

Legislative Journal

TUESDAY, FEBRUARY 11, 1997

SESSION OF 1997

181ST OF THE GENERAL ASSEMBLY

No. 11

SENATE

TUESDAY, February 11, 1997

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

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

PRAYER

The Chaplain, Reverend WILLIAM F. KRENZ, of Evangelical Lutheran Church in America, Halifax, offered the following prayer:

Let us pray.

Heavenly Father, creator of this day that many call Fat Tuesday, we thank You for the bounty of Penn's Woods and for feasting on fastnachts. Inspire us throughout the gift of this day to share with justice and mercy the joyous abundance of Your creation.

Heavenly Father, creator of tomorrow, the day when many will be marked with ashes as a reminder of our limitations, mark us with a remembrance of Lincoln's words spoken over the ashes of Gettysburg: "...that from these honored dead we take increased devotion to that cause for which they gave the last full measure of devotion; that we here highly resolve that these dead shall not have died in vain; that this nation, under God, shall have a new birth of freedom; and that government of the people, by the people, for the people, shall not perish from this earth."

God, mark us with similar devotion. Amen.

The PRESIDENT. The Chair thanks Reverend Krenz, who is the guest today of Senator Piccola.

JOURNAL APPROVED

The PRESIDENT. A quorum of the Senate being present, the Clerk will read the Journal of the preceding Session of February 10, 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.

HOUSE MESSAGE

HOUSE CONCURS IN SENATE CONCURRENT RESOLUTION

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

Recess adjournment.

GENERAL COMMUNICATION

LIST OF LOBBYISTS AND ORGANIZATIONS

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

SENATE OF PENNSYLVANIA

February 3, 1997

To the Honorable, the Senate of the
Commonwealth of Pennsylvania
To the Honorable, the House of Representatives
of the Commonwealth of Pennsylvania

In compliance with Act No. 712 of the 1961 Session and Act No. 212 of the 1976 Session of the General Assembly titled the "Lobbying Registration and Regulation Act," we herewith jointly present a list containing the names and addresses of the persons who have registered from January 1, 1997 through January 31, 1997 inclusive, for the 181st Session of the General Assembly. This list also contains the names and addresses of the organizations represented by these registrants.

Respectfully submitted:

MARK R. CORRIGAN
Secretary
Senate of Pennsylvania

TED MAZIA
Chief Clerk
House of Representatives

(See Appendix for complete list.)

APPOINTMENTS BY PRESIDENT PRO TEMPORE

The PRESIDENT. The Chair wishes to announce the President pro tempore has made the following appointments:

Senator Harold F. Mowery, Jr., as a member of the Legislative Data Processing Committee and as a member of the Public Employee Retirement Commission.

Senator Patrick Stapleton as a member of the Board of Directors of the Center for Rural Pennsylvania.

Senator Charles D. Lemmond, Jr., as a member of the Ben Franklin/IRC Partnership.

Senator Roger A. Madigan as a member of the Pennsylvania Emergency Management Council and as a member of the Environmental Quality Board.

Senator William L. Slocum as a member of the Hardwoods Development Council.

Senator Mary Jo White as a member of the Board of Directors of the Center for Rural Pennsylvania.

Senator Joseph M. Uliana as a member of the Board of Directors of the Pennsylvania Infrastructure Investment Authority.

Senator Jay Costa, Jr., as a member of the Public Employee Retirement Commission.

REPORTS FROM COMMITTEES

Senator GREENLEAF, from the Committee on Judiciary, reported the following bills:

SB 175 (Pr. No. 169)

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, prohibiting the provision of certain stimulants to minors; and providing penalties.

SB 207 (Pr. No. 199)

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for the definition of "local agency" for purposes of governmental immunity.

SB 266 (Pr. No. 266)

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, prohibiting the criminal use of communication facilities.

Senator CORMAN, from the Committee on Transportation, reported the following bills:

SB 11 (Pr. No. 443) (Amended)

An Act amending Title 74 (Transportation) of the Pennsylvania Consolidated Statutes, empowering the Governor to create an Aviation Advisory Committee to provide guidance to the Governor, the General Assembly, the Secretary of Transportation and the State Transportation Commission on aviation matters; providing for the committee's powers and duties; and providing for an annual appropriation.

SB 118 (Pr. No. 115)

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, prohibiting the transportation of passengers in open trucks; and making certain exceptions.

SB 184 (Pr. No. 177)

An Act redesignating the Pullman Viaduct (SR 3001) in Butler County as the Picklegate Crossing.

SB 185 (Pr. No. 444) (Amended)

An Act providing for the highway capital budget project itemization for the fiscal year 1996-1997.

SB 186 (Pr. No. 445) (Amended)

A Supplement to the act of December 8, 1982 (P.L. 848, No. 235), entitled Highway-Railroad and Highway Bridge Capital Budget Supplemental Act for 1995-1996, itemizing additional local and State bridge projects.

SB 279 (Pr. No. 279)

An Act designating a section of Route 3013 in Westmoreland County, Pennsylvania, as the C. Vance DeiCas Memorial Highway.

SB 361 (Pr. No. 446) (Amended)

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for vehicles at railroad crossings.

RESOLUTION REPORTED FROM COMMITTEE

Senator ROBBINS, from the Committee on Military and Veterans Affairs, reported the following resolution:

SR 16 (Pr. No. 384)

A Resolution declaring the year 1997 to be a year to recognize 250 years of service by the Pennsylvania National Guard.

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

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:

February 11, 1997

Senator HOLL presented to the Chair **SB 422**, entitled:

An Act requiring smoke-sensitive alarm devices in certain buildings; providing for powers and duties of the Department of Community and Economic Development; and imposing a penalty.

Which was committed to the Committee on URBAN AFFAIRS AND HOUSING, February 11, 1997.

Senators DELP, BELL, ARMSTRONG, PUNT and THOMPSON presented to the Chair **SB 423**, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, to permit service of process on Sunday.

Which was committed to the Committee on JUDICIARY, February 11, 1997.

Senators DELP, WHITE, MOWERY and EARLL presented to the Chair **SB 424**, entitled:

A Joint Resolution proposing an amendment to the Constitution of the Commonwealth of Pennsylvania, providing for term limitations of members of the General Assembly.

Which was committed to the Committee on STATE GOVERNMENT, February 11, 1997.

Senators GREENLEAF, LEMMOND, HELFRICK, MUSTO, AFFLERBACH, COSTA, HART, KASUNIC, RHOADES, SALVATORE, SCHWARTZ, STOUT and TOMLINSON presented to the Chair **SB 426**, entitled:

An Act amending the act of July 18, 1968 (P.L.405, No.183), entitled Vietnam Conflict Veterans' Compensation Act, extending the time period for filing applications for compensation.

Which was committed to the Committee on MILITARY AND VETERANS AFFAIRS, February 11, 1997.

Senators GREENLEAF, MOWERY, AFFLERBACH, HART and HECKLER presented to the Chair **SB 427**, entitled:

An Act amending the act of May 17, 1921 (P.L.789, No.285), entitled, as amended, The Insurance Department Act of 1921, further providing for powers and duties of the rehabilitator.

Which was committed to the Committee on BANKING AND INSURANCE, February 11, 1997.

Senators GREENLEAF, COSTA, SALVATORE, BELL, HART, LEMMOND and MUSTO presented to the Chair **SB 428**, entitled:

An Act amending the act of October 28, 1966 (1st Sp.Sess., P.L.55, No.7), entitled Goods and Services Installment Sales Act, further providing for the definition of "goods."

Which was committed to the Committee on BANKING AND INSURANCE, February 11, 1997.

Senators GREENLEAF, AFFLERBACH, O'PAKE, GERLACH, HART, HECKLER and TOMLINSON presented to the Chair **SB 429**, 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.

Which was committed to the Committee on BANKING AND INSURANCE, February 11, 1997.

Senators GREENLEAF, COSTA, SALVATORE, AFFLERBACH, SCHWARTZ, BELL, GERLACH, KASUNIC, KUKOVICH, LEMMOND and TOMLINSON presented to the Chair **SB 430**, entitled:

An Act relating to credit information reporting; providing for report preparation, dissemination and use, for disclosure requirements, for dispute resolution and for public record information; and imposing civil and criminal penalties.

Which was committed to the Committee on BANKING AND INSURANCE, February 11, 1997.

