

COMMONWEALTH OF PENNSYLVANIA

Legislative Journal

TUESDAY, JANUARY 20, 1998

SESSION OF 1998

182ND OF THE GENERAL ASSEMBLY

No. 2

SENATE

TUESDAY, January 20, 1998

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

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

PRAYER

The Chaplain, Reverend Dr. PAUL D. GEHRIS, Retired Pastor, American Baptist Churches - U.S.A., Shermans Dale, offered the following prayer:

Let us pray.

Almighty and everlasting God, whose creation continues, mercy endures, and love never ends, I pray for this Senate of Pennsylvania reconvening for this year, the venerable institution, each of the Members, and all of the staff and support persons.

Grant our Senators wisdom for making decisions, courage to speak for and stand for the truth as they understand it, and patience with those who view the world from a different perspective.

Give them a broad view of our Commonwealth and a depth of compassion for those for whom life is a hard road, especially our children who live at the edge and in the midst of poverty and ugliness and fear and hopelessness.

Let each one of these Your servants have self confidence beyond arrogance, openness beyond selfishness, and graciousness beyond personal aggrandizement. Let them enjoy and even cherish the days of "run of the mill" work as well as the fewer great and grand "aha" days of accomplishment. Give them a sense of history to work toward a sensible future.

May Your presence be felt, invested, and honored here now and always. Amen.

The PRESIDENT. The Chair thanks Reverend Gehris, who is the guest today of Senator Mowery.

JOURNAL APPROVED

The PRESIDENT. A quorum of the Senate being present, the Clerk will read the Journal of the preceding Session of January 6, 1998.

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

COMMUNICATIONS FROM THE GOVERNOR

NOMINATIONS REFERRED TO COMMITTEE

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

MEMBER OF THE LACKAWANNA COUNTY BOARD OF ASSISTANCE

January 7, 1998

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, Frank C. Grecco (Republican), 59 Green Street, Carbondale 18407, Lackawanna County, Twenty-second Senatorial District, for reappointment as a member of the Lackawanna County Board of Assistance, to serve until December 31, 2000, and until his successor is appointed and qualified.

THOMAS J. RIDGE
Governor

MEMBER OF THE INDUSTRIAL BOARD

January 8, 1998

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, Mark Navarro, 4184 Kittatinny Drive, Mechanicsburg 17055, Cumberland County, Thirty-first Senatorial District, for appointment as a member of the Industrial Board, to serve until the third Tuesday of January 1999, and until his successor is appointed and qualified, vice Robert T. Heenan, Feasterville, resigned.

THOMAS J. RIDGE
Governor

MEMBER OF THE UNION COUNTY BOARD OF ASSISTANCE

January 9, 1998

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, Jacqueline M. Beery (Republican), R. D. #2, Box 434, Lewisburg 17837, Union County, Twenty-third Senatorial District, for appointment as a member of the Union

County Board of Assistance, to serve until December 31, 2000, and until her successor is appointed and qualified, to add to complement.

THOMAS J. RIDGE
Governor

MEMBER OF THE UNION COUNTY
BOARD OF ASSISTANCE

January 9, 1998

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, Betty J. Mincemoyer (Democrat), R. R. 5, Box 83, Mifflinburg 17844, Union County, Twenty-third Senatorial District, for appointment as a member of the Union County Board of Assistance, to serve until December 31, 2000, and until her successor is appointed and qualified, to add to complement.

THOMAS J. RIDGE
Governor

MEMBER OF THE HEALTH POLICY BOARD

January 12, 1998

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, Paula Vitz, 265 Brookview Drive, Red Lion 17356, York County, Twenty-eighth Senatorial District, for appointment as a member of the Health Policy Board, to serve for a term of three years and until her successor is appointed and qualified, vice Barbara A. Afflerbach, Catasauqua, resigned.

THOMAS J. RIDGE
Governor

MEMBER OF THE BOARD OF TRUSTEES OF
THE PENNSYLVANIA STATE UNIVERSITY

January 13, 1998

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Robert Myers, 3061 Sunny Drive, Lansdale 19446, Twenty-fourth Senatorial District, for appointment as a member of the Board of Trustees of The Pennsylvania State University, to serve until July 1, 1999 and until his successor is appointed and qualified, vice Nathan Nair, Doylestown, whose term expired.

THOMAS J. RIDGE
Governor

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

January 14, 1998

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, Stanley W. Reinhard, Jr., 1447 Hill Crest Court, Camp Hill 17011, Cumberland County, Thirty-first Senatorial District, for reappointment as a member of the Board of

Trustees of Scotland School for Veterans' Children, to serve until the third Tuesday of January 2003, and until his successor is appointed and qualified.

THOMAS J. RIDGE
Governor

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

January 14, 1998

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, John E. Titus, Box 174, Washington Street, Jefferson 15344, Greene County, Forty-sixth Senatorial District, for reappointment as a member of the Board of Trustees of Scotland School for Veterans' Children, to serve until the third Tuesday of January 2003, and until his successor is appointed and qualified.

THOMAS J. RIDGE
Governor

MEMBER OF THE POTTER COUNTY
BOARD OF ASSISTANCE

January 14, 1998

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Nancy B. Erway (Republican), R. D. #2, Genesee 16923, Potter County, Twenty-fifth Senatorial District, for reappointment as a member of the Potter County Board of Assistance, to serve until December 31, 2000, and until her successor is appointed and qualified.

THOMAS J. RIDGE
Governor

MEMBER OF THE POTTER COUNTY
BOARD OF ASSISTANCE

January 14, 1998

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, Rev. Raymond D. Forsythe (Republican), 608 South East Street, Coudersport 16915, Potter County, Twenty-fifth Senatorial District, for reappointment as a member of the Potter County Board of Assistance, to serve until December 31, 2000, and until his successor is appointed and qualified.

