

Legislative Journal

WEDNESDAY, DECEMBER 10, 1997

SESSION OF 1997

181ST OF THE GENERAL ASSEMBLY

No. 63

SENATE

WEDNESDAY, December 10, 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 CAROL B. KEHLER of St. Paul's Lutheran Church, Reading, offered the following prayer:

Thank you, Mr. President, Senator Brightbill, Members of the Senate and your staff. I appreciate, first of all, the opportunity to be with all of you today. As a former Senate staffer, it is good to be back here with all of you. Before the prayer, I wanted to just share with you that as I went through 4 years of seminary and in my first call at St. Paul's, people would often make the comment to me that this new position must be much different than my previous life, and I assure them that the Senate of Pennsylvania and working for State government has really prepared me to serve the church, and for me, Jesus Christ. So I thank you for that opportunity, and I thank God.

Let us pray.

God of the city, God of the farm, of small town and village, of factory and store, of home and the street, You have gathered us together as Your people and into this great experiment that is known as the Commonwealth of Pennsylvania.

God of all the ages, of yesterday, today, and forever, draw near to us and draw us near to You. You are the Creator, and the magnitude of Your universe astounds us. Part of the astonishment that comes to us is that You have created us in Your image.

We are a diverse people here in Pennsylvania, and yet we are all in Your image and that binds us together. We are connected to one another and to You. Therefore, we are responsible for one another, called to care for one another, to support each other in our daily lives. At times, Lord, the issues that face Your people seem huge, even can be overwhelming. But You have given us opportunities to address the issues of our world.

This day we lift before You in prayer the women and men who govern this Commonwealth, especially those who have been elected to serve in this Senate of Pennsylvania. We pray

for them, their families, their staffs in Harrisburg and in their district offices, and for their constituents who are diverse in their needs, their ideas, their philosophies, and their experiences. Their challenge facing the people who guide us in this Commonwealth is great. And so we ask that You reveal Yourself and Your will for Your world to Your people chosen to govern.

Guide them, lead them, sustain them in this work that they have been called to do. We rejoice in the many gifts that they bring to this Chamber. We ask that You would guide them in the study of issues and in their debate, so that they might come together and resolve the issues that face us. Help each one of them to see how good right decisions are. Where decisions must be made, we ask that you deepen their sense of duty and understanding for what is Your will. Let them see the light. Give them the courage then to walk in the light.

Lord God, we come before You and ask that all of our eyes might be opened to the needs of others, that our ears might be opened to those who cry, and that our hearts can be opened to reflect the love that You have in our lives and that we might share that with one another.

All this we ask in Your name. Amen.

The PRESIDENT. The Chair would point out that Carol was a former employee for Senator Brightbill, serving the Senate of Pennsylvania for 3 1/2 years, and prior to that she served in the legislative office for 10 years in the State's Department of Health.

Reverend Kehler, thank you so much.

JOURNAL APPROVED

The PRESIDENT. A quorum of the Senate being present, the Clerk will read the Journal of the preceding Session of December 9, 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.

COMMUNICATION FROM THE GOVERNOR

NOMINATION REFERRED TO COMMITTEE

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

SHERIFF, WESTMORELAND COUNTY

December 10, 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, Gary L. Thistlethwaite, R. D. #2, Box 285F, Ligonier 15658, Westmoreland County, Thirty-second Senatorial District, for appointment as Sheriff, in and for the County of Westmoreland, to serve until the first Monday of January 2000, vice Gary Uhrin, resigned.

THOMAS J. RIDGE
Governor

HOUSE MESSAGES

SENATE BILL RETURNED WITH AMENDMENTS

The Clerk of the House of Representatives returned to the Senate **SB 382**, with the information the House has passed the same with amendments in which the concurrence of the Senate is requested.

The PRESIDENT. Pursuant to Senate Rule XIV, section 5, this bill will be referred to the Committee on Rules and Executive Nominations.

HOUSE BILLS FOR CONCURRENCE

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

December 9, 1997

HB 1495 -- Committee on State Government.

HB 1633 -- Committee on Military and Veterans Affairs.

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:

December 10, 1997

Senators HUGHES, MELLOW, COSTA, KASUNIC, MUSTO, TARTAGLIONE, AFFLERBACH, BODACK, KITCHEN, SCHWARTZ, WILLIAMS, KUKOVICH, O'PAKE, STOUT and LEMMOND presented to the Chair **SB 1222**, entitled:

An Act amending the act of May 6, 1997 (P.L. , No.4A), entitled General Appropriation Act of 1997, making an appropriation for the Summer Youth Job Program.

Which was committed to the Committee on APPROPRIATIONS, December 10, 1997.

Senators HART, ROBBINS, WHITE, STOUT, LEMMOND, DELP and SLOCUM presented to the Chair **SB 1223**, entitled:

An Act amending the act of March 10, 1949 (P.L.30, No.14), entitled Public School Code of 1949, further providing for school director eligibility and incompatible offices.

Which was committed to the Committee on EDUCATION, December 10, 1997.

Senators HART, CORMAN, COSTA and SLOCUM presented to the Chair **SB 1224**, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for the issuance of identification cards.

Which was committed to the Committee on TRANSPORTATION, December 10, 1997.

Senators STOUT, COSTA, BELAN, LEMMOND and SCHWARTZ presented to the Chair **SB 1225**, entitled:

An Act regulating tanning facilities; providing for the registration of persons operating tanning facilities and providing tanning equipment services; requiring that certain warnings be given and safeguards be taken; providing for powers and duties of the Department of Health; providing a penalty; and making a repeal.

Which was committed to the Committee on CONSUMER PROTECTION AND PROFESSIONAL LICENSURE, December 10, 1997.

COMMITTEE OF CONFERENCE
APPOINTED ON HB 1476

The PRESIDENT. The Chair announces, on behalf of the President pro tempore, the appointment of Senators MADIGAN, BRIGHTBILL and MUSTO as a Committee of Conference on the part of the Senate to confer with a similar committee of the House, if the House shall appoint such committee, to consider the differences existing between the two houses in relation to House Bill No. 1476.

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

REPORTS FROM COMMITTEES

Senator TOMLINSON, from the Committee on Communications and High Technology, reported the following bills:

SB 937 (Pr. No. 1551) (Amended)

An Act regulating certain services provided by a nonresident physician or osteopathic physician.

