

Legislative Journal

TUESDAY, MARCH 18, 1997

SESSION OF 1997

181ST OF THE GENERAL ASSEMBLY

No. 16

SENATE

TUESDAY, March 18, 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 THOMAS D. BADDICK, of St. Joseph's Church, Reading, offered the following prayer:

Let us pray.

Almighty God and Creator, we bow before Your greatness. When all was dark and without form, You fashioned our world from nothing and established its order, setting us as the guardians of Your divine laws. We continue the work of Your creation in the order that we attempt to preserve. Give us the wisdom to discern Your guiding hand. Give us the judgment to seek what is right and good. Give us the courage to do what is just.

Make of us, O God, that city on a hill with the lamp that burns brightly, shedding Your light upon all who pass through its gates. Bless us and those we serve that together we may have eyes for the just and ears for their call, for You are God forever and ever. Amen.

The PRESIDENT. The Chair thanks Reverend Baddick, who is the guest today of Senator O'Pake.

JOURNAL APPROVED

The PRESIDENT. A quorum of the Senate being present, the Clerk will read the Journal of the preceding Session of March 17, 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 MESSAGES

HOUSE RESOLUTION FOR CONCURRENCE

The Clerk of the House of Representatives presented to the Senate the following resolution for concurrence, which was referred to the committee indicated:

March 18, 1997

HR 50 -- Committee on Aging and Youth.

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.

BILLS INTRODUCED AND REFERRED

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

March 18, 1997

Senator ARMSTRONG presented to the Chair **SB 732**, entitled:

An Act amending the act of April 9, 1929 (P.L.177, No.175), entitled The Administrative Code of 1929, further providing for the Thaddeus Stevens State School of Technology.

Which was committed to the Committee on STATE GOVERNMENT, March 18, 1997.

Senator TILGHMAN presented to the Chair **SB 741**, entitled:

An Act amending the act of May 11, 1949 (P.L.1210, No.367), entitled Group Life Insurance Policy Law, further providing for standard policy provisions; and providing for payment of benefits.

Which was committed to the Committee on BANKING AND INSURANCE, March 18, 1997.

Senator TILGHMAN presented to the Chair **SB 742**, entitled:

An Act amending the act of May 17, 1921 (P.L.682, No.284), entitled The Insurance Company Law of 1921, providing for payment of life insurance benefits.

Which was committed to the Committee on BANKING AND INSURANCE, March 18, 1997.

GENERAL COMMUNICATION

ANNUAL REPORT ON WELFARE FRAUD ACTIVITIES

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

COMMONWEALTH OF PENNSYLVANIA
Office of Inspector General
333 Market Street
Harrisburg, PA 17126-0333

March 14, 1997

The Honorable Robert C. Jubelirer
Senate of Pennsylvania
292 Capitol Building
Harrisburg, Pennsylvania 17120

Re: Annual Report on Welfare Fraud Activities

Dear Senator Jubelirer:

I am pleased to provide you with a copy of the 1995-1996 Annual Report for the Office of Inspector General (OIG). This report reflects the second year that the OIG has had the responsibility for welfare fraud investigations and collection activities.

In partnership with the Department of Public Welfare, the OIG works to develop and execute programs and initiatives designed to maintain the integrity of public assistance programs. Our accomplishments are the result of a collaborative effort with the Department of Public Welfare and other state and local agencies.

As you may know, the OIG operates the Welfare Fraud TipLine, providing an opportunity for the public to report information on suspected welfare fraud. If a constituent calls your office with such information, please encourage the caller to contact the TipLine at 1-800-932-0582. Complainants may also reach the OIG via the Internet. The Welfare Fraud TipNet can be accessed from Pennsylvania's Home Page at <http://www.state.pa.us>. (Choose PA State Government/Governor's Office/Office of Inspector General.)

I trust you will find this information useful.

Sincerely,

NICOLETTE PARISI
Inspector General

The PRESIDENT. This report will be filed in the Library.

REPORTS FROM COMMITTEES

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

SB 147 (Pr. No. 794) (Amended)

An Act amending the act of April 12, 1951 (P.L.90, No.21), entitled, as reenacted, Liquor Code, further providing for the disposition of forfeited property.

SB 330 (Pr. No. 339)

An Act amending the act of April 12, 1951 (P.L.90, No.21), entitled, as reenacted, Liquor Code, further providing for the location of new liquor stores.

Senator PUNT, from the Committee on State Government, reported the following bills:

SB 7 (Pr. No. 793) (Amended)

An Act amending the act of June 25, 1982 (P.L.633, No.181), entitled, as reenacted, Regulatory Review Act, further providing for legislative intent, for definitions, for the Independent Regulatory Review Commission, for review criteria, for commission and agency review procedure, for statutory compliance, for subsequent review, for classification of documents, for modifying regulations, for existing regulations, for staff, for subpoena power, for administrative functions and for termination.

SB 126 (Pr. No. 123)

An Act authorizing the Pennsylvania Fish and Boat Commission to convey a portion of a Project 70 tract of land in Porter Township, Clinton County, under certain conditions to the Township of Porter, a municipal corporation of the Commonwealth of Pennsylvania.

SB 200 (Pr. No. 771)

An Act providing for the compensation of election officers; and making repeals.

SB 236 (Pr. No. 260)

An Act authorizing and directing the Department of General Services, with the approval of the Governor, to grant and convey to Medford's, Inc., a tract of land situate in the City of Chester, Delaware County, Pennsylvania.

SB 253 (Pr. No. 254)

An Act amending the act of July 3, 1986 (P.L.388, No.84), entitled Sunshine Act, defining "political subdivision."

SB 299 (Pr. No. 293)

An Act authorizing the Department of General Services, with the approval of the Governor, to sell and convey to the City of Farrell certain surplus land situate in the City of Farrell, Mercer County.

SB 613 (Pr. No. 644)

An Act authorizing the Department of General Services, with the approval of the Governor and the Secretary of Conservation and Natural Resources, to sell and convey to Wayne S. Oldham certain excess land situate in the Township of Richland, Cambria County.

RESOLUTION REPORTED FROM COMMITTEE

Senator PUNT, from the Committee on State Government, reported the following resolution:

SR 14 (Pr. No. 795) (Amended)

A Resolution directing the Legislative Budget and Finance Committee to conduct a study and make recommendations on civil service reform.

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

LEGISLATIVE LEAVE

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

Senator MELLOW. Mr. President, I request a legislative leave for Senator Stout.

The PRESIDENT. Senator Mellow requests a legislative leave for Senator Stout. Without objection, that leave is granted.

