

Legislative Journal

MONDAY, OCTOBER 27, 1997

SESSION OF 1997

181ST OF THE GENERAL ASSEMBLY

No. 53

SENATE

MONDAY, October 27, 1997

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

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

PRAYER

The Chaplain, Reverend JOHN P. POWELL, of Mt. Lebanon Presbyterian Church, Pittsburgh, offered the following prayer:

Let us bow in prayer.

Holy God, we bow today mindful of another week full of demands and expectations that exceed our energy, ability, or schedule. Help us. Give us the grace to perceive the all important amidst the urgent, give us the hope that our best efforts are not in vain, give us the energy to continue to reach beyond our grasp. Give us the wisdom to discern the difference between the screaming demands of the selfish amidst the great size of the people desperate for leadership. Empower our leadership as You enable our people's followership.

In an age of sound bites and images, make us deeper persons. In a time of empty apologies, make us reconcilers of a region whose common good, security, and well-being are in our hands. And in a season of national prosperity, keep us from the blights of greed or the betrayal of self-interest of those who would gamble with our souls.

For those of us who worship You, O living God, let us hear today Your promise through Isaiah: Fear not, for I am with You. Be not dismayed, for I am Your God. I will help you. I will strengthen you. I will uphold you with my victorious right hand.

For those of us who name the name of Jesus Christ as Lord, let us never forget that as we offer this servanthood for the least of these, we have offered it for the Savior.

And for those of us who are not really sure what we believe, reveal yourself in these days, O God, by Your word and spirit, whereby we discover that as the ages and civilizations wash back and forth across the sands of time, that most of our concerns here pale amidst the mysteries of Your creation, Your judgment, and Your reaching redemption of every human soul. Now and for eternity. I pray in the name of my Lord Jesus Christ. Amen.

The PRESIDENT. The Chair thanks Reverend Powell, who is the guest today of Senator Murphy.

JOURNAL APPROVED

The PRESIDENT. A quorum of the Senate being present, the Clerk will read the Journal of the preceding Session of October 22, 1997.

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

COMMUNICATIONS FROM THE GOVERNOR

NOMINATIONS 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 STATE BOARD OF EDUCATION

October 22, 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, Karl R. Girton, P. O. Box 145, Millvale 17846, Columbia County, Twenty-seventh Senatorial District, for reappointment as a member of the State Board of Education, to serve until October 1, 2003 or until his successor is appointed and qualified.

THOMAS J. RIDGE
Governor

MEMBER OF THE STATE BOARD OF EDUCATION

October 22, 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, David W. Saxe, Ph.D., 752 Storch Road, State College 16801, Centre County, Thirty-fourth Senatorial District, for appointment as a member of the State Board of Education, to serve until October 1, 2002 or until his successor is

appointed and qualified, vice John C. Pittenger, Esquire, Nottingham, resigned.

THOMAS J. RIDGE
Governor

MEMBER OF THE PENNSYLVANIA
GAME COMMISSION

October 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, Robert J. Gilford (District 1), P. O. Box 69, Lickingville 16332, Clarion County, Twenty-first Senatorial District, for reappointment 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.

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:

MEMBER OF THE STATE BOARD
OF EDUCATION

October 22, 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 September 2, 1997 for the appointment of Nolan Kurtz, 1008 North Third Street, Harrisburg 17102, Dauphin County, Fifteenth Senatorial District, as a member of the State Board of Education, to serve until October 1, 2002 or until his successor is appointed and qualified, vice John C. Pittenger, Esquire, Nottingham, resigned.

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

THOMAS J. RIDGE
Governor

HOUSE MESSAGES

HOUSE BILLS FOR CONCURRENCE

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

October 23, 1997

HB 441 -- Committee on Military and Veterans Affairs.

HB 1412 -- Committee on Judiciary.

HB 1628 -- Committee on Finance.

HB 1755 -- Committee on Local Government.

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:

October 23, 1997

Senators RHOADES, HELFRICK, KUKOVICH, GERLACH, SLOCUM, ROBBINS, AFFLERBACH, O'PAKE, MOWERY, KASUNIC, CORMAN, LEMMOND, MUSTO and MELLOW presented to the Chair **SB 1169**, entitled:

An Act amending the act of March 4, 1971 (P.L.6, No.2), entitled Tax Reform Code of 1971, providing for a program of tax incentives, including investment tax credits and to stimulate the development of a synthetic fuels industry within the Commonwealth.

Which was committed to the Committee on FINANCE, October 23, 1997.

Senators BELAN, WAGNER, KUKOVICH, BODACK, HELFRICK, AFFLERBACH, COSTA, O'PAKE, MELLOW, STOUT and KASUNIC presented to the Chair **SB 1172**, entitled:

An Act amending Title 35 (Health and Safety) of the Pennsylvania Consolidated Statutes, creating the State Disaster Assistance Loan Program; providing for powers and duties of the Pennsylvania Emergency Management Agency; establishing the State Disaster Assistance Loan Fund; and providing for funding for the State Disaster Assistance Loan Program.

Which was committed to the Committee on STATE GOVERNMENT, October 23, 1997.

Senators BELAN, WAGNER, KUKOVICH, BODACK, AFFLERBACH, COSTA, O'PAKE, MELLOW and STOUT presented to the Chair **SB 1173**, entitled:

An Act making an appropriation to the Pennsylvania Emergency Management Agency for reimbursement of certain political subdivisions for repairs incurred in coping with flooding.

Which was committed to the Committee on APPROPRIATIONS, October 23, 1997.

Senators HART, GERLACH, WOZNIAK, COSTA, WENGER, WHITE, SLOCUM and O'PAKE presented to the Chair **SB 1174**, entitled:

An Act amending the act of March 4, 1971 (P.L.6, No.2), entitled Tax Reform Code of 1971, adding a definition relating to sales tax; and further providing for imposition of sales tax on tangible personal property and for imposition of the utilities gross receipts tax.

Which was committed to the Committee on FINANCE, October 23, 1997.

October 27, 1997

Senators HART and BRIGHTBILL presented to the Chair **SB 1175**, entitled:

An Act amending Title 68 (Real and Personal Property) of the Pennsylvania Consolidated Statutes, further providing for planned communities.

Which was committed to the Committee on URBAN AFFAIRS AND HOUSING, October 27, 1997.

Senator GERLACH presented to the Chair **SB 1176**, entitled:

An Act amending the act of June 28, 1995 (P.L.89, No.18), entitled Conservation and Natural Resources Act, providing for the development by the Department of Environmental Protection of a comprehensive plan for protection, conservation, management and development of water resources within this Commonwealth.

Which was committed to the Committee on ENVIRONMENTAL RESOURCES AND ENERGY, October 27, 1997.

Senator GERLACH presented to the Chair **SB 1177**, entitled:

An Act amending the act of July 31, 1968 (P.L.805, No.247), entitled, as amended, Pennsylvania Municipalities Planning Code, further providing for the purpose of the act; adding certain definitions; providing for intergovernmental cooperation; further providing for preparation of the comprehensive plan, for compliance by counties, for zoning ordinance provisions and for zoning purposes; and providing for development and implementation of an integrated water resources plan.

Which was committed to the Committee on LOCAL GOVERNMENT, October 27, 1997.

Senators O'PAKE, MELLOW, AFFLERBACH, BODACK, MUSTO, STAPLETON, WOZNIAK and KUKOVICH presented to the Chair **SB 1178**, entitled:

An Act amending the act of May 6, 1997 (P.L. , No.4A), entitled General Appropriation Act of 1997, amending certain State appropriations made to the Department of Education.

Which was committed to the Committee on APPROPRIATIONS, October 27, 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:

October 24, 1997

Senators ROBBINS, EARLL, BELL, HART, WHITE, SLOCUM, TARTAGLIONE, HELFRICK, STAPLETON, SALVATORE, AFFLERBACH, COSTA, BRIGHTBILL, BELAN, MOWERY, WILLIAMS, CORMAN, FUMO, O'PAKE, RHOADES, ULIANA, TOMLINSON, GERLACH, WENGER, MELLOW, GREENLEAF, STOUT, LOEPER and LEMMOND presented to the Chair **SR 90**, entitled:

A Resolution designating the week of November 3 through 10, 1997, as "Women Veterans Week" in Pennsylvania.

Which was committed to the Committee on RULES AND EXECUTIVE NOMINATIONS, October 24, 1997.

Senators JUBELIRER, MOWERY, HELFRICK, GERLACH, CORMAN, COSTA, MURPHY, SLOCUM, AFFLERBACH and LEMMOND presented to the Chair **SR 91**, entitled:

A Resolution creating an Agriculture Development Advisory Board to review and adopt, based on recommendations by the Secretary of Agriculture and the Secretary of Environmental Protection, a manual of standards addressing the management and processes by

which Pennsylvania livestock producers operate their farms; and directing the Center for Rural Pennsylvania to assist the advisory board.

Which was committed to the Committee on AGRICULTURE AND RURAL AFFAIRS, October 24, 1997.

October 27, 1997

Senators SALVATORE, FUMO, TARTAGLIONE, BRIGHTBILL, WHITE, STOUT, MOWERY, EARLL, BELAN, WOZNIAK, COSTA, BELL, SLOCUM, O'PAKE, GERLACH, TOMLINSON, AFFLERBACH, SCHWARTZ, LEMMOND and GREENLEAF presented to the Chair **SR 92**, entitled:

A Resolution designating November 5, 1997, as "U.S.S. Olympia Day" in Pennsylvania.

Which was committed to the Committee on RULES AND EXECUTIVE NOMINATIONS, October 27, 1997.

AUDITOR GENERAL'S CERTIFICATE

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

COMMONWEALTH OF PENNSYLVANIA
OFFICE OF THE AUDITOR GENERAL
Harrisburg, PA 17120-0018

October 20, 1997

The Honorable Robert Jubelirer
President Pro Tempore
Senate of Pennsylvania
292 Main Capitol Building
Harrisburg, Pennsylvania 17120

Dear Senator Jubelirer:

In accordance with the provisions of Article VIII of the Constitution of Pennsylvania and Section 1604-B of The Fiscal Code, as amended, I am providing you with the accompanying certification, relevant to the settlement of the general obligation bond sale of October 7, 1997.

A duplicate original of the Auditor General's Certificate is enclosed.

Sincerely,

ROBERT P. CASEY, JR.
Auditor General

AUDITOR GENERAL'S CERTIFICATE
Pursuant to
ARTICLE VIII, Section 7(a)(4) and 7(c)
of the
CONSTITUTION OF PENNSYLVANIA
and the
Act of April 9, 1929, No. 176, as amended,

To the Governor and The General Assembly:

I, Robert P. Casey, Jr., Auditor General of the Commonwealth of Pennsylvania, pursuant to the Pennsylvania Constitution Article VIII, (Section 7(a)(4) and 7(c)) and Section 1604-B of The Fiscal Code (Act of April 9, 1929, P.L. 343, No. 176, Article XVI-B: added June 21, 1984, P.L. 407, No. 83, Section 2) certify as follows:

The amount of the outstanding net debt as of October 21, 1997 \$ 3,627,867,901

The difference between the limitation upon all net debt outstanding as provided in Article VIII, Section 7(a) (4) of the Constitution of Pennsylvania and the amount of outstanding net debt as of October 21, 1997 \$30,654,747,995

IN TESTIMONY WHEREOF, I have hereto set my hand and affixed the seal of the Auditor General, this 20th day of October 1997.

ROBERT P. CASEY, JR.
Auditor General
Commonwealth of Pennsylvania

**APPOINTMENT BY
PRESIDENT PRO TEMPORE**

The PRESIDENT. The Chair wishes to announce the President pro tempore has made the following appointment:
Senator Jeffrey E. Piccola as a member of the Pennsylvania Commission on Sentencing.

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

The SECRETARY. Consent has been given for the Committee on Finance to meet during today's Session in the Rules room to consider House Bill No. 55.

REPORT FROM COMMITTEE

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

SB 1160 (Pr. No. 1434) (Amended) (Rereported)

An Act providing for the divestiture of airport property; imposing obligations on the Department of Transportation; and making an appropriation.

LEGISLATIVE LEAVES

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

Senator LOEPER. Mr. President, I request a legislative leave for today's Session on behalf of Senator Delp.

The PRESIDENT. Senator Loeper requests a legislative leave for Senator Delp. Without objection, that leave is granted.

The Chair recognizes the gentleman from Lackawanna, Senator Mellow.

Senator MELLOW. Mr. President, I request a temporary Capitol leave for Senator Hughes, and a legislative leave for Senator Williams.

The PRESIDENT. Senator Mellow requests a temporary Capitol leave for Senator Hughes, and a legislative leave for Senator Williams. Without objection, those leaves are granted.

SENATE CONCURRENT RESOLUTION

RECESS ADJOURNMENT

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

In the Senate, October 27, 1997

RESOLVED, (the House of Representatives concurring), That when the Senate adjourns this week it reconvene on Monday, November 17, 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, November 17, 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 LOEPER and were as follows, viz:

YEA-49

Afflerbach	Hart	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
Fumo	Loeper	Slocum	
Gerlach	Madigan	Stapleton	
Greenleaf	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.

**SPECIAL ORDER OF BUSINESS
GUESTS OF SENATOR ROBERT D. ROBBINS
PRESENTED TO THE SENATE**

The PRESIDENT. The Chair recognizes the gentleman from Mercer, Senator Robbins.

Senator ROBBINS. Mr. President, I am pleased today to introduce Emily Gorske and Marsha Glenn, who are serving as guest Pages today. Emily is a ninth grade student at Cambridge Springs High School, and Marcia is a tenth grade student, also attending Cambridge High School.

Emily and Marsha are accompanied here today by Emily's father, Mr. Randy Gorske, who is executive director of the Arc of Crawford County. Please join me to welcome my guests to the Senate of Pennsylvania.

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

(Applause.)

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

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

Senator O'PAKE. Mr. President, also a guest Page today is an outstanding student at Holy Name High School in Reading, which is in my district. I would like the Chair and the Members of the Senate to extend a warm welcome to Mr. Jason Volpe.

The PRESIDENT. Would Jason 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 Rules and Executive Nominations to meet imminently in the Rules room to consider House Bills No. 41, 1027, Senate Resolutions No. 90 and 92, and certain nominations.

RECESS

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

Senator LOEPER. Mr. President, at this time I request a recess of the Senate, first for a very important meeting of the Committee on Rules and Executive Nominations, to be held in the Rules room, to be followed by a Republican caucus in the first floor caucus room, with a hope to return to the floor at approximately 4 p.m.

The PRESIDENT. For purposes of a meeting of the Committee on Rules and Executive Nominations to be held immediately, followed by Republican and Democratic caucuses, with the intention of returning at approximately 4 p.m., this Senate stands 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.

LEGISLATIVE LEAVE CANCELLED

The PRESIDENT pro tempore. The Chair notes the presence on the floor of Senator Hughes, and his temporary Capitol leave is hereby cancelled.