HB 911 (Pr. No. 2562)

An Act amending the act of July 9, 1990 (P.L.340, No.78), known as the Public Safety Emergency Telephone Act, further providing for definitions, for the powers and duties of the Pennsylvania Emergency Management Agency and the Pennsylvania Public Utility Commission, for county plans, for training, for telephone records, for rules and regulations and for expenditures for mobile communications equipment, and providing for immunity.

Senator MOWERY, from the Committee on Public Health and Welfare, reported the following bill:

SB 100 (Pr. No. 1550) (Amended)

An Act providing for access by enrollees of managed care health benefits plans to health care services; specifying certain standards relating to financial incentive programs of managed care plans; prohibiting managed care plans from restricting providers from disclosing

appropriate health care information to enrollees; specifying certain standards of managed care plans relating to emergency services, termination of contracts and confidentiality; requiring certain disclosures to enrollees of managed care plans; and imposing penalties.

LEGISLATIVE LEAVES

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

Senator LOEPER. Mr. President, I request a legislative leave for today's Session on behalf of Senator Salvatore, and temporary Capitol leaves on behalf of Senator Armstrong and Senator Uliana.

The PRESIDENT. Senator Loeper requests a legislative leave for Senator Salvatore, and temporary Capitol leaves for Senator Armstrong and Senator Uliana. Without objection, those leaves are granted.

CALENDAR

HB 7 CALLED UP OUT OF ORDER

HB 7 (Pr. No. 2691) -- Without objection, the bill was called up out of order, from page 2 of the Third Consideration Calendar, by Senator LOEPER, as a Special Order of Business.

PREFERRED APPROPRIATION BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

HB 7 (Pr. No. 2691) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of May 6, 1997 (P.L. , No.4A), entitled General Appropriation Act of 1997, making additional State appropriations to the Auditor General and the Department of State; making an additional Federal appropriation to the Insurance Department; and making a repeal.

Considered the third time and agreed to,

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

On the question,
Shall the bill pass finally?

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

Senator FUMO. Mr. President, on the bill, I wanted to clarify for the record that the Democrats voted against this bill coming out of the Committee on Appropriations for a number of reasons. One of the major reasons was the fact that we felt that the money going to the Community and Economic Development Department was not properly accounted for. We have since received a communication from the Governor assuring us to the contrary, and there are regulations that either have been published or are about to be published on this, so our fears in that area have been allayed, and there have been other amendments to the bill that have now straightened it out. We now support the 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-50

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

NAY-0

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

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

SPECIAL ORDER OF BUSINESS GUESTS OF SENATOR CHRISTINE M. TARTAGLIONE PRESENTED TO THE SENATE

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

Senator TARTAGLIONE. Mr. President, I would like to introduce a group of sixth grade students from the Wilson Middle School in my district. They are joined by Dr. Arlene Holtz, the principal; Mrs. Patty Andris, president of the home and school; Mrs. Andrea Seitchik, small learning community leader and teacher; and Ms. Donna Gordon, who is also a teacher at Wilson. I would ask them to please stand so the Senate can give them its usual warm welcome.

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

(Applause.)

CONSIDERATION OF CALENDAR RESUMED

BILLS ON CONCURRENCE IN HOUSE AMENDMENTS AS AMENDED

BILL OVER IN ORDER TEMPORARILY

SB 307 -- Without objection, the bill was passed over in its order temporarily at the request of Senator LOEPER.

BILL OVER IN ORDER

SB 635 -- Without objection, the bill was passed over in its order at the request of Senator LOEPER.

THIRD CONSIDERATION CALENDAR

**BILLS REREPORTED FROM COMMITTEE
AS AMENDED ON THIRD CONSIDERATION
AND FINAL PASSAGE**

SB 1191 (Pr. No. 1519) — The Senate proceeded to consideration of the bill, entitled:

An Act transferring the authority for the regulation of bottled water to the Department of Agriculture.

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-50

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

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.

HB 1347 (Pr. No. 2693) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of December 10, 1968 (P.L.1158, No.365), entitled "An act creating and establishing the Legislative Data Processing Committee: providing for its membership; prescribing its powers, functions and duties; and making an appropriation," further providing for committee membership and for meetings; and providing for access to computer information systems by persons outside the General Assembly.

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-50

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

NAY-0

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

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

**BILL ON THIRD CONSIDERATION
AND FINAL PASSAGE**

HB 21 (Pr. No. 2521) — The Senate proceeded to consideration of the bill, entitled:

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

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-50

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

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.

BILLS OVER IN ORDER

SB 212, SB 308, SB 529, SB 828, SB 829 and SB 830 -- Without objection, the bills were passed over in their order at the request of Senator LOEPER.

BILLS ON THIRD CONSIDERATION AND FINAL PASSAGE

HB 909 (Pr. No. 2622) -- The Senate proceeded to consideration of the bill, entitled:

An Act designating a section of U.S. Route 15 in Union County, Pennsylvania, as the Donald L. Heiter Memorial Highway; designating a section of Route 3013 in Westmoreland County, Pennsylvania, as the C. Vance DeiCas Memorial Highway; designating a section of S.R. 981 in Unity Township, Westmoreland County, as Technology Way; designating a bridge in Curwensville Borough, Clearfield County, as the Louis R. Donahue Memorial Bridge; designating a certain bridge on S.R. 2012 in Castanea Township, Clinton County, as the Castanea Firemen's Memorial Bridge; redesignating the Fifth Street Bridge in the City of Chester, Delaware County, Pennsylvania, as the Samuel E. Dennis Bridge; and designating a certain bridge crossing the Juniata River as the Mifflin County Veterans Memorial Bridge.

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-50

Table with 4 columns of names: Afflerbach, Armstrong, Belan, Bell, Bodack, Brightbill, Conti, Corman, Costa, Delp, Earll, Fumo, Gerlach, Greenleaf, Hart, Helfrick, Holl, Hughes, Jubelirer, Kasunic, Kitchen, Kukovich, La Valle, Lemmond, Loeper, Madigan, Mellow, Mowery, Murphy, Musto, O'Pake, Piccola, Punt, Rhoades, Robbins, Salvatore, Schwartz, Slocum, Stapleton, Stout, Tartaglione, Thompson, Tilghman, Tomlinson, Uliana, Wagner, Wenger, White, Williams, 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 return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which concurrence of the House is requested.