LEAVES OF ABSENCE

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

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

CALENDAR

THIRD CONSIDERATION CALENDAR

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

SB 116 (Pr. No. 225) -- The Senate proceeded to consideration of the bill, entitled:

An Act authorizing the Department of Corrections, county commissioners, boards of inspectors or other officials in charge of correctional facilities to establish inmate work force programs.

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-42

Table with 4 columns of names: Afflerbach, Heckler, Musto, Thompson, Armstrong, Helfrick, O'Pake, Tilghman, Bell, Holl, Piccola, Tomlinson, Bodack, Hughes, Punt, Uliana, Brightbill, Jubelirer, Rhoades, Wagner, Corman, Kukovich, Robbins, Wenger, Delp, Loeper, Salvatore, White, Earl, Madigan, Schwartz, Williams, Gerlach, Mellow, Slocum, Wozniak, Greenleaf, Mowery, Stapleton, Hart, Murphy, Stout.

NAY-6

Table with 3 columns of names: Costa, Kasunic, LaValle, Fumo, Kitchen, Tartaglione.

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

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

SPECIAL ORDER OF BUSINESS GUESTS OF SENATOR MICHAEL A. O'PAKE AND SENATOR JAMES W. GERLACH PRESENTED TO THE SENATE

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

Senator O'PAKE. Mr. President, many years ago when I was young and in high school, I entered the Optimist International Oratorical Contest and was fortunate enough to win that and win a college scholarship. Since that time I have tried to stay close to the Optimist Clubs in my district. Therefore, it is with a great deal of pride that I and the gentleman from Chester, Senator Gerlach, introduce some guests from the Daniel Boone Optimist Club. They are celebrating Youth Appreciation Week and each year they bring high school students to the Capitol to spend a day observing the State legislative process.

In the gallery are 11 students from the Daniel Boone Optimist Club of Douglasville. Half of them are in my district, half of them are in Senator Gerlach's district. They are here with the Daniel Boone project chairman, Tom Kirchner, as well as the president-elect of the Daniel Boone Optimist Club, Susan Dengler. I would appreciate it if the Senate would extend its usual warm welcome to the Daniel Boone Optimist Club Youth Appreciation Week guests.

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

(Applause.)

The PRESIDENT. The Chair thanks Senator O'Pake and Senator Gerlach for extending the invitation.

THIRD CONSIDERATION CALENDAR RESUMED

BILLS ON THIRD CONSIDERATION AND FINAL PASSAGE

SB 118 (Pr. No. 781) -- The Senate proceeded to consideration of the bill, entitled:

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

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-48

Table with 4 columns of names: Afflerbach, Hart, Mellow, Stapleton, Armstrong, Heckler, Mowery, Stout, Bell, Helfrick, Murphy, Tartaglione, Bodack, Holl, Musto, Thompson, Brightbill, Hughes, O'Pake, Tilghman, Corman, Jubelirer, Piccola, Tomlinson, Costa, Kasunic, Punt, Uliana, Delp, Kitchen, Rhoades, Wagner, Earl, Kukovich, Robbins, Wenger, Fumo, LaValle, Salvatore, White, Gerlach, Loeper, Schwartz, Williams, Greenleaf, Madigan, Slocum, Wozniak.

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.

RECONSIDERATION OF SB 116

BILL ON FINAL PASSAGE

SB 116 (Pr. No. 225) -- Senator LOEPER. Mr. President, I move that the vote by which Senate Bill No. 116 passed finally be reconsidered.

The motion was agreed to.

On the question,
Shall the bill pass finally?

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

YEA-40

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

NAY-8

Costa	Hughes	Kitchen	Tartaglione
Fumo	Kasunic	LaValle	Williams

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

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

BILL ON THIRD CONSIDERATION
AND FINAL PASSAGE

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 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-46

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

NAY-2

Kasunic Uliana

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

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

BILL OVER IN ORDER

SB 131 -- Without objection, the bill was passed over in its order at the request of Senator LOEPER.

BILL ON THIRD CONSIDERATION
AND FINAL PASSAGE

SB 179 (Pr. No. 782) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of April 9, 1929 (P.L.177, No.175), entitled The Administrative Code of 1929, further providing for definitions; imposing additional duties on the Auditor General, the State Treasurer and the Attorney General; and authorizing the Department of Corrections to assess and collect certain payments from prisoners.

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-47

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

NAY-1

Kitchen

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

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

BILL OVER IN ORDER

SB 266 -- Without objection, the bill was passed over in its order at the request of Senator LOEPER.

SECOND CONSIDERATION CALENDAR**BILL REREPORTED FROM COMMITTEE
AS AMENDED OVER IN ORDER**

SB 55 -- Without objection, the bill was passed over in its order at the request of Senator LOEPER.

BILLS OVER IN ORDER

SB 90 and **SB 175** -- Without objection, the bills were passed over in their order at the request of Senator LOEPER.

EXECUTIVE NOMINATIONS**EXECUTIVE SESSION**

Motion was made by Senator SALVATORE,

That the Senate do now resolve itself into Executive Session for the purpose of considering certain nominations made by the Governor.

Which was agreed to.

NOMINATIONS TAKEN FROM THE TABLE

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

The Clerk read the nominations as follows:

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

February 13, 1997

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Steven P. Stout, R. D. #2, Box 328, Washington 15301, Washington County, Forty-sixth Senatorial District, for reappointment as a member of the Council of Trustees of California University of Pennsylvania of the State System of Higher Education, to serve until the third Tuesday of January 2003, and until his successor is appointed and qualified.

THOMAS J. RIDGE
Governor

**MEMBER OF THE BOARD OF TRUSTEES OF
CLARKS SUMMIT STATE HOSPITAL**

February 20, 1997

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Samuel C. Cali, 303 West Elm Street, Dunmore 18512, Lackawanna County, Twenty-second Senatorial District, for reappointment as a member of the Board of Trustees of Clarks Summit State Hospital, to serve until the third Tuesday of January 2003, and until his successor is appointed and qualified.

THOMAS J. RIDGE
Governor

**MEMBER OF THE BOARD OF TRUSTEES OF
CLARKS SUMMIT STATE HOSPITAL**

February 20, 1997

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, James A. Mancuso, R. D. #2, Box 345, Carbondale 18407, Lackawanna County, Twenty-second Senatorial District, for appointment as a member of the Board of Trustees of Clarks Summit State Hospital, to serve until the third Tuesday of January 2001, and until his successor is appointed and qualified, vice Anthony J. Cammarota, Old Forge, whose term expired.

THOMAS J. RIDGE
Governor

**MEMBER OF THE BOARD OF TRUSTEES OF
CLARKS SUMMIT STATE HOSPITAL**

February 20, 1997

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Tina M. Muncie, 1133 West Elm Street, Scranton 18504, Lackawanna County, Twenty-second Senatorial District, for appointment as a member of the Board of Trustees of Clarks Summit State Hospital, to serve until the third Tuesday of January 2003, and until her successor is appointed and qualified, vice William P. Grochowski, Dunmore, whose term expired.

