidential before it can be used in any marketing purpose. We have spelled out the notice. It is similar to that which is required under the Federal Fair Credit Reporting Act. We have also made it easy for consumers to respond. All they have to do is sign a postage-paid form.

We deal with the Federal preemption. The amendment provides that if this or any other Pennsylvania law is preempted by the Federal government for national banks, it will also be preempted for State banks, although the law seems consistent with existing Federal law.

In summary, Mr. President, is this a perfect bill? Well, probably not. I am not sure we have ever had one, but it will require not only supervision by the Insurance Commissioner but supervision also by the General Assembly as we move along. It is, though, a needed and I believe a well-constructed effort to bring Pennsylvania into compliance with the Federal law and to bring expanded access for insurance to consumers in a well-regulated, balanced, and fair way.

I thank you, Mr. President. I think we need to move on this issue, and I urge all of my colleagues to vote affirmatively on this amendment.

And the question recurring,
Will the Senate agree to the amendment?
It was agreed to.

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

It was agreed to.
Ordered, To be printed on the Calendar for third consideration.

SECOND CONSIDERATION CALENDAR RESUMED

BILL ON SECOND CONSIDERATION

SB 91 (Pr. No. 89) -- 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,....," further providing for cancellation or refusal to renew and for review procedures and policy termination.

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

SB 254 TAKEN FROM THE TABLE

Senator LOEPER. Mr. President, I move that Senate Bill No. 254, Printer's No. 1160, be taken from the table and placed on the Calendar.

The motion was agreed to.

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

BILLS OVER IN ORDER

SB 95 and HB 114 -- Without objection, the bills were passed over in their order at the request of Senator LOEPER.

BILLS ON SECOND CONSIDERATION

SB 283 (Pr. No. 1115) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 3 (Agriculture) of the Pennsylvania Consolidated Statutes, adding provisions relating to aquacultural development; imposing powers and duties on the Department of Agriculture; and making repeals.

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

SB 284 (Pr. No. 932) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of December 18, 1984 (P.L.1005, No.205), entitled Municipal Pension Plan Funding Standard and Recovery Act, further providing for contents of actuarial valuation and for supplemental State assistance.

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

BILL REREFERRED

HB 383 (Pr. No. 1195) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of July 2, 1993 (P.L.345, No.48), entitled "An act empowering the General Counsel or his designee to issue subpoenas for certain licensing board activities; providing for hearing examiners in the Bureau of Professional and Occupational Affairs; providing additional powers to the Commissioner of Professional and Occupational Affairs; and further providing for civil penalties and license suspension," providing for creation of the Office of Hearing Examiner and appointment of hearing examiners; further providing for powers and duties of boards and commissions within the Bureau of Professional and Occupational Affairs; and providing for disciplinary proceedings and hearings and for prior rules and regulations.

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

BILL OVER IN ORDER

HB 413 -- Without objection, the bill was passed over in its order at the request of Senator LOEPER.

BILLS REREFERRED

HB 440 (Pr. No. 1508) -- The Senate proceeded to consideration of the bill, entitled:

An Act providing for the regulation of combustible and flammable liquids; allocating functions of the Department of Labor and Industry and the Pennsylvania State Police; imposing penalties; and making repeals.

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

SB 461 (Pr. No. 1136) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for the designation of the Constables' Education and Training Board; and further providing for powers and duties of the board.

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

BILLS OVER IN ORDER

SB 516, HB 595, SB 658 and HB 679 -- Without objection, the bills were passed over in their order at the request of Senator LOEPER.

BILLS ON SECOND CONSIDERATION

HB 711 (Pr. No. 1343) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of December 16, 1986 (P.L.1621, No.184), entitled "An act establishing and imposing powers and duties on the Office for the Deaf and Hearing Impaired in the Department of Labor and Industry; and establishing and providing powers and duties for the Advisory Council for the Deaf and Hearing Impaired in the Department of Labor and Industry," redesignating the Office for the Deaf and Hearing Impaired and the Advisory Council for the Deaf and Hearing Impaired; further providing for expiration; and making editorial changes.