THOMAS J. RIDGE
Governor

MEMBER OF THE POTTER COUNTY
BOARD OF ASSISTANCE

January 14, 1998

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, Helene K. Nawrocki (Republi-

can), 2512 Hilcox-Ulysses Road, Genesee 16923, Potter County, Twenty-fifth Senatorial District, for appointment as a member of the Potter County Board of Assistance, to serve until December 31, 2000, and until her successor is appointed and qualified, to add to complement.

THOMAS J. RIDGE
Governor

MEMBER OF THE POTTER COUNTY
BOARD OF ASSISTANCE

January 14, 1998

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, Anne L. Nelson (Democrat), R. D. #1, Box 270, Roulette 16746, Potter County, Twenty-fifth Senatorial District, for appointment as a member of the Potter County Board of Assistance, to serve until December 31, 2000, and until her successor is appointed and qualified, to add to complement.

THOMAS J. RIDGE
Governor

MEMBER OF THE POTTER COUNTY
BOARD OF ASSISTANCE

January 14, 1998

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, William A. Schweigart (Republican), R. D. #2, Box 379, Genesee 16923, Potter County, Twenty-fifth Senatorial District, for reappointment as a member of the Potter County Board of Assistance, to serve until December 31, 2000, and until his successor is appointed and qualified.

THOMAS J. RIDGE
Governor

MEMBER OF THE POTTER COUNTY
BOARD OF ASSISTANCE

January 14, 1998

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, Pearl R. Young (Republican), 502 Oak Street, Coudersport 16915, Potter County, Twenty-fifth Senatorial District, for appointment as a member of the Potter County Board of Assistance, to serve until December 31, 2000, and until her successor is appointed and qualified, vice Duane F. Dow, Austin, whose term expired.

THOMAS J. RIDGE
Governor

DISTRICT JUSTICE

January 14, 1998

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, William G. Martin, Esquire, 414 Moran Street, Oil City 16301, Venango County, Twenty-fifth Senatorial District, for appointment as District Justice, in and for the County of Venango, Magisterial District 28-3-02, to serve until the first Monday of January 2000, vice Oliver J. Lobaugh, resigned.

THOMAS J. RIDGE
Governor

MEMBER OF THE STATE BOARD
OF CHIROPRACTIC

January 15, 1998

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Dennis G. Ridenour, D.C., 24 North Juniata Street, Hollidaysburg 16648, Blair County, Thirtieth Senatorial District, for appointment as a member of the State Board of Chiropractic, to serve for a term of four years or until his successor is appointed and qualified, but not longer than six months beyond that period, vice Mary Ann Crawford, D.C., Red Lion, whose term expired.

THOMAS J. RIDGE
Governor

MEMBER OF THE STATE BOARD
OF CHIROPRACTIC

January 15, 1998

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, John K. Slavek, D.C., 112 School Lane, Telford 18969, Montgomery County, Twenty-fourth Senatorial District, for appointment as a member of the State Board of Chiropractic, to serve for a term of four years or until his successor is appointed and qualified, but not longer than six months beyond that period, vice Joseph Gnall, D.C., Taylor, whose term expired.

THOMAS J. RIDGE
Governor

MEMBER OF THE STATE BOARD
OF DENTISTRY

January 15, 1998

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, Veasey B. Cullen, Jr., D.M.D., 311 Brookwood Drive, York 17403, York County, Twenty-eighth Senatorial District, for appointment as a member of the State Board of Dentistry, to serve until April 27, 1999 or until his successor is appointed and qualified, but not longer than six months beyond that period, vice James A. Coll, D.M.D., York, resigned.

THOMAS J. RIDGE
Governor

**MEMBER OF THE STATE BOARD
OF DENTISTRY**

January 15, 1998

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, Dr. John Reitz, 81 Flint Ridge Drive, Shillington 19607, Berks County, Eleventh Senatorial District, for appointment as a member of the State Board of Dentistry, to serve for a term of six years or until his successor is appointed and qualified, but not longer than six months beyond that period, vice Edwin F. Weaver, III, D.D.S., Hershey, whose term expired.

THOMAS J. RIDGE
Governor

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

January 15, 1998

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Michael P. Meehan, Esquire, 15051 Trevoise Road, Philadelphia 19116, Philadelphia County, Fifth Senatorial District, for reappointment as a Commonwealth Trustee of Lincoln University-of the Commonwealth System of Higher Education, to serve until August 31, 2001, and until his successor is appointed and qualified.

THOMAS J. RIDGE
Governor

**MEMBER OF THE UNEMPLOYMENT
COMPENSATION BOARD OF REVIEW**

January 15, 1998

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, Anthony J. Gallagher, 511 Strathmore Road, Havertown 19083, Delaware County, Seventeenth Senatorial District, for appointment as a member of the Unemployment Compensation Board of Review, to serve until July 1, 2003 and until his successor is appointed and qualified, vice Francis P. Bonner, Hazleton, whose term expired.

THOMAS J. RIDGE
Governor

**MEMBER OF THE PENNSYLVANIA
FISH AND BOAT COMMISSION**

January 20, 1998

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Paul J. Mahon (At-large), 211 Harvard Avenue, Clarks Green 18411, Lackawanna County, Twenty-second Senatorial District, for reappointment as a member of the Pennsylvania Fish and Boat Commission, to serve for a term of eight

years or until his successor is appointed and qualified, but not longer than six months beyond that period.

THOMAS J. RIDGE
Governor

**MEMBER OF THE PENNSYLVANIA
FISH AND BOAT COMMISSION**

January 20, 1998

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, Enoch S. Moore, Jr. (District 6), 20 Bridgewater Road, Newville 17241, Cumberland County, Thirty-first Senatorial District, for reappointment as a member of the Pennsylvania Fish and Boat Commission, to serve for a term of eight years or until his successor is appointed and qualified, but not longer than six months beyond that period.