THOMAS J. RIDGE
Governor

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

February 13, 1997

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Clifford E. Allen, 123 Maple Drive, Edinboro 16412, Erie County, Forty-ninth Senatorial District, for appointment as a member of the Council of Trustees of Edinboro University of Pennsylvania of the State System of Higher Education, to serve until the third Tuesday of January 2003, and until his successor is appointed and qualified, vice John D. Catone, Hershey, resigned.

THOMAS J. RIDGE
Governor

SECRETARY OF HEALTH

February 7, 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, Daniel F. Hoffmann, 65 Brownstone Drive, Hershey 17033, Dauphin County, Fifteenth Senatorial

District, for appointment as Secretary of Health, to serve at the pleasure of the Governor, vice Dr. Peter Jannetta, resigned.

THOMAS J. RIDGE
Governor

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

February 24, 1997

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, The Honorable Guido M. Pichini, 24 Upland Road, Wyomissing Hills 19609, Berks County, Forty-eighth Senatorial District, for appointment as a member of the Council of Trustees of Kutztown University of Pennsylvania of the State System of Higher Education, to serve until the third Tuesday of January 2003, and until his successor is appointed and qualified, vice Richard A. Gray, Jr., Allentown, resigned.

THOMAS J. RIDGE
Governor

**MEMBER OF THE STATE BOARD OF EXAMINERS
OF NURSING HOME ADMINISTRATORS**

February 24, 1997

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Doris S. Turbett, 413 Mountain Street, P. O. Box 183, Summerdale 17093, Cumberland County, Thirty-first Senatorial District, for reappointment as a member of the State Board of Examiners of Nursing Home Administrators, to serve for a term of four years or until her successor is appointed and qualified, but not longer than six months beyond that period.

THOMAS J. RIDGE
Governor

**MEMBER OF THE STATE BOARD
OF OPTOMETRY**

December 23, 1996

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, Sylvester Schicatanio (Public Member), 1720 Clinton Avenue, Shamokin 17872, Northumberland County, Twenty-seventh Senatorial District, for appointment as a member of the State Board of Optometry, to serve for a term of four years and until his successor is appointed and qualified, but not longer than six months beyond that period, vice Donna Kay Gresh, Enola, whose term expired.

THOMAS J. RIDGE
Governor

**MEMBER OF THE BOARD OF TRUSTEES OF
SCRANTON STATE SCHOOL FOR THE DEAF**

January 21, 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, Thomas L. Shaffer, 56 Govier Street, Wilkes-Barre 18705, Luzerne County, Fourteenth Senatorial District, for reappointment as a member of the Board of Trustees of Scranton State School for the Deaf, to serve until the third Tuesday of January 2003, and until his successor is appointed and qualified.

THOMAS J. RIDGE
Governor

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

February 12, 1997

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Edward C. Cernic, Jr., 490 Naylor Road, Johnstown 15906, Cambria County, Thirty-fifth Senatorial District, for appointment as a member of the State Board of Vehicle Manufacturers, Dealers and Salespersons, to serve for a term of four years and until his successor is appointed and qualified, but not longer than six months beyond that period, vice Benjamin L. Koch, Fleetwood, whose term expired.

THOMAS J. RIDGE
Governor

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

December 16, 1996

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, Richard J. Cessar (Public Member), 4251 Chamberton Court, Allison Park 15101, Allegheny County, Fortieth Senatorial District, for appointment as a member of the State Board of Vehicle Manufacturers, Dealers and Salespersons, to serve for a term of four years and until his successor is appointed and qualified, but not longer than six months beyond that period, vice Richard A. Eastman, Macungie, whose term expired.

THOMAS J. RIDGE
Governor

**MEMBER OF THE LACKAWANNA COUNTY
BOARD OF ASSISTANCE**

February 20, 1997

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Kimberly Klee-Rodrigues (Republican), 441 New Street, Scranton 18509, Lackawanna County, Twenty-second Senatorial District, for appointment as a member of the Lackawanna County Board of Assistance, to serve until December 31, 1999, and until her successor is appointed and qualified, vice Frank T. Eshmont, Throop, resigned.

THOMAS J. RIDGE
Governor

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

QUESTION DIVIDED

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

Senator O'PAKE. Mr. President, I would ask for a division of the question so that the nomination of Daniel F. Hoffmann as Secretary of Health can be considered separately.

The PRESIDENT. The Chair believes this to be divisible, so that is indeed how we will proceed.

Senator SALVATORE. Mr. President, I have no objection.

The PRESIDENT. Senator Salvatore has made known his sentiments. With that, the Clerk will proceed with the vote on the remainder of the nominations, excluding the nomination of Daniel F. Hoffmann as Secretary of Health.

On the question,

Will the Senate advise and consent to the remainder of the nominations?

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

YEA-48

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

NAY-0

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

Ordered, That the Governor be informed accordingly.

The PRESIDENT. The question now before the body is the nomination of Daniel F. Hoffmann as Secretary of Health.

On the question,

Will the Senate advise and consent to the nomination of Daniel F. Hoffmann as Secretary of Health?

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

Senator O'PAKE. Mr. President, I am voting "no" on this nomination, and I want to explain my reasons for opposing this nomination. On two separate occasions now the Office of the Secretary of Health has displayed an arrogant attitude toward this legislature.

First, this legislature last year passed a law to set up three one-year pilot projects to test whether privatization of the State's health responsibilities was a good idea. The three coun-

ties selected were Berks, Butler, and Dauphin. Berks was considered the suburban county. One would think that common courtesy as well as a desire to get input from the locally elected officials in the counties affected would be the first priority of the head of that department. After all, we are as concerned about the health of our constituents as any bureaucrat up here in Harrisburg, but Mr. Hoffmann did not think so. Without so much as picking up a telephone and talking to any of the legislators or any of the health care professionals in our community, he decided that he was going to implement this privatization plan in Berks County. He did not even ask us what criteria we thought ought to be used to determine, after the year was up, whether the test was a success or a failure. He just came on and he did it.

As I said, many people in my community were very, very upset. Every health care provider but one, which happened to get the contract, the only one to bid on the contract, all the concerned health professionals, mental health professionals, children's advocates, myself, who has represented that district for many, many years, were very put out by the method, the arrogant, heavy-handed method used by the department to set up the project and then to set the criteria for the bid and then finally to draw up some criteria that I do not think are going to work to test whether it did in fact save money and whether it did in fact better the health service delivery in Berks County. So this is the first example of a bureaucrat not consulting, not seeking input, not caring about what the community or its elected legislators felt before making this critically important decision.