Considered the second time and agreed to,

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

SB 755 (Pr. No. 1116) -- 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 redevelopment assistance capital projects; providing limitations on redevelopment assistance capital projects; and making editorial changes.

Considered the second time and agreed to,

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

BILL OVER IN ORDER

SB 770 -- Without objection, the bill was passed over in its order at the request of Senator LOEPER.

BILLS REREFERRED

SB 778 (Pr. No. 834) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for deposits into the Judicial Computer System Augmentation Account.

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

SB 888 (Pr. No. 1129) -- The Senate proceeded to consideration of the bill, entitled:

An Act regulating the construction, equipment, maintenance, operation and inspection of boilers and unfired pressure vessels; granting certain authority to and imposing certain duties upon the Department of Labor and Industry; providing for penalties; and making a repeal.

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

SB 977 (Pr. No. 1127) -- The Senate proceeded to consideration of the bill, entitled:

An Act creating the Southeastern Pennsylvania Cultural and Scientific Asset District; and providing for a governing board and for powers and duties of the board.

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

BILL OVER IN ORDER

SB 986 -- Without objection, the bill was passed over in its order at the request of Senator LOEPER.

BILL ON SECOND CONSIDERATION

HB 1048 (Pr. No. 1170) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for the exemption from attachment of retirement funds and accounts.

Considered the second time and agreed to,

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

BILL OVER IN ORDER

HB 1341 -- Without objection, the bill was passed over in its order at the request of Senator LOEPER.

SENATE RESOLUTION No. 38, ADOPTED

Senator LOEPER, without objection, called up from page 9 of the Calendar, **Senate Resolution No. 38**, entitled:

A Resolution urging the President of the United States and Congress to make the more than \$1 billion of Federal moneys already earmarked for abandoned mine reclamation available to states.

On the question,
Will the Senate adopt the resolution?

A voice vote having been taken, the question was determined in the affirmative.

UNFINISHED BUSINESS REPORT FROM COMMITTEE

Senator RHOADES, from the Committee on Education, reported the following bill:

HB 8 (Pr. No. 1984) (Amended) (Rereported)

An Act amending the act of March 10, 1949 (P.L.30, No.14), entitled Public School Code of 1949, further providing for background checks of prospective employees, for school police and for residence and right to free school privileges; providing for juveniles incarcerated in adult facilities, for the education of disruptive students and for Commonwealth payments and capital subsidy payments to intermediate units; further prohibiting the possession of weapons; further providing for assignment of educational programs during expulsion periods, for school holidays, for technology grants, for the reimbursement for community colleges, for basic education funding, for payments to intermediate units and for special education payments and school performance incentives; providing for charter school grants and for education mentoring and dropout prevention programs; and making repeals.

SENATE RESOLUTIONS ADOPTED

Senators TOMLINSON, HELFRICK, STAPLETON, ROBINS, SALVATORE, EARLL, BELAN, COSTA, WILLIAMS, BRIGHTBILL, WENGER, THOMPSON, MUSTO, AFFLERBACH, GREENLEAF, STOUT, LEMMOND, GERLACH, RHOADES, SCHWARTZ, MELLOW, KITCHEN, WHITE, HART and KASUNIC, by unanimous consent, offered **Senate Resolution No. 55**, entitled:

A Resolution designating June 10, 1997, as "Guide Dog Day" in Pennsylvania.

Which was read, considered and adopted.

Senators MURPHY, COSTA, BODACK, WAGNER, BELAN and HART, by unanimous consent, offered **Senate Resolution No. 56**, entitled:

A Resolution declaring the month of July 1997 as "Allegheny County Early Childhood Initiative Month" in Pennsylvania.

On the question,
Will the Senate adopt the resolution?