THOMAS J. RIDGE
Governor

**RECALL COMMUNICATIONS
LAID ON THE TABLE**

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

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

January 14, 1998

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated September 22, 1997 for the appointment of Donna Kriner, 6320 Darlington Drive, Harrisburg 17112, Dauphin County, Fifteenth Senatorial District, as a member of the State Board of Examiners of Nursing Home Administrators, to serve until November 21, 1999 or until her successor is appointed and qualified, but not longer than six months beyond that period, vice Jesse C. Achenbach, resigned.

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

THOMAS J. RIDGE
Governor

**MEMBER OF THE STATE BOARD
OF CHIROPRACTIC**

January 15, 1998

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated August 5, 1997 for the appointment of Karl E. Mueller, D.C., 5930 Hamilton Boulevard, Wescosville 18106, Lehigh County, Forty-eighth Senatorial District, as a member of the State Board of Chiropractic, to serve for a term of four years or until his successor is appointed

and qualified, but not longer than six months beyond that period, vice Joseph Gnall, D.C., Taylor, whose term expired.

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

THOMAS J. RIDGE
Governor

CORRECTIONS TO NOMINATIONS REFERRED TO COMMITTEE

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

JUDGE, MUNICIPAL COURT

January 7, 1998

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

Please note the nomination dated January 6, 1998 for the appointment of John J. O'Grady, Jr., 813 North 64th Street, Philadelphia 19151, Philadelphia County, Seventh Senatorial District, as Judge of the Municipal Court, to serve until the first Monday of January 2000, pursuant to Act, approved February 14, 1997, should be corrected to read:

John J. O'Grady, Jr., 813 North 64th Street, Philadelphia 19151, Philadelphia County, Seventh Senatorial District, for appointment as Judge of the Municipal Court of Philadelphia, to serve until the first Monday of January 2000, pursuant to Act 2, approved February 14, 1997.

MEMBER OF THE BOARD OF TRUSTEES OF THE PENNSYLVANIA STATE UNIVERSITY

January 14, 1998

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

Please note the nomination dated January 13, 1998 for the appointment of Robert Myers, 3061 Sunny Drive, Lansdale 19446, Twenty-fourth Senatorial District, as a member of the Board of Trustees of The Pennsylvania State University, to serve until July 1, 1999 and until his successor is appointed and qualified, vice Nathan Nair, Doylestown, whose term expired, should be corrected to read:

Robert Myers, 3061 Sunny Drive, Lansdale 19446, Montgomery County, Twenty-fourth Senatorial District, as a member of the Board of Trustees of The Pennsylvania State University, to serve until July 1, 1999 and until his successor is appointed and qualified, vice Nathan Nair, Doylestown, whose term expired.

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:

January 14, 1998

Senators O'PAKE, BODACK, TOMLINSON, AFFLERBACH, THOMPSON, SLOCUM, MELLOW, LEMMOND, BELL, STOUT, KASUNIC, BRIGHTBILL,

RHOADES, SCHWARTZ, FUMO and BELAN presented to the Chair SB 1234, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for meeting or overtaking a school bus.

Which was committed to the Committee on TRANSPORTATION, January 14, 1998.

Senators RHOADES, STOUT, COSTA, TOMLINSON, MELLOW, LEMMOND, SCHWARTZ and MOWERY presented to the Chair SB 1235, entitled:

An Act amending the act of March 10, 1949 (P.L.30, No.14), entitled Public School Code of 1949, providing for the issuance of athletic director certificates.

Which was committed to the Committee on EDUCATION, January 14, 1998.

Senators RHOADES, STOUT, SALVATORE, TOMLINSON, COSTA, BODACK, O'PAKE, AFFLERBACH, DELP, STAPLETON, WHITE, WILLIAMS, BRIGHTBILL, MELLOW, KASUNIC, CORMAN, SCHWARTZ, TARTAGLIONE, MOWERY, PUNT, BELAN, KUKOVICH, LAVALLE, EARLL, MUSTO, GREENLEAF, LEMMOND, WAGNER and MURPHY presented to the Chair SB 1236, entitled:

An Act empowering and authorizing the Department of Transportation to establish and administer a grant program for the establishment of a three-year pilot program to provide shared-ride public transportation service for persons with certain disabilities throughout this Commonwealth; and making an appropriation.

Which was committed to the Committee on TRANSPORTATION, January 14, 1998.

Senators SALVATORE, BELAN, TARTAGLIONE, TOMLINSON, LAVALLE, BELL, GREENLEAF, COSTA, LEMMOND and KASUNIC presented to the Chair SB 1237, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for special plates for survivors of certain individuals killed in the line of duty.

Which was committed to the Committee on TRANSPORTATION, January 14, 1998.

January 16, 1998

Senators GREENLEAF, O'PAKE, GERLACH, WILLIAMS, EARLL, WAGNER, AFFLERBACH, ARMSTRONG, COSTA, KASUNIC, LEMMOND, RHOADES, TOMLINSON, ULIANA, SCHWARTZ, HOLL, MELLOW and SALVATORE presented to the Chair SB 1239, entitled:

An Act amending the act of August 6, 1941 (P.L.861, No. 323), entitled, as amended, Pennsylvania Board of Probation and Parole Law, further providing for supervision of persons paroled in other states; and imposing a penalty.

Which was committed to the Committee on JUDICIARY, January 16, 1998.

RESOLUTION INTRODUCED AND REFERRED

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

January 20, 1998

Senators SALVATORE, LOEPER, JUBELIRER, BRIGHTBILL, MOWERY, TARTAGLIONE, HELFRICK, SLOCUM, EARLL, FUMO, ULIANA, ROBBINS, O'PAKE, BELL, WENGER, COSTA, THOMPSON, AFFLERBACH, TOMLINSON, HOLL, DELP, KASUNIC, BODACK, PICCOLA, MUSTO, HART, MURPHY and SCHWARTZ presented to the Chair SR 111, entitled:

A Resolution declaring the week of January 25 through 31, 1998, as "Catholic Schools Week" in this Commonwealth.