The second reason is the Rabinowitz memo. Under the date of February 20, 1997, and I think every elected official ought to be concerned about this as well, Alan B.K. Rabinowitz, who identifies himself as the Chief of Staff to the Secretary of Health, on Secretary of Health stationery, circulated a directive on the subject of legislative correspondence. This is the second example of a cabinet department official trying to put an iron curtain around communications with the legislature.

The memo says, and I quote, and by the way, I am not going to read the whole memo. If I did you would be offended by the arrogant, rude tone of the memo. But let me just read two sentences to capture the flavor of this attitude problem over there. Mr. Rabinowitz, on Department of Health stationery, wrote, "Read my lips...No one can/may/will/should/shall communicate with a legislator without sign-off from...the Office of State and Federal Relations...Read my lips."

I do not know what is going on over there, I do not know about the fear of the administration and the department officials to communicate or allow their professionals to communicate with us. We have a job to do. We have been elected to represent our constituents as they have been appointed to try to serve this administration. I see no reason for the arrogant attitude emanating from the Department of Health. It has not been there before.

So on two scores, number one, the attitude in deciding to implement the Berks County privatization project without even consulting with us, who have been there long before him, and, secondly, the attitude of do not talk to legislators without clear-

ing it with the top, I think we are in for some rough days if this man continues to operate in the way that he has shown, especially considering his attitude to us, the elected officials of Pennsylvania. Therefore, I am urging a "no" vote.

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

Senator BRIGHTBILL. Mr. President, I am going to vote in support of Secretary Hoffmann, but I do so with full understanding of many of the concerns that have been expressed within the community, as have been expressed by the other gentleman from Berks County. There is a lot of concern and I believe the way that this was implemented was not as efficient and as effective as it could have been. I think there could have been far more public input and support.

Nevertheless, my dealings with this department in the most recent past, particularly conversations not only with Secretary Hoffmann but with Physician General Filer, would indicate to me that the administration will be moving ahead much more carefully. My belief is that they will be carefully monitoring and developing ways to monitor not only costs but the quality of these services, and I think that is important. And, Mr. President, my belief is that there will be no rush to judgment, no effort to implement this.

Sometimes, Mr. President, when we have new people coming into State government, we find them reacting in a way that perhaps we would think that they are a little bit, let me say, insensitive. I have seen that in other administrations. I have seen that with other situations. I think this particular problem has been solved and I think that these pilots will truly become just that, pilots and a method for determining what the facts are and what will work. I think it is appropriate that those of us in government develop methods of trying to find more effective ways of delivering service to our constituents, and I think privatization of some of these elements as provided by the health services very well may be appropriate, but they may not, too, and I think the pilot is an appropriate exercise.

Therefore, Mr. President, because I believe that we have a commitment to move ahead at a slower pace, to move ahead in such a way as to provide the necessary input to us, not only from the Secretary whose name is under consideration but also from the Physician General, Dr. Wanda Filer, I will vote affirmatively. I had just a brief chance to review the memorandum that the gentleman from Berks referred to and I, too, find that offensive. He is not, though, up for confirmation. It is Secretary Hoffmann who is here for confirmation, and I would strongly urge the Secretary to take a look at that memorandum and have a long talk with Mr. Rabinowitz, the drafter of that memorandum. I think that the ability of people who are kind of on the line to sit down and talk to us candidly about what is happening is really essential for us to do our jobs, and I would urge that these kinds of memorandums and these kinds of attitudes be stricken.

Once again, in every administration there are times when someone meaning well does something that perhaps is inappropriate. I nevertheless think that I will support Secretary Hoffmann and would urge others to do that, because I think that he is moving in the right direction.

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

Senator MOWERY. Mr. President, I would just like to share that I also support Secretary Hoffmann as Secretary of Health. As chairman of the Committee on Public Health and Welfare, this past week we had a hearing regarding Secretary Hoffmann's nomination. The hearing took approximately one hour and fifteen minutes, and during that period of time the questions that were brought up by the gentleman from Berks, Senator O'Pake, were discussed. One of the things that he was quite concerned about is, number one, most of his employees are State Civil Service employees, he was unable to make changes in many of the positions, and as a result, he has had difficulty trying to integrate a new system because of the many years that many of the current employees have spent in that department.

But beyond that, the memo that we are talking about was an attempt, right or wrong, on behalf of the Acting Secretary to try to make sure that when a request came from his department, that that request was answered to the fullest extent. In the past, someone who maybe thought they had the entire answer would send out an answer to a question and send out a memo, only to find out that there were other issues in the department that if they had been presented for review could have given a fuller and more concise answer to that person making the inquiry.

As a result of that hearing, at which the Acting Secretary I think did a very fine job, there was unanimous consent by both parties to pass him on to the full Senate here for a vote. It was unanimous that he be nominated as the Secretary of Health. I hope that he will be confirmed today. I think he will do an excellent job for us. He is not beyond making some mistakes along the way, but let me assure the Members that he has come a long way and I am sure he will make an outstanding Secretary of Health for this administration.

Thank you very much, Mr. President.

The PRESIDENT. The Chair recognizes the gentlewoman from Philadelphia, Senator Schwartz.

Senator SCHWARTZ. Mr. President, I just wanted to comment on this memorandum and whether that is in fact a good enough reason to not vote for Acting Secretary Hoffmann. This memo is very strongly worded and I think completely inappropriate. But I would also say that this memorandum is very similar to one that came out of the Department of Education, and from my understanding of reading that memo and the discussion that we had at the Committee on Appropriations hearing, these memos, and I would suspect that there are others in other departments as well, came from the central office, as we say. They came from the administration.

There is a consistency here of a message that was communicated, I would have to assume, from the Governor's Office, at least that is the way it was written in the memo from the Department of Education, that by direction of the Governor's Office this was to be done in the department, and it is very similar language, although written more individually in the Department of Education, and I can tell you there was very strong bipartisan reaction to this kind of memo coming from

a Secretary to the staff saying that there cannot and shall not be direct communication with any legislator unless it is checked with the higher-ups. It is not the way we have interacted with the administrations in the past, and for those who have served longer through many more administrations, I think one of the chief complaints in this administration is the difficulty some on both sides of the aisle have had in getting information and working with the administration and being taken on as equal partners in moving ahead on behalf of the citizens of the Commonwealth.

I would say that if there is concern about this memo, it should be directed certainly to Acting Secretary Hoffmann, but more importantly, I think we in the Senate on behalf of the whole General Assembly need to communicate to the administration, the Governor's Office, and all the departments that if this is either verbally or in writing throughout the departments it is an unacceptable kind of relationship that we want to have with this administration or with any other administration and that we want to have the ability to call someone in the administration and get some information.