LEGISLATIVE LEAVES

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

Senator BRIGHTBILL. Mr. President, I request temporary Capitol leaves for Senator Hart, Senator Helfrick, and Senator Loeper.

The PRESIDENT pro tempore. Senator Brightbill requests temporary Capitol leaves for Senator Hart, Senator Helfrick,

and Senator Loeper. Without objection, those leaves will be granted.

CALENDAR

BILLS CALLED UP OUT OF ORDER

Without objection, the following bills, on pages 2 and 3 of the Third Consideration Calendar, were called up out of order, by Senator BRIGHTBILL.

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

SB 97 (Pr. No. 1417) -- 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 appeals from government agencies; 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	Hart	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
Earl	Lemmond	Schwartz	Wozniak
Fumo	Loeper	Slocum	
Gerlach	Madigan	Stapleton	
Greenleaf	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 AMENDED

SB 133 (Pr. No. 1405) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of June 29, 1953 (P.L.304, No.66), entitled Vital Statistics Law of 1953, further providing for local registrars' fees.

On the question,
Will the Senate agree to the bill on third consideration?
Senator PICCOLA offered the following amendment No. A4323:

Amend Title, page 1, line 13, by inserting after "thereto,"": providing for Department of Health transfer of funds; and

Amend Title, page 1, line 13, by removing the period after "fees" and inserting: and for issuance of certificates of death.

Amend Bill, page 1, lines 16 through 18, by striking out all of said lines and inserting:

Section 1. The act of June 29, 1953 (P.L.304, No.66), known as the Vital Statistics Law of 1953, is amended by adding a section to read:

Section 206. Department: Transfer of Funds.—(a) The department shall annually distribute the accrued funds received pursuant to sections 304(b) and 804.1(b) to the county coroner or medical examiner in the same county or region as represented by the local registrar or local department office. The department shall promulgate regulations regarding the collection, retention and distribution of the fees received under sections 304(b) and 804.1(b).

(b) The department shall require any funds received by county coroners or medical examiners under this section to be used for the purposes of laboratory modernization, including supplies, equipment, training and office and laboratory facility improvement. The department may promulgate regulations to effectuate the provisions of this section including an annual audit regarding the use of these funds, in addition to any other annual audit performed at the county level.

Section 2. Section 304 of the act, amended December 20, 1991 (P.L.399, No.46), is amended to read:

Amend Sec. 1 (Sec. 304), page 2, line 9, by inserting after "\$5)": from the requester

Amend Sec. 1 (Sec. 304), page 2, line 17, by inserting a comma after "(C)"

Amend Sec. 1 (Sec. 304), page 2, lines 18 through 30; page 3, line 1, by striking out ". A FEE OF FIVE DOLLARS (\$5) SHALL" in line 18, all of lines 19 through 30, page 2, all of line 1, page 3 and inserting: for distribution to the county coroner or medical examiner as provided for in section 206.

Amend Sec. 1 (Sec. 304), page 3, line 4, by inserting after "year.": Upon receiving an aggregate of thirty-five thousand dollars (\$35,000) in fees in one calendar year, the local registrar shall transmit the fee it is authorized to retain under subsection (b) to the department.

Amend Sec. 1 (Sec. 304), page 3, lines 9 through 17, by striking out all of said lines

Amend Bill, page 3, by inserting between lines 19 and 20:

Section 3. The act is amended by adding a section to read:

Section 804.1. Records: Certified Copy of Death.—(a) Upon application therefor and payment of a fee of five dollars (\$5), the department shall issue a certified copy of a certificate of death.

(b) When there is no local registrar, upon application thereof and payment of a fee of five dollars (\$5), the local department office shall issue a certificate of death. Each fee received by the local department office shall be distributed as follows: four dollars (\$4) shall be retained by the department and one dollar (\$1) shall be retained by the department for distribution to the county coroner or medical examiner as provided for in section 206.

Amend Sec. 2, page 3, line 20, by striking out "2" and inserting:

4
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 TILGHMAN offered the following amendment No. A4217:

Amend Sec. 1 (Sec. 304), page 3, line 3, by inserting a bracket before "thirty-five"

Amend Sec. 1 (Sec. 304), page 3, line 3, by inserting after "\$35,000)": forty thousand dollars (\$40,000)

On the question,

Will the Senate agree to the amendment?

It was agreed to.

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

SB 212 (Pr. No. 204) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, authorizing immunity for employers who disclose certain information regarding former employees.

On the question,

Will the Senate agree to the bill on third consideration?

Senator PUNT offered the following amendment No. A1067:

Amend Title, page 1, line 3, by inserting after "regarding": current or

Amend Sec. 1 (Sec. 8339.1), page 1, line 10, by inserting after "regarding": current or

Amend Sec. 1 (Sec. 8339.1), page 1, line 11, by inserting after "a": current or

Amend Sec. 1 (Sec. 8339.1), page 1, line 12, by inserting after "the": current or

Amend Sec. 1 (Sec. 8339.1), page 1, line 13, by inserting after "of" where it appears the second time: the current or

Amend Sec. 1 (Sec. 8339.1), page 1, lines 14 through 16, by striking out "is presumed to be acting in good faith and," in line 14, all of line 15, and "evidence," in line 16

Amend Sec. 1 (Sec. 8339.1), page 1, lines 17 and 18, by striking out all of said lines and inserting: its consequences, unless the information

Amend Sec. 1 (Sec. 8339.1), page 2, line 1, by inserting after "by": the current or

Amend Sec. 1 (Sec. 8339.1), page 2, line 3, by inserting after "the": current or

On the question,

Will the Senate agree to the amendment?

It was agreed to.

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

BILL ON THIRD CONSIDERATION,
OVER IN ORDER ON FINAL PASSAGE

SB 382 (Pr. No. 397) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of July 28, 1953 (P.L.723, No.230), entitled, as amended, Second Class County Code, providing counties of the second class A with the power to make grants to townships, boroughs and nonprofit corporations for parks, recreation areas, open space projects and such other outdoor projects and for historic and museum projects.

On the question,

Will the Senate agree to the bill on third consideration?

It was agreed to.

On the question,
Shall the bill pass finally?

Senator BRIGHTBILL. Mr. President, I move that Senate Bill No. 382 go over in its order on final passage.

On the question,
Will the Senate agree to the motion?
The motion was agreed to.

The PRESIDENT pro tempore. Senate Bill No. 382 will go over in its order on final passage.

BILLS OVER IN ORDER

HB 440, SB 529, SB 577, SB 799, SB 902 and HB 1065

-- Without objection, the bills were passed over in their order at the request of Senator BRIGHTBILL.

SECOND CONSIDERATION CALENDAR

BILL OVER IN ORDER

HB 13 -- Without objection, the bill was passed over in its order at the request of Senator BRIGHTBILL.

BILLS ON SECOND CONSIDERATION

SB 56 (Pr. No. 55) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of June 2, 1988 (P.L.452, No.74), entitled "An act exempting owners of shooting ranges from any civil or criminal actions relating to noise pollution," further defining the granted immunity from nuisance actions.

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

HB 402 (Pr. No. 1812) -- The Senate proceeded to consideration of the bill, entitled:

An Act requiring identification tags for providers of direct patient care.

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

BILL REREFERRED

SB 429 (Pr. No. 1410) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of December 5, 1972 (P.L.1280, No.284), entitled Pennsylvania Securities Act of 1972, further providing for the appointment of commissioners; providing for the salaries of commissioners; and making repeals.

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

BILLS ON SECOND CONSIDERATION

SB 438 (Pr. No. 1406) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for missing children; providing for a clearinghouse for missing children; and imposing powers and duties on the Pennsylvania State Police, local school districts and parents.

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

SB 543 (Pr. No. 1412) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, providing for the crime of municipal housing code avoidance.

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

BILL OVER IN ORDER

HB 679 -- Without objection, the bill was passed over in its order at the request of Senator BRIGHTBILL.

BILL ON SECOND CONSIDERATION

SB 838 (Pr. No. 903) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, providing for criminal victim aid Good Samaritan civil immunity.

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

BILL OVER IN ORDER

SB 950 -- Without objection, the bill was passed over in its order at the request of Senator BRIGHTBILL.

BILL ON SECOND CONSIDERATION

SB 962 (Pr. No. 1058) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of November 17, 1982 (P.L.676, No.192), entitled Manufactured Housing Construction and Safety Standards Authorization Act, adding definitions; providing for installation of manufactured homes; establishing additional fees; and establishing the Industrialized Housing Account.

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

BILLS REREFERRED

SB 996 (Pr. No. 1122) -- The Senate proceeded to consideration of the bill, entitled:

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

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

SB 1077 (Pr. No. 1266) -- The Senate proceeded to consideration of the bill, entitled:

An Act providing for property and casualty insurance rate and form filings; providing for the making of rates; providing for powers and duties of the Insurance Commissioner; providing for rating organizations; imposing penalties; and making repeals.

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

BILL OVER IN ORDER

SB 1117 -- Without objection, the bill was passed over in its order at the request of Senator BRIGHTBILL.

**BILL ON SECOND CONSIDERATION
AND REREFERRED**

SB 1165 (Pr. No. 1411) -- The Senate proceeded to consideration of the bill, entitled:

An Act providing for the regulation of individual access to health care insurance and for penalties.

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

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

**BILL WHICH HOUSE HAS NONCONCURRED
IN SENATE AMENDMENTS**

BILL OVER IN ORDER

HB 1476 -- Without objection, the bill was passed over in its order at the request of Senator BRIGHTBILL.

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

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

**MEMBER OF THE STATE BOARD
OF SOCIAL WORK EXAMINERS**

October 20, 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 October 6, 1997 for the appointment of Nolan Kurtz, 1008 North Third Street, Harrisburg 17102, Dauphin County, Fifteenth Senatorial District, as a member of the State Board of Social Work Examiners, to serve until May 14, 2000 and until his successor is appointed and

qualified, but not longer than six months beyond that period, vice Karen S. Kober, North Huntingdon, resigned.

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

THOMAS J. RIDGE
Governor

**MEMBER OF THE STATE BOARD
OF EDUCATION**

October 22, 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 September 2, 1997 for the appointment of Nolan Kurtz, 1008 North Third Street, Harrisburg 17102, Dauphin County, Fifteenth Senatorial District, as a member of the State Board of Education, to serve until October 1, 2002 or until his successor is appointed and qualified, vice John C. Pittenger, Esquire, Nottingham, 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 COMMONWEALTH OF
PENNSYLVANIA COUNCIL ON THE ARTS**

July 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, Vivian O. Potamkin, 237 South 18th Street, Philadelphia 19103, Philadelphia County, First Senatorial District, for reappointment as a member of the Commonwealth of Pennsylvania Council on the Arts, to serve until July 1, 2000 and until her successor is appointed and qualified.

THOMAS J. RIDGE
Governor

**MEMBER OF THE COUNCIL OF TRUSTEES OF
EAST STROUDSBURG UNIVERSITY OF
PENNSYLVANIA OF THE STATE SYSTEM
OF HIGHER EDUCATION**

September 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, Amy S. Welch, 2977 Whitetail Court, Doylestown 18901, Bucks County, Tenth Senatorial District, for appointment as a member of the Council of Trustees of East Stroudsburg 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 Frederick W. Taylor, East Stroudsburg, whose term expired.

THOMAS J. RIDGE
Governor

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

September 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, Gerald M. Monahan, Jr., 1937 L Pinehurst Court, Allentown 18103, Lehigh County, Sixteenth Senatorial District, for appointment as a member of the Municipal Police Officers' Education and Training Commission, to serve until February 21, 1999 and until his successor is appointed and qualified, vice John J. Reilly, Altoona, 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

**MEMBER OF THE STATE BOARD
OF PSYCHOLOGY**

September 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, Joseph L. French, Ed.D., 544 Kemmerer Road, State College 16801, Centre County, Thirty-fourth Senatorial District, for appointment as a member of the State Board of Psychology, to serve for a term of four years or until his successor

is appointed and qualified, but not longer than six months beyond that period, vice Patricia M. Bricklin, Ph.D., Wayne, whose term expired.

THOMAS J. RIDGE
Governor

**MEMBER OF THE STATE BOARD
OF PSYCHOLOGY**

September 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, Alex M. Siegel, J.D./Ph.D., 561 Fairthorne Avenue, Philadelphia 19128, Philadelphia County, Seventh Senatorial District, for appointment as a member of the State Board of Psychology, to serve for a term of four years or until his successor is appointed and qualified, but not longer than six months beyond that period, vice Alvin I. Gerstein, Ph.D., Penn Valley, whose term expired.

THOMAS J. RIDGE
Governor

**MEMBER OF THE BOARD OF TRUSTEES
OF SCOTLAND SCHOOL FOR
VETERANS' CHILDREN**

September 18, 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, Lois A. Waters, Esquire, 98 Nottingham Drive, Chambersburg 17201, Franklin County, Thirty-third Senatorial District, for appointment as a member of the Board of Trustees of Scotland School for Veterans' Children, to serve until the third Tuesday of January 2003, and until her successor is appointed and qualified, vice The Reverend W. Larry Johnson, Chambersburg, whose term expired.

THOMAS J. RIDGE
Governor

**COMMONWEALTH TRUSTEE OF TEMPLE
UNIVERSITY-OF THE COMMONWEALTH
SYSTEM OF HIGHER EDUCATION**

October 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, Jane S. Fumo, 1818 South 13th Street, Philadelphia 19148, Philadelphia County, First Senatorial District, for appointment as a Commonwealth Trustee of Temple University-of the Commonwealth System of Higher Education, to serve until October 14, 2001, and until her successor is appointed and qualified, vice Brian J. O'Neill, Esquire, Philadelphia, whose term expired.

THOMAS J. RIDGE
Governor

MEMBER OF THE STATE TRANSPORTATION
COMMISSION

September 16, 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 A. Gleason, Jr., 552 Elknud Lane, Johnstown 15905, Cambria County, Thirty-fifth Senatorial District, for appointment as a member of the State Transportation Commission, to serve until November 26, 2002 and until his successor is appointed and qualified, but not longer than six months beyond that period, vice Bonney Daubenspeck, Erie, resigned.

THOMAS J. RIDGE
Governor

MEMBER OF THE BEDFORD COUNTY
BOARD OF ASSISTANCE

June 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, Larry W. Garlock (Republican), R. D. 2, Box 157, Everett 15537, Bedford County, Thirtieth Senatorial District, for appointment as a member of the Bedford County Board of Assistance, to serve until December 31, 1999, and until his successor is appointed and qualified, to add to complement.

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.

REPORT FROM COMMITTEE

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

HB 41 (Pr. No. 846) (Rereported)

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, providing for facsimile bombs.

**RESOLUTIONS REPORTED FROM
COMMITTEE**

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

SR 90 (Pr. No. 1427)

A Resolution designating the week of November 3 through 10, 1997, as "Women Veterans Week" in Pennsylvania.