Which was committed to the Committee on RULES AND EXECUTIVE NOMINATIONS, January 20, 1998.

GENERAL COMMUNICATIONS**ANNUAL REPORT OF PENNSYLVANIA
PUBLIC UTILITY COMMISSION**

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

PENNSYLVANIA PUBLIC UTILITY COMMISSION

To
The Honorable Thomas J. Ridge, Governor
and
The Members of the Legislature
of the
Commonwealth of Pennsylvania

I am especially pleased to send this Annual Report to you and to our Legislators who participated actively during the past year in the restructuring of Public Utility regulation in the Commonwealth.

The following report describes our beginning efforts and the objectives of the Commission to ensure that as a result of competition, all Pennsylvanians have access to adequate, safe, reliable and efficient energy services at fair and reasonable prices.

Our optimism for success in achieving these objectives is exceeded only by our dedication to complete the many and diverse tasks involved — all of which in some way break with tradition and set new standards for operations and performance for the Commission and for our jurisdictional public utilities.

As a leader in electric competition, we have established pilot programs that create the largest competitive electricity marketplace in the nation. We expect that the result will be beneficial to all consumers in terms of lower costs and the application of new systems and modern, home-improvement features based on advanced electric technology.

I believe that the Commission's precedent-setting actions are an appropriate response to the challenges we face as we enter the next millennium. The year 2000 will see a much changed regulatory environment, but one for which Pennsylvania is well prepared.

Managing the transition from regulation to increasing competition is our greatest challenge. I have every confidence Pennsylvania will continue to lead the nation in this vital role.

Respectfully,

JOHN M. QUAIN, Chairman
Pennsylvania Public Utility Commission

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

**ANNUAL REPORT PURSUANT TO THE
MOTOR VEHICLE FINANCIAL
RESPONSIBILITY LAW**

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

COMMONWEALTH OF PENNSYLVANIA
Insurance Department
1326 Strawberry Square
Harrisburg, PA 17120

January 8, 1998

Mr. Mark Corrigan
Secretary
Senate of Pennsylvania
462 Main Capitol
Harrisburg, PA 17120

Dear Mr. Corrigan:

According to Section 1723 of the Motor Vehicle Financial Responsibility Law (Act 6 of 1990), "Beginning December 31, 1986, and each year thereafter, each insurance company writing automobile insurance in this Commonwealth shall file with the Insurance Department the number of its insureds, the number of its insureds who have purchased first party medical benefits in excess of the minimum required by §1711 (relating to required limits), and the number of insureds who have purchased first party medical benefits under §1715(a)(1) and (1.1) (relating to availability of adequate limits). The Insurance Department shall furnish this information to the General Assembly annually." I am presenting the following report in compliance with this statutory requirement.

The data contained in the report is the most recent data available. Should questions arise regarding the figures listed or the illustrative chart, members should feel free to contact me or Deputy Commissioner Gregory Martino for more information.

I thank you for distributing this report on my behalf.

Sincerely,

M. DIANE KOKEN
Insurance Commissioner

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

**APPOINTMENT BY
PRESIDENT PRO TEMPORE**

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

Senator David J. Brightbill as Senate representative on the Northeast Electric Restructuring Task Force.

REPORTS FROM COMMITTEES

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

SB 382 (Pr. No. 1522) (Rereported) (Concurrence)

An Act amending the act of July 28, 1953 (P.L.723, No.230), entitled, as amended, the Second Class County Code, providing for the appointment and promotion of employees in the office of sheriff in counties of the second class; prohibiting certain political activity by employees of the sheriff's office in counties of the second class; further providing for definitions and for payment to retirement fund;

providing for retirement eligibility, for allowance and for alternate contract procedure for adaptive reuse of jail facilities; providing counties of the second class A with the power to make grants to townships, boroughs and nonprofit organizations for parks, recreation areas, open space projects and such other outdoor projects and for historic and museum projects; and making a repeal.

SB 425 (Pr. No. 1523) (Rereported) (Concurrence)

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

SB 641 (Pr. No. 1576) (Amended) (Rereported) (Concurrence)

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

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

SB 5 (Pr. No. 1574) (Amended) (Rereported)

An Act amending Titles 62 (Procurement), 1 (General Provisions) and 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, adding provisions relating to procurement; and making repeals.

SB 1013 (Pr. No. 1575) (Amended) (Rereported)

An Act amending the act of December 20, 1985 (P.L.483, No.113), entitled Tax-Exempt Bond Allocation Act, further providing for purposes of the act, for definitions, for selection of projects, for allocation of tax-exempt bond authority and for Federal law change; providing for powers and duties of the Department of Community and Economic Development; and further providing for prior project approvals.

HB 109 (Pr. No. 118) (Rereported)

An Act amending the act of August 9, 1955 (P.L.323, No.130), known as The County Code, authorizing counties to make appropriations to municipal corporations for disaster or emergency aid.

HB 595 (Pr. No. 2765) (Amended) (Rereported)

An Act amending the act of May 29, 1956 (1955 P.L.1804, No.600), referred to as the Municipal Police Pension Law, providing for early retirement.

HB 1048 (Pr. No. 2766) (Amended) (Rereported)

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for subpoena of medical records; providing for a limit on charges for reproducing medical charts or records; and further providing for rights of patients, for obtaining personal appearance of custodian of original charts, for obtaining production of original medical records and for exemption from attachment of retirement funds and accounts.

RESOLUTION REPORTED FROM COMMITTEE

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

SR 111 (Pr. No. 1573)

A Resolution declaring the week of January 25 through 31, 1998, as "Catholic Schools Week" in this Commonwealth.

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 Belan.