Senators GREENLEAF, COSTA, AFFLERBACH, HECKLER, TOMLINSON and SCHWARTZ presented to the Chair **SB 431**, entitled:

An Act regulating private safe deposit box companies; providing for the powers and duties of the Department of Banking; and specifying penalties.

Which was committed to the Committee on BANKING AND INSURANCE, February 11, 1997.

Senators GREENLEAF, COSTA, AFFLERBACH, O'PAKE, BELL, EARLL, KASUNIC, MUSTO and TOMLINSON

presented to the Chair **SB 432**, entitled:

An Act requiring residential mortgage lenders to give mortgage debtors credit for discounts received for early payment of certain taxes; and imposing a penalty.

Which was committed to the Committee on BANKING AND INSURANCE, February 11, 1997.

Senators GREENLEAF, COSTA, AFFLERBACH, O'PAKE, BELL, GERLACH, KASUNIC, KUKOVICH, MUSTO and TOMLINSON presented to the Chair **SB 433**, entitled:

An Act amending the act of July 22, 1974 (P.L.589, No.205), entitled Unfair Insurance Practices Act, requiring that complete copies of insurance policies be provided to policyholders upon request.

Which was committed to the Committee on BANKING AND INSURANCE, February 11, 1997.

Senators GREENLEAF, BELL, AFFLERBACH, BRIGHTBILL, COSTA, KITCHEN, RHOADES, SCHWARTZ, THOMPSON and WENGER presented to the Chair **SB 434**, entitled:

An Act providing for the regulation of travel promoters; requiring that certain bonds be secured for the benefit of customers; requiring bank deposits; and providing penalties.

Which was committed to the Committee on CONSUMER PROTECTION AND PROFESSIONAL LICENSURE, February 11, 1997.

Senators GREENLEAF, BELL, AFFLERBACH, TOMLINSON, COSTA, HART, HELFRICK, LEMMOND, RHOADES, SALVATORE, SCHWARTZ, SLOCUM, THOMPSON, WILLIAMS and WHITE presented to the Chair **SB 435**, entitled:

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

Which was committed to the Committee on CONSUMER PROTECTION AND PROFESSIONAL LICENSURE, February 11, 1997.

Senators GREENLEAF, MELLOW, MUSTO, SCHWARTZ and STOUT presented to the Chair **SB 436**, entitled:

An Act amending the act of March 10, 1949 (P.L.30, No.14), entitled Public.School Code of 1949, providing for education on child abuse.

Which was committed to the Committee on EDUCATION, February 11, 1997.

Senators GREENLEAF, TOMLINSON, SALVATORE, BELL, HECKLER, HELFRICK, HOLL, KASUNIC, LEMMOND, MELLOW, MOWERY, MUSTO, O'PAKE, RHOADES, SLOCUM and THOMPSON presented to the Chair **SB 438**, 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.

Which was committed to the Committee on AGING AND YOUTH, February 11, 1997.

Senators GREENLEAF, BELL, HOLL and RHOADES presented to the Chair **SB 439**, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, providing for child-care facilities at county judicial centers or courthouses.

Which was committed to the Committee on LOCAL GOVERNMENT, February 11, 1997.

Senators GREENLEAF, O'PAKE, HECKLER, HART, BELL, KASUNIC, MELLOW, MUSTO, RHOADES, SALVATORE, SCHWARTZ, SLOCUM, THOMPSON, TOMLINSON, ULIANA and WENGER presented to the Chair **SB 440**, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, prohibiting the procuring of children for the purpose of sexual exploitation; and imposing a penalty.

Which was committed to the Committee on JUDICIARY, February 11, 1997.

Senators GREENLEAF, LEMMOND, MUSTO, HELFRICK, AFFLERBACH, COSTA, HART, HOLL, KASUNIC, O'PAKE, RHOADES, SALVATORE, SCHWARTZ, STOUT, TOMLINSON and WHITE presented to the Chair **SB 441**, entitled:

An Act amending Title 51 (Military Affairs) of the Pennsylvania Consolidated Statutes, creating the Veterans' Transportation Assistance Program in the Department of Military Affairs.

Which was committed to the Committee on MILITARY AND VETERANS AFFAIRS, February 11, 1997.

Senators GREENLEAF, RHOADES and MELLOW presented to the Chair **SB 442**, entitled:

An Act amending Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, providing for mandatory counseling in certain divorce cases.

Which was committed to the Committee on JUDICIARY, February 11, 1997.

Senators GREENLEAF, MELLOW and SCHWARTZ presented to the Chair **SB 443**, entitled:

An Act amending Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, further providing for impounding proceedings and access to records in adoption matters.

Which was committed to the Committee on JUDICIARY, February 11, 1997.

Senators GREENLEAF, LEMMOND, MUSTO, HELFRICK, AFFLERBACH, COSTA, HART, KASUNIC, O'PAKE, RHOADES, SALVATORE and WHITE presented to the Chair **SB 444**, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for veteran plates and placard.

Which was committed to the Committee on TRANSPORTATION, February 11, 1997.

Senators GREENLEAF, GERLACH, HART, BELL, HECKLER, KASUNIC, MELLOW, MUSTO, O'PAKE, RHOADES, SALVATORE, THOMPSON and WENGER

presented to the Chair **SB 445**, entitled:

An Act amending the act of April 14, 1972 (P.L.221, No.63), entitled, as amended, Pennsylvania Drug and Alcohol Abuse Control Act, providing for the commitment of certain children; providing a negligence standard relating to assessment and treatment of certain children; and prohibiting the expenditure of State funds outside this Commonwealth.

Which was committed to the Committee on PUBLIC HEALTH AND WELFARE, February 11, 1997.

Senators GREENLEAF, LEMMOND, HELFRICK, MUSTO, AFFLERBACH, COSTA, HART, KASUNIC, RHOADES, SALVATORE, SCHWARTZ, STOUT and TOMLINSON presented to the Chair **SB 446**, entitled:

An Act amending the act of June 11, 1947 (P.L.565, No.248), entitled World War II Veterans' Compensation Act, extending the time during which applications may be filed for veterans' compensation.

Which was committed to the Committee on MILITARY AND VETERANS AFFAIRS, February 11, 1997.

Senators GREENLEAF, GERLACH, MELLOW, SALVATORE, SCHWARTZ and TOMLINSON presented to the Chair **SB 447**, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for tolling the statute of limitations in childhood sexual abuse cases.

Which was committed to the Committee on JUDICIARY, February 11, 1997.

Senators GREENLEAF, LEMMOND, HELFRICK, MUSTO, AFFLERBACH, COSTA, HART, KASUNIC, RHOADES, SALVATORE, SCHWARTZ, STOUT and TOMLINSON presented to the Chair **SB 448**, entitled:

An Act amending the act of July 8, 1957 (P.L.569, No.317), entitled Korean Conflict Veterans' Compensation Act, extending the time period for filing applications for compensation.

Which was committed to the Committee on MILITARY AND VETERANS AFFAIRS, February 11, 1997.

LEGISLATIVE LEAVE

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

Senator STAPLETON. Mr. President, I request a legislative leave for Senator Schwartz.

The PRESIDENT. Senator Stapleton requests a legislative leave for Senator Schwartz. Without objection, that leave is granted.

LEAVES OF ABSENCE

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

Senator STAPLETON asked and obtained leaves of absence for Senator BODACK and Senator FUMO, for today's Session, for personal reasons.

CALENDAR

THIRD CONSIDERATION CALENDAR

BILL ON THIRD CONSIDERATION
AND FINAL PASSAGE

HB 26 (Pr. No. 30) — The Senate proceeded to consideration of the bill, entitled:

An Act providing for alternatives to achieve 180 days of instruction for school districts of the third class affected by flash floods occurring July 19, 1996.

Considered the third time and agreed to,

On the question,
Shall the bill pass finally?

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

YEA-47

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

NAY-0

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

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

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

**SPECIAL ORDER OF BUSINESS
GUESTS OF SENATOR GIBSON E.
ARMSTRONG PRESENTED TO THE SENATE**

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

Senator ARMSTRONG. Mr. President, it is my privilege to introduce two special friends of mine. They are my former roommate in college, James Davidson, and his wife, Shelly, who also accompanied me to my son's wedding in Ecuador. They are in the gallery, and would the Senate give them its usual warm welcome.