SR 92 (Pr. No. 1433)

A Resolution designating November 5, 1997, as "U.S.S. Olympia Day" in Pennsylvania.

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

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

BILL ON THIRD CONSIDERATION REREPORTED
FROM COMMITTEE AS AMENDED OVER IN ORDER

SB 1160 -- Without objection, the bill was passed over in its order at the request of Senator BRIGHTBILL.

SECOND CONSIDERATION CALENDAR

BILL ON SECOND CONSIDERATION

HB 41 (Pr. No. 846) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, providing for facsimile bombs.

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

CONSIDERATION OF CALENDAR RESUMED

**BILL ON CONCURRENCE IN
HOUSE AMENDMENTS AS AMENDED**

BILL REREFERRED

SB 279 (Pr. No. 1414) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for duties of agents and for protective equipment for motorcycle riders and for the use of sun screening; designating a highway and a bridge; and designating S.R. 981 in Unity Township, Westmoreland County, as Technology Way.

On the question,

Will the Senate concur in the amendments made by the House, as amended by the Senate, to Senate Bill No. 279?

Senator BRIGHTBILL. 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. 279.

On the question,

Will the Senate agree to the motion?

The PRESIDENT pro tempore. The Chair recognizes the gentleman from Dauphin, Senator Piccola.

Senator PICCOLA. Mr. President, when Senate Bill No. 279 began its legislative journey back in January of this year, it was introduced by Senator Stout as a freestanding act to designate a highway in Westmoreland County under a certain name, and it passed the Senate in that form as a freestanding act. In the House of Representatives earlier this year, when the House took the bill up on the floor of the House, an amendment was adopted changing the designation of Senate Bill No.

279 to an amendment to Title 75, the Vehicle Code, and adding to that in addition to the designation of the highway, providing for the repeal of the use of protective helmets for motorcycle riders.

Mr. President, the Constitution and the rules of this General Assembly I believe are very clear on the prohibition in several respects that occurred with respect to this bill in the House. Article III, Section 1, provides that, "No law shall be passed except by bill, and no bill shall be so altered or amended, on its passage through either House, as to change its original purpose." Article III, Section 3, and probably more pertinent to this case, says that, "No bill shall be passed containing more than one subject, which shall be clearly expressed in its title, except a general appropriation bill...."

CONSTITUTIONAL POINT OF ORDER

Senator PICCOLA. Clearly, Mr. President, the action of the House by inserting a Title 75 amendment into a freestanding act designating the name of a highway was violative of Section 3 and Section 1 of Article III of the State Constitution, and I would therefore move, Mr. President, that Senate Bill No. 279 is unconstitutional.

The PRESIDENT pro tempore. Senator Piccola raises the point of order that Senate Bill No. 279, Printer's No. 1414, is unconstitutional in that it violates Article III, Section 3, of the Pennsylvania Constitution, which provides in pertinent part that, and I quote, "No bill shall be passed containing more than one subject...." In accordance with Senate rules, this point of order will be decided by the body, and the question is indeed debatable. Those voting "aye" will vote to sustain the point of order, thereby declaring the bill unconstitutional. Those voting "no" will vote that the point of order is not well-taken and thereby declare that the bill is constitutional.

On the question,

Shall the Senate sustain the constitutional point of order?

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

Senator BELL. Mr. President, if Senator Piccola's argument is correct, there are about four bills on this Calendar today that are unconstitutional. He is talking about a usage in this house of saying anything that deals with a title is constitutional. For instance, Title 75. The gentleman from Dauphin already stated what the Constitution says. I thoroughly agree with it, and if what he said is correct, this body violated the Constitution when it passed the electric deregulation law because that was a bill dealing with taxicabs. It came out of my committee, in 2 days it passed this Senate, and it deregulated all the electric generation in Pennsylvania.

Now, I have done more than read the Constitution. I checked the case law. The purpose of Article III, Section 3, is to give notice to the Members of the legislature, to the people of Pennsylvania that this subject matter is being considered. This was not done when the steamroller job pushed the electric deregulation bill through the Senate and the House in 2 or 3 days with 100 pages of legislation.

There is not one person in this Chamber who can say that they do not know that this bill deals with the wearing of helmets by motorcyclists. If you listened to TV and the radio over the weekend, one of the biggest subject matters of this Session, and we are not doing very much work this fall, the main thing the people of Pennsylvania were told is that the helmet bill is going to be considered today.

I say this does comply with the Constitution, and the philosophy of anything that deals with a title in Pennsylvania's consolidated statutes is nothing more than McKinney's Rules of Order. Now, you new Senate Members, you do not know what I mean by that. Years ago we had a very fine Senator from west Philadelphia. He was chairman of the Committee on State Government, Senator McKinney. He had a question and a point of order raised, and he said, he was the chairman, I make the rules for this committee. And for us to go through this fantasy that you can have an administrative code as was in the Committee on Rules and Executive Nominations today, many pages long, everything is only one subject because it deals with the administrative code, you cannot say that in reading this Constitution that everything in Title 75 is one subject matter. That is a lot of B.S.

Thank you, Mr. President.

The PRESIDENT pro tempore. The issue before the body is the constitutional point of order that Senator Piccola has raised. On that question, the Chair recognizes the gentleman from Lehigh, Senator Afflerbach.

Senator AFFLERBACH. Mr. President, on the motion, I join our colleague from Delaware County in stating that I believe this particular bill does in fact meet the test of constitutionality, and I would ask that we reject the gentleman's motion to the extent that it does not. Senator Bell has given probably the most egregious example in recent history of how in fact this Chamber has indeed utilized a bill that dealt strictly with taxicabs and made it an electricity deregulation bill. There was no concern about whether that was constitutional or unconstitutional.

This particular bill before us, Senate Bill No. 279, deals completely with transportation issues. There is not an issue in that bill that is not a transportation issue. It very clearly is identical subject matter in the sense of transportation issues. More recently, we have dealt with two other bills in this Chamber. Senate Bill No. 801 of 1995 was introduced as an amendment to Act 340 of 1915, the act creating the State Workmen's Insurance Fund. It was not an amendment to the Workers' Compensation Act of 1915, but when this Chamber finished its work on that bill, and indeed it was done in the Senate Committee on Rules and Executive Nominations, that bill, Senate Bill No. 801, was no longer an amendment to the State Workers' Insurance Fund. It was in fact an omnibus amendment to the State Workers' Compensation Act of 1915.

A more recent example occurred earlier this year with Senate Bill No. 123 of this Session, the charter school bill, which was entitled to be a freestanding act establishing the basic education-higher education science partnership program. Indeed, that bill passed the Senate, was amended by the House,

sent back to the Senate for concurrence, and again in the Senate Committee on Rules and Executive Nominations on June 11, 1997, it was amended to instead be an act amending the Public School Code of 1949. There is ample precedent in this Chamber for taking a bill that appears to be freestanding in its initial consideration and utilizing it as an omnibus version for other related material, in that case education, in this case transportation.

Mr. President, as I have indicated, there is ample precedent in this Chamber for the constitutionality of measures such as Senate Bill No. 279 to be considered today, and I urge that we reject Senator Piccola's motion that it is unconstitutional.

The PRESIDENT pro tempore. The Chair recognizes the maker of the motion, the gentleman from Dauphin, Senator Piccola.

Senator PICCOLA. Mr. President, Section 3 of Article III of the Constitution, and I neglected to provide the Senate with this part of it, specifically provides an exception to a bill containing more than one subject. In fact, it provides two exceptions. The one I did refer to, a general appropriation bill, but the other exception is that a bill may contain more than one subject if it is a bill codifying or compiling the law or a part thereof. That was specifically the example set forth by Senator Bell with electric competition. That was a bill, while originally dealing with taxicabs, that was an amendment to Title 66, I believe, the Public Utility Code, and it later became electric competition because once again it amended Title 66.

This bill was a freestanding act dealing with the naming of a road. The only amendment that would have, in my estimation, passed constitutional muster would have been to add other roads to be so designated, or to change the name of the road. By turning the bill into a Title 75 bill, a huge precedent has been set which virtually allows us to take any bill and to change it or convert it to virtually any code that we have already codified and then expand that code by adopting amendments that are included within that particular code. It is a terrible precedent, it is one that should not be allowed to take place, and it opens the legislative process up to having bills that will contain multiple subjects which Members may be required to vote or would like to vote "yes" and "no" on because they agree with parts and disagree with others. The Constitution specifically includes this so as to avoid the very dilemma that we are faced with. Some Members agreed with the naming of the road but do not agree with the amendments to Title 75, or some of the amendments to Title 75. The Constitution, in my view, was clearly violated by the House when it changed the title to a Title 75, and I urge the Senate to declare this bill unconstitutional.

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

Senator BELL. Mr. President and my colleagues, I know the hour is late and I will be brief. If I were to agree with Senator Piccola, I would be establishing a principle that the Senate shall decide for the House of Representatives what the House of Representatives should rule on bills. The Senate is not a

superchamber. This question of constitutionality, if it had been raised, should have been raised in the House. From the time this bill hit the Committee on Rules and Executive Nominations, it was a Title 75 bill.

The PRESIDENT pro tempore. The question before the body is on the issue of a constitutional point of order. Those voting "aye" will vote to sustain the point of order, thereby declaring the bill unconstitutional. Those voting "no" will vote that the point of order is not well-taken, and thereby declare that the bill is constitutional.

LEGISLATIVE LEAVES

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

Senator AFFLERBACH. Mr. President, I request a temporary Capitol leave for Senator O'Pake, who has been called from the floor to his office.

The PRESIDENT pro tempore. Senator Afflerbach requests a temporary Capitol leave for Senator O'Pake. Without objection, that leave is granted.

The Chair recognizes the gentleman from Lebanon, Senator Brightbill.

Senator BRIGHTBILL. Mr. President, I request a temporary Capitol leave for Senator Salvatore, who has been called to his office.

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

And the question recurring,

Shall the Senate sustain the constitutional point of order?

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

YEA-12

Corman	Helfrick	Lemmond	Piccola
Delp	Holl	Mowery	Tilghman
Greenleaf	Jubelirer	Murphy	Tomlinson

NAY-37

Afflerbach	Hart	O'Pake	Thompson
Armstrong	Hughes	Punt	Uliana
Belan	Kasunic	Rhoades	Wagner
Bell	Kitchen	Robbins	Wenger
Bodack	Kukovich	Salvatore	White
Brightbill	LaValle	Schwartz	Williams
Costa	Loeper	Slocum	Wozniak
Earll	Madigan	Stapleton	
Fumo	Mellow	Stout	
Gerlach	Musto	Tartaglione	

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

The PRESIDENT pro tempore. The body has ruled that the matter is constitutional.

The question before the body is the motion by Senator Brightbill that the Senate concur in amendments placed by the House in Senate Bill No. 279, as amended by the Senate.

And the question recurring,
Will the Senate agree to the motion to concur in the amendments made by the House, as amended by the Senate, to Senate Bill No. 279?

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

Senator MELLOW. Mr. President, this particular bill, which started in the Senate naming a road after an individual, was sent over to the House of Representatives where a rather controversial amendment was put into the proposal. Mr. President, when it came back over here to the Senate and into the Committee on Rules and Executive Nominations, I believe that we had a proper type of discussion in the Committee on Rules and Executive Nominations before Senate Bill No. 279 was finally reported to the floor of the Senate for consideration. The one thing that I was very happy about when I saw Senate Bill No. 279 come over from the House of Representatives is that finally it amended a Title 75 bill, and by amending a Title 75 bill, it at least in the Committee on Rules and Executive Nominations would have given me the opportunity to undo what was done with the passage of the gasoline tax back in April when there was a tremendous compromise made on the public safety of the motoring public in Pennsylvania.

Mr. President, Senate Bill No. 279 as it was in the Committee on Rules and Executive Nominations--

POINT OF ORDER

Senator BRIGHTBILL. Mr. President, point of order.

The PRESIDENT pro tempore. For what purpose does the gentleman from Lebanon, Senator Brightbill, rise?

Senator BRIGHTBILL. Mr. President, I believe that the gentleman's debate is not relevant. Debate is to be limited to the question before the House. The issues that are being discussed by the gentleman were raised in the Committee on Rules and Executive Nominations, and those issues are not presently before the Pennsylvania Senate, and therefore the gentleman's debate is out of order.

The PRESIDENT pro tempore. The gentleman's objection is timely raised and in order. Senator Mellow, we are on final passage, and the only thing debatable would be the motion to concur in House amendments as amended, and I would ask that you confine your debate to that.

Senator MELLOW. Mr. President, I am doing that, but there was some great latitude that was given to the previous speakers with regard to the constitutionality of the proposal, and all I am trying to do is make a point on a Title 75 bill, of which this particular proposal is. I wanted to bring to the floor of the Senate, Mr. President, the fact that in the Senate Committee on Rules and Executive Nominations just last week I offered an amendment to undo what was done in the gas tax with regard to the safety provision of trailers and where tractor trailers could travel in the State.

Senator BRIGHTBILL. Mr. President.

MOTION TO SUSPEND RULE XIV

Senator MELLOW. Mr. President, having said that, I would now like to move that the Senate suspend Rule XIV for the purpose of amendment.

The PRESIDENT pro tempore. Senator Mellow moves that the Senate do suspend Rule XIV for the purpose of offering amendments. There is no debate allowed on this under our rules.

The issue before the Senate is, will the Senate suspend Rule XIV so that Senator Mellow or anyone else would have the opportunity to offer an amendment? An "aye" vote would be to suspend, a "no" vote would reject the motion to suspend.

On the question,

Will the Senate agree to the motion to suspend Rule XIV?

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

Senator MELLOW. Mr. President, I realize that this is not a debatable issue.

The PRESIDENT pro tempore. That is correct.

Senator MELLOW. But I would, Mr. President, like to ask the Members if they could to vote in favor of the motion so that we can get to the point of offering an amendment.

The PRESIDENT pro tempore. Senator, I think you made that point very clear.

Senator MELLOW. Thank you very much, Mr. President.

The PRESIDENT pro tempore. The clerk will call the roll.

And the question recurring,

Will the Senate agree to the motion to suspend Rule XIV?

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

YEA-19

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

NAY-30

Armstrong	Hart	Murphy	Thompson
Bell	Helfrick	Piccola	Tilghman
Brightbill	Holl	Punt	Tomlinson
Corman	Jubelirer	Rhoades	Uliana
Delp	Lemmond	Robbins	Wenger
Earl	Loeper	Salvatore	White
Gerlach	Madigan	Slocum	
Greenleaf	Mowery	Stout	

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

The PRESIDENT pro tempore. The motion to suspend Rule XIV fails.

The motion we have before the Senate, made by Senator Brightbill, is that the Senate concur in the amendments placed by the House, as amended by the Senate, to Senate Bill No. 279.

And the question recurring,
Will the Senate agree to the motion to concur in the amendments made by the House, as amended by the Senate, to Senate Bill No. 279?