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

LEAVE OF ABSENCE

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

SENATE CONCURRENT RESOLUTION

WEEKLY ADJOURNMENT

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

In the Senate, January 20, 1998

RESOLVED, (the House of Representatives concurring), That when the Senate adjourns this week it reconvene on Monday, January 26, 1998, unless sooner recalled by the President Pro Tempore of the Senate; and be it further

RESOLVED, That when the House of Representatives adjourns this week it reconvene on Monday, January 26, 1998, unless sooner recalled by the Speaker of the House of Representatives.

On the question,
Will the Senate adopt the resolution?

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

YEA-49

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

NAY-0

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

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

DISCHARGE PETITIONS

The PRESIDENT laid before the Senate the following communications, which were read by the Clerk as follows:

In the Senate, January 20, 1998

A PETITION

To place before the Senate the nomination of Valerie Smith as a member of the State Board of Accountancy.

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 Valerie Smith as a member of the State Board of Accountancy, before the entire Senate body for a vote, the nomination not having been voted upon within 15 legislative days:

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

In the Senate, January 20, 1998

A PETITION

To place before the Senate the nomination of Shirley M. Shatzer as District Justice, Franklin County.

TO: The President Officer of the Senate:

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

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

The PRESIDENT. These communications will be laid on the table.

**SPECIAL ORDER OF BUSINESS
GUESTS OF SENATOR JAMES J. RHOADES
PRESENTED TO THE SENATE**

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

Senator RHOADES. Mr. President, earlier today I had an opportunity to have a picture taken in the Rotunda with a group of young men who are with the Youth Services of Bucks County, but they are at Camp Adams, which is the Jim Thorpe division in Carbon County, a part of the 29th Senatorial District. Joining us today are Brad Desiderio, Ellis Coles, Shawn Dowd, Paul Hunsinger, Victor Ballard, Gino

Mullay, Dustin Farnham, Stuart Walser, and Tony Dunkelberger. I would appreciate it if the Senate would extend to them its usual warm welcome.

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

(Applause.)

**GUESTS OF SENATOR NOAH W. WENGER
PRESENTED TO THE SENATE**

The PRESIDENT. The Chair recognizes the gentleman from Lancaster, Senator Wenger.

Senator WENGER. Mr. President, it is my pleasure to introduce to the Senate a young man from my district who is serving as a guest Page today. His name is Paul Rinear, from Denver, Pennsylvania. He is a seventh grade student at Cocalico Middle School, and he is a very active young man. He is a member of Boy Scout Troop 60 in Reamstown. He is also in a bowling league, is a computer helper at school, and also maintains the courtyard at school. He is accompanied by his parents, Bob and Verna Rinear, who are in the gallery.

At this time I would appreciate the Senate's welcome to my guests.

The PRESIDENT. Would our special guest Page and his parents, Bob and Verna, please rise so the Senate may acknowledge you.

(Applause.)

**GUESTS OF SENATOR RICHARD A. KASUNIC
PRESENTED TO THE SENATE**

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

Senator KASUNIC. Mr. President, at this time I would like to introduce two constituents who are here with us today from Fayette County. They are Chris Lepore, brother of Tony Lepore, who works for Senator Mellow, and Joe Coxson.

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

(Applause.)

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

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

**MEMBER OF THE STATE BOARD
OF CHIROPRACTIC**

January 15, 1998

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated August 5, 1997 for the appointment of Karl E. Mueller, D.C., 5930 Hamilton Boulevard, Wescosville 18106, Lehigh County, Forty-eighth Senatorial District, as a member of the State Board of Chiropractic, to serve for a term of four years or until his successor is appointed and qualified, but not longer than six months beyond that period, vice Joseph Gnall, D.C., Taylor, whose term expired.

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

THOMAS J. RIDGE
Governor

JUDGE, COURT OF COMMON PLEAS,
CHESTER COUNTY

January 5, 1998

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated November 26, 1997 for the appointment of Juan Sanchez, Esquire, 158 Lake Drive, Downingtown 19335, Chester County, Nineteenth Senatorial District, as Judge of the Court of Common Pleas of Chester County, to serve until the first Monday of January 1998, vice The Honorable Leonard Sugarman, mandatory retirement.

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

THOMAS J. RIDGE
Governor

JUDGE, COURT OF COMMON PLEAS,
LEHIGH COUNTY

January 5, 1998

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated June 18, 1997 for the appointment of Robert L. Steinberg, Esquire, 781 Parkway Road, Allentown 18104, Lehigh County, Forty-eighth Senatorial District, as Judge of the Court of Common Pleas of Lehigh County, to serve until the first Monday of January 1998, vice The Honorable James N. Diefenderfer, resigned.

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

THOMAS J. RIDGE
Governor

MEMBER OF THE STATE BOARD OF EXAMINERS
OF NURSING HOME ADMINISTRATORS

January 14, 1998

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated September 22, 1997 for the appointment of Donna Kriner, 6320 Darlington Drive, Harrisburg 17112, Dauphin County, Fifteenth Senatorial District, as a member of the State Board of Examiners of Nursing Home Administrators, to serve until November 21, 1999 or until her successor is appointed and qualified, but not longer than six months beyond that period, vice Jesse C. Achenbach, resigned.

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

THOMAS J. RIDGE
Governor

NOMINATIONS RETURNED TO THE GOVERNOR

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

The motion was agreed to.

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

REPORT FROM COMMITTEE ON RULES AND EXECUTIVE NOMINATIONS

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

MEMBER OF THE BOARD OF TRUSTEES OF HARRISBURG STATE HOSPITAL

November 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, Larry D. Crummel, 3505 Centerfield Road, Harrisburg 17109, Dauphin County, Fifteenth Senatorial District, for appointment as a member of the Board of Trustees of Harrisburg State Hospital, to serve until the third Tuesday of January 2003, and until his successor is appointed and qualified, vice Arthur S. Foreman, Harrisburg, resigned.