The PRESIDENT pro tempore. Would the guests of Senator Armstrong please rise.

(Applause.)

The PRESIDENT pro tempore. We welcome you to the Senate of Pennsylvania.

**SPECIAL ORDER OF BUSINESS
LINCOLN DAY ADDRESS**

The PRESIDENT pro tempore. The Chair recognizes the gentlewoman from Venango, Senator White, for the purpose of special remarks on the commemoration of President Lincoln's birthday.

Senator WHITE. Mr. President, fellow Senators, guests of the Senate, thank you for giving me this opportunity to present the annual Lincoln Day Address to the Senate. It forced me as a freshman Senator to take time from a busy schedule to reflect on the life of Lincoln and why we honor him.

I grew up in Illinois, the Land of Lincoln, and like every school child I heard the anecdotes about his honesty. I memorized the poignant Gettysburg Address, and as a college student read much of the poet/historian Carl Sandburg's "Life of Lincoln." But in getting ready to make these remarks I remembered that Lincoln had started his political career in the State legislature, and I wondered whether events in his early career contained the seeds of greatness to come. What I found was a rather pedestrian start. He was not a legislative superstar, and his career was not what you would call meteoric. Lincoln lost his first run for the legislature. He ran in 1832 as a Whig. He was 23 years old and an outspoken advocate of a strong infrastructure of roads, canals, and harbors to create opportunities for his rural district in Illinois to move their goods to distant markets.

His first recorded political speech was in the Sangamo Journal: "If I win," he said, "I will be grateful; if not, I have been too familiar with disappointment to be very much chagrined." He came in 8th in a field of 13 candidates, but he won his home district in Sangamon by taking 297 votes out of 300. It did not take a high-priced political consultant to recognize that in his next run he simply had to meet more people. His personal magnetism was powerful. People tended to underestimate this gangly young man. He spoke in a high-pitched voice that became his trademark, but when he spoke he exuded thoughtfulness and common sense. He was a master storyteller and could use this talent to demonstrate the fallacy of an opponent's position without resorting to ridicule or harsh criticism.

In 1834 he ran again, and this time he won. He served four terms in the Illinois legislature. During his tenure the newspapers began to take notice of his oratorical style. The Illinois State Register, the Democratic newspaper of Springfield, commented on an early public platform appearance with Stephen A. Douglas, quote:

Mr. Lincoln's argument was truly ingenious. He has, however, a sort of assumed clownishness in his manner which does not become him. It is assumed for effect. Mr. Lincoln will sometimes make his language correspond with his clownish manner, and he can thus frequently raise a loud laugh among his Whig hearers; but this entire game of buffoonery...is utterly lost on the majority of his audience. We seriously advise Mr. Lincoln to correct this clownish fault before it grows on him.

And you thought the Inquirer was tough.

At the time Lincoln entered the statehouse, party lines were

beginning to solidify nationally, with Jackson as head of the Democrats and Clay as the leader of the Whigs. At the county level, however, party lines were blurred. Personal magnetism and tactical maneuvering were most likely to produce winning candidates, and Lincoln exercised both. He was soon recognized as a master of drafting bills for others, forging proposals which could garner support from both sides of the aisle.

Politics was, as Lincoln recognized, the art of compromise and persuasion. It can be a painstaking process. Sometimes it seems we move not in great strides but in baby steps. The important thing is that we move forward and that we move together. The Chaplain of the Senate the other morning described the process well when he referred to the need to reconcile our dreams with our realities. The key to being a brilliant politician is in recognizing that precise point when compromise must end, when it is time to take a stand for strongly held beliefs.

Carl Sandburg, poet and Lincoln biographer, said that the conditions of rural living intensified Lincoln's natural bent for philosophical thinking. A seven-fold increase in the population of Illinois during his tenure impressed him with the nation's buoyant vitality. Popular argument and discussion was the backbone of grassroots democracy. Men came together in their homes and around potbellied stoves, in stores such as Lincoln & Berry, in which Lincoln was, for a time, a partner, and in legislative bodies in equality and mutual respect to voice their free opinions. Lincoln listened to these people and he did respect them. Abraham Lincoln was a politician in the best sense of the word - a man of the people. He was skilled in the art of consensus building and compromise. The Illinois State Register may not have liked his style—indications are he did tone it down a bit later—but the voters did and they understood and trusted him.

In some ways his job was easier than ours. In those simpler times there was no CNN, no Pennsylvania Cable Network. While public debate was vigorous and sometimes even violent, people were removed from the seats of government. There were no public opinion polls. Legislators could, if they chose, go about their business in relative obscurity. And for a while, Lincoln did. He was sometimes a silent observer of the proceedings, but he was exceptionally faithful in his attendance and he never stopped talking to the people and listening to them.

Today we are called upon daily to communicate our feelings, our reasonings, and our opinions to the people we represent. Our constituents will not agree with our every decision, but we are not their clones. It is critical that the voters know that we will listen to their views, and when we disagree we must explain our reasoning. In our capacity as leaders we have a duty to stand up and explain our decisions to the voters, not to merely tell them what they want to hear. We need less evasion and more decision. The best politics is good government. The people of the Commonwealth are not unreasonable and they are not unintelligent. Lincoln knew that. I believe that small acts of courage become the foundation for great bravery. When catastrophe threatened the Union, Lincoln was called

upon to be a great leader. I think he was able to rise to that challenge because he had spent his life being a good man.

I sit in this beautiful Chamber and look every day at a mural of Lincoln giving his Gettysburg Address. His head is bent and you can feel the weight of his sadness. It is at a low point in the Civil War, but still the weather-beaten faces of the soldiers and the hopeful faces of the women and children look to Lincoln for reassurance that the sacrifices are worth it and that life will be better. The words around the painting say, "It is rather for us the living to be dedicated to the unfinished work."

The people of this great Commonwealth have placed their hopes for a better future for themselves and their children on the people sitting in this room; on us. Let us dedicate ourselves to the unfinished work and today honor Abraham Lincoln, the politician.

Thank you.

(Applause.)

The PRESIDENT pro tempore. The Chair thanks the gentlewoman from Venango for her very significant, well-prepared and well-delivered remarks.

THIRD CONSIDERATION CALENDAR RESUMED

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

SB 45 (Pr. No. 39) — 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 harassment and stalking.

Considered the third time and agreed to,

On the question,

Shall the bill pass finally?

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

Senator HOLL. Mr. President, police records show that there has been a significant increase in the number of cases involving serious crimes against women. Senate Bill No. 45 will close a dangerous loophole in Pennsylvania's stalking law that prevents effective protection of victims. Under current law, local police are unable to use evidence when acts of stalking occur in another jurisdiction, so as to be able to charge someone with stalking in their local or own jurisdiction. This has presented a major obstacle for law enforcement in their ability to investigate and charge a suspect with an offense of stalking. This bill will allow all acts of stalking to be used for prosecution, regardless of whether they occur within a specific jurisdiction. We must protect victims from these frightening acts which often lead to serious crimes, whether they occur in one jurisdiction or another.

This legislation, Senate Bill No. 45, is identical to Senate Bill No. 1071, which was passed in the last Session by the Senate with a vote of 46 to 0. I urge your support of this legislation.

And the question recurring,
Shall the bill pass finally?

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

YEA-47

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

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 REREFERRED

SB 131 (Pr. No. 128) -- 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 bad checks by requiring that certain suspects be fingerprinted in order to determine prior bad checks violations.

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

SB 179 (Pr. No. 172) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of April 9, 1929 (P.L.177, No.175), entitled The Administrative Code of 1929, authorizing the Department of Corrections to assess and collect certain payments from prisoners.

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

SECOND CONSIDERATION CALENDAR

BILL ON SECOND CONSIDERATION

SB 109 (Pr. No. 106) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of March 10, 1949 (P.L.30, No.14), entitled Public School Code of 1949, further providing for filling of vacancies.

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

SB 125 (Pr. No. 387) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of August 9, 1955 (P.L.323, No.130), entitled The County Code, providing for an excise tax in certain counties.

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

BILL OVER IN ORDER

SB 135 -- Without objection, the bill was passed over in its order at the request of Senator LOEPER.