QUESTION DIVIDED

The PRESIDENT pro tempore. The Chair recognizes the gentleman from Schuylkill, Senator Rhoades.

Senator RHOADES. Mr. President, I move to divide the question in Senate Bill No. 279 by dividing the question along page 3, line 30, through page 8, line 25, which in essence will take out the suncreening and other materials prohibited.

The PRESIDENT pro tempore. Senator, you do not need to make the motion. It is a matter of right. Let me just phrase it for you, if I may.

Senator Rhoades, as a matter of right, requests that on page 3, line 28, through page 8, line 25, be removed dealing with the issue of sunscreens. The Chair does indeed rule that that is a divisible section since it stands on its own.

On the question,
Will the Senate concur in Division II of the amendments?

The PRESIDENT pro tempore. The Chair recognizes the gentleman from Schuylkill, Senator Rhoades.

Senator RHOADES. Mr. President, I oppose this amendment because since this has been added, I have received mail, as I think we all have, from the Pennsylvania State Troopers Association, the Fraternal Order of Police, Pennsylvania Lodge, and the Pennsylvania Chiefs of Police Association, all expressing a concern about the hazard and the issue of danger to our police officers. I think, in essence, when I look at that issue it is a section that should be taken out, and I so move.

Thank you, Mr. President.

The PRESIDENT pro tempore. The Chair recognizes the gentleman from Montgomery, Senator Tilghman.

Senator TILGHMAN. Mr. President, as I understand it, a bill on concurrence in House amendments--

The PRESIDENT pro tempore. Senator, we have had a request to be at ease. May we be at ease, and we will come back to you.

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

RECESS

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

Senator BRIGHTBILL. Mr. President, I ask for a brief recess of the Senate for the purpose of a Republican caucus in the Rules room immediately following the recess.

The PRESIDENT pro tempore. All Members of the Republican caucus should report to the Rules room immediately, and for that purpose, the Senate will stand in recess.

AFTER RECESS

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

Before the body is the question of concurrence in Division II of the amendments to Senate Bill No. 279.

And the question recurring,
Will the Senate concur in Division II of the amendments?

RULING OF THE CHAIR APPEALED

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

Senator BRIGHTBILL. Mr. President, under Rule XIV, section 5, of the Rules of the Senate of Pennsylvania, it is provided that bills on concurrence can be amended in the Committee on Rules and Executive Nominations and only in that committee without a suspension of the rules here in the Senate before the entire body. The gentleman's request for a division has the same effect as a motion to amend, and is therefore not in order without a suspension of the rules. Therefore, Mr. President, I would appeal the ruling of the Chair which permitted the division of this bill on concurrence.

The PRESIDENT pro tempore. Senator Brightbill appeals the ruling of the Chair in its ruling to Rule XIV, section 5. An "aye" vote sustains Senator Brightbill's motion to appeal the ruling of the Chair, a "no" vote upholds the ruling of the Chair.

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

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

YEA-28

Armstrong	Greenleaf	Madigan	Slocum
Bell	Hart	Mowery	Thompson
Brightbill	Helfrick	Murphy	Tilghman
Corman	Holl	Piccola	Tomlinson
Delp	Jubelirer	Punt	Uliana
Earll	Lemmond	Robbins	Wenger
Gerlach	Loeper	Salvatore	White

NAY-21

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

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

The PRESIDENT pro tempore. The ruling of the Chair is overturned. In essence, the attempt to divide the issues in the bill is not valid.

Before us we have the motion of Senator Brightbill to concur in the amendments made by the House, as amended by the Senate, to Senate Bill No. 279. That is the only question before the body.

And the question recurring,

Will the Senate agree to the motion to concur in the amendments made by the House, as amended by the Senate, to Senate Bill No. 279?

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

Senator CORMAN. Mr. President, I believe we have a rule that everything must go to the Committee on Appropriations that brings about expenditures of taxpayers' dollars. I do not believe this bill has been to the Committee on Appropriations, and if you look at the bill, it calls for an expenditure of taxpayers' dollars that the Legislative Budget and Finance Committee must examine if it passes the incidents of accidents, and that will be an expenditure of taxpayers' dollars. There is also PennDOT's requirement to change their computers to indicate which motorcycle driver has 2 years' experience and if they have passed the course of safety driving that would allow them then to be able to ride without a helmet, and all of these things do bring about taxpayers' costs.

POINT OF ORDER

Senator CORMAN. Mr. President, I believe that this bill needs to be sent to the Committee on Appropriations, and I would so move.

The PRESIDENT pro tempore. Senator, would you like to make that in the form of a point of order? If you put that in the form of a point of order, I would be happy to rule on it.

Senator CORMAN. Mr. President, I make that a point of order.

The PRESIDENT pro tempore. Senator Corman makes the point of order about this bill not having gone to the Committee on Appropriations. The Chair would rule that it is a moot point and too late. The rule reads, "No bill which may require an expenditure of Commonwealth funds or funds of any political subdivision or cause a loss of revenue to the Commonwealth or any political subdivision shall be given third consideration on the calendar until it has been referred to the Appropriations Committee and a fiscal note attached thereto." This is well beyond a third consideration bill. It is a bill on concurrence in House amendments as amended, Senator Corman, so therefore the Chair would have to rule that your motion is out of order.

POINT OF ORDER

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

Senator CORMAN. Mr. President, if I may ask a point of order, if a bill slips by third consideration, it then removes itself from the need to go to the Committee on Appropriations?

The PRESIDENT pro tempore. That is what the rule says, Senator Corman, as adopted by the Senate.

Senator CORMAN. Okay, Mr. President. I will then debate the bill.

The PRESIDENT pro tempore. You are recognized, Senator Corman.

Senator CORMAN. Mr. President, I think we have all heard the expression by various people on various issues when they

say "that is a no-brainer," and it seems to me there is no more appropriate time to say that is a no-brainer than in talking about a bill, a piece of legislation, a law that we would pass that says people do not have to wear a helmet when riding a motorcycle. Obviously, that is a no-brainer, and I am fearful that many of those people who ride motorcycles without helmets are going to end up in that same dilemma, a no-brainer, as they have serious accidents.

What we are doing, Mr. President, is saying with this piece of legislation that anyone who is age 21 or older with 2 years' experience and having passed some safety course need not wear a helmet. If we may back up in time a little bit, Mr. President, we will see that here in this General Assembly by law we said that in order to make motorcycle liability insurance available to the public, we prohibited insurance companies from providing first-party benefits to the person who buys motorcycle insurance.

POINT OF ORDER

Senator BRIGHTBILL. Mr. President, point of order.

The PRESIDENT pro tempore. Senator Brightbill, state your point.

Senator BRIGHTBILL. Mr. President, I feel compelled to make the same point of order that I made during Senator Mellow's debate, which is that the gentleman is discussing amendments that were offered in the Committee on Rules and Executive Nominations and are not presently part of the bill, and I think in the interest of fairness--

The PRESIDENT pro tempore. I do not think he has strayed quite that far yet, but, Senator Corman, if you would proceed and debate the final passage of the bill. The Chair would rule that you have not exceeded that at this point.

Senator CORMAN. Mr. President, the major part of this bill that is controversial deals with motorcycle helmets, and I will take each part and debate it if that is appropriate so that I am covering the entire bill, and right now I will talk about that portion of the bill that deals with helmets. As I said, we passed a law saying first-party benefits will not be available to those who purchase motorcycle insurance. First-party benefits means that there is no medical coverage for that person riding the motorcycle nor for any passengers on that motorcycle. That means there is no loss of income benefit, there is no accidental death, there is no funeral benefit, there is no first-party benefit for these people who ride motorcycles.

Now, where do they then get their medical bills taken care of if there is no first-party benefit? Well, through the regular medical insurance, Blue Cross, Blue Shield, HMO, PPO, or whatever private insurer they have, or Medical Assistance. And in either case, these rugged individualists who say it is their right to ride a motorcycle without a helmet and they are not infringing on anyone else's rights, they are wrong. They are infringing on our rights. They are infringing on our rights as taxpayers who have to dip into Medicaid funds to pay their bills or we have to pay higher insurance premiums to pay for their injuries.

I would like to share with you the testimony of Steve Lambert, who testified before a California committee on this same

issue of motorcycle helmets. Steve Lambert said: Senators, my name is Steve Lambert. I have come to put a little bit of reality in this meeting. He is a quadriplegic as a result of a motorcycle crash 16 years ago. And he said it is going to come up that he is going to tell you he was not wearing a helmet and that he did not sustain head injuries. And so this is not because he did not sustain head injuries, but I want to indicate with his letter where the money came from to pay his bills.

He said, I would like to run over three quick items that the taxpayers of California paid for every year for the last 10 years and will pay for the rest of my life. My nursing coverage, \$330,000 a year, and that is if I stay healthy; my housing assistance, \$6,000 a year; Social Security, \$200,000 to date. To date, I have eaten up over \$4 million in taxpayers' money, and this is just for me to remain in the apartment I am living in on my own. I had \$2 million in private medical insurance which lasted only 4 years from the date of my injury. I am living with this every day.

This is how we pay the medical bills for people who do not have adequate insurance. This person cost the people in California \$2 million out of the insurance fund and \$4 million in taxpayers' moneys. This is a no-brainer. His injuries might have been to his head, which would then have made it even worse.

The National Highway Transportation and Safety Administration in a 1995 survey said that private insurance pays for about 60 percent of inpatient costs for motorcycle claims victims and the public pays about 20 percent. This means that 80 percent of inpatient costs are borne by society rather than these individual cyclists. Now when they say I am a rugged individualist, I want to ride without my motorcycle helmet, I say, fine, but pay your own bills. Eighty percent of the time the public pays those bills. It is interesting also about those who ride helmetless. According to national research by health care professionals, 29 percent of all hospitalized motorcycle crash victims have Medicaid as an expected payer of care, and 75 percent of those are the unhelmeted motorcyclists. So, 75 percent of the people who have accidents and who have no helmets are on Medicaid. And I am saying, where are these rugged individualists who want to take care of themselves? They are not doing it, according to the records.

If we look at a State that did not have a motorcycle law and then went to one, we can look at California, where the total hospital charges for treating motorcyclists dropped in 1992, especially for head injuries, after they passed the law. In 1993, the hospital charges ran \$93 million. In 1992 it dropped to \$47 million after they passed the helmet law. In 1993 it dropped down to \$39 million. Helmets are effective when worn. Without mandatory helmet laws, only about 34 to 54 percent of the riders wear them. They did a survey. People will say, I will wear a helmet, just do not make it the law, do not make me have to wear it. Yet surveys have shown that of those States that do not have mandatory laws, only about 50 percent of the people wear helmets, and where it is a mandatory law, nearly 100 percent of the people wear helmets.

Mr. President, I am not sure what the Governor's position is going to be as to signing it or not signing it, but I read to

you from Wanda Filer, Physician General, her letter dated October 24. (*Reading:*)

"As Physician General of the Commonwealth of Pennsylvania, I offer my strongest personal and professional support to the regular routine and required use of helmets by all of Pennsylvania's motorcyclists. Riders who do not wear helmets—and who are involved in crashes—are forty percent more likely to sustain a fatal head injury than their helmeted counterparts. Therefore, it is inconsistent with current injury prevention and wellness efforts to eliminate the mandatory use of helmets. Without mandatory helmet laws, studies indicate that only 34 to 54 percent of riders wear helmets,"—**which is even less than what I just indicated**—"which cushion the brain and act as an extra skull."

Mr. President, I do not think that anybody who has looked at the issues and studied the issues would ever believe that it is safe to ride a motorcycle without a helmet. When I started I said, this is certainly a no-brainer. Let us not make these people who ride motorcycles no-brainers.

Thank you.

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

Senator WAGNER. Mr. President, I rise in opposition to Senate Bill No. 279, the repeal of the motorcycle helmet law in Pennsylvania, a helmet law that has been in existence for 30 years in the Commonwealth of Pennsylvania and has saved thousands of lives and serious harm to many, many people and families in our Commonwealth. This issue, Mr. President, is a commonsense issue, and I intend to speak to some of those many commonsense items related to the issue.

First and briefly, Mr. President, I would like to refer to another aspect of the bill. There is another repeal that is part of Senate Bill No. 279 that was passed in the Committee on Rules and Executive Nominations this past week, and it is the repeal or the requirement for notaries and title transfer agents to ensure that vehicles are sold at fair market value.

Mr. President, I want it to be part of the record that I actually support that amendment. That was part of the gas tax increase that was passed by the General Assembly this past spring. And I truly believe, Mr. President, that many people in this Chamber and in the other Chamber had no idea, and I repeat, no idea that item was part of that legislation. As a matter of fact, if you were to read the legislation, I believe it is page 29 of the legislation, you could not even tell what in fact the language meant in terms of the new requirements for title transfer and notaries in the Commonwealth of Pennsylvania. And really what it does, Mr. President, is requires them to make sure that a used car is sold at fair market value and, in fact, has put into legislation the requirement that government, this government, becomes big government when two people are making an individual deal of selling a used car from one person to another.

And I simply want to again make a point that I support that piece of this bill and have, Mr. President, as a matter of fact, introduced a bill in July of this year, Senate Bill No. 1069, to repeal that item. And my distinguished colleague from Montgomery, the chair of the Committee on Appropriations, has introduced a similar bill, Senate Bill No. 1060, to provide the

same repeal. Either bill on its own I think should move and should pass this Senate and the House of Representatives.

There are other items in this legislation that we have talked about briefly today. I am not going to speak to those items. The major item in this legislation, Senate Bill No. 279, is the motorcycle helmet repeal, which I indicated earlier has been in existence for almost 30 years.

Now, Mr. President, I would ask that my colleagues please refer to the bill just to see precisely what it does. I know we all read this legislation, but there is one aspect of this bill that is very, very troubling to me and it should be to all of you and to every Pennsylvanian. In the bill it talks about protective head gear and it talks about eye protection devices, but then it has exceptions in the bill, and the exceptions really are the meat of the bill. On page 3 it says, "The operator or any occupant of a three-wheeled motorcycle equipped with an enclosed cab" is an exception, or in other words does not have to wear a helmet or eye protection. Another exception is, "A person 21 years of age or older who has been licensed to operate a motorcycle for not less than two full calendar years" does not have to wear those two pieces of safety protection, or "A person 21 years of age or older who has completed a motorcycle rider safety course approved by the department or the Motorcycle Safety Foundation." Or, Mr. President, the passenger, and I repeat, "The passenger of a person exempt under this subsection, if the person is 21 years of age or older," they also do not have to wear the same protection.

Now, after those exceptions in the legislation, Mr. President, it talks about a report to the General Assembly, which is really what I want to refer to in the legislation. And it states on line 11 of page 3:

"One year after the effective date of this section the Legislative Budget and Finance Committee shall commence a study to determine:

"(1) what, if any, increased injuries and fatalities may be attributed to the exceptions hereunder provided;

"(2) the extent to which persons incurring such injuries or fatalities have maintained insurance coverage for medical costs associated with such injuries or fatalities; and"

Here is the interesting piece, Mr. President.