THOMAS J. RIDGE
Governor

MEMBER OF THE BOARD OF TRUSTEES OF LAURELTON CENTER

October 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, Elizabeth Mertz, R. R. 2, Box 514B, Northumberland 17857, Northumberland County, Twenty-seventh Senatorial District, for appointment as a member of the Board of Trustees of Laurelton Center, to serve until the third Tuesday of January 2003, and until her successor is appointed and qualified, vice Evelyn C. Marboe, State College, whose term expired.

THOMAS J. RIDGE
Governor

MEMBER OF THE STATE BOARD OF NURSING

November 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, Janet H. Shields, 107 Coventry Court, Palmyra 17078, Lebanon County, Forty-eighth Senatorial District, for appointment as a member of the State Board of Nursing, to serve for a term of six years or until her successor is appointed and qualified, but not longer than six months beyond that period, vice Alice J. Johnston, Coraopolis, whose term expired.

THOMAS J. RIDGE
Governor

DISTRICT JUSTICE

January 6, 1998

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, Deborah M. Truscello, 830 West Springfield Road, Springfield 19064, Delaware County, Ninth Senatorial District, for appointment as District Justice, in and for the County of Delaware, Magisterial District 32-2-41, to serve until the first Monday of January 2000, vice Anthony Truscello, resigned.

THOMAS J. RIDGE
Governor

NOMINATIONS LAID ON THE TABLE

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

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

RECESS

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

Senator LOEPER. Mr. President, at this time I request a recess of the Senate for the purpose of a Republican caucus to begin immediately in the first floor caucus room, with an expectation of returning to the floor at approximately 4:15 or 4:30.

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

Senator MELLOW. Mr. President, I ask the Democratic Members to report immediately to our caucus room at the rear of the Chamber.

The PRESIDENT. For purposes of Democratic and Republican caucuses, and to return to this Chamber at approximately 4:15 to 4:30, the Senate stands in recess.

AFTER RECESS

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

CALENDAR

BILL ON CONCURRENCE IN HOUSE AMENDMENTS AS AMENDED

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 OVER IN ORDER

HB 80 and **SB 157** -- Without objection, the bills were passed over in their order at the request of Senator LOEPER.

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

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 third time and agreed to,
And the amendments made thereto having been printed as required by the Constitution,

On the question,
Shall the bill pass finally?

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

YEA-49

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

BILLS OVER IN ORDER

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

BILLS ON THIRD CONSIDERATION AND FINAL PASSAGE

SB 828 (Pr. No. 893) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of May 1, 1933 (P.L.103, No.69), entitled The Second Class Township Code, further providing for monthly meetings, quorum, voting, rent and expenses.

Considered the third time and agreed to,

On the question,
Shall the bill pass finally?

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

YEA-49

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

SB 829 (Pr. No. 894) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of June 24, 1931 (P.L.1206, No.331), entitled The First Class Township Code, further providing for monthly meetings, quorum and voting.

Considered the third time and agreed to,

On the question,
Shall the bill pass finally?

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

YEA-49

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

SB 830 (Pr. No. 895) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of February 1, 1966 (1965 P.L.1656, No.581), entitled The Borough Code, further providing for organization of council, quorum, voting, compensation and eligibility.

Considered the third time and agreed to,

On the question,
Shall the bill pass finally?

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

YEA-49

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

HB 961, SB 962, 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 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 third time and agreed to,

On the question,
Shall the bill pass finally?

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

YEA-49

Afflerbach	Greenleaf	Mellow	Tartaglione
Armstrong	Hart	Mowery	Thompson
Belan	Helfrick	Murphy	Tilghman
Bell	Holl	Musto	Tomlinson
Bodack	Hughes	O'Pake	Uliana

Brightbill	Jubelirer	Piccola	Wagner
Conti	Kasunic	Punt	Wenger
Corman	Kitchen	Rhoades	White
Costa	Kukovich	Robbins	Williams
Delp	LaValle	Salvatore	Wozniak
Earll	Lemmond	Schwartz	
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

HB 1760, HB 1763, HB 1764 and HB 1765 -- Without objection, the bills were passed over in their order at the request of Senator LOEPER.

SECOND CONSIDERATION CALENDAR

BILLS REREFERRED

SB 100 (Pr. No. 1550) -- The Senate proceeded to consideration of the bill, entitled:

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.

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

HB 911 (Pr. No. 2562) -- The Senate proceeded to consideration of the bill, entitled:

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.

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

BILL RECOMMENDED

SB 937 (Pr. No. 1551) -- The Senate proceeded to consideration of the bill entitled:

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

Upon motion of Senator LOEPER, and agreed to, the bill was recommended to the Committee on Communications and High Technology.

BILL OVER IN ORDER

SB 1202 -- Without objection, the bill was passed over in its order at the request of Senator LOEPER.

BILL ON SECOND CONSIDERATION, AMENDED

HB 1272 (Pr. No. 2680) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for the possession of weapons on school property and for restitution for injuries to person or property.

On the question,

Will the Senate agree to the bill on second consideration?

Senator BODACK, on behalf of Senator MELLOW, offered the following amendment No. A0038:

Amend Sec. 1 (Sec. 912), page 2, line 16, by striking out "is otherwise eligible to possess" and inserting: has been issued

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

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

It was agreed to.

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

BILL OVER IN ORDER

HB 1304 -- Without objection, the bill was passed over in its order at the request of Senator LOEPER.

BILLS REREFERRED

HB 1628 (Pr. No. 2436) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of March 30, 1811 (P.L.145, No.99), entitled "An act to amend and consolidate the several acts relating to the settlement of the public accounts and the payment of the public monies, and for other purpose," further providing for deferred compensation plans of the Commonwealth and political subdivisions; and making editorial changes.

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

HB 1756 (Pr. No. 2180) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of August 6, 1941 (P.L.861, No.323), referred to as the Pennsylvania Board of Probation and Parole Law, further providing for the power to parole.