BILL ON SECOND CONSIDERATION

SB 220 (Pr. No. 212) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of August 9, 1955 (P.L.323, No.130), entitled The County Code, further providing for the collection of county taxes during vacancies in the office of elected tax collectors in municipalities.

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

SENATE RESOLUTION No. 13, ADOPTED

Senator LOEPER, without objection, called up from page 2 of the Calendar, **Senate Resolution No. 13**, entitled:

A Resolution memorializing the President of the United States to effect the immediate transfer of 900 ground communications-electronics positions from the Sacramento Air Logistics Center to the Tobyhanna Army Depot as required by the Base Closure and Realignment Report of 1995.

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

On the question,
Will the Senate adopt the resolution?
A voice vote having been taken, the question was determined in the affirmative.

SENATE RESOLUTION No. 18, ADOPTED

Senator LOEPER, without objection, called up from page 2 of the Calendar, **Senate Resolution No. 18**, entitled:

A Resolution designating March 1 as "St. David's Day"; and honoring the many Pennsylvanians of Welsh heritage.

On the question,
Will the Senate adopt the resolution?
A voice vote having been taken, the question was determined in the affirmative.

SPECIAL ORDER OF BUSINESS BLACK HISTORY MONTH CELEBRATED

The PRESIDENT pro tempore. The Chair recognizes the gentleman from Philadelphia, Senator Williams, for the purpose of a Black History Month program which has been held annually in this Senate, and certainly Senator Williams fills the shoes of the late Senator Roxanne Jones who did this in the past.

Senator Williams, we welcome you to begin the program.

Senator WILLIAMS. Mr. President, uncomfortable as I am in those shoes, I am happy to attempt to fill them.

We hope that this year's celebration will not be too long, not long at all, but would have a different twist to it. Certainly the reason that there is a special Black History Month in our country, increasingly held everywhere, very specifically is because significant accomplishments by African-Americans have been left out of history, just plain and simple. History also has injected negative images over the years, and that is no secret, and finally we came to the recognition in this country that to leave those things out of our history diminishes all of us, diminishes our history.

And so I used to wonder, well, why do half a loaf, why should there not be a whole? I have come to understand that my fellow Americans, my fellow Pennsylvanians, are many times either in a mind-set or totally ignorant of certain facts, information that if we all knew we would be mutually very proud, and that sports is not the only example where black Americans excel.

Of course, all of us now know about Drew in medicine and Frederick Douglass in law and Mr. Abele in architecture, across the board the unusual examples of African-Americans, whether it be science or entertainment, and all that. And so straight up it is good and healthy that we gradually rectify those things so that we are at parallel perspectives of each other and respect of each other, given the history of slavery.

We all know, we hear about the Holocaust a lot, but we do not talk about our own institution that was equally as demonic, but we must do that in order to understand when our other fellow Americans respond, perceive, or react to certain things, because indeed they were rules, they were calculated policies for hundreds of years, and you just do not get over those notions.

So in the spirit of Black History Month, this particular time we do not want to recite those accomplishments, we do not want to talk about those negatives, those evil things, and all that. We thought that the Senate deserved a living symbol, a model like all of those people who either died or along the way were faced with assiduous adversity, and no less in the embodiment of a woman.

And so we wanted to introduce to you today a very unusual young African-American lady in the person of Danielle Terry on my right. Now very simply, Danielle has struggled with cancer since she was 6 years old, had eight operations, and many, many other concomitant adversities. And, of course, it is a story of against all odds, but it is nothing like how she and her mother, Barbara, who live in public housing, have hung

together as a unit to respond in an American way, to respond as an example of the spirit of youth who face challenges in their darkest times. And so we thought that sharing in the Senate would say more than any litany of events could say, and we are going to ask Danielle if she would speak at this time. Danielle is a poet. She is 17 years old now. She will soon graduate from high school, and she likes to tell her story in her poem.

Danielle, you have it. May I welcome Danielle.

(Applause.)

Ms. TERRY. (*Reading:*)

Life - sometimes I treasure it and think it is dear.
But other times I do not think it is fair.
Things happen to you and you do not know why.
Sometimes I get sad, depressed, and cry.

There are a lot of things that happen in the
world that people cannot answer.
I should know because I have had eight
operations and cancer.
Sometimes when I think about going to parties
and dances, I think there is no hope.
But somehow I always find a way to cope.

If someone were to ask me what I think life
is all about,
I would be able to tell them, without a doubt:
I think life is about trying to cope with
situations, whether good or bad;
Whether you are confused, depressed, or sad.

Many things you have two of, but a life
you only have one.
So no matter what, I think you should always
try to have fun.
You never know when a disaster might hit.
It has been hard, I must admit.
But one thing I cannot deny;
I am one tough cookie, and now you know why.

(Applause.)

The PRESIDENT pro tempore. The Chair would like to thank Danielle for her most poignant, sensitive, and caring remarks. Danielle, you grace us by your presence here today, and anybody who listened to you--and you are out all over Pennsylvania on the Pennsylvania Cable Network--will be as proud as can be that someone like you can speak to not only young people but to all people in such a caring manner, and we wish you well, good health, and hope that things go your way. Nobody deserves it more, and nobody has been more sensitive and caring and communicative as you have to people who sometimes lose perspective.

Thank you for being here.

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

Senator WILLIAMS. Mr. President, I would like, just for a minute, to expand on what is going on here because when we first got to know Danielle and then visited her and her mother, Barbara, we found out something terribly unusual. You have a bonding of two women here. And I would just like to ask Mrs. Terry, Barbara, if you and Danielle together would like to comment on how you all did it, how you did those years in

a poor situation, and I might add in public housing where the bureaucracy was not cooperative at all. So do you want to share that with us, Barbara?

Mrs. TERRY. Thank you. It is an honor to be here. Senator Williams called me last night just to make sure that everything went right with the transportation, and when I hung up I thought what would I say when I come? And all I know is who I am in Christ, and it is the Lord who has kept us, it is the Lord who has brought us and is taking us. It is the Lord who has us here today. And the only thing I can think of is to give Him glory and give Him honor.

When Danielle was about 5 years old, she came down with cancer, and she had an operation when she was 6 which left her paralyzed. The doctors said she would have about 6 months to live. By the grace of God, she is here now getting ready to celebrate her 18th birthday.

(Applause.)

We live on 54th Street in southwest Philly. And in that house -- well, I have to first say, I was given that house as a transfer from Richard Allen projects. I lived in Richard Allen projects for 3 1/2 years. My first year in there I had a break-in and an attempted rape. It took 3 1/2 years of me being there before I was finally transferred out into a scattered site house in southwest Philly.

Danielle was 3 years old, became paralyzed when she was 6. The Philadelphia Housing Authority just moved me out in November of 1996. On 54th Street there are 9 to 10 steps on the outside, and for 11 years I carried her up and down the steps, her wheelchair up and down the steps for school, whenever she needed to get out of the house. I begged the Philadelphia Housing Authority to give me a transfer that would accommodate my daughter's needs. My daughter would have to go up and down the steps from the first floor to the second floor on her hands and knees, and that was 13 steps. The bathroom door was not large enough for the chair, so she would have to get on her hands and knees to crawl into the bathroom and to crawl back out and get in her chair.

And because of that, she developed carpal tunnel syndrome and she lost the use of her hands for a short while, and at that time I got in touch with Louise Williams' radio broadcast and I asked for a prayer. She gave me a number to call, and within 2 months I was transferred out into the project that I had begged not to be put back in. Because of my daughter's illness and losing the use of her hands and knowing how devastating that was to watch her lose the use of her legs, I gave in and I moved into the project.

My daughter had a talent show and that is how she met Senator Williams, and it is by the grace of God because as I began saying, all I know is about Jesus, and I prayed and God sent Senator Williams to hear Danielle's poem, and with that all of this is happening. And I just want to glorify Him because I know that my Lord and Savior does not see my needs as some humans see it. He takes into consideration, and you know by this being Black History Month, I think that is the root of us, you know, our people, is the faith that we have in God and it can do things. It can get people's attention.

I am sitting here in front of a whole lot of important people, and it is because of Jesus caring about what I have been through and what I will have to go through. And I pray that you all will be sensitive to people like us and know that we are not just a Social Security number, and when we live in a housing project we are not just a unit number, and that we have needs and that we feel and that we deserve a chance to crawl up out of the crack that circumstances in the past have put us in.