In the Committee on Appropriations hearing, we had some dialogue with some of the departments, including the Department of Welfare, where I raised some of these questions about the fact that we expect to get responses on behalf of our constituents, on behalf of our districts, that in fact we have no problem with communication going up and down the line to make sure that we get the correct information, that there be appropriate reporting about what kind of information we might be seeking, and maybe it has to be bumped up to different levels or a different person. There is no disagreement with that. There is no disagreement with our getting accurate information, but the notion that if we call a Deputy Secretary that they may not speak to us directly without getting approval from someone beforehand, without signing off on what information they are going to give to us is I think not acceptable. It does not speak to the kind of relationship we ought to have with this administration. It certainly does not speak to what we ought to be getting done together on behalf of our constituents and the citizens of Pennsylvania.

So I would only in part fault the Acting Secretary of Health for this attitude. It is clearly coming more broadly from this administration. We condemned the Secretary of Education, and he, in fact, at the Committee on Appropriations hearing said that he would change his attitude and his behavior. I hope that is true. I hope that is also true on behalf of all the other departments, that if in fact they have been instructed by the Governor's Office not to speak with us directly that they lift that instruction. But I think, Mr. President, that has to come out of the Governor's Office, where this came from, and it is his attitude in the way he wants to work with the General Assembly that I think many of us are asking for him to change.

So my own preference on the Secretary of Health has been that the Governor gets his preferences, by and large. They may not be the choices I would make, they are the choices he has made, and unless there are some very specific reasons, and the gentleman from Berks, Senator O'Pake, raised some of them,

I believe they would be extremely harmful to the Commonwealth of Pennsylvania. I have chosen not to vote against the Governor's appointees because they are his appointees, they are where he wants to move the Commonwealth. The voters voted for this Governor, and that is where they want to move. I will argue with them on specific legislation, I will argue with them on specific direction, but I will certainly not directly oppose the Governor's appointees unless I believe they will be extremely harmful to the citizens of the Commonwealth of Pennsylvania.

But, Mr. President, it is an opportunity for all of us, on a very bipartisan level, to say that we expect a different kind of working relationship with this administration. I am glad that this came out here on the floor, not just in the Committee on Appropriations, not just in the hearings of the Secretary of Health, but on behalf of all of us I would hope that the Majority and Minority Leaders might move ahead on that and even the Chair might be able to communicate that to the administration.

Thank you for the opportunity.

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

Senator BELL. Mr. President, I will be brief. I am going to vote for this gentleman, but the business of privatization of the health centers was brought up, and I bitterly oppose privatizing the health centers. In the county of Delaware and the city of Chester, they are doing a wonderful job, and "if it ain't broke, don't fix it." I am now putting myself on record against further privatization of the health centers. I will vote for the nominee.

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

Senator O'PAKE. Mr. President, very briefly. In response to the comments of the gentlewoman from Philadelphia, Senator Schwartz, I did communicate with the Governor, and that was about 4 or 5 weeks ago and I still have yet to get a response. That was regarding the Hickok memo, the first offensive memo, do-not-talk-to-legislators attitude. This is the second. I am sure this is a matter of public record. At least the people of Pennsylvania will hear us, but I do not think the front office is very anxious to respond to our concern about the lack of communication or the attempt to control the flow of information to legislators. We are in this with the administration. We should be partners in government, and I see no reason why any bureaucrat should tell his employees that they cannot talk to us. We were elected by the people back home.

And the question recurring,

Will the Senate advise and consent to the nomination?

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

YEA-43

Afflerbach	Heckler	Murphy	Tartaglione
Armstrong	Helfrick	Musto	Thompson
Bell	Holl	Piccola	Tilghman
Brightbill	Hughes	Punt	Tomlinson
Corman	Jubelirer	Rhoades	Uliana

Delp	Kasunic	Robbins	Wagner
Earl	Kitchen	Salvatore	Wenger
Fumo	Kukovich	Schwartz	White
Gerlach	LaValle	Slocum	Williams
Greenleaf	Loeper	Stapleton	Wozniak
Hart	Mowery	Stout	

NAY-5

Bodack	Madigan	O'Pake
Costa	Mellow	

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

Ordered, That the Governor be informed accordingly.

EXECUTIVE SESSION RISES

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

The motion was agreed to.

UNFINISHED BUSINESS REPORTS FROM COMMITTEE

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

SB 301 (Pr. No. 295)

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for prostitution and related offenses.

SB 420 (Pr. No. 437)

An Act amending Title 54 (Names) of the Pennsylvania Consolidated Statutes, providing further procedures prior to name change orders.

SB 423 (Pr. No. 448)

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

SB 640 (Pr. No. 672)

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, providing for prisoner litigation, for limitation on remedies, for prospective relief, for time limits on settlements and for payment of damages.

HB 12 (Pr. No. 168)

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for sentencing for murder of the first degree.

HB 149 (Pr. No. 159)

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for the expungement of certain arrest records relating to sexual offenses.

HB 152 (Pr. No. 162)

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

CONGRATULATORY RESOLUTIONS

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

Congratulations of the Senate were extended to the Parkville Fire Company by Senator Delp.

Congratulations of the Senate were extended to Mr. and Mrs. Robert C. Zimmerman, Sr., by Senator Helfrick.

Congratulations of the Senate were extended to the Alderfer Bologna Co., Inc., of Harleysville by Senator Holl.

Congratulations of the Senate were extended to Reverend Howard Rivers, Lester Thompson and to Barbara Yablonski by Senator Jubelirer.

Congratulations of the Senate were extended to Gloria Licon-Miller by Senator Mowery.

Congratulations of the Senate were extended to Jane T. Haney and to Edward E. Stevens by Senator Murphy.

Congratulations of the Senate were extended to Louis Cora by Senator Musto.

Congratulations of the Senate were extended to Frances S. Fonner by Senators Piccola and Madigan.

Congratulations of the Senate were extended to John Knowles by Senator Tomlinson.

Congratulations of the Senate were extended to Harold F. Oswald, Jr., by Senators Tomlinson and Greenleaf.

BILLS ON FIRST CONSIDERATION

Senator TOMLINSON. 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 7, SB 126, SB 147, SB 200, SB 236, SB 253, SB 299, SB 301, SB 330, SB 420, SB 423, SB 613, SB 640, HB 12, HB 149 and HB 152.

And said bills having been considered for the first time,

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

PETITIONS AND REMONSTRANCES

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

Senator MELLOW. Mr. President, I have had the opportunity of receiving a copy of a memo that came from the Governor's Office with regard to the administration's plans to sell the State Stores to what we consider to be the highest bidder, which is a very important issue that we will be dealing with.