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

Senator MURPHY. Mr. President, I offer this resolution to declare July as Allegheny County Early Childhood Initiative Month in Pennsylvania. The early childhood initiative in Allegheny County is designed to help low-income children, ages birth to 5, to become successful and productive adults by

building capacity for and enrolling them in high-quality early care and educational services.

The initiative has established a comprehensive community-based system for serving young children and their families in Allegheny County by developing a public/private partnership with individual families, community agencies, government, and the business community. Because of the number of single parents and two-parent working families in the work force, child care is an underpinning of productivity, as well as being the foundation of achievement for our future workers.

I rise to recognize and encourage the efforts of the Allegheny County Early Childhood Initiative as they build a system for all children that will lead to high quality and cost-effective early care and education services, and may this program serve as a model for the Commonwealth.

Thank you very much, Mr. President.

And the question recurring,
Will the Senate adopt the resolution?

A voice vote having been taken, the question was determined in the affirmative.

The PRESIDENT pro tempore. The resolution is adopted.

CONGRATULATORY RESOLUTIONS

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

Congratulations of the Senate were extended to Kristal Uzelac and to Mary Hoffman Bausman by Senator Afflerbach.

Congratulations of the Senate were extended to Mr. and Mrs. Harold Glick and to Mr. and Mrs. W. Floyd Kametz by Senator Armstrong.

Congratulations of the Senate were extended to Michael DeRose by Senator Bell.

Congratulations of the Senate were extended to Mr. and Mrs. David H. Goetz and to St. Lawrence O'Toole Church of Pittsburgh by Senator Bodack.

Congratulations of the Senate were extended to Dick Delaney, Elmer L. Loesch and to Clark S. Aurand by Senator Corman.

Congratulations of the Senate were extended to Mr. and Mrs. Clair S. Jamison, Barry D. Garver and to Junior Achievement of South Central Pennsylvania by Senator Delp.

Congratulations of the Senate were extended to John F. Middendorf by Senator Earll.

Congratulations of the Senate were extended to George Fallon and to the 188th Class of Central High School by Senator Fumo.

Congratulations of the Senate were extended to Daniel Auchey and to Justin Thomas Wirtz by Senator Hart.

Congratulations of the Senate were extended to Andrew C. Ames by Senator Heckler.

Congratulations of the Senate were extended to Mr. and Mrs. Elston Beachel, Mr. and Mrs. George S. McWilliams, Mr. and Mrs. Andrew J. Martin, Mr. and Mrs. Robert W. Hidlay, Sr., Ryan Patrick Sabo and to Kenneth Paul Fester by Senator Helfrick.

Congratulations of the Senate were extended to Diana R. Klein by Senator Holl.

Congratulations of the Senate were extended to Hazel Williams by Senator Hughes.

Congratulations of the Senate were extended to Craig and Lynn Ashe and to Thomas M. Foose, Jr., by Senator Jubelirer.

Congratulations of the Senate were extended to Mr. and Mrs. Dandy Attisano by Senator LaValle.

Congratulations of the Senate were extended to Nancy Randall Gwilliam by Senator Lemmond.

Congratulations of the Senate were extended to Mr. and Mrs. Edward Austin, Mr. and Mrs. William C. Easley, Mr. and Mrs. Leroy Halderman, Mr. and Mrs. William Corl, Mr. and Mrs. Elwell H. West, Mr. and Mrs. Harry E. English, Mr. and Mrs. Merlin Johnson, Mr. and Mrs. Curtis Heatley, Mr. and Mrs. Wesley Depew, Mr. and Mrs. Rodman H. Perry, Mr. and Mrs. Charles Confair, Mr. and Mrs. Leo L. Herzog, Mr. and Mrs. Paul R. Bower, Mr. and Mrs. John W. McCollum, Jr., and to Anna Radka Hembury by Senator Madigan.