"(3) the resulting need, if any, for the imposition of mandates"—**and let me repeat, mandates we are writing into this legislation—**"on insurers to provide affordable medical insurance coverage for such persons for medical expenses that may be attributed to the exceptions..." **or a fancier word for the repeal of this legislation.**

In other words, Mr. President, it is written right into the legislation the indirect assumption that a need exists for medical care because people will not be able to get insurance. And we are mandating, and I repeat, mandating that insurance companies provide affordable medical insurance coverage for the people who will choose not to wear this safety equipment, which means in essence that everyone, every Pennsylvanian who buys insurance, who needs to buy insurance, will pay for the insurance coverage of those who do not have the common sense to wear a helmet and eye protection on a motorcycle,

something that has been in existence for 30 years in this Commonwealth and has proven, has proven that it has worked, that it has saved lives.

What is the evidence that helmet and eye protection should be worn? The National Highway Traffic Safety Association estimates that motorcycle helmets last year saved 490 lives, and that is just motorcycle helmets. We are not talking about the eye protection. Just motorcycle helmets have saved almost 500 lives. Riders without helmets are 40 percent more likely to sustain a head injury during a crash than those who are wearing a helmet. The National Highway Traffic Safety Association has said that hospitalization costs for those who choose not to wear helmets are 200 percent higher than those who wear helmets. The use of helmets has saved an estimated \$10-plus billion in the past 12 years in this country. Insurance rates, Mr. President, will go up because of the mandate that is part of this legislation, and I repeat, a mandate.

And when we go back to the 500 lives that have been saved last year in this country, you can be sure based on the size of our State and the number of vehicles and the number of motorcycles, that 20 to 25 of those lives have been right here in Pennsylvania. So what we are proposing to do today is kill people, kill 20 or 25 people every year in Pennsylvania because of a safety standard that has been in existence. Motorcyclists are 16 times more likely than occupants of automobiles to die in a crash. It is very obvious why. There is no protection on a motorcycle. The use of helmets offers motorcyclists the best chance of surviving while driving that vehicle.

Mr. President, the issue is about saving lives and keeping medical and insurance costs in this Commonwealth from skyrocketing, and that is what we are suggesting to do this evening. Mr. President, this is not about the choice, and I think we will hear that term here this evening and we have heard it already in the lobbying, this is not about the choice of wearing a helmet and safety glasses. Mr. President, this is about common sense. And, Mr. President, I know it is not common nor often that props of any kind are brought into this Chamber, but everyone knows that a helmet is an additional skull, something that will save a person's skull when involved in a collision. But the interesting part of this legislation that we all forget is the requirement that is in existence today for eye protection. And the eye protection issue really is a critical issue related to this legislation.

Let me ask, would anyone drive their automobile without a windshield? The answer to that question is obvious: absolutely not. That is what we are suggesting to do in this legislation. I believe everyone has experienced a pebble hitting a windshield. We all drive to Harrisburg, we see how many bugs hit a windshield. We know the hazards that exist on the road. What we are going to do today, if we approve this legislation, is to say that eye protection is no longer important for the safety of the driver, the occupant, or the public in the Commonwealth of Pennsylvania. There is no doubt in my mind that is a huge step backwards in this Commonwealth. And how we can suggest to do that is beyond my understanding, Mr. President. The safety of this helmet and eye protection is absolutely critical.

Mr. President, the supporters of the helmet legislation contend that motorcyclists should have the freedom to decide whether or not they should wear these helmets. The issue is not freedom of choice, the issue is common sense. The health and safety of Pennsylvanians is common sense. Helmets save lives and help reduce the likelihood of serious injury. It would be irresponsible, and I repeat, irresponsible for us to repeal this legislation. Government quite often requires citizens to take responsible precautions to ensure their safety and their health. And we have certainly done it in Pennsylvania with the helmet law for the last 30 years.

We have a law, Mr. President, that requires hunters, of which there are over a million who will be hitting the woods in Pennsylvania in the next couple weeks, to wear a florescent vest and hat. That is a commonsense safety issue. Should we repeal the hunter safety clothing legislation? Anyone who is a proponent of choice I think would say, well, let us do that. Let us have another 50 or 100 fatalities in the woods of Pennsylvania. How about life preservers in boats? That is a commonsense issue. That is a choice issue. Maybe we should repeal the legislation that requires that in Pennsylvania. It is pretty much the same as helmet and eye protection safety. And I could go on and on. How about hard hats in the workplace? Do most workers want to wear hard hats? Absolutely not. In 1971 the Occupational Safety and Health Act was passed at the Federal level requiring it. Is there anyone suggesting the repeal of that legislation? I certainly hope not because it has saved thousands upon thousands of lives in this country.

I do not know why motorcyclists, Mr. President, should be treated any differently. They have a responsibility, as does everyone, particularly on a public highway. It is different if motorcyclists are riding the motorcycles on private property. That is not the case here. These roads are paid for by the citizens of this Commonwealth. Insurance rates are determined by everyone in the accident rates throughout the Commonwealth.

Mr. President, I do not stand here alone today. There are many, many legitimate groups opposed to Senate Bill No. 279. And some of my colleagues have referred to the Pennsylvania Physician General, Dr. Wanda Filer, as being opposed and writing to every one of us. The Pennsylvania Fire Services Institute Advisory Board is opposed. The Pennsylvania Safe Kids Coalition is opposed. The Hospital Association of Pennsylvania is opposed to this repeal. The Pennsylvania Chapter of the American College of Emergency Physicians is opposed to this repeal. The Pennsylvania Medical Society is opposed. The Insurance Federation of Pennsylvania is opposed. The Pennsylvania Association of Mutual Insurance Companies is opposed. The Hospital Council of Western Pennsylvania is opposed. Mr. President, these agencies know and understand what is suggested here today. They know what it means to Pennsylvania. They know what it means to the future of Pennsylvania.

Mr. President, yesterday there was a football game. The Philadelphia Eagles beat the Dallas Cowboys, and they played a heck of a game. Incidentally, the Steelers won yesterday, and they played a heck of a game. But in the Dallas/Eagles game,

the quarterback of the Dallas Cowboys, Troy Aikman, had a concussion. It was a mild concussion due to a collision, a pass rusher hitting Troy Aikman in the backfield. Troy Aikman was wearing a helmet, and if Troy Aikman was not wearing a helmet, Troy Aikman, who knows what condition he would be in today.

Human bodies travel on a football field at maybe 15 or 20 miles an hour. And they run into each other and they give. Well, people on motorcycles hit abutments, and they hit telephone poles and they hit other vehicles that do not give. And we suggest or require football players, people who participate in all kinds of sports, to wear safety protection. But we are now going to permit people to go on our highways at 50, 60, 65 miles an hour not to wear basic protection to save their lives and the lives of the public.

Mr. President, what we are doing today really is not common sense, and I hope this body can stop this legislation. Several years ago we passed a piece of legislation requiring young people to wear bicycle helmets at age 12 and under. My son is 9 years old, Mr. President, and he asked me the question, Dad, why would they repeal a motorcycle safety helmet law? And you know what? I did not have an answer. All I could say was, son, I hope they do not do it. I hope we do not do it. And I hope, Mr. President, we do not approve Senate Bill No. 279, which is the repeal of the motorcycle safety helmet law.

Thank you, Mr. President.

LEGISLATIVE LEAVE CANCELLED

The PRESIDENT pro tempore. The Chair recognizes the presence on the floor of Senator Hart, and her temporary Capitol leave is cancelled.

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

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

Senator MURPHY. Mr. President, Shakespeare had a line in Hamlet which said something like "There is nothing either good or bad, but thinking makes it so," implying somehow that there are no absolutes, there are no actual good or bad things that happen, but only the way that we view them that makes a difference. That has been a subject of many a college philosophy class discussion and debate over the years.

And when I view this piece of legislation, I am reminded of that and reminded of our need as Senators to take a look at the facts and decide if this is good or bad. It is not just a matter of looking at whether or not it is an issue of freedom and defending one's freedom of choice but making a true and sound review of the rest of the story. This is not about motorcycle riders, the vast majority of which are fine, law-abiding, good citizens. This is not about whether notary publics should make decisions on how much a car is worth.

I had not taken a position on this bill for some time until I had a chance to review numerous articles on the issue. And being the only health care provider in the Senate of Pennsylvania, I felt compelled to take extra time and attention so that I

might be able to provide information to my colleagues on this very fact.

First, a little bit of information about what helmets do and what happens to the brain in an accident. I know I have not worked in an emergency room, but as a psychologist, I have worked many hours with people who have sustained head injuries, major and minor, and I have had the troubling experience of working with them to try to help rehabilitate them and deal with their speech, their motor skills, their thinking, and their emotional problems that come from head injuries and brain damage. We know that if someone's skull is hit by an object, it may be a penetrating injury, the skull may be broken, the brain may be damaged directly. And essentially, there can also be other accidents that leave a skull undamaged.

How does this happen? When the head hits an object, and the head is moving whether we are falling on the floor or whether in a vehicle going at high speed, when our head strikes an object, the front of the head, the skull, the final area of protection, is stopped suddenly. The rest of the brain, however, does not stop moving. The rest of this brain, the soft gelatin-like substance, continues to move forward at high speed, bouncing against that part of the skull, and then reversing that action and bouncing against the back of the skull again. Each of these causes severe shearing injuries. Not only the millions of brain cells themselves perhaps being sheared off and torn, but the veins and arteries of the brain also being torn as all this goes on. Following that, the brain then may go into a secondary level of swelling from injuries which then itself may cause further injuries and damage to the brain.

The helmet has two major components. It has a hard outer shell which helps distribute the force throughout the brain. It also helps to prevent penetrating injuries from objects. But the lining inside, the support there, helps also to distribute the force of the blow and cushion the brain in the event of a direct or glancing blow, so now it is no longer the brain itself that will absorb the force of the blow but the helmet will help deal with that. I do not think there is any question among anybody I have ever asked about the issue of helmets as to whether or not helmets help protect the head, but I have heard many statements made as to why we should get rid of the helmets. Let me take them one by one and talk about some counterpoints to each one.

First of all, the claim of those who say that it should only be recommended that people wear helmets and they do not believe it should be mandated. But without a helmet law only about 50 percent of cyclists tend to wear a helmet, while in States with the helmet law this rate rises to 100 percent.

A claim about whether the helmet interferes with vision and hearing. It simply does not interfere with vision and hearing. Helmets are designed to allow you to have good peripheral vision, and in fact where accidents occur from behind you, since we do not have eyes in the back of our head, helmet obstruction in the back is not going to save you anyway. But the vast majority of accidents, 90 percent of accidents occur between the 10 o'clock and 2 o'clock range, well within the visual sight. Do they interfere with hearing? Not at all. Helmets reduce the loudness of both the sound of the motorcycle

itself and the wind going by, as well as the other sounds of interest. Motorcycles themselves operate at about 85 to 95 decibel levels. That itself is a level of sound that is of a concern, and in a workplace it would require people to wear ear protection because it is so loud. A study of over 900 accidents, on-the-scene accidents, found that hearing was not an interfering factor.

Another point. The majority of motorcyclists have private insurance so they do not impose a burden on the publicly funded health care system. But that is not true. Many do not carry insurance, and the costs for rehabilitation are borne by all of us, the taxpayers, from Social Security, Medicaid, unemployment compensation, and many other factors which the researchers have not fully compiled yet. From the available data from the U.S. Department of Transportation, among motorcyclists who wear helmets, 29 percent go to Medical Assistance first, and as mentioned before, when looking at unhelmeted riders, this level goes up to 75 percent.

If we want to control the cost of health insurance, which has become a major component of everybody's family economy as well as the national economy, it does not make sense that we would pass a law that would actually contribute dramatically to an increase in health care costs. In a study that was mentioned before of States that have helmet laws, \$10.4 billion was saved, but if all States had the law, an additional \$9.2 billion would have been saved on health care costs. In addition, the costs to private insurers are passed on to all of the policyholders in auto and in health insurance. We are seeing health rates likely to increase next year by anywhere between 5 and 34 percent. Many senior citizens will see their rates climb to that level. It does not make sense to pass a law that would raise those rates even more.

Another point. The average inpatient charge for a helmeted motorcyclist is claimed to be actually more than that for an unhelmeted motorcyclist. And indeed, this information was sent to my office by one of the groups that want to see the helmet laws repealed. This is stated in a report that is based on the Crash Outcome Data Evaluation System prepared by the National Highway Traffic Safety Administration of the U.S. Department of Transportation. But, let me tell you the rest of the story. Yes indeed, that was in the article. But I went back and read the original document, and it actually said that unhelmeted motorcyclists were over three times as likely to suffer a brain injury as were helmeted motorcyclists, and that inpatient charges for unhelmeted motorcyclists receiving care for brain injury are 225 percent greater than the average charge for the care of an unhelmeted motorcyclist not receiving a brain injury. Therefore, if all motorcyclists wore helmets, approximately \$15,000 in inpatient charges would be saved during the first 12 months for every motorcycle rider who did not sustain a brain injury due to wearing a helmet. The costs are clear.

Another element that was just brought up by my colleague that is in the legislation on page 3, lines 16 to 18, is that one year after the effective date of this bill we would do a study to "the extent to which persons incurring such injuries or fatalities have maintained insurance coverage for medical costs associated with such injuries or fatalities." A year later we are going

to do a study to see how much this costs? We already have a great deal of data that says it is going to cost a lot. This bill has not seen the light of day in the Committee on Appropriations. We do not have a fact sheet regarding what this is going to cost in Medicaid costs, in welfare costs, in unemployment compensation costs, and all these areas that are going to cost us money. But we are asked to vote on a bill in which we do not have exact dollars on this.

Further speaking to this, a few months ago when this Session began in the Senate I believe all the Members of the Chamber voted in the affirmative to say that no one can put a line item increasing appropriations for any project unless they met one of two qualifications. One, they had to reduce the costs somewhere else, reduce the spending somewhere else, or find some other ways of raising the money, such as through taxes or fees to pay for it. Here we have something for which there is compelling evidence to say this will have an impact upon health care costs and health insurance costs and other expenses paid by the taxpayer, but no one has submitted any plan to say how we are going to pay for this.

Another item. The number of fatalities among motorcyclists has fallen 56 percent over the last decade. Now this is a good trend. There is no question it is a good trend, and we need to keep this trend going. But it can only be hurt by reducing the number of riders using helmets. Accidents where the rider or passenger does not wear a helmet are at least 30 percent more likely to be fatal and three times more likely to cause brain injury. One particular study that I found interesting, and we could talk about what different States have found before and after repeal of the law, but one particular study I found really said it most cogently. It looked at motorcycle accidents where the rider or the passenger had a helmet on but the other person did not. And what they found is in those accidents, both people on the same bike, same speed, at the same accident, but the person with the helmet sustained 51 percent decrease in fatalities. Fifty-one percent. We often debate issues that will yield a much smaller savings. This is incredible that half the people in those situations live.