I thank you.

(Applause.)

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

Senator WILLIAMS. Mr. President, naturally, I have talked many times with the Terrys, and every time I do I feel more like an American for real. And she left out all those moments when a mother's love and attention, stuff I heard, whew, but if there is ever a combination of faith, strength, grace, and all of that, we have it in this family here. And there is a son, too. The son is not in trouble, the son is working. So I just want you to know that, and as Mrs. Terry said, we thought that it would be well to see one of us, a family among us who does what they are supposed to do and exhibits the spirit that we suggest that black history is all about.

Hundreds of years of sacrifice, a lot of people are individuals, and so Medgar Evers is remembered, but he was an unknown local hero taking care of business in Mississippi for a whole principle, as were the Scottsboro brothers in Alabama, and as a lot of people without names that you will never hear who went through the cracks.

And so we uplift the African-American history. If we try to get right down to where it is, and right now, Danielle, you and your mom are it. You are our poster child, and we have been very gratified to introduce you to our friends in the Senate of Pennsylvania who understand the part that you are, who understand that what you express is and are the things we talk about as standards. They see, I am sure, better the pain in individual faces. They see the responsibility exercised. And so, that for us presents what we would like to throw on the record this year for Black History Month.

We would like to move on, however, to receive any commentaries from you all on the Senate floor that you would like to put into the record, whether it be about this particular juncture or whether it be about a broader subject.

And if I could recognize the gentleman from Philadelphia, Senator Hughes.

Senator HUGHES. Thank you, Senator Williams. More importantly, thank you to the Terry family, Danielle and Barbara.

This whole sense of Black History Month, we spend so much time, not enough, but a lot of time when we talk about the contributions in Black History Month of Dr. King, Medgar Evers, Malcolm X, Benjamin Banneker, so many people throughout the years, knowing that our history does not begin with slavery but predates that to the birthplace of civilization.

We talk in Black History Month about, and we should be talking more about, all of the great accomplishments of our

ancestry of this important culture to this great country. But it is these stories, these great stories of Danielle and Barbara and the family that really are the fabric of this great culture and the contributions that it has made. These little vignettes, which in some respects depends on how you want to look at it, little in the broader spectrum but so big and such a great example of the contribution, the history, the real history, and it is lost in every place. There are histories and stories like this that occur every day, overcoming the odds, fighting through what other folks do not necessarily have to deal with, do not necessarily have to contend with, take for granted.

And many of you know, and my family and I appreciate the letters of condolence and support that you provided us when the day after Thanksgiving last year we lost my father-in-law, my wife's father. There is a story there, and I will take this time in Black History Month in this celebration, if I may, Senator Williams, to tell a little bit about that story.

Renee the judge's father was born in Lynchburg, Virginia, and he had no money, nothing, just a commitment with Jesus there, Court Street Baptist Church in Lynchburg, Virginia. He married Jean, and Thomas Cardwell worked not one job, not two jobs, but he worked three jobs. He did not have a degree, he did not graduate from high school. Thomas fell in love with Jean, and they were thoroughly in love. They had five babies in quick succession, so there was a lot of love operating there. But Thomas fell in love with Jean in high school. Thomas did not graduate from high school, Jean did. Thomas did not run away from his responsibilities though, he ran toward his responsibilities. Thomas used to drive a cab, he was the head janitor at the school, and when times were real difficult, Thomas went over to the quarry and used to break the rocks at the quarry. Some of you may be familiar with stories like that and may have family going through those kinds of travails.

They were not just three jobs, they were three working situations. And out of that history, out of that commitment, out of that love for his family and commitment to doing the right thing, he had five children who were, I guess, one of the great testimonies of his life. Five children, one is a judge, and this is a family who did not have any money. I want you to understand that. One of them is a judge in the city of Philadelphia. Two boys are attorneys, one is the only African-American partner in the second largest law firm in the State of Virginia, another historymaker. Senator Williams, you can appreciate that as an attorney yourself. The third, the second daughter of this wonderful union, is certified to teach in three States, in three States. And the last is another son who is an executive at Xerox Corporation in Washington, D.C., and is talking about going back home to Virginia and buying 80, 90 acres of land and moving everybody back home and really reuniting this family that really has never lost connection with each other.

It is these kinds of stories that is our real history, that make up this fabric of what this culture, this community, our community is really all about. It is not what is portrayed on television. It is not what is portrayed in the movies and on radio. This is the real history, with significant amounts of oppression, suppression going on over our shoulders, on our heads, on a daily basis, no relief available, but people like Danielle and

Barbara and Thomas Cardwell and Jean, and so many unsung stories that do not get the light of day or the opportunity to be told in this Chamber for the record books, do not get a chance to be seen on PCN, so many other stories like that, so many real people making history, making contributions on a daily basis. That, really, is the essence of what this month, this year, this life has to be all about.

We salute you, Danielle and Barbara and the whole family. And we salute your struggle. That dash, you know, between when you moved out of Richard Allen and where you are right now, that dash, that time period, there is so much in that. So much that you have accomplished, so much that you have overcome. A lifetime of accomplishments just in that time period. We salute you and we thank you for all that you have done, and we hope that we can learn something from what you have accomplished.

Thank you, Mr. President.

The PRESIDENT pro tempore. The Chair recognizes the gentlewoman from Philadelphia, Senator Kitchen.

Senator KITCHEN. Good morning to Members of the Senate. Congratulations to you, Danielle, in your fight, and may God be with you to continue.

I ask this morning that you do not forget the late Senator Roxanne Jones, who was the first African-American woman to be elected to serve in the Senate of Pennsylvania. This was possible because a process was opened to all persons in all neighborhoods. As we proceed to become the best legislators we can be, we must make sure that our legislation does not stifle the production of the Roxanne Joneses, the Shirley Kitchens, or the Danielle Terrys of this world. While no one race or group holds the lock on poverty, do we really realize how entwined we are in one another's lives in one way or another in the struggle to survive?

I urge you, I urge this body as legislators, to pursue the vision that all people have a right to life, liberty, and the pursuit of happiness. Whether it is the constituents in the Third Senatorial District in North Philadelphia, or in rural Pennsylvania, we must produce an environment where those rights can thrive for all people.

Thank you for listening.

Senator WILLIAMS. Mr. President, I might add, so you will know, that a coalition of folks have formed and we are very into an agenda to support, connect with, and be a family with this family. And so our celebration today goes with some response and some action that families should do, if anyone wants to join that coalition.

Danielle is on her way to Temple. I do not know if I mentioned that. She will graduate in June and she will go to Temple, studying communications. So I just wanted you all to know that this is an action agenda as well as a symbolic agenda, and all of you are welcome to join therein.

Are there any other commentaries? I recognize Senator Kukovich.

Senator KUKOVICH. Mr. President, Black History Month has been around actually since about 1926. Being from the area where I am from, I really was not cognizant of it until I was elected to the State House about 19, 20 years ago, and

some of my colleagues on the other side made me aware of it. And since that time I learned a lot. I was taught a lot about black poets, inventors, heroes, and engineers that I would not have known otherwise from the history that I normally would have learned. But I guess more than that it taught me something else. It took me a while to learn that, even longer after I learned some of the other important aspects of black history, in that it was my history also. It was our history.

I would like to thank Senator Williams for bringing Danielle and Barbara here because in many ways it is probably more appropriate that we hear from them rather than just hear stories about past leaders. And I say that because as much as I have learned about my history from Black History Month, I think we learn about ourselves from individuals, from their stories, from their strength, their courage, their abilities, we really do learn about ourselves. And I guess as Black History Month has taught me what my history is really about, having the ability to meet you gives me strength. Your story does give me strength. And I just want to thank you, Danielle, and you, Barbara, because your presence here brings honor to our entire Chamber.

Thank you very much.

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

Senator AFFLERBACH. Mr. President, Senator Williams, if I might. Ladies, having listened to your story I feel rather inadequate to stand here and add anything at all to the record, but I do think it is important to point out that listening to the story that you put forth truly celebrates individual spirit, individual willingness, individual persistence to continue upward regardless of the odds, regardless of the difficulties. Poets and writers throughout history and throughout the world have celebrated that very spirit of life, the spirit that says, press on, get the job done, do not give in, do not lie down and be trampled upon, but rather rise up and rise up to the best of our abilities.