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

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

**SENATE CONCURS IN HOUSE AMENDMENTS
AS AMENDED BY THE SENATE**

SB 641 (Pr. No. 1576) -- The Senate proceeded to consideration of the bill, entitled:

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

On the question,
Will the Senate concur in the amendments made by the House, as amended by the Senate, to Senate Bill No. 641?

Senator LOEPER. Mr. President, I move that the Senate do concur in the amendments made by the House, as amended by the Senate, to Senate Bill No. 641.

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

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

YEA-49

Afflerbach	Greenleaf	Mellow	Tartaglione
Armstrong	Hart	Mowery	Thompson
Belan	Heifrick	Murphy	Tilghman
Bell	Holl	Musto	Tomlinson
Bodack	Hughes	O'Pake	Uliana
Brightbill	Jubelirer	Piccola	Wagner
Conti	Kasunic	Punt	Wenger
Corman	Kitchen	Rhoades	White
Costa	Kukovich	Robbins	Williams
Delp	LaValle	Salvatore	Wozniak
Earll	Lemmond	Schwartz	
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
SUPPLEMENTAL CALENDAR No. 1**

SENATE CONCURS IN HOUSE AMENDMENTS

SB 382 (Pr. No. 1522) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of July 28, 1953 (P.L.723, No.230), entitled, as amended, the Second Class County Code, providing for the appointment and promotion of employees in the office of sheriff in counties of the second class; prohibiting certain political activity by employees of the sheriff's office in counties of the second class; further providing for definitions and for payment to retirement fund; providing for retirement eligibility, for allowance and for alternate contract procedure for adaptive reuse of jail facilities; providing coun-

ties of the second class A with the power to make grants to townships, boroughs and nonprofit organizations for parks, recreation areas, open space projects and such other outdoor projects and for historic and museum projects; and making a repeal.

On the question,
Will the Senate concur in the amendments made by the House to Senate Bill No. 382?

Senator LOEPER. Mr. President, I move that the Senate do concur in the amendments made by the House to Senate Bill No. 382.

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

LEGISLATIVE LEAVES

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

Senator BODACK. Mr. President, I request temporary Capitol leaves for Senator Afflerbach, Senator Musto, Senator O'Pake, and Senator Stapleton.

The PRESIDENT. Senator Bodack requests temporary Capitol leaves for Senator Afflerbach, Senator Musto, Senator O'Pake, and Senator Stapleton. Without objection, those leaves are granted.

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

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

Senator BODACK. Mr. President, what we are about to do here with Senate Bill No. 382 is once again demonstrate to our friends in Allegheny County that we here in Harrisburg will have the last say on whatever is to be done with Allegheny County governance or politics.

Mr. President, on November 4 of this year we elected a Democrat to the sheriff's office in Allegheny County. In order to do that, you will note that of course the Republican was not successful. Well, because we did not do what was supposed to be done in the minds and hearts of a lot of people here in Harrisburg, the House of Representatives saw fit on December 8 of 1997 to attempt to strip any and all semblance from the hiring practices and the operations of the sheriff's office of Allegheny County, and in the haste in doing that what they have done is amended a bill which means a lot to our retirees in Allegheny County. It is a bill that we on this side of the aisle feel very strongly about, without the amendment that was placed in it for the sheriff's office. What it does is hurts many, many people who are part of the beneficiaries of the act included in Senate Bill No. 382 for our retirees, and it places us, especially those from Allegheny County, in the unsavory position of having to vote against that provision.

Mr. President, I would like to clear the record and let any and all people who are interested in this bill, especially the retirement act, know that we have no choice but to vote against this, based on the fact that there has been an amendment

placed in the bill that exceeds all of what is considered to be sensible government as far as a county the size of Allegheny.

In addition to the problems that are involved in the bill for the retirees, there is also a provision in the bill that many Democrats on this side of the aisle will have something to talk about, because it exempts any contract from Act 3 of 1978, the Steel Products Procurement Act, which requires the use of steel products made in the United States to be used in any governmental building that we would propose to put up. Such is the case with Senate Bill No. 382. There are provisions in here for some construction work to be done. It is my understanding that it deals with the contracting procedures for the adaptive reuse of former jail facilities. That means construction, Mr. President, and what we are doing in this bill is saying that the steel does not have to come from the United States, let alone the great city of Pittsburgh, which is no longer, of course, the steel capital of the world.

Mr. President, what this bill does to our sheriff is it totally emasculates him. It places him in a position where he cannot even hire or promote people around him to do the job that is necessary to keep the sheriff's office running. What it does is takes the current Civil Service Act as we have known it for probably the past 20 or more years in Allegheny County and totally tears it apart. It says that in order to hire he must take the first three test grades to fill an office. Now, Mr. President, the sheriff's office is an elected position, and not unlike any other elected offices in the Commonwealth of Pennsylvania, in Allegheny County, or any city or township or borough, the elected official is in all cases given the opportunity to hire around them someone who is loyal to them, someone who knows the intricacies of the office, someone to assist in the daily maintenance of that office. Mr. President, such is not the case with the new civil service arrangement that is being perpetrated by this bill.

Now, Mr. President, we have been told as recently as less than a year ago that we were going to have the opportunity in Allegheny County to form our own kind of government, so we could have governance in the hands of Allegheny Countians for the first time in a couple of hundred years. Mr. President, that was foisted upon Allegheny County by the Republicans in the House of Representatives and also in this Senate of Pennsylvania. When the selections were made for people to serve on these boards in a temporary capacity, the complete Democratic side of the House of Representatives and the Senate of Pennsylvania were snubbed by the fact that certain people were appointed to positions that were not of the liking, were not necessarily suggested by the leadership of Allegheny County or of the Democratic side of this Senate, and, as far as I know, also the House of Representatives.

Now, Mr. President, we are being told that we are being permitted to run our own county of Allegheny, but here we are today saying that we are going to tell Allegheny County how to run that county, especially as it pertains to sheriffs. That is not right. This is another deal that we are foisting on the public of Allegheny County, that we want them to believe that we are allowing them to do that which they want to do.