Another point. The way to save a biker's life is through educational programs. Well, in fact not all riders take advantage of the programs meant to educate cyclists. A study done in New York State was done to test the effectiveness of education programs on crash reduction. They found no documentation of crash reduction benefit for either rider education or improved licensing, true programs often stated as substitutes to mandatory helmet laws.

Another question. What about the issue of we should have children wear helmets and not adults? Well, in a study done during the 1980s, they found that 90 percent of motorcycle fatalities happen to people older than age 18. And in fact, this only results in less than half the riders wearing a helmet, if we require only youngsters to wear them and not adults.

Another point. Some say that they are experienced riders, expert riders. They can make their own decisions without other people telling them how to take care of their own lives. But we have to remember this is a greater picture than just the individuals who ride the motorcycles. When riders die or become

permanently disabled, their families and society as a whole must bear the economic, psychological, and social costs of their accidents. We also have to keep in mind that these accidents are not planned. They can happen at any time to anyone, and it is in the interest of all of us and the legitimate function of government to protect the safety of the public.

How about the point that helmet use has little effect in lowering fatalities in States that have repealed helmet laws? This simply is not true. Time and time again we see that States that require helmets end up having big differences in their fatality rates. I distributed to many Members of the Senate a chart that shows that when helmet laws became effective, there was a dramatic decrease in the number of fatalities. When helmet laws began to be repealed, there was a huge increase in the number of fatalities. The evidence is compelling.

How about the point that helmets provide riders with a false sense of security and lead riders to take greater risks? This also is not true. It is important to remember that a majority of the accidents that occur to motorcyclists are caused by another vehicle. It was not the fault of the driver of the motorcycle but the fault of the driver of the car. And also, there is a greater incidence of drinking and driving among the unhelmeted.

How about this, the safety value of most helmets is vastly overrated by the manufacturers and may actually cause neck damage in an accident. A 1994 study reported in the *Annals of Emergency Medicine* contradicted this directly. It said, quote, "Helmets reduce head injuries without an increased occurrence of spinal injuries in motorcycle trauma." Or how about this report from the American Medical Association that said there is no evidence that helmets are responsible for head, neck, or shoulder injuries. Even if some injuries occur related to using the helmet, it is much like some injuries occur when people have a seatbelt on, but the vast majority of the time we have to remember that the helmet is the single-most important safety feature that a motorcyclist can be wearing.

Let me close with a story. I once worked with a family, two young boys and a girl, and the father had decided to go out and ride his motorcycle without his helmet. His bike skidded on wet pavement, he slid a few hundred feet, and he found himself with severe injuries to his head, his frontal lobe and his temporal lobe. The temporal lobe contributes to speech, the frontal lobe contributes to memory and emotional status. He did not die. He freely chose to not wear a helmet. He thought it would be all right. He thought it would be safe. He did not choose to have that accident, nor did his children choose to have a father who could no longer speak to them, who could no longer comfort them, a father who could no longer have control of his own emotions and feelings and have huge mood swings. The children did not have that freedom.

And furthermore, this bill is going to reduce the protection for the eyes, leading to more risks for all of us.

This is a bill about some choices indeed, but it is a bill about doing what is right and what is decent and what is honorable for families. It is a right for children to grow up with a parent without head injuries, it is the right of parents to see their children grow up to be adults, and it is the right of citizens of the Commonwealth of Pennsylvania to not have to pay

for the very expensive rehabilitation and hospital costs of those who want to see this bill repealed.

Thank you, Mr. President.

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

Senator STOUT. Mr. President, listening to the debate here this evening brought back to me a memory and experience that I had over 30 years ago, back in the early 1960s. At that time I was employed as a licensed funeral director with a funeral home in Washington County that operated ambulance service. And one hot, lazy Sunday afternoon we got a call, because there had been a wreck off of Interstate 70 on a side road where the old Bentleyville water dam used to be and where a lot of people had picnics and parties on Sundays in the summertime. And when I pulled up there with the ambulance, I could see there had been two young men on a motorcycle, not a concrete road, not a blacktop road, because we have a lot of red dog roads where the slag from the coal mines and the old slate burns and then they put it on to make the roads at that time.

The operator of the motorcycle and the passenger, neither of whom had helmets on, the operator lost control of the motorcycle and the rear passenger was catapulted over him and over the front of the motorcycle and impacted with a fence post. That young man's head, his cranium, was split open. He was instantly killed. You have never had this experience unless you have been a deputy coroner or funeral director, maybe a police officer, to have to go and tell members of his family that this young man was dead. This man had only been married a few months, and you go to his home and advise his wife that he had been killed. I cannot stand here before you this evening and say if he had a helmet on he would have lived. I do not know that. But I know that the impact of one skull against a rigid fence post is fatal.

And what is going to happen here, say this bill would pass and become law, is that someday you are going to meet some people on the street, parents, a mother and father, who are going to say to you, Senator, my son, my daughter got killed in a motorcycle accident. They used to always wear their helmets until you passed a law and said they did not have to. They would have been alive today if you had not passed that law. Now that is a very difficult thing to deal with because I have had to deal with that, and I understand the arguments on both sides. But this is an argument for responsibility. To do something like this that is going to endanger people is going to come back and haunt each and every one of us for years to come. I urge you to defeat this legislation.

Thank you, Mr. President.

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

Senator MOWERY. Mr. President, a lot has been said and I do not intend to stand up and make a long presentation, but I, too, am opposed to the passage of this legislation. I think one area of the legislation that has not been discussed at this point in time but is a big part of it is the area regarding the tinted glass or the darkened glass that appears in many States today, and this legislation is going to allow it also in the front,

on the windshield, and on both sides of the driver's side.

I would like to just read a short comment from the Pennsylvania State Troopers Association:

"Our main concern in this bill is the portion dealing with the increase in the density of sun screening that would be allowed on vehicles in the Commonwealth of Pennsylvania. Our first concern is the danger to police officers. At nighttime or even in daylight, the darker allowance would prohibit the police officer from seeing into the vehicle, which puts them in possible danger. The second concern is that when a vehicle is used in a crime, any witnesses would be unable to identify any occupants of the vehicle, which would hamper the solving of major crimes."

That is signed by Paul T. McCommons, president of the State Troopers Association.

Just another brief statement from Colonel Paul J. Evanko, who is the Commissioner of the State Police here in the Commonwealth:

"The intent of the present window tint provisions in the vehicle code is public safety. These sections ensure motorists a clear field of vision when operating a motor vehicle. In addition, the sections permit other motorists to see the operators of other vehicles. Enabling a motorist to see other motorists permits the viewing of a hand signal from another motorist to proceed or halt, and permits an operator to view whether another operator is actually paying attention when driving and to use this visual information when deciding whether to pass, proceed, etc."

I will not read the rest of the letter, but I think it gives the idea that many of us today, when driving, do use and observe the driver coming the other way.

I also have received a letter from the Fraternal Order of Police very much in the same direction that I just read, and as far as the Pennsylvania Chiefs of Police Association, I would say, Mr. President, that this bill has basically two areas of major concern at least to many of us, particularly to me. The one that has been presented in much detail by many of the previous speakers has to do with the helmet law. But the second part of this bill, which is just as important apparently to many, is that of what I just read relating to our police in Pennsylvania who asked that this bill not be passed because of this particular area of windows and the darkening of those windows, which make it more difficult both for the police to enforce the law and as far as protecting their lives. So I ask you, Mr. President, for a "no" vote on this legislation.

Thank you.

The PRESIDENT pro tempore. The Chair recognizes the gentleman from Lancaster, Senator Armstrong.

Senator ARMSTRONG. Mr. President, I would like to talk about the one issue which was just mentioned about window tinting. I know perhaps a little bit more about this than other people in the Senate because I do have a family member, my one son is involved in window tinting, and he did point something out of which I was not aware. We are one of only two States in the United States that do not allow tinting on your car window unless you drive a 4 x 4 vehicle, an SUV, a pickup, a van, a Subaru, an Audi, an Isuzu, an all-wheel drive, or you are out of State. Then you can have tinting on your car, but if you have a regular vehicle, you cannot have tinting on your

car. If you have a limousine, you are not allowed to have tinting on the limousine. However, most of the time it is overlooked. However, if your limousine is a 4 x 4, then you are allowed to have tinting.

There is absolutely no documentation at all of any police officers being shot from a vehicle with tinted windows. If that was the case, then the crooks would get a 4 x 4 or a Subaru or an SUV of any type and use that instead of a regular vehicle. The tinting that is being put in is not the dark type which you see in a limo. It is not the medium type that you see in the back of any standard van out there. You look at the van in the back window, that is what you call medium tinting. This is what we call light tinting, which is about 35 percent. You can actually see in there, but it makes it a little more difficult and gives some privacy to the driver of the car.

There is some safety involved. If your daughter is driving a car in a bad area, do you want to have everyone be able to see her immediately? Do you want to see what is in the back seat? Maybe she has a child with her. Do you want to have seen any material that you have in the back seat so that a criminal could walk by and glance in the back and make you the object of a crime? I do not think so.

My nephew is a State Trooper and my best friend is a State Trooper, and I do not want to see anyone jeopardized. But there are no statistics at all to verify that this is a problem. And as I said, there are only two States in the entire 50 that do not allow any tinting. However, that is a positive, I think, in the bill. And also, taking the notaries out of the car sale business, I think that is a positive. But I must say, like Ben Franklin used to have this ruling. Old Ben would say you have the positives and the negatives. You tally them up, and which one is heavier? When you bring the positives and negatives, I think the negatives do outweigh the positives in this case. Taking the helmets off, letting people drive without the helmets to me outweighs any positive in this bill.

I have a son who is probably an expert motorcycle rider. He has thousands of hours, and he has ridden almost every type of bike there is. We insisted that he wear not just a helmet as was shown by the Senator from Allegheny, but a full-face helmet. He is an adventurer. He likes excitement, and when we were around he would ride it out on the highways. He had a Ninja, and they go from about 0 to 160 in about six seconds. We insisted, which was part of the deal, that when he rides the cycle he has to wear the helmet. Well, he would never have a wreck because he was an expert driver, and he was.

One day he was going up the street, and he cranked that thing out. He was probably going 60 miles an hour. He was probably only 100 feet from where we live as far as taking out, going around a corner and he hit gravel. Well, gravel is pretty bad when you are on a cycle. Usually your bike goes right out from under you. He knew this, so he thought he would compensate for it, and he was a good rider. The trouble was he slid across the gravel and he caught on the dry pavement with no gravel. That immediately flipped him the other way, threw him probably 20 feet up in the air, going 60 miles an hour, and he landed on the highway. He landed on his face. Luckily, he had a full-face helmet. I saw that helmet. I could

not believe anyone could walk away from that accident. Luckily he landed on that helmet first and it took that impact. It just chewed the helmet to pieces.

Secondly, do you know you do not even need a motorcycle license to drive a motorcycle in Pennsylvania? All you have to do is go down and get a motorcycle permit. Maybe we should not be telling people this. Go down and get a permit for 3 months, let it expire, go down and get another one for 3 months, let it expire, so in the summertime you just get a permit and drive your motorcycle. We have been doing this for years. I brought it up the last time and nothing has happened.

A friend of mine told me a true story of someone who bought a motorcycle. This gentleman, who was a dentist, bought a brand new expensive motorcycle, probably a \$15,000 motorcycle. They took it to his house, were unloading it in his garage, had it all cleaned up, and the guy came out and he was really excited about it. He pointed to one part and he said to the guy who just sold it to him, what is this? He said, that is what we call a clutch. He was going to get on that cycle with his permit and he was going to be out on the highway driving a motorcycle, but he did not even know what a clutch was. That is what we have many times out on the highway. And you get young kids out there and you add speed and you take away some common sense, and let us face it, we did not have the common sense when we were younger. When you are young you live forever, but when you take your helmet off and you get in a wreck, you do not live forever, and perhaps even worse, you become a vegetable for life.

I think for us to say take your helmets off, it is okay, we do not care, I do not think we should do that, and I urge us to nonconcur on Senate Bill No. 279.

Thank you, Mr. President.

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

Senator AFFLERBACH. Mr. President, I have no doubt that the speakers who have preceded me feel very passionately about the value of wearing a motorcycle helmet. And frankly, I agree with them to this extent: If indeed you are going to bounce your head off of a pavement, or you are going to ram into a pole, then it is best to have a helmet on.

But the idea is to avoid accidents. And that is where this issue really turns, because when we mandate safety equipment, we presume that that mandate means that under all circumstances it is far safer to follow that mandate than not to follow it. And Mr. President, the jury is clearly out on that. There have been a lot of statistics cited with respect to the value or not of wearing a motorcycle helmet. I could rebut those statistics with equal statistics. I could, for example, cite the University of North Carolina highway safety study and any number of other studies and put statistics against statistics.

The bottom line, however, is when we look at the issue of wearing motorcycle helmets, if we mandate that as we have done, we are saying that under all circumstances it is far safer to wear a helmet than to not wear a helmet, and that is where we have a point of disagreement. I myself have been a motorcycle rider for 30 years. I have been in circumstances where I was absolutely certain and glad that I had a helmet on. I have

also been in circumstances where that helmet was an impediment to safe driving.

One of our colleagues asked about the eye protective devices. Let me tell you why that is in there. Because I myself have been a victim of overzealous police enforcement, and wearing a full-face helmet with a mask instead of just glasses on a hot day, not far from this Capitol, I was sitting at an intersection and lifted that face gear up to let some fresh air come in as I was waiting for the traffic light to change. The traffic light changed, and as I often do in that circumstance, I began to move the motorcycle forward so as not to hold up traffic behind me and began to pull the visor down as I was moving. And lo and behold, a local township officer decided to pull me over and discuss with me that he could cite me for not having protective eye gear because that motorcycle was moving forward at a great rate of about 10 to 15 miles an hour as I pulled out of that intersection. Now that, Mr. President, is nothing more than harassment. It is plain and simple, and I am not the only motorcycle rider in this Commonwealth to have experienced that. Yes, I agree that any sensible motorcycle rider will certainly wear eye protective devices, and they will certainly wear it when they are speeding down the highway at 55 or 65 miles an hour on the interstates.

One of the speakers mentioned the fact that an individual can get a learner's permit, hop on a motorcycle having never ridden before, and attempt to learn how to ride that motorcycle. That is quite true, but this bill does not apply to that individual. This bill makes it very clear that only those individuals 21 years of age or older who have been licensed, not learner permitted, but licensed to operate a motorcycle for not less than 2 full calendar years will be able to decide for themselves which situation is safer to wear a helmet and which situation is safer not to. It also goes on to say that a person 21 years of age or older who has completed a motorcycle rider safety course approved by the department or the Motorcycle Safety Foundation will be able to decide, not that learner who just decides to get on a bike, not that under-21 juvenile who just decides to get on a bike. This legislation was very carefully drafted so that we would in fact ensure that those who are making the judgmental choice of when it is safer to wear a helmet or not to wear a helmet have some basis upon which to make that judgment.