SB 914 (Pr. No. 994) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 66 (Public Utilities) of the Pennsylvania Consolidated Statutes, further providing for construction, relocation, suspension and abolition of crossings.

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-50

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

SB 307 CALLED UP

SB 307 (Pr. No. 1543) -- Without objection, the bill, which previously went over in its order temporarily, was called up, from page 1 of the Calendar, by Senator LOEPER.

BILL ON CONCURRENCE IN HOUSE AMENDMENTS AS AMENDED

HOUSE AMENDMENTS FURTHER AMENDED

SB 307 (Pr. No. 1543) -- The Senate proceeded to consideration of the bill, entitled:

An Act prohibiting termination and discipline of an employee for failing to report to work during a state of emergency, and providing penalties.

On the question,

Will the Senate concur in the amendments made by the House, as further amended by the Senate, to Senate Bill No. 307?

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

MOTION TO SUSPEND RULE XIV, SECTION 5

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

Senator LOEPER. Mr. President, Senate Bill No. 307 is a bill on concurrence in House amendments as amended, and therefore before I offer an amendment, I move to suspend Rule XIV, section 5, in order that I can offer an amendment to that bill.

The PRESIDENT pro tempore. Senator Loeper moves to suspend Rule XIV, section 5.

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

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

YEA-50

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

NAY-0

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

The PRESIDENT pro tempore. Rule XIV, section 5 is suspended.

And the question recurring,

Will the Senate concur in the amendments made by the House, as further amended by the Senate, to Senate Bill No. 307?

Senator LOEPER offered the following amendment No. A5286:

Amend Sec. 4, page 2, lines 18 through 23, by striking out all of lines 18 through 22 and "(e)" in line 23 and inserting: (d)

Amend Sec. 4, page 3, line 1, by striking out "(f)" and inserting: (e)

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

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

BILLS OVER IN ORDER

HB 961 and SB 962 -- Without objection, the bills were passed over in their order at the request of Senator LOEPER.

BILLS REREFERRED

HB 1111 (Pr. No. 2690) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 53 (Municipalities Generally) of the Pennsylvania Consolidated Statutes, further regulating public records.

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

HB 1113 (Pr. No. 1749) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of May 9, 1949 (P.L.908, No.250), entitled "An act relating to public records of political subdivisions other than cities and counties of the first class; authorizing the recording and copying of documents, plats, papers and instruments of writing by photostatic, photographic, microfilm or other mechanical process, and the admissibility thereof and enlargements thereof in evidence; providing for the storage of duplicates and sale of microfilm copies of official records and for the destruction of other records deemed valueless; and providing for the services of the Department of Property and Supplies to political subdivisions," further providing for methods for the copying of certain records, for identification of records, for duplicates of records, for the sale of certain records, for the destruction or disposal of certain records, for records requiring special care and for Pennsylvania Historical and Museum Commission services to political subdivisions.

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

HB 1114 (Pr. No. 1260) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of August 14, 1963 (P.L.839, No.407), entitled, as amended, "An act creating a county records committee; imposing powers and duties upon it; authorizing the Pennsylvania Historical and Museum Commission to assist and cooperate with it; defining county records; and authorizing the disposition of certain county records by county officers in counties of the second to eighth class," further providing for definitions; providing for a definition of "county" and clarifying the application of the act to include home rule counties; and further providing for the disposition of county records.

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

HB 1116 (Pr. No. 1262) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of May 11, 1949 (P.L.1076, No.311), entitled "An act authorizing the recording, copying and recopying, of documents, plats, papers, written instruments, records and books on file or of record, and the replacement and certification of originals previously filed and of record, by officers of counties of the first class and of cities of the first class, by photostatic, photographic, microphotographic, microfilm, or other mechanical process; relating to the effect and use of such copies, records, reproductions, replacements and transcripts, or certified copies thereof, and providing for additional methods for revision of and entries to be made on originals and copies so produced or replaced," further providing for additional methods for the recording, copying and maintenance of records.

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

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

SB 1161 (Pr. No. 1542) -- The Senate proceeded to consideration of the bill, entitled:

An Act authorizing the Borough of Carlisle, Cumberland County, to sell certain Project 70 lands free of Project 70 restrictions in return for use of the sale proceeds to assist the Central Pennsylvania Con-

servancy purchase a tract of land; authorizing the release of Project 70 restrictions imposed on certain lands owned by Hempfield Township, Westmoreland County, in return for the imposition of Project 70 restrictions on certain lands to be conveyed by Robert E. and Ella J. Griffith; and authorizing Hempfield Township to convey to Robert E. and Ella J. Griffith 0.6079 acres of land in Hempfield Township, Westmoreland County.

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-50

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

NAY-0

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

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

BILLS OVER IN ORDER

SB 1164 and SB 1175 -- Without objection, the bills were passed over in their order at the request of Senator LOEPER.

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

SB 1204 (Pr. No. 1535) -- The Senate proceeded to consideration of the bill, entitled:

An Act authorizing the Department of General Services, with the approval of the Governor, to sell and convey to ORIX Wilkinson Neshaminy Venture certain land situate in Bensalem Township, Bucks County.

Considered the third time and agreed to,

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

On the question,
Shall the bill pass finally?

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

YEA-49

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

NAY-1

Afflerbach

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.

LEGISLATIVE LEAVE CANCELLED

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

THIRD CONSIDERATION CALENDAR RESUMED

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

SB 1209 (Pr. No. 1511) -- The Senate proceeded to consideration of the bill, entitled:

An Act authorizing the Department of General Services, with the approval of the Governor, to grant and convey Philadelphia Suburban Water Company, certain land situate in Newlin Township, Chester County.

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-50

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

Fumo
GerlachLoeper
MadiganSlocum
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.

BILL AMENDED

HB 1463 (Pr. No. 2692) -- The Senate proceeded to consideration of the bill, entitled:

An Act authorizing and directing the Department of General Services, with the approval of the Governor, to grant and convey to the City of McKeesport, a tract of land situate in the Seventh Ward, City of McKeesport, Allegheny County and to sell and convey to Smithfield Township certain land situate in the Township of Smithfield, Huntingdon County; and authorizing and directing the Department of General Services, with the approval of the Governor, to convey tracts of land and buildings, consisting of a portion of the former Laurelton Center, located in Hartley Township, Union County, Pennsylvania.