Mr. President, the memo that I referred to just a moment ago is a memo that is dated March 13, 1997, and the memo includes an invitation to a group of people known as stakeholders to convene in the Governor's Office tomorrow. Mr. President, I went through Webster's Dictionary to find the definition of "stakeholder." A stakeholder, according to Webster's, is "a person entrusted with the stakes of bettors."

Further, I looked up the definition of "stake," spelled S-T-A-K-E. The definition of "stake" is "something that is staked for gain or loss; the prize in a contest; an interest or share in an undertaking (as a commercial venture)." And then, Mr. President, since "bettor" was listed in the definition of "stakeholder," I looked into the definition of a bettor, and the definition of a bettor is obviously one who places a bet.

These stakeholders were invited to the Governor's reception room to attend a briefing at 10:30 tomorrow morning, Wednesday morning, just hours before the Governor unveils his privatization plan for the current system that we know is under the Liquor Control Board. The memo, Mr. President, raises the important question as to who is considered to be a stakeholder? I know that I was not invited to this important meeting, and I would not expect to be invited, and that is fine, even though as a Member of the General Assembly and as a taxpayer in Pennsylvania, I would consider myself to be a stakeholder. To my knowledge, Mr. President, none of my Democratic colleagues, even though they may eventually have to vote on this matter, were invited to attend the meeting either as stakeholders.

Then my thoughts, Mr. President, turned to the State Store workers, whose very jobs and livelihoods will depend on the outcome of the privatization debate. And I thought that certainly they were invited to attend this special briefing. Out of this concern, Mr. President, I contacted them to find out if they were invited to attend the meeting of the stakeholders, and much to my surprise, however, I learned that neither the Independent State Store Union nor the United Food and Commercial Workers were invited to attend, nor was any individual employee of the State Store system invited to attend, maybe with the exception of the individual who chairs the commission, who chairs the Liquor Control Board.

And this really surprised me because no one has more at stake in this debate than the clerks who work in the State Stores, the very people whose job it is to ensure that our young people are not able to legally obtain the dangerous drug of alcohol. They are not considered by this Governor to be stakeholders in this debate. Quite concerning, Mr. President. Their ability to support their families depends on what is included in the Governor's plan, and yet Governor Ridge does not consider these people to be stakeholders. Even if the Governor's plan goes through, these individuals who are employed by the Liquor Control Board will be out of jobs. To me, Mr. President, that is very alarming.

After hearing this I decided to have a member of my staff contact the Governor's Office to find out just who was considered to be, quote, "a stakeholder" and just who was invited to this special briefing. His office confirmed that organizations like the Pennsylvania Wine and Spirits Association were invited. Later, Mr. President, we also learned that other groups appeared on the list for invitations. The list includes representatives of the Rite Aid Corporation, and that is not totally surprising, Mr. President, since in the State of West Virginia, which went into privatization several years ago, out of the 153 stores that sell wine and spirits in West Virginia, 51 of those are owned by Rite Aid. Mr. President, the Pennsylvania Brew-

ers Association, they have been invited. The Pennsylvania Restaurant Association and the Distilled Spirits Council, they have been invited, and the Food and Merchants Association has been invited, along with many, many other associations.

Now I realize that collectively those individuals who represent the groups I just mentioned have been heavy contributors to the Governor's campaign, not only for election several years ago but also for reelection. But what concerns me the most here is not those individuals he has invited, because I think we are all aware of what his motive is. What really concerns me, Mr. President, is the group of stakeholders who have not been invited. It is who is not on the list that should be of great concern to us.

I am going to share with you some of the individuals who are not on the list. The Pennsylvania Council on Alcoholic Programs is not on the list of the invitees as stakeholders, even though the individuals they serve have a major stake in what takes place in Pennsylvania and the abuse of that very dangerous drug of alcohol. The Pennsylvania Council of Churches, Mr. President, they certainly are a stakeholder in what takes place in the Governor's announcement tomorrow, but they have not been invited. The Pennsylvania Alliance for Drug and Alcohol, again a group of individuals, an alliance that takes care of the needs of people who have an addiction to alcohol, they have not been invited.

The Pennsylvania Wine Association, they have not been invited, and to me that is quite incredible, since the Pennsylvania Wine Association is an industry which employs Pennsylvanians right here in Pennsylvania, and they are very clear to tell you that they have a \$100-million business in Pennsylvania, most of it coming in northwestern Pennsylvania, and a good part of it coming in the county of Erie, where the Governor comes from. They have a major stake in what takes place in the Governor's announcement, yet they have not been invited as stakeholders in a very important issue.

And, Mr. President, the group that I think is the glaring group that has been ignored in this entire invitation of stakeholders is Mothers Against Drunk Driving. In the area that I represent, MADD, known as Mothers Against Drunk Driving, has had several meetings. Their meetings have been totally opposed to any change in the system as we currently sell and market both liquor and wine in Pennsylvania. They are totally opposed to privatization. They do not want to make it easy for people to be able to purchase wine or whiskey on the streets of Pennsylvania. They have a stake in what is taking place. They should be known as stakeholders. But, Mr. President, they have not been invited either.

I believe this Governor owes these groups not only an invitation to this event but also an apology for not including them in the first place. And I am not surprised as to why the Governor did not include them. I am not surprised, Mr. President, because each one of these groups of individuals has an opinion totally different than the one the Governor has. The stakeholders he has invited to receive a briefing from him in his office tomorrow are all those individuals, Mr. President, who have an opportunity to gain personally from the Governor's privatization of the system. After all, is not govern-

ing supposed to be about people? Are we not in the business of the people, by the people, and for the people? Is not our business supposed to be a business of being open and doing the people's business, and is it not a fact, Mr. President, that each and every one of us, whether we serve the 240,000 people in our senatorial districts or the 12 million people whom the Governor represents as Governor of Pennsylvania, have only been elected by the people to serve in their trust as long as they think we are doing the job that truly reflects their opinions and what they want to do and how best they think we should be handling government?

Well, the slight that has been given to the people whom I just talked to, Mr. President, and the way the Governor has set up his memo to invite only stakeholders to his office tomorrow at 10:30 in the morning is a slap in the face to every one of those individuals who consider themselves as people doing the people's business in Pennsylvania, and it has meant nothing more than an advancement for the individuals who are interested in special interests in Pennsylvania.

It is a sad day that the Governor of this State not only would go ahead in memo and ask people in his departments not to communicate directly with the Members of the General Assembly, but he has further advanced that by issuing a memo to stakeholders at the exclusion of individuals who have a different opinion than Tom Ridge.

Thank you, Mr. President.