Yesterday we introduced in this Chamber several students from the Lehigh Valley who had participated in a contest called the "Character Counts!" challenge. One of the students decided to write an essay using Rosa Parks as her definition of exactly what character means. And she chose Rosa because she was a woman who for whatever reason on that particular day, perhaps because she had been trampled upon one too many times, perhaps because she was just tired and irritable, perhaps because she saw that injustice could not be corrected unless it was faced in the eye, whatever the reason, she lived her convictions. She risked jail, she risked beatings, she risked attacks by vicious dogs, she risked oppression of the bureaucracy and the police force, but she lived her convictions to put injustice behind us and justice in front of us. And this particular student happened to be in the eighth grade and was not of African-American heritage, but recognized rather that conviction and courage and persistence and the willingness to fight injustice comes in all packages and from all parts of the world and within all people.

I commend the two of you for living your convictions and for not giving in, and I commend the two of you for serving as an example to the rest of us not simply in this Chamber, but

for everyone who might be watching on PCN tonight or perhaps tomorrow whenever this information may be broadcast to the viewers. And I commend you for recognizing something that I believed for a very long time, and that is that the good Lord did not give us two hands and two arms so that we could simply reach out and grab everything in sight and bring it to ourselves in a greedy, personal fashion, but rather so that we can take one hand and one arm and reach outward and upward for something better for all people and with that other hand and that other arm take hold of the hand of the person next to us and work together, work together for a better life for all of us.

I think if anything you two ladies clearly demonstrate that, and I thank you for sharing your story with us today.

The PRESIDENT pro tempore. The Chair thanks Senator Williams, thanks the Members of the Senate, but most of all thanks Danielle and Barbara for being here. We appreciate the living history of Black History Month, and you have certainly been a wonderful representative and I think all of the Members of the Senate wish to express their deep appreciation for your being here.

(Applause.)

UNFINISHED BUSINESS 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 Brian Smith by Senator Holl.

Congratulations of the Senate were extended to Paul Danilo by Senator Murphy.

Congratulations of the Senate were extended to Mr. and Mrs. Russell Young and to Ultimate Home Health and Hospice Care of Girardville by Senator Rhoades.

Congratulations of the Senate were extended to Cindy Bass by Senator Schwartz.

BILLS ON FIRST CONSIDERATION

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

The motion was agreed to.

The bills were as follows:

SB 11, SB 118, SB 175, SB 184, SB 185, SB 186, SB 207, SB 266, SB 279 and SB 361.

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

BILL SIGNED

The PRESIDENT pro tempore (Robert C. Jubelirer) in the presence of the Senate signed the following bill:

HB 26.

PETITIONS AND REMONSTRANCES

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

Senator MELLOW. Mr. President, I think what I have to offer and what I want to say after what we have just heard for the past 45 minutes or so pales after listening to the story of the wonderful family that just talked to us and the health problems of the beautiful young lady and how she has been able to overcome them and will be graduating from high school this year and will go on to college next year. I have been in the Senate for a number of years, and it is truly an experience of listening that I will take with me and have with me for many years to come.

Mr. President, the reason I want to say just a few words on the floor of the Senate today is quite honestly a follow-up of a discussion that I had last Wednesday on public television. The discussion I had on public television last Wednesday, Mr. President, dealt with the proposal to privatize the liquor control system in Pennsylvania and how that may affect the people of Pennsylvania. What took place, Mr. President, in that discussion which I had with Senator Greenleaf and which I thought was a very good discussion, we talked about many of the very important issues, and some of the things that were said and perhaps some of the things that were not said I believe should be discussed on the floor of this Senate.

I can recall, although it did not appear in the Governor's State of the Commonwealth Message last week when he delivered the budget, he did not exactly state that this was his top priority of this legislative Session, but it has been stated on a number of occasions that the Governor is interested in divestiture and privatization and would make it one of his top items of priority as we discussed our legislative agenda for this particular year.

But, Mr. President, what happened on public television last Wednesday is of some concern to me because there were a number of statements that were made during a call-in show and I did not have the opportunity of being able to factually state what we felt to be very accurate. I am going to, Mr. President, if I can, spread on the record a few of the things that were stated.

First of all, it was stated over and over that the Liquor Control Board and the liquor system in Pennsylvania is a drain on the taxpayer and on taxpayer dollars. Mr. President, nothing could be further from the truth that the Liquor Control Board, the LCB, is a drain on tax dollars. The Liquor Control Board, Mr. President, in its current form has been in existence for the past 60 years, and during that 60-year period of time in not one particular year did the operation of the LCB cost the taxpayer one dollar. In fact, during that 60-year period of time, over \$6.9 billion has been put into the State Treasury, money that has been used to educate our children, to pay for our court systems, to pay for the social programs we have, to pay for the infrastructure improvements throughout the Commonwealth, to pay for industrial development, and basically to be used any way that the administration of that particular time would deem necessary.

Just of more recent vintage, Mr. President, is what has taken place in the 1995-96 profits from the State Stores, and I bring this out because it was emphasized over and over that one of the reasons to do away with the State Store system as it is currently made up is because it is a drain on the taxpayer. There are many other issues that should be considered, but this was one issue that was talked about over and over. In the 1995-96 fiscal year, the operating income from the Liquor Control Board, the LCB, was \$62,902,000. Mr. President, the total amount of taxes that were collected and turned over to the General Fund to the State Treasury in the 1995-96 fiscal year was \$175,000,438. If you add the \$62 million in profit and the \$175 million in taxes, you will find out that during the 1995-96 fiscal year alone there was somewhere near \$240 million that came into the State Treasury of taxes and profits from the LCB and the operation of our State Store system.

Now, Mr. President, when you factor into that that there are two taxes, one is a 6-percent sales tax, which basically is on a lot of the goods that we sell, and the other is an 18-percent emergency tax that was put into existence many, many years ago, and 100 percent of those taxes are collected and remitted to the State Treasury, you will find that it is the only business in the Commonwealth of Pennsylvania where 100 percent of its taxes are collected and remitted. The reason why businesses who do remit their taxes do not remit 100 percent of them is because there is a commission that is paid to those businesses for the purpose of collection of the taxes, and quite coincidentally, I have had a number of individuals who work for the Revenue Department, both currently and in the past, who have indicated to me that their suggestion is that somewhere in the vicinity of about 70 percent of the overall sales taxes that are collected in Pennsylvania are ever remitted through the collection groups to the State Treasury. So one of the areas that I think must be clarified, Mr. President, so that there is no mistake whatsoever, is that the LCB is not a drain on the taxpayers in Pennsylvania. It has not been since its inception over 60 years ago and is not today.

But, Mr. President, there were a number of other things that were mentioned. One of the things that was mentioned is that in the State system currently \$22 million in sales per year in Pennsylvania goes out of State for whatever. That 22 million dollars' worth of sales in Pennsylvania are not purchased directly in this State but is, in fact, if you will, contraband, illegal bootlegging that is brought into the State.

And we tried to the best of our ability to tie down that figure, and the example that was given to us was Cecil County, Maryland. Cecil County, Maryland, it was stated to us, has a per capita consumption, between spirits and wine, of almost 12 quarts per person per capita, the largest in the State of Maryland. The comparison is, well, since they have such a large consumption on a per capita basis that people from Pennsylvania are going into Cecil County, Maryland, and making the purchase, and that is what was said on public television. The thing that was not said on public television in our discussion was that the county right next to Cecil County, Harford County, has a per capita of less than 3 quarts per person. Baltimore County has a per capita of 3.4 per person. Carroll County,

right next to Baltimore County, is under 3, and Frederick County is also under 3. It was a very misleading statement because Cecil County, in Maryland, is the county in which the Chesapeake Bay is located, a tremendous resort area with a lot of activity throughout the year, especially during the warm period of time, and also the bordering State to the east of Cecil County is the State of Delaware, so they do extremely well because of the fact that it is a bordering county.

And if you look at what happens in States bordering Pennsylvania, you will find that the highest per capita sales that we have in Pennsylvania through our private system is in the counties that border other States: Monroe County, number 1; Montgomery County, number 2; Wayne County, number 3; Allegheny, Bucks, Chester, Forest, Philadelphia, and Delaware Counties in that order. They have the highest per capita consumption of any county in the State with regard to the purchase of spirits in Pennsylvania, which if you follow the analogy that was given to us by the individual who said people are going from Pennsylvania to Cecil County, I guess then you could make the same analogy that people are coming from New Jersey into Monroe County to make their purchase in Pennsylvania, or as far as Montgomery County, you could state that people are coming into Montgomery County from out of State, or to Wayne County or Philadelphia County for the purpose of purchasing spirits in Pennsylvania.