On the question,

Will the Senate agree to the bill on third consideration?

Senator LOEPER offered the following amendment No. A5285:

Amend Sec. 1, page 2, by inserting between lines 9 and 10:

(b) The conveyance shall be made under and subject to all easements, servitudes and rights of others, including, but not confined to, streets, roadways and rights of telephone, telegraph, water, electric, sewer, gas or pipeline companies, as well as under and subject to any interest, estates or tenancies vested in their persons, whether or not appearing of record, for any portion of land or improvements erected thereon.

(c) The deed of conveyance shall be approved as provided by law and shall be executed by the Secretary of General Services in the name of the Commonwealth of Pennsylvania.

(d) Costs and fees incidental to this conveyance shall be borne by the grantee.

Amend Sec. 1, page 2, line 10, by striking out "(B)" and inserting: Section 2. (a)

Amend Sec. 1, page 8, by inserting between lines 6 and 7:

(b) The three tracts under this section or parts thereof may be offered together or separately.

(c) Notwithstanding Article XXIV-A of the act of April 9, 1929 (P.L. 177, No. 175), known as The Administrative Code of 1929, the Department of General Services shall, through sealed bids, auction or request for proposal select the purchaser of the tracts and sell the property under this section. Acceptance of an offer shall be subject to a minimum price requirement as established by the department which shall be within a range of fair market value as established through independent appraisal. Proposals submitted in response to a request for proposal must demonstrate a value to the Commonwealth equivalent to the fair market value range as established by the department through independent appraisal. In establishing the value equivalent the department shall consider the following factors: actual monetary consideration, creation of construction jobs, creation of permanent jobs, expansion of local tax base, economic growth, community development, highest and best use and public purpose.

Amend Sec. 1, page 8, line 7, by striking out "(C)" and inserting:

(d)

Amend Sec. 1, page 8, line 15, by striking out "(D)" and inserting:

(e)

Amend Sec. 1, page 8, line 20, by striking out "(E)" and inserting:

(f)

Amend Sec. 1, page 8, line 22, by striking out "(F)" and inserting:

(g)

Amend Sec. 1, page 9, line 3, by striking out "(G)" and inserting:

(h)

Amend Sec. 2, page 9, line 11, by striking out "2" and inserting:

3

Amend Sec. 2, page 9, line 15, by striking out "MARKER" and inserting: market

Amend Bill, page 12, lines 7 through 25, by striking out all of said lines

Amend Sec. 5, page 12, line 26, by striking out "5" and inserting:

4

On the question,

Will the Senate agree to the amendment?

It was agreed to.

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

SECOND CONSIDERATION CALENDAR

BILLS ON SECOND CONSIDERATION

HB 80 (Pr. No. 2620) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, providing for the offense of unauthorized school bus entry.

Considered the second time and agreed to,

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

SB 157 (Pr. No. 152) -- The Senate proceeded to consideration of the bill, entitled:

An Act providing for administration of oaths of office to legislators.

Considered the second time and agreed to,

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

HB 196 (Pr. No. 2107) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of April 8, 1982 (P.L. 310, No. 87), referred to as the Recorder of Deeds Fee Law, providing for additional fees; and creating a County Records Improvement Fund.

Considered the second time and agreed to,

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

SB 1184 (Pr. No. 1450) -- The Senate proceeded to consideration of the bill, entitled:

An Act designating December 15 of each year as "Bill of Rights Day."

Considered the second time and agreed to,

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

BILLS OVER IN ORDER

SB 1202, HB 1272, HB 1304 and HB 1628 -- Without objection, the bills were passed over in their order at the request of Senator LOEPER.

BILL REREFERRED

HB 1744 (Pr. No. 2543) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for collection of restitution, reparation, fees, costs, fines and penalties; providing for immunity from suit in connection with certain actions related to environmental law or regulation; and further providing for record requirements.

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

BILL OVER IN ORDER

HB 1756 -- Without objection, the bill was passed over in its order at the request of Senator LOEPER.

BILLS ON SECOND CONSIDERATION

HB 1760 (Pr. No. 2185) -- The Senate proceeded to consideration of the bill, entitled:

An Act repealing the act of May 13, 1925 (P.L.663, No.355), entitled "An act providing for the enumeration of registered persons in the Commonwealth, and the publication of a tabulation thereof by the Secretary of the Commonwealth; and imposing certain duties upon registrars, assessors, registry assessors, and county commissioners."

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

HB 1763 (Pr. No. 2226) -- The Senate proceeded to consideration of the bill, entitled:

An Act repealing certain parts of acts as being supplemented or superseded by other acts or otherwise obsolete.

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

HB 1764 (Pr. No. 2189) -- The Senate proceeded to consideration of the bill, entitled:

An Act repealing the act of May 8, 1889 (P.L.125, No.138), entitled "An act providing for the paving and curbing of such portions of Third street, Fourth street, Walnut street and North street in the City of Harrisburg, as the Public Grounds of the Commonwealth abut on, as is properly chargeable to the State, and making appropriation for the cost of the same."

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

HB 1765 (Pr. No. 2190) -- The Senate proceeded to consideration of the bill, entitled:

An Act repealing certain acts as being supplemented or superseded by other acts or otherwise obsolete.

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

SENATE RESOLUTION No. 91, ADOPTED

Senator LOEPER, without objection, called up from page 8 of the Calendar, **Senate Resolution No. 91**, entitled:

A Resolution creating an Agriculture Development Advisory Board to review and adopt, based on recommendations by the Secretary of Agriculture and the Secretary of Environmental Protection, a manual of standards addressing the management and processes by which Pennsylvania livestock producers operate their farms; and directing the State Conservation Commission to assist the advisory board.

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

On the question,
Will the Senate adopt the resolution?

The PRESIDING OFFICER (David J. Brightbill) in the Chair.