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

Senator AFFLERBACH. Mr. President, inasmuch as the Governor has chosen to announce his long-awaited detailed plan to in fact sell franchises for the retail distribution of wine and distilled spirits tomorrow, after this Chamber adjourns for the Easter recess, I think it is necessary that we place on the record just a few thoughts, perhaps in possibility of what the Governor may include.

Those who happened to read the Philadelphia Inquirer on Saturday may in fact have gotten an idea of what is going to be included in that program. Now, of course, all of us in this Chamber have learned not to believe quite everything we read in the press. This particular story was authored by Russ Eshleman, a longtime veteran reporter here on Capitol Hill, and so one would think that at least part of what is in here is in all probability accurate. I find it very intriguing that the Governor intends to auction off franchises and then has found a new fund in which to place that money in an attempt to gain votes to support his plan. In the beginning, his plan was to take those funds and put them into a specialized fund for sports stadiums. Well, evidently he struck out in his attempt to get votes for his plan for sports stadiums. Then he suggested, let us take that money and put it into a specialized fund to be used for education or to spread it around existing educational funds. And evidently with respect to education, he has failed in attempting to get enough votes to pass his plan in that direction.

And then according to Russ Eshleman's story in the Inquirer on Saturday, the Governor is proposing to set up a permanent endowment fund for investing in community development

projects that the General Assembly recommends. I repeat, a permanent endowment fund for investing in community development projects that the General Assembly recommends. Now that creates an interesting acronym, which is spelled P-E-F-I-C-D-P, which is pronounced WAMs, or in the alternative RIDGIES. This from a Governor who 3 years ago campaigned against the concept of walking around money, that is to say the euphemism given by the press to legislative initiative grants that in fact went back, in most cases, for local community investment and/or development. This from the same Governor who vowed to end the legislative initiative grant process, the WAM process. And now in 3 years' time we find that the Governor has decided to try to attract votes in order to disenfranchise retail sales from the present State Store system by promising a permanent WAM fund for legislators to access.

Mr. President, I think the hypocrisy reeks from this particular plan. And I would also suggest that the Governor will find, I believe, that most legislators who have been here for more than a term or two understand that "permanent" often means "temporary" and "temporary" often means that it disappears and, conversely, "temporary" often means "permanent." And I do not believe that the Governor is going to find any more legislators rushing to support his plan on the promise of an institutionalized permanent endowment for WAMs than he did with sports stadiums or with funds for education.

Now, alternatively, when our colleague in this Chamber, the gentleman from Montgomery County, introduced his proposal, he quite candidly told the press that he really did not have any personal experience with alcohol, that he had never touched the stuff. Mr. President, we vote on many issues in which I have not personally had direct experience either, but I do think if we are going to talk about making alcohol more readily available through private enterprise, it would help to at least have had one or two good hangovers so you understand just how debilitating this particular drug can be. I do not know whether the Governor imbibes or does not imbibe. Perhaps in the spirit of tasting but not inhaling, he tastes and does not swallow. I do not know. But I do know that this plan, in my opinion, is not only ill-conceived but should be an affront to every legislator when the attempt to attract votes is proffered by the promise of a permanent WAM endowment for legislators. I think we will have a great deal more to say about this in the very near future.

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

Senator WAGNER. Mr. President, I rise today to talk about a couple of issues, the first one very briefly, a followup of my colleagues' comments in regard to the privatization issue, and as Minority chairman of the Committee on Law and Justice, the committee that oversees the liquor control system in the Commonwealth of Pennsylvania, I am very concerned that the process be an open process by which any legislation proceeds in the future. And I want to state that on the record here today in anticipation of the Governor's proposal tomorrow, and I say that for both the people in support of privatization and those opposed to privatization. This is a major issue that will have an enormous impact on the Commonwealth of Pennsylvania,

an issue that will have an enormous impact if it passes or does not pass, fiscally and socially.

I have already spoken with the chairman of that committee, and the gentleman from Bucks, Senator Heckler, has indicated that he is considering public hearings. I think it is extremely important that we have a number of public hearings in the Commonwealth of Pennsylvania in regard to the proposal that will be presented tomorrow. It is very important to hear urban concerns, suburban concerns, and rural concerns in regard to that proposal, whatever that proposal is. It is an issue on which I believe we cannot bypass or expedite the issue through the legislative process. And I am stating that on the record because I would hope that we would have a number of public hearings. I would hope that the bill would be initiated in the Committee on Law and Justice and not be an issue that is amended on the Senate floor without the appropriate committee discussion. Now, Mr. President, those are my comments in regard to that issue.

I would like to speak to another issue of considerable importance, as a matter of fact, significant importance in the Commonwealth of Pennsylvania. Today I introduced legislation pertaining to the Department of Corrections, and I am going to speak briefly about that legislation. It pertains to 24 prisons that we have within the Department of Corrections in the Commonwealth that are spread throughout the Commonwealth of Pennsylvania. And as everyone knows, I have not spoken publicly on this floor since the prison break on January 8, 1997, at SCI Pittsburgh, or more commonly referred to as Western Penitentiary, a prison which is located within my senatorial district, a prison which is located within the confines of the city of Pittsburgh, within the Woods Run neighborhood, a residential neighborhood in the city of Pittsburgh, a prison break that was probably the most significant break within this department in at least the last 10 years and maybe one of the most significant prison breaks in this country in the last 10 years.

Fortunately, we have apprehended all six prisoners, but there were many, many breaches in security that resulted in that prison break. And through my investigation at Western Penitentiary and at looking at other prisons, I am very concerned that we need to make that issue, security in prisons, a greater priority within the Department of Corrections and at each and every prison located in the Commonwealth of Pennsylvania. What we found at Pittsburgh was that there were many physical problems related to security, there were many managerial problems related to security and, in my own opinion, some systematic problems that related to security within the fastest growing department of State government.

As many of you know, the break that occurred was a very intricate break. It was planned probably for years or, at the very least, months. Six inmates were involved directly and possibly dozens of others indirectly. It took literally months to dig an extensive tunnel that went down 15 or 20 feet, and went at least 60 feet horizontally and came up outside the prison walls in a warehouse area. I mention that because it is hard to believe that it ever occurred, and in order for it to occur there had to be many problems at SCI Pittsburgh, and there were

many problems at SCI Pittsburgh. I believe some of those problems are being addressed today. However, some of the problems still have not been addressed.

As a result of looking at SCI Pittsburgh, I have taken some time and have begun to look at some of the other prisons within the system. Several weeks ago I visited SCI Somerset, one of the newer prisons that actually has excellent security incorporated into a new prison, that opened I believe in 1994. The week after my visit to Somerset I visited SCI Huntingdon, the second oldest prison--and incidentally, Pittsburgh is the oldest prison within the system--and the day after Huntingdon I visited SCI Rockview in Centre County. I visited these prisons because I believe it is important to get a barometer as to whether or not some of the problems that existed at SCI Pittsburgh exist at the other facilities. And what I found, quite frankly, was that Pittsburgh is far worse, and to some degree continues to be, than the other facilities.