Let me conclude very quickly, because truthfully, if we are going to begin to say that we want motorcyclists to wear these helmets all the time, as the present law requires, well, then, Mr. President, we better put in legislation to also require it of downhill skiers, because that sport is becoming very popular. I daresay to you there are more skiers in this Commonwealth than there are motorcycle riders, and I daresay when you put two pieces of wood or fiberglass on your feet and start downhill at high speeds, you will exceed 50, 60, 70 miles an hour, and there is no requirement for these individuals to wear helmets. Yet they fall into trees and into boulders and ice mounds on the sides of slopes, but we do not require them to wear helmets. We rely upon their judgment, that if they are going to do downhill skiing, they are going to protect themselves.

And we heard about football players wearing helmets. Well, I will tell you this, if I were the quarterback on a professional football team and I knew that there were 11 people on the other side of that line who every play of that game had one mission in mind, and that was to run into me as hard as they could, to knock me down as hard as they could, yes, you bet I would wear that helmet, and a lot of other things. In fact, that is why I am not a professional football player.

There are more people suffering head injuries who fall off ladders, tables, chairs, and roofs than fall off motorcycles. But we do not require people to wear a helmet when they climb up a two-story ladder. We do not take a physical test to see if we are capable of climbing up a two-story ladder to shovel snow off our roofs. Should we? The statistics say we should, but yet we consider that a matter of judgment for that individual. That individual should judge for themselves whether they are physically capable of climbing up that ladder, climbing across that snow-laden roof and whether or not they should wear protective gear in doing so.

So, Mr. President, I submit to you that on the issue of motorcycle helmets, the jury clearly is out. There are as many statistics out there that refute the value of a helmet as justify it across this great nation. I believe the time has come for us to repeal this unnecessary mandate in Pennsylvania. There is even a provision in this bill to create a study commission through the Legislative Budget and Finance Committee to evaluate the results, which is more than most other States that have repealed their mandatory law have done. I think that is appropriate. I do not have any problem whatsoever with having the Legislative Budget and Finance Committee review the results and report back to the Committees on Transportation. But I believe tonight is the night when we should in fact follow the lead of the House and repeal this mandatory helmet law, and I ask for concurrence on Senate Bill No. 279.

The PRESIDENT pro tempore. The Chair recognizes the gentlewoman from Venango, Senator White.

Senator WHITE. Mr. President, I do not want to prolong this argument, but I do think that I have listened to a lot of discussion, a lot of emotional arguments that are very persuasive. I have heard a lot of statistics, and I have seen statistics that are on both sides. I think the presumption here is if we pass this repeal, immediately every motorcyclist will stop wearing a helmet. I certainly do not believe that to be the case, and I think it is time we heard at least one person speak for the concept of personal responsibility.

I think we have a real question as to how far the government can or should protect people against their will. Based on a lot of what I have heard today, if I really wanted to protect the public, I would outlaw motorcycles. They sound to me to be unreasonably dangerous. I do not think there is a great groundswell to do that, and I think that people have to make intelligent choices about whether or not they ride a motorcycle and the types of protective equipment they use when they ride, just as Senator Afflerbach said they have to make intelligent decisions when they get up on a ladder, climb up on their roof, or engage in any other activity where they can be injured.

So I simply want to inject the idea that it is not government's role or responsibility to protect us against every dangerous thing that can happen. We must be responsible for ourselves.

Thank you.

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

Senator BELL. Mr. President, I respect everybody who spoke here today. I respect their opinions. I have listened. I also respect the opinions of 748,319 licensed motorcycle operators in Pennsylvania. I did not make the figures up: July 1997, PennDOT. I have not heard them speaking here today. Three-quarters of a million operators, 173,070 motorcycles. And if I could hear them, the message would be that we are substantial citizens, we live in every senatorial district, we want to have the freedom of choice.

Thank you.

The PRESIDENT pro tempore. The Chair recognizes the gentleman from Philadelphia, Senator Fumo.

Senator FUMO. Mr. President, I, too, do not want to belabor the debate and I am sorry it was not more heated than what I expected, but I do think I have to answer a few of the issues that have been raised. I agree one hundred percent with Senator White. It is time that we in government recognize that we cannot legislate against everything that could possibly happen to human beings.

As I said earlier in the Committee on Rules and Executive Nominations, this past summer my son and I built a barbecue at the shore—it was written about in the Daily News—and we went out and bought a new saw, it was a new miter saw. There were five or six different safety devices. I think I almost cut myself a few times trying to figure those out and trying to get the darn thing to work, and I commented to my son that if this keeps up anymore the safest tool would be one that does not work so we could protect everyone from ever using it because they might get hurt from it.

Mr. President, I heard the debate about the fact that we require children 12 and under to wear a helmet when they ride their bicycles. Well, what happens when they are 12 1/2? Do we say it is okay for them to fall and get hurt? I have an 8-year-old daughter who has been riding a bike for a year. It did not take my wife to have to have a law to make sure that she wore that helmet. I will not tell you my wife's age because she would kill me, but she is much older than 12 years old and she does ride a bicycle and she does wear a helmet, and this year when I bought a bicycle she made me buy a helmet too, but I do not wear it. Fortunately, I guess I do not ride my bicycle enough.

But, Mr. President, there are certain things in life that we have to allow people to have human feelings about and human responsibility about. Government cannot do everything. We know that. And government cannot protect every individual against every possible contingency. I heard the argument about how great safety helmets are on motorcycles. Well, guess what? They would probably be equally as safe in automobiles. And I have heard some sad anecdotes about people who were thrown up in the air and fell down and hurt themselves. Mr.

President, there are tens and hundreds of thousands of those same anecdotes in regard to automobile accidents. And I am sure that many of those people's lives could have been saved if they wore a safety helmet in an automobile.

And if we keep this nonsense up, Mr. President, that is where we will be. And if it goes much further we will have cars that you cannot move in because that will be safe. There comes a point in time when we have to assume responsibility for our actions. There also comes a point in time where we have to go back to individual freedoms. More and more in the name of safety and in the name of fear I guess in trying to do things for people we have begun to intrude on people's rights.

Mr. President, I have a motorcycle license. I bought a little motor scooter this year and found out I had to get a license and found out that I had to wear a helmet. I assure you that when this passes and my 2 years are up as a licensed motorcycle driver I am not going to ride that thing without a helmet, but that is my choice to make. Government should not have to tell me that. I heard the argument about hunters. We have a law that makes sure that you have to wear fluorescent orange for your safety as a hunter. Mr. President, we do not have a law that says you have to wear a bulletproof vest as a hunter. Imagine the safety increase that would give us, but yet you say that if we do this people are going to get hurt.

We have an analogous law. Motorcycles have to be inspected. You have to make sure that they are safe so that they do not careen off and hurt other individuals. The same way that we tell hunters they have to wear orange we tell motorcyclists they have to have their motorcycles inspected, but we do not tell hunters they have to wear bulletproof vests. We should not have to tell people who ride motorcycles that they have to wear helmets.

And the arguments go on and on and on. We talk about the arguments of wearing life vests when you are in a boat. I have seen that thing abused to no end. You do not have to wear them when you are on the boat, you have to have them available. I have seen where they have been stuck underneath the bow of the boat so that if the thing ever went down you could never get to them. But to comply with the law, you have to have them. And I found that out when I was in Colorado last year fly fishing on the Colorado River. We got stopped by the fish and game people wanting to know if it was a paid guide or was it just someone whose boat we borrowed, because if it was a paid guide we had to have the life vest on while we were trying to cast, but if it was just some boat that we borrowed we did not have to have the life vest on. And that is in Colorado where they value individual freedom.

The whole thing is going crazy. And what are we teaching our kids? We are teaching our kids that the only thing you have to do in life is just do what the law says. You have no other responsibilities. That is wrong, Mr. President, because the law can never take care of all of us because we have lawbreakers out there. If that were the answer we would have no crime in Pennsylvania, because we have laws that are very clear on criminal acts. We still have crime. People do not obey them. And it is unfair to take decent law-abiding people and tell them how we want them to act.

I wonder how many people in here tonight who are advocating the continuing abuse, what I call this law, but are advocating continuing making people wear helmets in fact have ever been on a motorcycle. How many people? I think those people are the ones who have the right to get up and tell us what they want to do. Most of the people in this Chamber, I would venture to say the overwhelming majority, have never even been on a motorcycle or a scooter, do not know the first thing about it, and do not really want to know, but yet we want to inflict what we think might be right for those people upon them.

Mr. President, this has nothing to do with insurance rates, it has nothing to do with statistics because we can have those arguments forever. If we are worried about statistics, as it was said, we can deal with downhill skiers. We can deal with people diving into swimming pools. We can bring the trial lawyers in here and get a list of the last thousand cases that they took on all of that stuff and pass laws for it, and by that time we will be a society of zombies walking around encased in plastic armor.

This is about freedom, and I know it is hokey to talk about that, but that is what it is about. Freedom to choose, freedom to decide how you want to live your life, and it is about responsibility. And until this State and until this country get back on some of those ideals, we are not doing anybody a favor. We are not doing people a favor by telling them they have to wear a helmet. If we really agree that it is that important of a safety feature, let us educate people and let them make a decision. And let us give them a good education so they have the brains to make a decision.

I hear about hospital costs, oh, my God, California's hospital costs went up \$50 million. I heard in the Committee on Rules and Executive Nominations it was going to start bankrupting hospitals. I did not hear any of those arguments when we stood on this floor and took \$300 million a year out of the health care system when we took away health care for working poor people. That is what is going to bankrupt hospitals, not the fact that somebody wears a helmet or not. Those same people were not listening when we did that piece of legislation.

I do not know what is at the bottom of this, Mr. President. I think everybody has great motives. I do not know why people want to continue to inflict their will on other people, but I do know in this State, which is the birthplace of liberty in this nation, this is the State where we should not be doing this kind of nonsense. This is the State where we should be telling people our motto should be to live free. Mr. President, I urge an affirmative vote. I am glad that the House did what they did and I am glad that we have had the courage to at least come this far.

Thank you, Mr. President.

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

Senator MURPHY. Mr. President, I want to respond to a couple of comments made by some folks speaking on the opposite side of this issue. One had to do with the claim of whether or not automobile accidents and motorcycle accidents are the same. In fact that is not true. Per vehicle mile traveled, motorcyclists are about 16 times more likely as passenger car

occupants to die in motor vehicle traffic crashes and 4 times as likely to be injured. In 1996, motorcycles were involved in only 1 percent of all police reported traffic crashes, but they accounted for 5 percent of total traffic fatalities, 6 percent of all occupant fatalities, and 2 percent of all occupants injured.

I have also heard reference that there were statistics on each side of this issue, but I have only heard information on the side that says there is no compelling reason and there is only scientific evidence repeatedly offered by many medical organizations and scientific groups that have looked at this that say helmets protect lives, protect the brain, and we should not repeal this. I certainly would like to hear some of those statistics from my colleagues so that those things could be debated instead of simple references today.

Thank you, Mr. President.

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

Senator WAGNER. Mr. President, I rise again to make some final comments and to respond to some earlier comments from my distinguished colleague from Philadelphia in referring to people who have spoken on the floor who may have no experience on this issue, and I want it to be known on the record that I have had a motorcycle license for 30 years and I have owned a motorcycle for 30 years also. I have raced motorcycles and I have been involved in an accident on the street with a motorcycle. So from a personal point of view, I know what a motorcycle safety helmet will do for me and what it did to save me. I did not relate that earlier, but I am relating it now in my comments, and it is factual.

In addition, I worked as a paramedic for 2 years full-time when I was in college, and I have been to many, many accident scenes, including motorcycle scenes of accidents, and unfortunately, I have been to too many scenes where there have been fatalities, fatalities of people not wearing motorcycle helmets, and it is important for me to relate that information here on the floor. I am one of the people who is licensed who is opposed to the repeal. And I would venture to say if a survey were done in this Commonwealth of the 750,000 people, and maybe we should hold the legislation until a survey is done and find out how they feel, and I think the majority of them have common sense, because they do not want to be brain dead at the age of 25 living in a hospital for the rest of their lives with the public supporting them. I think most people understand that that is a necessary part of a piece of safety equipment, the most important piece of safety equipment that you can wear when you get on a motorcycle.

Now this body and the House can be so bold as to say that children in school should have a dress code. That passed unanimously, and we are going to require young people to wear certain clothing throughout the Commonwealth in various school districts and we pass mandates like that all the time. But when it comes to a basic safety mandate of life and safety of which the information is overwhelming, and I repeat, overwhelming, Senator Murphy indicated two riders on a vehicle, the same vehicle at the same time, there is a 50 percent greater chance of the person without the helmet dying. I do not know

what other statistic can change our mind. That is overwhelming information.

Am I inconveniencing anyone? No. When I ride a motorcycle I wear a helmet and I am not inconvenienced and I do not believe we are inconveniencing anyone. Am I inconveniencing anyone by having a windshield on an automobile? I do not think so. We are not going to have windshields on the faces of people driving motorcycles. They are inconveniencing the public, the other people, the pedestrians, the other vehicles on the road. We may not want to accept that, but that is the truth. They are the bold facts of the issue. It is just not the helmet. It is a pair of eyes. It is God-given eyes and eyesight that we have that we are requiring people to protect so that they can protect themselves and protect others.

Government is about safety. I think that is our first responsibility. Do we want to be Big Brother? No. Do we want to mandate? No. I do not want to do that, I have never been like that. I do not believe the people in this body are like that. But when it comes to certain basic commonsense issues of which the facts are overwhelming and the jury is in, I do not know how we cannot stand up and face reality.

Thank you, Mr. President.

The PRESIDENT pro tempore. The Chair recognizes the gentleman from Philadelphia, Senator Fumo.

Senator FUMO. Mr. President, I have to answer my colleagues with one comment. There will be a survey taken of those thousands and thousands of motorcycle riders if this bill is passed, and that will occur the day after this bill is passed whether or not they decide to wear their helmet. That is what the debate is about, giving them the freedom to decide that. That is when that survey will be taken. If all of them wear their helmets, then that is fine, and if none of them wear their helmets, with me that is fine too because that is the choice they made. I do not want to inflict my will upon them as to what they have to do. There could not be a more effective survey ever taken.

And I am sure there are paramedics who have been to scenes of accidents of automobiles that have been just as gory as motorcycle accidents. And I am sure there are studies somewhere that say if you had to wear a helmet in a car, if you were forced to wear a racing safety belt that I have seen on race cars, a 5-point harness, you would be safer, but yet we do not say that. And we talk about safety, we do not require kids on school buses to wear safety belts, yet we think they are really important things. We do not require them on kids on buses. We do not require them on pedestrians when they ride a local bus.