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

The PRESIDENT pro tempore. Mr. President, we frequently note with pride that agribusiness is Pennsylvania's leading industry. That number one position does not prevent dramatic changes in the shape and economics of different parts of agriculture. Our State is seeing such a change now. The move toward concentrated livestock operations is spreading, with new proposals for new facilities in new areas month after month. Some see this as purely economic benefit, some see it as community risk. Because change always causes uncertainty and concern and because of notorious problems in other States, people are asking a lot of questions. In some counties, controversy and conflict have flared. While Pennsylvania has higher standards than many States, there still is a fair amount of confusion as to the requirements for siting and the responsibility for oversight.

This resolution, Senate Resolution No. 91, is designed to remedy just that. As the concentrated animal operations become more prevalent, the rules for siting, for technology, and for oversight must be appropriate for the challenge and the responsibility. There must be a process that the public can understand and participate in. Communities and natural resources must be protected with sufficient guard against poor siting choices and sufficient guarantee that available technology will be employed to minimize risk. There must be a balance of common sense in this. Pennsylvania can afford neither severe environmental problems nor having farmers going out of business because of ill-considered overregulation. We depend on agriculture and agribusiness to play a prominent role in the State economy.

Last week, producers accompanied Governor Ridge on his trip to the Orient seeking new and expanded markets for Penn-

sylvania products. I appreciate the cooperation that Secretary of Agriculture Sam Hayes and Department of Environmental Protection Secretary Jim Seif have provided, and the input from a variety of groups and individuals across the spectrum, and the leadership of Senator Wenger, Senator Madigan, Senator Stapleton, and others who have been strong advocates for Pennsylvania agriculture. The work pursuant to this resolution will mean a great deal to healthy communities and to a healthy agriculture future.

Mr. President, I hope all Members will join me in supporting Senate Resolution No. 91.

Thank you, Mr. President.

And the question recurring,

Will the Senate adopt the resolution?

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

SENATE RESOLUTION No. 108, ADOPTED

Senator LOEPER, without objection, called up from page 8 of the Calendar, Senate Resolution No. 108, entitled:

A Resolution designating the week of December 15 through 21, 1997, as "Juror Appreciation Week" in Pennsylvania.

On the question,

Will the Senate adopt the resolution?

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

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

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

**SENATE CONCURS IN HOUSE AMENDMENTS
AS AMENDED**

SB 307 (Pr. No. 1552) -- The Senate proceeded to consideration of the bill, entitled:

An Act prohibiting termination and discipline of an employee for failing to report to work during a state of emergency; and providing penalties.

On the question,

Will the Senate concur in the amendments made by the House, as further amended by the Senate, to Senate Bill No. 307?

Senator LOEPER. Mr. President, I move that the Senate do concur in the amendments made by the House, as further amended by the Senate, to Senate Bill No. 307.

On the question,

Will the Senate agree to the motion?

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

YEA-50

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

NAY-0

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

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

**SPECIAL ORDER OF BUSINESS
GUEST OF SENATOR ROBERT J. MELLOW
PRESENTED TO THE SENATE**

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

Senator MELLOW. Mr. President, I would just like to introduce to the Senate today a gentleman from Scranton who is down here on some legislative business, but, equally as important, he is taking in the activities of the Senate today. Michael Dreher is sitting in the gallery, and I would just like the Senate to extend its usual cordial welcome.

The PRESIDENT pro tempore. Would Senator Mellow's guest kindly rise and we would be happy to welcome you to the Senate of Pennsylvania.

(Applause.)

ANNOUNCEMENT BY MAJORITY LEADER

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

Senator LOEPER. Mr. President, we are still awaiting a Supplemental Calendar, and therefore I ask that we move on with our agenda to the order of business of Petitions and Remonstrances.

PETITIONS AND REMONSTRANCES

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

Senator WAGNER. Mr. President, I rise to make some comments today about a very special person. In a few days, to be more precise on December 31, 1997, my senior assistant, my good friend, Mr. George McManus, whom many of you know, will be retiring. Since this is the last Senate Session prior to his retirement, I want to make some comments as part of the public record about a true public servant who has served the people of Pennsylvania for the majority of his life, over 40 years. George's retirement is the culmination of approximately

42 years of public service to the citizens of Pennsylvania. Many of you actually know George better than I know him, because he has been here a considerable period of time, as I know many of the Senators with seniority have been here a considerable period of time.

George was born in Philadelphia, Pennsylvania, and moved here about 4 decades ago and presently lives in the Camp Hill area with his wife, Mary Ann. George worked in the House of Representatives for 20-plus years for someone whom I understand to be a real first class individual, a gentleman by the name of Mr. Marty Mullen, who served this Commonwealth quite well. He spent the next 17 years working for my predecessor as his top assistant, another gentleman who served this Commonwealth quite well, Senator Eugene Scanlon, and many of you knew Senator Scanlon extremely well.

I have been fortunate to have had George on my staff since I have been a Senator for the last 3 1/2 years, and he truly helped me hit the ground running when I walked into Harrisburg to serve my constituents in Allegheny County. During that time he also served as chairman of the National Conference of State Legislatures, and he also developed a special expertise related to the Liquor Code, of which Senator Scanlon was the Majority and Minority chairman, and I have had the honor of being the Minority chairman for the last 3 1/2 years. And as many of you know, and as the people of Pennsylvania know, really the Liquor Code and the PLCB, the Pennsylvania Liquor Control Board, has evolved tremendously in the last 15 to 20 years, actually going as far back as the Shapp administration, and it has become more people-sensitive to the consumers and the people of Pennsylvania.

But I really think George's greatest quality has been his love of people and his very unique ability to build an atmosphere of positive communication wherever he goes. The one quality that jumps out to me, and I know it does to my assistants here in Harrisburg, Trudy and Ron, and I am sure to many of you, is George's sincerity in terms of dealing with people, and you really have to spend a day with George to understand that sincerity.

I have many times walked throughout the Capitol to really see how many people George truly knows and how many people he takes the time to say hello to and asks how they are doing. From the person who pushes the broom, to the clerk, to the delivery person, to the staff person, to the House Member, to the Senator, to the Governor, to the Lieutenant Governor, there is really no one he misses, and that is because of his really sincere, unique quality as a human being, caring about other people. I have often said, and I mean this, George McManus knows more people in Harrisburg than anyone, including the Governor. I would bet my house on that, that is how sure I am of it, and people consider him to be their friend, really something extremely special.