Mr. President, the other thing that concerned me greatly is that in the bill that has currently been introduced in the Senate, there is a part on I believe it is page 6 of the bill, and that part talks about who shall be the individual who can make the purchase of these stores. And it says that the purchase of the stores will go to the highest responsible bidder. Now, the reason why that is a concern is because it was told in our discussion that every employee of the current employer, of which there are 3,800 working for the LCB, but every employee of the LCB would have the opportunity of making a responsible bid and would be able to purchase a store. Yet the bill says the stores will go to the highest responsible bidders.

And if the experience in the State of West Virginia is any indication, Mr. President, and I am going to read those figures to you also, in the State of West Virginia right now there are approximately 156 private liquor stores in West Virginia. West Virginia within the last several years went from a controlled system like we have here in Pennsylvania into a private system, if you will, from one monopoly to another. On Friday, February 7, on Channel 8 in Lancaster, WGAL, they featured an interview with a spokesperson from Rite Aid Corporation who indicated how Rite Aid was very anxious to get into the private liquor sales in Pennsylvania. That was on TV on Friday. And that is not surprising to me, Mr. President, because that spokesman also stated how Rite Aid has shown it was responsible in their operation and that the Rite Aid Corporation right now controls 50 of West Virginia's 156 private stores. It would appear in West Virginia what has happened is they have gone from a public monopoly with control over the sale of the very dangerous drug of alcohol to a private monopoly now controlled by Rite Aid, which controls over 30 percent of the stores in West Virginia.

Now, Mr. President, with regard to the \$22 million of spirits that are purchased out of State every year and how that was used to indicate that if this \$22 million was accurate and people would make those purchases in Pennsylvania, that we would have increased sales, increased revenue, I was very suspicious of that figure also because I remember going back some 15 years ago when once again the issue was brought up under the Thornburgh administration to bring about privatization of the liquor system in Pennsylvania, and I remember Governor Thornburgh saying that 25 percent of Pennsylvania sales were made out of State, which would have meant that they were going to some State other than Pennsylvania. And there was no way that figure 15 years ago could be justified, so we did a little bit of work on our own to see if we could justify or in any way come up with an understanding of how Senator Greenleaf said \$22 million this particular year on sales of spirits that were coming into Pennsylvania came from out of State.

So we figured, who should you go to but the Liquor Control Board and the chairman of the board, who on several occasions made some very positive statements that he is in favor of privatization. Obviously, the gentleman cannot control privatization, only the General Assembly can, but he said that his personal viewpoint would be in favor of privatization. So we asked the chairman of the Liquor Control Board, can you shed some light on the fact as to what percentage of sales in Pennsylvania are made out of State? And he sent me a letter, and it is quite interesting. Actually, we just received the letter, and I am going to read most of it. It says:

This is in response to your staff's inquiry as to the PLCB's estimates of Pennsylvania/Maryland cross-border sales.

During my tenure as Chairman our agency has not attempted to calculate sales gained or lost through residents of the Commonwealth purchasing in another state. While we must assume there is some cross-border purchasing no data is available to estimate how much occurs. The Distilled Spirits Council of the United States (DISCUS) which publishes per capita consumption data, cautions against reading too much into sales or apparent consumption figures when making comparisons between states.

This board has made no estimate of cross-border sales nor will we endeavor to guess or estimate a figure. I respectfully refer you to Volume III of Report by Deloitte Haskins & Sells on Financial Projections and Certain Other Factors Concerning the Continuation, Termination or Modification of the Pennsylvania Liquor Control Board State Store System which contains the following statement:

OUT-OF-STATE SALES

Data is not available to identify the level of out of state purchases which might occur in Pennsylvania or any other state. While it is assumed that some level of out of state purchases are brought into the Commonwealth, in the absence of objective data, no analysis is possible.

Based on all of the above, it is our view that anyone's estimate of beverage alcohol sales lost or gained across state borders should be viewed with extreme caution.

It is signed, "Very truly yours, John E. Jones III, Chairman of the Pennsylvania Liquor Control Board."

Mr. President, I realize that at this particular time the discussion of this issue is in its infancy, but I also realize that the

control of this very dangerous drug affects each and every one of us, each and every one of our families, each and every one of our friends and their families and it is not something that we can take lightly. The social aspects and the potential fall-out that could take place if more liquor is made available on the streets of Pennsylvania could be devastating. The problems that can take place with increased DUI, with increased assault, whether it be spousal abuse and/or child abuse, with increased assault on the streets to our senior citizens and to our people who just walk on the streets, or to the increased health hazards that can take place here in Pennsylvania is not worth the potential risk of bringing about some form of privatization.

Mr. President, the dollar value of the system is only one aspect of it. I read the figures to you of 1995-96. The figures of 1996-97 for the first 7 months and on January 7, 1997, are that much greater than they are for 1995-96. The gross revenues from sales for that 7-month period of July 1, 1996, to January 7, 1997, the gross sales revenue is \$151 million, compared to \$143 million for the year before. The gross revenues, Mr. President, are up by \$8 million. The operating income for the same 7-month period of time, Mr. President, is up by \$8.3 million, and the income before operating money is transferred is up almost \$9 million, from money that goes through the LCB for the control of the very dangerous drug of alcohol which employs 3,800 people in Pennsylvania, people who pay their taxes and people who buy their goods right here in Pennsylvania. To even consider jeopardizing that system and to say this is one of my legislative priorities to me it just does not make sense, in view of the fact of what has taken place in this State over the last several years with the loss of jobs, et cetera.

And finally, Mr. President, and I know this is only going to be the first discussion of many that is going to take place over the next several months, is a letter that we have received from the Pennsylvania Wine Association, which has no axe to grind whatsoever, except the concern about their business. (*Reading:*)

Privatization of Liquor Control Board stores will hurt, perhaps destroy, the \$100 million Pennsylvania wine and grape industries. Currently, Pennsylvania wineries receive favorable treatment from the PLCB which features our wines in more than 200 wine and spirit shops throughout the state. This mutually beneficial relationship came about through a cooperative effort of the PLCB, The Pennsylvania Wine Association, and The Pennsylvania Department of Agriculture...

Currently, Pennsylvania's limited wineries operate under very restrictive regulations that dictate what types of wine we can produce (table wine); how much we can produce (200,000 gallon per winery), and where we can buy our grapes and other fruits (100% Pennsylvania-grown only). Until now, we have been able to live with these restrictions because of the PLCB's favorable treatment of state industries.

With privatization, the state wine industry will lose these advantages. The state, too, will also lose an important and growing source of income. Since the passage of the Limited Winery Act nearly 30 years ago, the Pennsylvania wine industry has grown in size and prominence to encompass a \$100 million industry. The wine industry impacts employment, tourism, education, agriculture and commerce. Privatization could create an enormous loss of jobs as well as important tax revenue losses.

In the wine industry itself, Mr. President. And I also found out through some more reading and discussion that ap-

proximately 90 percent of the grapes that are grown in Pennsylvania are grown in the far northwestern part of the State, many of them encompassing the home community of Governor Ridge.

Mr. President, I would like to close with one additional thing. And in closing I would like to bring to your attention that in the course of our debate it was mentioned that the only people who are really pushing not to bring about divestiture is the union. Well, Mr. President, nothing could be further from the truth, because I have with me a list of groups of individuals who have been solicited as to what is their support and how do they view the potential divestiture of the liquor industry in Pennsylvania.

And, Mr. President, without exception, those who have responded, and I should tell you that a union as of yet has not responded, whatever union that may be, but every one of those groups that have responded have talked about how totally opposed they are to divestiture, not because of making more wine and liquor available on the street corners, not to privatize to, quote, "put it in the pockets of those individuals who can market the product better," but they are individuals, Mr. President, who are totally opposed to it because of what potentially may happen on the streets in Pennsylvania.