Congratulations of the Senate were extended to Jason Toczylowski, Steven Sokoloski, Old Forge Lions Club and to the members of Violence Is Offensive Let's Everyone Take A Stand (VIOLETS) of Tannersville by Senator Mellow.

Congratulations of the Senate were extended to Douglas Humphreys by Senator Murphy.

Congratulations of the Senate were extended to Rosina Ciampi Lello by Senators Musto and Mellow.

Congratulations of the Senate were extended to Zachary Samuel Warrender by Senator Robbins.

Congratulations of the Senate were extended to Mr. and Mrs. John DiMascio by Senator Salvatore.

Congratulations of the Senate were extended to Mr. and Mrs. Harry DiGiacomo by Senator Schwartz.

Congratulations of the Senate were extended to James M. Hanslovan by Senator Slocum.

Congratulations of the Senate were extended to Mr. and Mrs. George W. McAnallen, Mr. and Mrs. Thomas Boyer, Mr. and Mrs. John Moon, Sr., Mr. and Mrs. John Hearn, Myrtle Tarr and to Julie A. Stowitzky by Senator Stout.

Congratulations of the Senate were extended to Shaun Carroll, Anu Koodathil, Jessa Marie Tunacao and to Bob Wurtenberger III by Senator Tomlinson.

Congratulations of the Senate were extend to Andy Cote, Bryan Snyder, Jamarr Billman, Bryan Klass, Rob Rohn, Steven Powell, Kraig L. Kellar, Ray Nunamaker, Chris Kelly and to the Easton Area High School Wrestling Team by Senator Uliana.

Congratulations of the Senate were extended to Bill Herrion by Senator Williams.

CONDOLENCE RESOLUTION

The PRESIDENT pro tempore 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 Marjorie B. Kinsman.

BILLS ON FIRST CONSIDERATION

Senator SLOCUM. 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 316, SB 970 and HB 924.

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

PETITIONS AND REMONSTRANCES

The PRESIDENT pro tempore. The Chair recognizes the gentleman from Lehigh, Senator Afflerbach.

Senator AFFLERBACH. Mr. President, under Petitions and Remonstrances, I wish to submit for the record some information I recently received from a Pennsylvania businessman about one aspect of the recent gasoline tax increase which was mentioned on this floor during debate, but I do not think anyone really believed the consequences it would have. This particular individual has written to us and has stated as follows: (*Reading*)

I own a Mini-Mart/gas station located in Easton on RT. 611 about 2 miles from the free bridge into New Jersey. When I first bought this business, my gas prices were within a few cents of the New Jersey gas prices. However, for the last couple of years I have been struggling to keep my prices competitive with New Jersey but have seen the better part of my customers crossing the bridge into New Jersey for their gas.

Now that my cost has increased another 3-1/2 cents, I must consider going out of business and closing my doors as New Jersey retailers are selling gas at \$1.089 per gallon and I am PAYING \$1.1772 per gallon. The difference in price being the state gas tax.

Since the 3-1/2 cent per gallon increase, my sales volume has dropped from 1600 gallons per day down to 900 gallons per day and is still falling.

Thank you, Governor Ridge, for putting me out of business by signing into law a tax increase that was totally unnecessary.

Mr. President, a number of us from this side of the aisle particularly, in debating the gasoline tax increase when it was considered, predicted that we would find situations along the borders of this Commonwealth where some of our small businesses would be put at a significant disadvantage in attempting to either sell at retail with competitors from across the State border, or in having to essentially absorb the additional 3 1/2 cents on their own. We now have in fact an individual who has written to us saying that what we have predicted has come true. He can no longer compete in selling gasoline with the State of Jersey just across the bridge from his station. And that is not too difficult to understand when you consider that his wholesale price is \$1.1772 and the retail price in New Jersey, literally across the bridge, is only \$1.089.