But in reality, George has been a great asset to me, and that is really the reason why I am standing up here today wishing him well in his retirement. He has helped me along, has helped me grow as a Senator, has helped me understand this city, which can be a very complex city, especially when you are coming here new, as I did 3 1/2 years ago. So my gratitude,

George, to you. It is very obvious that I could not be the Senator I am today serving the people I represent without the guidance, without the counsel, without all of your continual advice since I have been a State Senator.

And, George, I want to state to you publicly on behalf of Trudy and Ron here at the Harrisburg office and my staff in Pittsburgh, Mike, Tammy, Janine, Janice, we all want to wish you the best. We want to wish you good luck in your retirement. More importantly, we want to wish you good health in your retirement, and God bless you, George, and Godspeed.

Thank you, Mr. President.

The PRESIDENT pro tempore. The Chair thanks the gentleman for his most appropriate remarks, and certainly the Chair concurs in each and every one of them.

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

**BILL ON THIRD CONSIDERATION
AND FINAL PASSAGE**

HB 1463 (Pr. No. 2699) -- The Senate proceeded to consideration of the bill, entitled:

An Act authorizing and directing the Department of General Services, with the approval of the Governor, to grant and convey to the City of McKeesport, a tract of land situate in the Seventh Ward, City of McKeesport, Allegheny County and to sell and convey to Smithfield Township certain land situate in the Township of Smithfield, Huntingdon County; and authorizing and directing the Department of General Services, with the approval of the Governor, to convey tracts of land and buildings, consisting of a portion of the former Laurelton Center, located in Hartley Township, Union County, Pennsylvania.

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-50

Afflerbach	Greenleaf	Mellow	Stout
Armstrong	Hart	Mowery	Tartaglione
Belan	Helfrick	Murphy	Thompson
Bell	Holl	Musto	Tilghman
Bodack	Hughes	O'Pake	Tomlinson
Brightbill	Jubelirer	Piccola	Uliana
Conti	Kasunic	Punt	Wagner
Corman	Kitchen	Rhoades	Wenger
Costa	Kukovich	Robbins	White
Delp	LaValle	Salvatore	Williams
Earli	Lemmond	Schwartz	Wozniak
Fumo	Loeper	Slocum	
Gerlach	Madigan	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 with amendments in which concurrence of the House is requested.

UNFINISHED BUSINESS DISCHARGE PETITION

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

In the Senate, December 10, 1997

A PETITION

To place before the Senate the nomination of Donna Kriner, as a member of the State Board of Nursing Home Administrators.

TO: The President Officer of the Senate:

WE, The undersigned members of the Senate, pursuant to section 8 (b) of Article IV of the Constitution of Pennsylvania, do hereby request that you place the nomination of Donna Kriner, as a member of the State Board of Nursing Home Administrators, before the entire Senate body for a vote, the nomination not having been voted upon within 15 legislative days:

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

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

CONGRATULATORY RESOLUTIONS

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

Congratulations of the Senate were extended to Mr. and Mrs. Edward Kushkowsky by Senator Hart.

Congratulations of the Senate were extended to Joseph W. Thomas, Jr., and to Lorraine Lindbuchler by Senator Musto.

Congratulations of the Senate were extended to the Junior League of Reading by Senator O'Pake.

Congratulations of the Senate were extended to the Honorable William S. Miller III by Senator Piccola.

Congratulations of the Senate were extended to Maurice and Eleanor Alexander, Norman B. Niels, David E. Adams, Jim Barnes, Dr. Rita Jones, A. Pierson Sill, Ben Showers, Vito Selvaggio and to the West Chester East High School Marching Band by Senator Thompson.

Congratulations of the Senate were extended to Mr. and Mrs. John Pretopapa and to John Stempo by Senator Uliana.

BILLS ON FIRST CONSIDERATION

Senator HOLL. 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 100, SB 937 and HB 911.

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

PETITIONS AND REMONSTRANCES (Continued)

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

Senator HUGHES. Mr. President, I just want to announce officially that today we introduced Senate Bill No. 1222, which is a bill that for the first time would allow the State of Pennsylvania to contribute to what has previously been the federally funded youth summer jobs program. For a number of years now, a number of decades in fact, Mr. President, the Federal government has been sending money to all of the States to assist young people, especially those at low-income levels, to have summer work, obviously during the summer. It is principally about 6 weeks, paying minimum wage, and about 20 to 30 hours a week.

Unfortunately, the State has never contributed to what everyone says has been a very successful and very positive program. For many of these young people, this has been their first work experience and usually, in most situations, in community service settings. In this ongoing determination to get all of our communities, especially our young people, more committed to doing community service work, we believe that the summer youth work program is a very good measure and is something that deserves support and is in fact something that deserves significant State support.

So I just wanted to make sure that it was on the record that today Senate Bill No. 1222 was introduced supporting a State appropriation to assist the youth summer jobs program. This past year in 1997, Mr. President, 22,000, almost 23,000, young people received work. This appropriation would in fact double the amount of young people across the Commonwealth who would receive work. I think it is worthy of consideration, and I just wanted to make sure that it was on the record that this bill has been introduced and we are looking for positive support for this legislation in the future.

Thank you very much, Mr. President.

The PRESIDING OFFICER (Noah W. Wenger) in the Chair.

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

The PRESIDENT pro tempore. Mr. President, as this near empty Chamber gets ready to return home, hopefully safely in this weather, for its holiday recess, I would not want to let the occasion go without saying some words about one of our own who has chosen to seek county office, and that, of course, is Judge-elect David Heckler, who up until just a few short months ago was a leader in this State Senate, without question.

Former Senator Heckler is here on the floor today, and I know from the bottom of my heart, and I am sure I speak for not only Members of our Caucus but other Members with whom I have talked, we are going to miss him dearly.

I have known former Senator Heckler from the time he came with former Senator Howard as his chief counsel. He certainly made his mark then and as he began to pursue his own career in the House of Representatives and subsequently in the Senate of Pennsylvania.

Mr. President, I know of no one who made a stronger statement in a shorter period of time than did former Senator Heckler here in the Senate of Pennsylvania. Like the brokerage firm ad that we used to see on television, when Dave Heckler spoke, we all listened, and, frankly, that does not always happen in this body. Very few people have not only the intelligence but also the ability to communicate as he did on issues that were both complex and yet vital to the future of not only the Senate but to the people of Pennsylvania.