So let us not get confused here. It is about personal freedom and personal responsibility that goes with freedom. And it is whether we are going to go in a more responsible direction or whether we think our judgment is more important than the people whose lives are at risk if I believe all the statistics I have heard tonight. And I know enough about statistics, and believe me I have given enough on this floor, that you can make them come out any way you want, and there are statistics

all over the place so I have to put that aside. There are anecdotes all over the place and I have to put that aside, and I have to come back to the basic premise of freedom and responsibility, and that should be paramount in our decisions.

There are a lot of problems out there in the world and we are not going to solve them. There are a lot of problems in Pennsylvania and we are not going to solve them. There are people starving in Pennsylvania. There are homeless people in Pennsylvania. We are not doing anything about that either, but we want to do something to people who want to ride a motorcycle because we think that is the way it should be. I respect the gentleman's opinion because he has ridden a motorcycle for 30 years. That is the way he feels. Senator Afflerbach has ridden one for 30 years and he feels the opposite. So I have to put that aside too. I have not ridden one for 30 years.

I have to go back to saying do I want people telling me what I should be doing? And I think the answer is no. That is what it is about, Mr. President. So that survey will be taken if this bill passes and it will be interesting to see what the results are, but the good part about that survey is it will be a survey taken in a free way, in a free society.

Thank you, Mr. President.

LEGISLATIVE LEAVES

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

Senator AFFLERBACH. Mr. President, Senator Belan, Senator Musto, and Senator Wozniak have been called from the floor to their offices, and I request temporary Capitol leaves on their behalf.

The PRESIDENT pro tempore. Senator Afflerbach requests temporary Capitol leaves for Senator Belan, Senator Musto, and Senator Wozniak. Without objection, those leaves will be granted.

And the question recurring,

Will the Senate agree to the motion to concur in the amendments made by the House, as amended by the Senate, to Senate Bill No. 279?

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

YEA-22

Afflerbach	Hart	Madigan	Uliana
Belan	Kasunic	Punt	Wenger
Bell	Kitchen	Robbins	White
Brightbill	Kukovich	Salvatore	Wozniak
Earl	LaValle	Slocum	
Fumo	Loeper	Tartaglione	

NAY-27

Armstrong	Helfrick	Murphy	Stout
Bodack	Holl	Musto	Thompson
Corman	Hughes	O'Pake	Tilghman
Costa	Jubelirer	Piccola	Tomlinson
Delp	Lemmond	Rhoades	Wagner
Gerlach	Mellow	Schwartz	Williams
Greenleaf	Mowery	Stapleton	

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

BILL REREFERRED

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

Senator BRIGHTBILL. Mr. President, I move that Senate Bill No. 279 be rereferred to the Committee on Rules and Executive Nominations.

The PRESIDENT pro tempore. It has been moved by Senator Brightbill that Senate Bill No. 279 be rereferred to the Committee on Rules and Executive Nominations.

On the question,

Will the Senate agree to the motion?

It was agreed to.

The PRESIDENT pro tempore. Senate Bill No. 279 will be rereferred to the Committee on Rules and Executive Nominations.

RECESS

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

Senator BRIGHTBILL. Mr. President, I ask for a brief recess of the Senate for the purpose of a meeting of the Committee on Rules and Executive Nominations to be held immediately in the Rules room to the rear of the Senate Chamber.

The PRESIDENT pro tempore. Senator Brightbill has requested a recess of the Senate for the purpose of a meeting of the Committee on Rules and Executive Nominations to be held in the Rules room to the rear of the Senate Chamber. For that purpose, the Senate will stand in recess.

Senator BRIGHTBILL. Mr. President, if we could remind the Members that there will be another vote after this meeting.

The PRESIDENT pro tempore. Senator Brightbill wishes to remind all Members of the Senate that voting is not over, that there will be at least one more vote of the Members of the Senate.

The Senate will stand in recess for a meeting of the Committee on Rules and Executive Nominations.

AFTER RECESS

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

REPORT FROM COMMITTEE

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

HB 1027 (Pr. No. 2504) (Amended) (Rereported) (Concurrence)

An Act amending the act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929, further providing for Commonwealth agencies, for gubernatorial appointments, for boards of trustees of State institutions, for definitions relating to crime victim's compensation, for the lapsing of funds and for public members

of licensing boards; modifying and increasing the powers of the executive board; limiting collective bargaining for school administrators employed by cities of the first class; prohibiting certain fees for the use of State property for the purpose of making commercial motion pictures; imposing additional duties on the Auditor General, the State Treasurer and the Attorney General; authorizing the Department of Corrections to assess and collect certain payments from prisoners; providing for bonds for certain oil and gas wells, for timetable for the review of municipal waste landfill and resource recovery facility permit applications and for the powers of certain campus police; authorizing the establishment of the Pennsylvania Infrastructure Bank in the Department of Transportation; further providing for workers' compensation assessments; repealing provisions relating to gasoline dispensing facilities and certain reports under the Health Care Services Malpractice Act; and making other repeals.

SPECIAL ORDER OF BUSINESS SUPPLEMENTAL CALENDAR No. 1

BILL ON CONCURRENCE IN HOUSE AMENDMENTS TO SENATE AMENDMENTS AS AMENDED

SENATE CONCURS IN HOUSE AMENDMENTS TO SENATE AMENDMENTS AS AMENDED

HB 1027 (Pr. No. 2504) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929, further providing for Commonwealth agencies, for gubernatorial appointments, for boards of trustees of State institutions, for definitions relating to crime victim's compensation, for the lapsing of funds and for public members of licensing boards; modifying and increasing the powers of the executive board; limiting collective bargaining for school administrators employed by cities of the first class; prohibiting certain fees for the use of State property for the purpose of making commercial motion pictures; imposing additional duties on the Auditor General, the State Treasurer and the Attorney General; authorizing the Department of Corrections to assess and collect certain payments from prisoners; providing for bonds for certain oil and gas wells, for timetable for the review of municipal waste landfill and resource recovery facility permit applications and for the powers of certain campus police; authorizing the establishment of the Pennsylvania Infrastructure Bank in the Department of Transportation; further providing for workers' compensation assessments; repealing provisions relating to gasoline dispensing facilities and certain reports under the Health Care Services Malpractice Act; and making other repeals.

On the question,

Will the Senate concur in the amendments made by the House to Senate amendments, as further amended by the Senate, to House Bill No. 1027?

Senator BRIGHTBILL. Mr. President, I move that the Senate do concur in the amendments made by the House to Senate amendments, as further amended by the Senate, to House Bill No. 1027.

On the question,

Will the Senate agree to the motion?

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

YEA-41

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

NAY-8

Afflerbach	Costa	Holl	Tilghman
Bell	Greenleaf	Kukovich	Wagner

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.

SENATE RESOLUTION ADOPTED

Senators PICCOLA, EARLL, SALVATORE, BRIGHTBILL, TOMLINSON, COSTA, HELFRICK, TARTAGLIONE, WOZNIAK, RHOADES, AFFLERBACH, GREENLEAF, MOWERY, FUMO, O'PAKE, GERLACH, ULIANA, WHITE, STAPLETON, WENGER, MELLOW, SCHWARTZ, SLOCUM, KUKOVICH, STOUT, HART, ROBBINS and LEMMOND, by unanimous consent, offered **Senate Resolution No. 93**, entitled:

A Resolution designating the week of November 16 through 22, 1997, as "Pennsylvania Family Caregivers' Week."

Which was read, considered and 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 Mr. and Mrs. Frank J. Yandrisevits, Maribeth Younger, Mary Ellen Griffin, Wendy G. Brantley, Ellen Kern and to the Community Action Committee of the Lehigh Valley by Senator Afflerbach.

Congratulations of the Senate were extended to Roy G. Cole by Senators Armstrong and Thompson.

Congratulations of the Senate were extended to Joan Ward, William Kapsha, Barbara Ann Ceryak and to Madelyn Verbanovic by Senator Belan.

Congratulations of the Senate were extended to Mr. and Mrs. Natale Pisani, Richard C. Whittington, Nicholas H. Branigan, William K. Castellann and to the Campbell AME Church of Media by Senator Bell.

Congratulations of the Senate were extended to Jonathan Tajc, John Kostik, Ray Schafer, Jr., William Pryor, Sr., and to the Fox Chapel Country Day School of Pittsburgh by Senator Bodack.

Congratulations of the Senate were extended to Joshua Voigt by Senator Corman.

Congratulations of the Senate were extended to the Pennsburg Fire Company by Senator Gerlach.

Congratulations of the Senate were extended to Christopher Leahy by Senator Greenleaf.

Congratulations of the Senate were extended to Mr. and Mrs. Donald C. Shoemaker, Honorable Barry F. Feudale and to the Emmanuel Bible Fellowship Church of Sunbury by Senator Helfrick.

Congratulations of the Senate were extended to Alexander F. Barbieri, II by Senator Holl.

Congratulations of the Senate were extended to Joseph Tamburro, Reverend Dr. Jesse Wendell Mapson II, Charles S. Ireland, Jr., and to Yvonne Dupree by Senator Hughes.

Congratulations of the Senate were extended to Mr. and Mrs. William M. Hertel, Sr., Mr. and Mrs. Ealor Stonerook, Mr. and Mrs. Ralph W. Roudabush and to Mr. and Mrs. Melvin Templon by Senator Jubelirer.

Congratulations of the Senate were extended to Justin S. Maharowski, Geoffrey Kessler and to Robert Walters by Senator Kasunic.

Congratulations of the Senate were extended to Bishop Amy B. Stevens by Senator Kitchen.

Congratulations of the Senate were extended to the Belle Vernon Lions Club by Senator Kukovich.

Congratulations of the Senate were extended to Mr. and Mrs. Henry Bolosky, Mr. and Mrs. Ralph Gregory, Mr. and Mrs. Vito Yanalunas, Phyllis Rivers and to Colonel Lawrence G. Caruth by Senator Lemmond.

Congratulations of the Senate were extended to Bernard Bartikowsky, Inc., of Wilkes-Barre by Senators Lemmond and Musto.

Congratulations of the Senate were extended to Jonathan T. Burns and to Anthony N. Subbio by Senator Loeper.

Congratulations of the Senate were extended to Dr. Ann L. Pipinski, Anna Marie Novobilski, Nancy Tolerico Perri, Victoria M. Davis, Margaret M. Kovacic, Margaret McNulty, Nancy Perri and to Robert Francis Durkin by Senator Mellow.

Congratulations of the Senate were extended to Mr. and Mrs. Bernice H. Magers and to Mr. and Mrs. W. Ray Noss by Senator Mowery.

Congratulations of the Senate were extended to Mr. and Mrs. Andrew Mauriello, Beulah Bailey and to Sharon Manganiello by Senator Musto.

Congratulations of the Senate were extended to Mr. and Mrs. William Wenner by Senators Piccola and Mellow.

Congratulations of the Senate were extended to Mr. and Mrs. Eugene Sinkus, Mr. and Mrs. Joseph Snoha, Mr. and Mrs. Adolph Slovik, Mr. and Mrs. John Bamford, Jason Schreffler and to Christopher James Beers by Senator Rhoades.

Congratulations of the Senate were extended to Mr. and Mrs. Domenic A. Ducato by Senator Stapleton.

Congratulations of the Senate were extended to Mr. and Mrs. Alfred E. Anderson by Senator Stout.

Congratulations of the Senate were extended to Eric A. Rodebaugh by Senator Thompson.

Congratulations of the Senate were extended to Brian Prato by Senator Tomlinson.
 Congratulations of the Senate were extended to Mr. and Mrs. Martin Cruver and to Dudd K. Flanagan III by Senator Uliana.
 Congratulations of the Senate were extended to Loni M. Christie, Robert E. Billingsley, George Freeman and to the Franklin Junior All Stars by Senator White.
 Congratulations of the Senate were extended to Mr. and Mrs. Earl P. Hardy by Senator Wozniak.

CONDOLENCE RESOLUTIONS

The PRESIDENT pro tempore laid before the Senate the following resolutions, which were read, considered and adopted:
 Condolences of the Senate were extended to the family of the late Florian E. Hardner and to the family of the late George H. Schadler by Senator Afflerbach.

ANNOUNCEMENTS BY THE SECRETARY

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

SENATE OF PENNSYLVANIA
 COMMITTEE MEETINGS
TUESDAY, OCTOBER 28, 1997

9:30 A.M.	CONSUMER PROTECTION AND PROFESSIONAL LICENSURE (to consider Senate Bills No. 457, 847 and 922; House Bill No. 507; BPOA Final Regulations No. 16A-439, 16A-443, 16A-537, 16A-468, 16A-475, 16A-481, 16A-494, 16A-512, 16A-517, 16A-526, 16A-546, 16A-632 and 16-15; and PUC Final Regulations No. 57-168, 57-169, 57-179, 57-164 and 57-166)	Room 8E-B East Wing
9:45 A.M.	LOCAL GOVERNMENT (to consider Senate Bills No. 270, 826, 828 and 1047; and House Bills No. 1111, 1113, 1114 and 1116)	Room 8E-A East Wing
10:15 A.M.	JUDICIARY (to consider Senate Bills No. 308, 309, 833, 908 and 1087; and House Bills No. 141, 360, 1412 and 1763)	Room 8E-B East Wing
11:00 A.M.	RULES AND EXECUTIVE NOMINATIONS (to consider Senate Bill No. 176 and certain executive nominations)	Rules Cmte. Conf. Rm.
1:00 P.M.	BANKING AND INSURANCE (public hearing to discuss mental health insurance benefits)	Room 461 Main Capitol
Off the Floor	FINANCE (to consider House Bill No. 55 and any other business that may come before the Committee)	Rules Cmte. Conf. Rm.

THURSDAY, OCTOBER 30, 1997

1:00 P.M. EDUCATION (public hearing on Senate Bill No. 1049) Bucks County Comm.College

DISCHARGE PETITION

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

In the Senate, October 27, 1997

A PETITION

To place before the Senate the nomination of Mark Navarro, as District Justice, Allegheny County.

TO: The President Officer of the Senate:

WE, The undersigned members of the Senate, pursuant to section 8 (b) of Article IV of the Constitution of Pennsylvania, do hereby request that you place the nomination of Mark Navarro, as District Justice, Allegheny County, before the entire Senate body for a vote, the nomination not having been voted upon within 15 legislative days:

Raphael J. Musto
 Robert J. Mellow
 Leonard J. Bodack
 Michael A. O'Pake
 Richard A. Kasunic
 Patrick J. Stapleton
 Vincent J. Fumo

The PRESIDENT pro tempore. This communication will be laid on the table.

ADJOURNMENT

Senator BRIGHTBILL. Mr. President, I move that the Senate do now adjourn until Tuesday, October 28, 1997, at 11 a.m., Eastern Standard Time.

The motion was agreed to.

The Senate adjourned at 8:20 p.m., Eastern Standard Time.