To expect our small business people to compete under those circumstances I think expects a miracle. This is only one example, Mr. President. I wonder how many more small businesses in the gasoline business we will hear from over the next

several months as they find they can no longer compete with our neighboring States.

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

Senator MURPHY. Mr. President, I am here today on a rather sad note but one which I thought all of us should make sure we recognize. Throughout Pennsylvania our State flags are lowered to half-mast today marking the passing of a friend and a colleague. On Thursday, June 5, Pennsylvania lost a kind and dedicated legislator, the likes of which we will not know again for a long, long time. Albert Pettit III, a State Representative for Allegheny and Washington Counties, died after a tough battle with cancer.

In these days when so many people are cynical about politicians, I feel compelled to pay a tribute, a public tribute, to this gentle man, a man of unquestioned honesty and unwavering goodwill. Anyone who ever looked Al Pettit in the eye and shook his hand knew instantly that he was a good man. It was all right there in the handshake. A firm grasp, an honest smile, a steady gaze right into your eyes all told you that he was genuinely interested in you. He cared deeply for everybody around him and it showed. That is how he won your confidence, that is how he won your friendship. And once he won you over, you were confident that Al Pettit would never let you down.

Al truly believed in public service for the public good. He was elected to the Pennsylvania House of Representatives after he retired from his career at Westinghouse. After retirement, most people may be thinking about how they could stop their work and relax, but not Al. He was thinking about how he could use his talents to improve his community and the Commonwealth of Pennsylvania. Al was not one to seek the spotlight, he was not one to rush in front of the cameras, but he did his job with dedication. Here was this quiet, compassionate man who looked out for the interests of people in need, with, for example, his fight to keep State institutions open to provide care for the mentally retarded, or through his community service with the Rotary Club.

He was also a strong advocate for small businesses as he knew they were the backbone and are the backbone of the American family jobs. He was also a realist who believed people's lives are not full if they cannot be productive, probably because he was such an active and productive person himself. Even in his free time Al was always doing something to improve himself, whether brushing up on his Civil War history, tending to his rose garden, or heading out for his jog. He told me once that one of the great pleasures of serving and working in Harrisburg was being able to run outside on a cool morning along the Susquehanna River.

To the end of his life, Al was always learning. His firm belief in the value of work and education were a couple of the many things that I admired about him. I admired it all the more because he did not pay lip service to these ideals, he lived them. And toward the end, Al always supported legislation that would help people get a better education and find good jobs or start small businesses on their own. As a labor negotiator for Westinghouse Corporation, Al earned the trust

of both labor and management. He correctly understood that these traditional foes could work successfully together, and he was respected by both.

More importantly, he was a dear friend to me and to my family and to many others who served here. We all witnessed the courage with which he fought his illness and the comfort and love provided to him by his wife, Joann. His optimism in the face of illness provided us with an inspiration that we should really all carry with us the rest of our lives.

Al Pettit will be missed by those who knew him in all capacities - as a community member, as a public servant, as a family member, and as a friend. Someone else will fill his seat in the legislature, but Al will never really be replaced. As we look throughout the Commonwealth of Pennsylvania and see flags lowered now to commemorate this wonderful and great man, let us look to his memory for guidance on how our own lives should be lived, lives also filled with compassion and love for our fellow citizens and our fellow Pennsylvanians.

Goodbye, Al, we will all miss you very, very much.

Thank you, Mr. President.

SPECIAL ORDER OF BUSINESS ANNOUNCEMENT BY THE SECRETARY

The SECRETARY. Consent has been given for the Committee on Banking and Insurance to meet during today's Session in the Rules room to consider House Bill No. 366.

RECESS

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

Senator LOEPER. Mr. President, I ask all Members of the Committee on Banking and Insurance to report to the Rules room for a brief recessed meeting of the Committee on Banking and Insurance, and I request a brief recess while that is taking place.

The PRESIDENT pro tempore. For the purpose of a meeting of the Committee on Banking and Insurance, the Senate will stand in recess.