I certainly think back to the Special Session on crime where he was extremely involved. I think to his most recent work on Senate Bill No. 1, the lobbyist reform bill, something that he and Senator Kukovich and others have been working on for many years, his work as chairman of the Committee on Aging and Youth, and the Committee on Law and Justice. Whenever there was a difficult assignment, Senator Loeper and I would always look and say, well, Dave Heckler is the guy to get this done.

We will miss him, our Caucus will miss him. We were blessed to have him for the period we had, and the people of Bucks County are very fortunate because I believe they are going to be getting a judge who is going to be as hardworking as any judge in the Commonwealth, who will be knowledgeable, who will be fair, who will understand the issues, and who will rule with knowledge, compassion, and fairness to all who come before him.

As my father was a judge and president judge of a county for 10 years, I always kind of had an image of what I thought a judge should be. Frankly, Mr. President, it has not always been that way, but as I look at soon-to-be-Judge Heckler, I believe that the people of Bucks County are indeed very fortunate to have the wisdom and the experience that he will bring to that position. I wish Dave nothing but the best. He has been an outstanding contributor to this body and he will continue to contribute wherever he goes. And, Dave, Godspeed, good luck, and thanks not only for the memories, but thanks for all the support and care and help and all the tough jobs that you undertook that we asked you to do, and we wish you nothing but the best in the future.

Thank you, Mr. President.

The PRESIDING OFFICER. Thank you, Senator Jubelirer, for those very appropriate remarks.

The Chair recognizes the gentleman from Bucks, Senator Tomlinson.

Senator TOMLINSON. Mr. President, I would like to join Senator Jubelirer in congratulating Senator Heckler and wishing him a fond farewell and good luck in the courts in Bucks County, and I know he is going to be an excellent judge. We

are looking forward to his serving on the bench in Bucks County.

I met Senator Heckler several years ago in the House of Representatives and he has always been a great friend and a good person to run an idea by, but I probably have not met anybody who is technically as good as Dave is with the law. We are really going to miss Dave's expertise in writing legislation and interpreting legislation and getting legislation through this body. Dave had a great talent for the law. Dave had a great ability and expertise in the law. Everybody in this Senate Chamber, both Democrat and Republican, looked to Dave for advice and for counsel when it came to the technical aspects of writing legislation.

I just want to say, as a personal point of privilege, that it has been wonderful knowing Dave and working with him and working and representing the people in all of Bucks County. Dave, good luck on the bench, and thank you for being a great friend and thank you for doing such a wonderful job in the Senate of Pennsylvania.

The PRESIDING OFFICER. The Chair recognizes the gentleman from Bucks, Senator Conti.

Senator CONTI. Mr. President, I also rise today to join with my colleagues in bidding a most fond farewell to Judge-elect Dave Heckler. This, of course, is most personal for me. This continues the Dave Heckler tribute tour that we have been on for the last couple of months. Judge-elect, Dave, as far as I know I think this is the last stop on the tour, so I join my colleagues in wishing Dave all the best.

Dave Heckler has truly been my hero since I was in high school. He has been a role model that I have looked up to. I am very honored and privileged to follow him in this Senate seat. And Dave, I want to thank you for all that you have done for me and for the fine residents of the 10th Senatorial District, and it is with great emotion and with sincere regret, though I am the direct beneficiary of his success, but with sincere emotion that I wish Dave all the best. I love Dave Heckler and I always will.

Thank you, Mr. President.

The PRESIDING OFFICER. The Chair recognizes the gentleman from Lebanon, Senator Brightbill.

Senator BRIGHTBILL. Mr. President, the first time I encountered Dave Heckler, he called me on the telephone as a staff member for the District Attorneys' Association, and I think it was a good experience for him because he learned a little bit about the Pennsylvania Dutchman, and I wondered who this guy was. At that time I never would have dreamed that he would touch my life in a very important way, and he has done that, and I thank you for having done that. We will see what it does, but I appreciate that.

You know, we serve here and, frankly, we are really blessed to serve here because there really are a lot of terrific people, and as we move around and talk to each other, we begin to get a sense of who to talk to at any given time on any given problem or any different area of influence. The nice thing about having Dave Heckler here was that when there was a problem and when one would go out and talk to people to find out some ideas on how to solve a problem, one of the people you

always wanted to seek out was Dave Heckler, because he had good ideas. I think that is important and I appreciate that.

The second thing is this: Sometimes we have problems and we think we have ideas on how to solve those problems, but it is always nice to run it by someone whose judgment we respect and who will give us an honest opinion, and Dave Heckler, once again, was one of those people.

And David, I think that we are going to see you again, other than for the swearing-in of Senator Jubelirer, but I think we are going to see you again, and someday, maybe it will not be me but maybe one of my kids as a lawyer will be appearing before you as a Supreme Court Justice, Federal court judge, or something like that. But really, this world needs people like David Heckler, and the Senate is a better place for his having passed through here.

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

Senator LOEPER. Mr. President, before asking for a brief recess or a recess of the Senate in order that some bills can come back from the House in order to be signed, I would just also like to add to the many things that have been said about Judge-elect Heckler.

I will never forget Tuesday, July 13, 1993, when there was a special election in Bucks County to fill that seat, and particularly that evening being in the headquarters in Doylestown and to really find the person, Dave Heckler, who was going to be the Senator-elect to come and represent the 10th District. And I think the people of Bucks County certainly could not have had a finer representative during that period of time, prospectively, while Senator Heckler served here in the Senate of Pennsylvania. I think as many of the previous speakers have indicated today, one of the hallmarks of Senator Heckler's tenure here was his ability to negotiate very difficult issues. As Senator Jubelirer had mentioned, we counted on Senator Heckler many times to tackle the tough issues, to get into the details, to sit down and work out problems on many difficult issues, and he was a master at it. We certainly appreciate his contribution to our Caucus, to this Senate of Pennsylvania, and we also recognize that his tremendous judicial abilities will now transfer to the bench in Bucks County, and the people of Bucks County will certainly be the benefit of that.

We all wish him well as he moves forward, and as Senator Jubelirer said, maybe someday your path will cross with us again in another office. But again, we all wish you well and the best for you and your family.