However, there are some common problems that exist within this department which I believe this General Assembly needs to address. And the question is, well, why should we be addressing some of these issues legislatively? Mr. President, back in 1980 the Department of Corrections had 8,243 prisoners and we had 9 facilities; in 1985 we had 14,260 prisoners in 10 facilities; in 1990 we had 22,325 inmates in 15 facilities; and in 1996 we had 34,537 inmates in 24 facilities. As you can see, there has been a dramatic increase due to tougher crime legislation that we have passed.

However, what the public really does not know is the dramatic increase that has occurred fiscally, what it has cost the taxpayers. In 1985 the cost of operating the Department of Corrections was \$185 million a year, representing approximately 1.99 percent of the total budget in the Commonwealth; in 1988 it went from \$185 million to \$269 million, representing approximately 2.5 percent of the budget; in 1994, jumping ahead 6 years, it went from \$269 million a year to \$721 million a year, it tripled, representing 4.6 percent of the total budget; and in the 1996-97 proposal of the Governor's budget, the cost of that department will be approximately \$947 million and almost 6 percent of the budget.

Well, why should we be concerned about that? We need to be concerned about that, Mr. President, for some very important reasons. Number one, that security, even though we are spending more dollars, is not what it needs to be. And if we are going to continue to put more and more taxpayer dollars into these prisons, the public needs to know that absolutely, positively they are secure. Certainly maximum security prisons, like the one in Pittsburgh, were not secure. The other issue at hand is if more money is going to this department, is there less money going to other items, important items such as public education and higher education, in the Commonwealth budget? So, Mr. President, we in the General Assembly, we here in this Chamber, need to make sure that we are devoting more and more attention to scrutinizing the additional taxpayer dollars that continue to go to fund the Department of Corrections.

So, Mr. President, today I have introduced legislation to address the following issues: a bill to amend the Administrative Code of 1929 to require the Department of Corrections to

do the following very basic items that presently do not exist in some of the facilities that are in operation: establish a one-dialtone system to alert law enforcement agencies, churches, schools, day care facilities, and the news media within the county in which the prison is located within 10 minutes of when an escape is confirmed. Now, we would have thought that was in existence, but quite frankly, it was not at SCI Pittsburgh, and I want to make sure that is in existence at all 24 of our facilities, and therefore I have introduced legislation addressing that.

Require maximum security prisons, of which there are 5 out of the 24, to have two canine dogs at each maximum security prison. Canine dogs offer a higher level of security within an institution related to contraband and related to potential escapes and gives the management at those facilities an additional tool related to ongoing security within that facility.

Require a video monitoring system to survey the exterior of the prison on a 24-hour basis. Now, we have electronic monitoring systems within the newer prisons. But quite frankly, Mr. President, at SCI Pittsburgh, at SCI Huntingdon, at SCI Rockview, and many of the older institutions, we do not have a video monitoring system. And what I am talking about, Mr. President, is a system similar to the local convenience store that you go into that is monitoring people in that store 24 hours a day. It is hard to believe that within maximum security prisons within this Commonwealth we do not have video monitoring systems around the perimeter of the prison. If we would have had one at SCI Pittsburgh, we could have at least been alerted to the fact that six inmates were escaping. I believe that should be a priority within this department, especially if we are giving them almost a billion dollars a year. Security relates to the public, and if we have prisons located right smack in the middle of urban areas and residential neighborhoods, they should have proper perimeter security.

Require the use of metal detectors, including hand-held metal detectors, in critical areas of the prisons such as machine shops, which we found, Mr. President, did not exist at SCI Pittsburgh and does not exist at many of the other institutions. Why is that important? Inmates can leave a machine shop with a tool or a fabricated weapon that could be utilized in escape or could cause security problems within the institution.

Prohibit inmates from doing certain kinds of work details. That needs to be refined to a greater degree, but we know that was a problem at SCI Pittsburgh also. Prohibit inmates from working on diagrams and blueprints related to the infrastructure of the facility. That in fact occurred at SCI Pittsburgh and was one of the reasons why an escape was possible.

Another bill would require inmates to wear identifiable prison uniforms at all times. Similar legislation has been introduced by others, and I believe that legislation, whether it is mine or other Members' of this body or the House of Representatives, certainly needs to be considered. A bill prohibiting inmates from working on private construction projects in excess of \$5,000 and requiring security at those institutions by corrections officers in those kinds of situations, another breach in security at SCI Pittsburgh.

And, Mr. President, two other pieces of legislation, a bill providing for a correctional emergency response check team, which would in fact provide greater independent inspections related to security at all institutions across the Commonwealth, something that could be done periodically by people not working within that prison to come in and periodically monitor security.

The final bill would provide for exterior perimeter stations and towers to be fully operational. There is a serious problem at SCI Pittsburgh that continues to exist today, and it leads me to talk briefly about that situation. On Friday, Mr. President, I received a letter from the superintendent at SCI Pittsburgh indicating that a recreational yard outside the perimeter of the institution would be put in use in the near future and normal population would be permitted within that recreational yard. Anyone who has ever visited SCI Pittsburgh knows what I am talking about and it is of great concern to me. It is of great concern to me, Mr. President, because some of the items that I address in the legislation introduced today have not yet been implemented. I do not know how we can have a recreational yard on the exterior perimeter of a prison when in fact we do not have an exterior monitoring system and when in fact one of the towers in that immediate area is not in operation.

So, Mr. President, I stood up here today to talk about this issue because I believe it needs to be talked about in this Chamber and it needs to be talked about in far greater detail, and I believe that we need to consider legislation that requires the Department of Corrections to do more. This is a department, again, that is growing faster than any department in State government. It is a department that we have overlooked to some degree. We have simply given them more money to do things. I have talked about the operational budget. I have not talked about the capital budget. We know significant dollars through bond issues have gone to this department also. It is about time this department works in a manner in which it is secure in the communities where it is located.

So, Mr. President, in summary, I would like and would hope that this body would give consideration to this legislation. I certainly believe that it is needed. It is needed for the people of the Commonwealth of Pennsylvania, and some oversight needs to be provided to make sure that this department, the Department of Corrections, is run correctly.

Thank you, Mr. President.

The PRESIDING OFFICER (Senator Timothy F. Murphy) in the Chair.

ADJOURNMENT

Senator LOEPER. Mr. President, I move that the Senate do now adjourn until Tuesday, April 1, 1997, at 2 p.m., Eastern Standard Time.

The motion was agreed to.

The Senate adjourned at 12:55 p.m., Eastern Standard Time.