And I guess maybe the strongest group of opposition is one that we should take heed from. It is the Mothers Against Drunk Driving, and they sent us a very strong letter back in January of this particular year, but it is also the Pennsylvania Council of Churches, how they are totally opposed to the privatization and distribution of wine and spirits and how they talk about what has happened in Pennsylvania and how we rank so low. Pennsylvania is one of the lowest States in alcohol-related traffic fatalities for both the general population and the population for under the age of 21.

I think, Mr. President, we probably should be putting more and more emphasis on a piece of legislation that I wholeheartedly support. It is a piece of legislation that was introduced back on May 7, 1996. It was introduced by the gentleman from Montgomery, Senator Greenleaf. It was Senate Bill No. 1008, and it talked about furnishing tobacco or cigarettes to underage people and how tough we should be because of what a dangerous drug tobacco is and how addictive it is and what it can cost you in health-related problems. The one thing we should remember is that the effects of alcohol are cumulative over a period of time, and I could not agree more with Senator Greenleaf, that we cannot be strong enough, we cannot take enough positive steps to curb the use of tobacco, especially with young people in Pennsylvania.

But to me it is mind-boggling how you can talk about curbing the use of tobacco in Pennsylvania and make it an offense punishable by financial fines if you use tobacco at an underage level and try to discourage use of it period, and yet by the same token introduce Senate Bill No. 187, a bill that would privatize the sale of our liquor stores in Pennsylvania, put the 660 stores that we currently have in our control system that take care of and control that very dangerous drug of alcohol and say that we think it is important that you privatize, that

you potentially put a liquor store on many street corners in Pennsylvania, regardless of what those consequences may be.

So I just wanted to bring this on the floor of the Senate today. It was a discussion that we had last Wednesday. I am sure there are going to be many, many discussions with the number of issues that we have to talk about with regard to this issue of privatization. We talked about them under Governor Thornburgh's administration, and it is obvious that Governor Ridge, since he mentioned it in his Budget Message, wants to make it a priority for discussion, at least during the next 2 years of his administration. So I appreciate the opportunity of having discussed the issue today, and I look forward to many other discussions about why we in fact should not privatize the Liquor Control Board.

Thank you, Mr. President.

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

Senator LOEPER. Mr. President, I just thought it might be appropriate to briefly comment on the Minority Leader's remarks. Particularly it seemed puzzling that we would be responding on the floor of the Senate to a TV show that occurred in the gentleman's district where I understand he invited the chairman of the Senate Committee on Judiciary to come and make some debate and comments on the issue of privatization of the State liquor system. And I can understand that in a short period of time on a TV show maybe all the facts, figures, and comments that the gentleman just put forth on this floor might not have fit into that particular timeline, but I would think that people who viewed that show certainly were aware of two differing points of view. And I think that those two differing points of view and one that the gentleman from Montgomery, Senator Greenleaf, has championed for over 20 years here in the Senate of Pennsylvania, and I was not sure whether the issue of the LCB being a drain on the taxpayer was Senator Greenleaf's position or the position of the constituents who may have been listening to that show.

But I think as the gentleman indicated, the issue of privatization of the State liquor stores is an issue that has been before this General Assembly for a number of years. It seems to take the forefront during the course of Republican administrations because I believe that both Governor Thornburgh and now Governor Ridge believe that there is a better way to operate that system and control that system. And I think that Senator Greenleaf has been, as I indicated earlier, one of the champions of this cause. There have been other proposals introduced in both the House and the Senate of varying degrees of how to deal with this issue, and maybe Pennsylvania's system is antiquated at this point, being one of only a handful of States, and I think maybe the province of Manitoba, Canada, that still control liquor on a State level.

However, I think as the gentleman well pointed out, there is going to be extensive debate both in this Chamber and the other Chamber when this proposal comes before us, and I think that many of the facts and figures that the gentleman from Lackawanna, Senator Mellow, presented here today certainly will be rebutted by a position on the other side of the

issue. I am sure that we are going to hear much discussion and much generation of information regarding both sides of the issue and both points of view, and I look forward to that discussion. I assure the gentleman that every ample opportunity will be given, not only to himself but to all the Members of the rest of this body in order to fully debate that issue.

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

Senator MELLOW. Mr. President, may I just have a moment to answer just at least two of the things that were stated.

Mr. President, I would like Senator Loeper to know that I believe on six occasions during that discussion the gentleman from Montgomery, Senator Greenleaf, was the one and the only one who stated that it was a drain on tax dollars, and when I then would confront him with the accurate figures, he would back off that.

Secondly, I did not invite Senator Greenleaf to appear on a local television station. It was public television, WVIA, and they do a State program periodically. They called and asked me if I would appear, and I assume they called and asked Senator Greenleaf if he would appear. I did not ask Senator Greenleaf to come into my district to talk about the issue because, quite frankly, the people in my district are not in favor of the issue, and it is not somewhere we really have to discuss it. But just so there is no question in the mind of the gentleman from Delaware, Senator Loeper, I did not invite Senator Greenleaf to come in. It was done by public television, and he came in and we had a spirited one-hour debate. But I do not think there should be any question whatsoever on the record as to who extended the invitation and to whom.

Senator LOEPER. Mr. President, at this time I move that the Senate do now adjourn until Monday, March 10--

Senator KASUNIC. Mr. President, I wish to be recognized under Petitions and Remonstrances.

Senator LOEPER. Mr. President, if the gentleman wishes to be recognized, I will withdraw my motion to adjourn in order that you could recognize the gentleman from Fayette, Senator Kasunic.

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

Senator KASUNIC. Mr. President, I rise today out of deep concern; deep concern that the Ridge administration has developed a very bad habit. That habit, Mr. President, is the practice of spending tax dollars on products made in foreign companies. I am sure by now we all know of the "Team Pennsylvania" baseball hat fiasco, but what many of you do not know is that these hats were not just an isolated incident.

One of my colleagues, Mr. President, on this side of the aisle recently received a letter from a constituent complaining vehemently about uniform patches that were issued to the Pennsylvania State Parks officers. The author of that letter was livid because like the infamous "Team Pennsylvania" hats, the patches were not made in Pennsylvania. They were not even made in the United States, Mr. President. They were made in Taiwan. It is our understanding that the patches were originally issued to officers and rangers years ago to emphasize their law enforcement power. I do not know why the Ridge administra-

tion did not like those patches or why they have twice picked out new ones, but I do know that the patches that are now being distributed were made in a foreign country. I would hope that we could all agree that those patches could have and should have been made and purchased right here in Pennsylvania.

Mr. President, I guess we should not be surprised at this latest evidence of Pennsylvania's generous foreign aid program under this current administration. After all, the Governor still has not acknowledged that it was a mistake to buy the hats from Bangladesh in the first place rather than buying them right here in Pennsylvania from one of our own hatmakers. But, Mr. President, the people of Pennsylvania deserve better. They deserve a government that does not pander to big business on one hand and then stab small business in the back with the other. The vast majority of Pennsylvanians, Mr. President, as we all know, are decent, hardworking people who play by the rules and pay their taxes. I am sure they do not want their tax dollars sent to Taiwan, to Bangladesh, or to any other foreign country.

Mr. President, it is always the same story with this administration: big business is king. Well, most Pennsylvanians work in small businesses. We are all aware of that. Small businesses employ the majority of people in this State. The kinds of businesses that make hats and patches, the kinds of businesses our Governor tends to ignore when it is time to spend our tax dollars. Our Governor will not stand up for small business, so it is time that we do.

Mr. President, State government should support State business, large and small, and our Governor should show some compassion and respect for Pennsylvania's working men and women. He can start, Mr. President, by directing that all officials of his administration give first priority to the products stamped "Made in Pennsylvania."

Thank you, Mr. President.

The PRESIDENT pro tempore. The Chair once again recognizes the Majority Leader, Senator Loeper.

Senator LOEPER. Mr. President, rather than to get into a debate as far as this administration's commitment to small business and creating jobs in the Commonwealth, I am certain that as we move forth in the budget deliberations this year we will have ample time to reinforce the record of this administration and what they have done in a positive fashion to help all Pennsylvanians.

ADJOURNMENT

Senator LOEPER. Mr. President, I move that the Senate do now adjourn until Monday, March 10, 1997, at 2 p.m., Eastern Standard Time.

The motion was agreed to.

The Senate adjourned at 12:50 p.m., Eastern Standard Time.