In addition to that, I would also just like to make a brief remark to follow up Senator Wagner's remarks on George McManus, a longtime employee of the Senate of Pennsylvania, the House of Representatives, and I guess as I understand from Senator Salvatore maybe even State government previous to that. But I think that it was very evident the other evening at a surprise tribute for George how well received he was by his many friends and supporters--Republicans, Democrats, Independents, whatever they may be--who showed up to pay tribute to George. And I think that certainly demonstrates the character of the man, the character of an individual who served this State so well for so many years, in the course of doing that

making all those friendships and loyal friends who trusted George's judgment and abilities as he carried them out. And we are all going to miss George and wish him and Mary Ann well as they move forth into their future endeavors.

I understand before I make the motion to recess to the call of the President pro tempore that Senator Piccola would also like to be recognized, Mr. President.

The PRESIDING OFFICER. The Chair recognizes the gentleman from Dauphin, Senator Piccola.

Senator PICCOLA. Mr. President, I apologize to you and the Majority Leader. I was attending the tree-lighting ceremony in the Rotunda and was not aware that we were going to make accolades to our recently departed colleague, Senator Heckler.

I had the good fortune and the rare privilege of serving with Senator Heckler both here in the Senate for a brief period of time and also in the House of Representatives. I have worked with, over my 21 years in the State legislature, literally hundreds of Members of both this body and the House of Representatives, and I can count on perhaps one hand the type of individuals who serve their constituents and the Commonwealth of Pennsylvania who rank in the high calibre that Dave Heckler ranks. Dave is honest, first and foremost. You do not have to guess about what Dave is thinking, you do not have to guess what Dave's position is on an issue, you know. He tells you and he tells you in very straightforward and sometimes not too flattering terms. For that we should all be grateful, because anytime you can get a straight answer in Harrisburg, you should thank your lucky stars.

In addition, Dave is a bright legislator. He thinks through issues that are of paramount importance not only to his constituents in Bucks County but the constituents we all represent throughout the Commonwealth of Pennsylvania, and he applies that intelligence in a very positive and productive way that has resulted in some very, very good legislation.

And finally, I can count Dave Heckler as a very good friend, and very good friends are oftentimes hard to come by. Loyalty and friendship are something that I value very highly. I know that Senator Heckler does, and we are going to miss him here in the Hall of the Senate, but I think the judiciary of the Commonwealth of Pennsylvania will be vastly improved because of his ascension to the bench of Bucks County. I certainly want to personally wish him well, and I am not going to say goodbye because I know I am going to keep in close contact with him and his activities in Bucks County, and I hope that he comes to Harrisburg to see us frequently.

Thank you, Mr. President.

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

Senator HUGHES. Believe it or not, Mr. President, Senator Mellow asked me to speak on behalf of the Democrats, and I will do that, but I also have to speak from a personal perspective. The judge and I came into the House together, and I have enjoyed a very good and positive working relationship with him ever since that cold day back in December of 1986 when we had to travel up here for training. Dave, you might remember that. It has been a pleasure for me personally to see someone who has been rewarded for the work that he has done.

We have not necessarily agreed on all of the issues, but I can say, and I was saying this to Senator Mellow on the side here, that I have always appreciated David's work, excuse me, the judge's—I want to get it right. Being married to one, you have to say these things right, the protocol. You have to get it right—work ethic. He has worked hard, he has worked diligently, and he has worked, I believe, sincerely to try to achieve good results out of all of the issues that have been spread, if you will, across the table.

So personally and for all of the Democrats, David, we wish you all the best. We know you will work hard, we know you will do good work. And in the statewide judicial association, you will run into another Hughes, and if you treat her as well as you have treated me, we will all be the better for it. Thank you for your service, and we appreciate everything that you have done.

HOUSE MESSAGE

HOUSE INSISTS UPON ITS NONCONCURRENCE IN AMENDMENTS MADE BY THE SENATE TO HB 1476, AND APPOINTS COMMITTEE OF CONFERENCE

The Clerk of the House of Representatives informed the Senate that the House insists upon its nonconcurrence in the amendments made by the Senate to **HB 1476**, and has appointed Messrs. REBER, LYNCH and GEORGE as a Committee of Conference to confer with a similar committee of the Senate, already appointed, to consider the differences existing between the two houses in relation to said bill.

RESIGNATION OF MEMBERS FROM STANDING COMMITTEES OF THE SENATE

The PRESIDING OFFICER. The Chair wishes to announce the following members have resigned from Standing Committees of the Senate:

Senator William Slocum from the Committee on Communications and High Technology.

Senator Joseph Uliana from the Committee on Appropriations.

APPOINTMENT OF MEMBERS TO STANDING COMMITTEES OF THE SENATE

The PRESIDING OFFICER. The Chair wishes to announce that the following appointments have been made by the President pro tempore to Standing Committee of the Senate:

Senator Joseph Conti as a member of the Committee on Communications and High Technology, to fill the vacancy caused by the resignation of Senator William L. Slocum.

Senator William L. Slocum as a member of the Committee on Appropriations, to fill the vacancy caused by the resignation of Senator Joseph M. Uliana.

RECESS

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

Senator LOEPER. Mr. President, I now request that the Senate stand in recess to the call of the President pro tempore.

The PRESIDING OFFICER. Senator Loeper moves that the Senate stand in recess to the call of the President pro tempore.

The Senate will stand in recess to the call of the President pro tempore.

AFTER RECESS

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

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

HOUSE MESSAGES

HOUSE CONCURS IN SENATE BILL

The Clerk of the House of Representatives returned to the Senate **SB 577**, with the information the House has passed the same without amendments.

HOUSE CONCURS IN SENATE AMENDMENTS TO HOUSE BILLS

The Clerk of the House of Representatives informed the Senate that the House has concurred in amendments made by the Senate to **HB 7**, **HB 959** and **HB 1463**.

BILLS SIGNED

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

SB 577, **HB 7**, **HB 21**, **HB 959**, **HB 1412** and **HB 1463**.

ADJOURNMENT

Senator LOEPER. Mr. President, I move that the Senate do now adjourn until Tuesday, January 6, 1998, at 11:45 a.m., Eastern Standard Time, unless sooner recalled by the President pro tempore.

The motion was agreed to.

The Senate adjourned at 2:45 p.m., Eastern Standard Time.