AFTER RECESS

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

SPECIAL ORDER OF BUSINESS SUPPLEMENTAL CALENDAR No. 5

BILL REREPORTED FROM COMMITTEE AS AMENDED ON SECOND CONSIDERATION AND REREFERRED

HB 8 (Pr. No. 1984) -- 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 background checks of prospective employees, for school police and for residence and right to free school privileges; providing for juveniles incarcerated in adult facilities, for the education of disruptive students and for

Commonwealth payments and capital subsidy payments to intermediate units; further prohibiting the possession of weapons; further providing for assignment of educational programs during expulsion periods, for school holidays, for technology grants, for the reimbursement for community colleges, for basic education funding, for payments to intermediate units and for special education payments and school performance incentives; providing for charter school grants and for education mentoring and dropout prevention programs; and making repeals.

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

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

**BILL REREPORTED FROM COMMITTEE AS
AMENDED ON SECOND CONSIDERATION**

SB 10 (Pr. No. 1159) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of June 29, 1996 (P.L.434, No.67), entitled Job Enhancement Act, further defining "financing programs"; and providing for the Community Development Bank Grant and Loan Program.

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

REPORT FROM COMMITTEE

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

HB 366 (Pr. No. 1986) (Amended)

An Act amending the act of May 17, 1921 (P.L.682, No.284), known as The Insurance Company Law of 1921, further providing for government-owned companies, for contents or parts of policies and for applications for policies.

BILL ON FIRST CONSIDERATION

Senator LOEPER. Mr. President, I move that the Senate do now proceed to consideration of the bill reported from committee for the first time at today's Session.

The motion was agreed to.

The bill was as follows:

HB 366.

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

ANNOUNCEMENTS BY THE SECRETARY

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

SENATE OF PENNSYLVANIA
COMMITTEE MEETINGS
TUESDAY, JUNE 10, 1997

9:00 A.M.	STATE GOVERNMENT (to consider Senate Bill No. 495 and House Bill No. 337) <u>POSTPONED UNTIL JUNE 11, 1997</u>	Rules Cmte. Conf. Rm.
10:00 A.M.	AGRICULTURE AND RURAL AFFAIRS (committee meeting to consider Senate Bills No. 682, 1002, 1003 and Senate Resolution No. 54; public hearing to consider the nomination of Luke Brubaker to PA Milk Marketing Board and Samuel E. Hayes, Jr., as Secretary of Agriculture)	Majority Caucus Rm.
10:00 A.M.	MILITARY AND VETERANS AFFAIRS (to consider Senate Bill No. 981, Senate Resolutions No. 48 and 49; and any other business that may come before the Committee)	Room 461 Main Capitol
11:00 A.M.	JUDICIARY (to consider Senate Bills No. 570, 904 and 987)	Room 8E-B East Wing
11:45 A.M.	APPROPRIATIONS (to consider House Bills No. 8, 440 and 1027) <u>WEDNESDAY, JUNE 11, 1997</u>	Rules Cmte. Conf. Rm.
9:30 A.M.	LAW AND JUSTICE (to consider Senate Bills No. 835 and 990; and any other business that may come before the Committee)	Rules Cmte. Conf. Rm.
10:30 A.M.	STATE GOVERNMENT (to consider Senate Bill No. 495; House Bill No. 337; and Surplus Property Disposition Plan) <u>WEDNESDAY, JUNE 18, 1997</u>	Rules Cmte. Conf. Rm.
1:00 P.M.	STATE GOVERNMENT (public hearing on Senate Bill No. 1)	Room 8E-B East Wing

ADJOURNMENT

Senator LOEPER. Mr. President, I move that the Senate do now adjourn until Tuesday, June 10, 1997, at 12 Noon, Eastern Daylight Saving Time.

The motion was agreed to.

The Senate adjourned at 6:55 p.m., Eastern Daylight Saving Time.