Well, Mr. President, rather than doing this piece of legislation with the amendment that was placed in it on December 8 of this past year, I think that we should leave this open. We should let the home rule process take its course. We should allow that to go on in the primary election of this year and allow those people who become the administrators of Allegheny County governance to see to it that they make whatever corrections are necessary not only in the running of the sheriff's office but also in any of the row offices of Allegheny County. Mr. President, for that reason, I ask for a "no" vote on this bill.

Thank you.

The PRESIDENT. The Chair recognizes the gentlewoman from Allegheny, Senator Hart.

Senator HART. Mr. President, I rise in support of concurrence in the House amendments to this bill. There are many important parts to this bill, things that are important for Allegheny County to move forward with. We have a very important thing going on regarding the airport in our area. The county commissioners are looking toward creating an airport authority. The employees of the airport are now county employees. This bill provides for those employees to continue in the pension system they are currently in so they do not lose the time they have served as good, dedicated county employees and they do not lose that service toward their pension. I think that is extremely important, Mr. President.

Also, Mr. President, there is a provision for efficient redevelopment of our old county jail so it can be used very efficiently and in a very necessary way as an area to house our juvenile and family courts. Mr. President, this bill would provide for that to move forward in an efficient way and also with a cost savings to the county.

Our county is in a very difficult fiscal position right now, and there is another provision in there that would allow our county to retire the county employees at the age of 60 instead of age 65, which is the current retirement age. It would also allow those employees to vest after 8 years instead of 10, as is current law. We needed to change that. That law had been changed in 1984 because our pension system was not viable to have that early retirement, but now it is, Mr. President, and we ought to give those employees who have served the county and have served it well as county employees the opportunity to retire.

Finally, Mr. President, the provision regarding changes to our sheriff's office, the provisions that require civil service in the sheriff's office in Allegheny County are extremely important. The gentleman failed to state that our sheriff's office employees have a different classification than all other employees of sheriff's offices, I believe, across the Commonwealth, except perhaps Philadelphia. What they have, Mr. President, is the designation that the deputies are police officers under Pennsylvania law. What that means, Mr. President, is the Allegheny County sheriff's department has a political patronage hiring system for people who are police officers. We have county police hired by civil service. We have municipal police who are hired, promoted, and fired under civil service rules. Mr. President, we simply are adding those rules to the Allegheny County process for hiring and firing.

I have had several in-depth discussions with deputies in the Allegheny County sheriff's department. They are very proud of the fact that they receive training under the Municipal Police Education and Training Law, and they are very proud that they serve as police officers in the Commonwealth. I think it is only right that because they have received that honor to be designated that way that they also have the professional stature of being civil service employees and not political hires. Unfortunately, I think it harms the reputation of the office to have them be that way, as well as harming in some ways the professionalism of the office where those employees, unfortunately, are subject to hiring and firing based on who they may support in a political election.

Mr. President, it is important that we move this bill forward for a lot of reasons. I think all four of the provisions that I have covered are extremely important and are supported by the people in our county. So I urge this body to concur in House amendments and move forward with it without delay.

Thank you, Mr. President.

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

Senator FUMO. Mr. President, I could not disagree with the Senator more. This bill, at least the sheriff aspects of this bill, had its birth in a blatant, raw, slimy, ugly political deal that occurred in the House. What we basically have is a disgruntled House Member who is upset that the political process in Allegheny County did not go his way and he did not get to anoint the sheriff. So his answer to that was, let me sit down and figure out the easiest way to destroy the sheriff's office now that I do not have any part in it anymore. And regrettably, Mr. President, that individual is a Democrat, and he is just playing intraparty politics at the expense of the citizens of Allegheny County. So let us not kid ourselves that the genesis of this bill was in some high motive somewhere to give some sort of prestige or special status to the officers of the sheriff's department. Nothing could be further from the truth. This was and is still the product of an ugly political deal and politics at its worst.

But, Mr. President, let us take another look at some of the statements that Senator Hart made, that now these people will no longer be subject to hiring and firing based on whom they support in an election. Mr. President, if Senator Hart would only keep up with the law, and I know she is a lawyer and I cannot believe she has not kept up with the law, but there have been a number of decisions by the U.S. Supreme Court, the most recent being the *Rutan* decision, which clearly makes illegal--

POINT OF ORDER

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

Senator BRIGHTBILL. Mr. President, point of order.

The PRESIDENT. Senator Brightbill, state your point.

Senator BRIGHTBILL. Mr. President, in debate I think it is appropriate that the gentleman confine his remarks to the question before the house, that he avoid personalities, and particularly not to arraign the motives of a Member. I have been

listening to the gentleman's debate and I believe that he is crossing that line and would raise a point of order.

The PRESIDENT. Senator Fumo, you certainly have--
Senator FUMO. Mr. President, I understand--

The PRESIDENT. Senator Fumo, allow me to finish and you can continue your remarks. I think you have sufficient experience to know that you are close.

Senator FUMO. I do, Mr. President, and I would like to know where I violated the rule? I made no personal attack. I made no personal attack and I--

The PRESIDENT. Please, Senator Fumo. Technically speaking, merely invoking a Member's name is against the rules.

Senator FUMO. Mr. President, I did not know that was against the rules.

The PRESIDENT. Yes, it is.

Senator FUMO. Okay, so then how--

The PRESIDENT. But that is not the point here. I think you can continue, mindful of the fact that you stick to the issue at hand.

Senator FUMO. Mr. President, well, all I was attempting to do was address the remarks of the previous speaker. Now, if I cannot say her name, I guess I will describe her as the female Senator who represents a part of Allegheny County. Is that acceptable?

The PRESIDENT. I think the gentlewoman from Allegheny will do just fine.

Senator FUMO. Mr. President, all I am trying to do is address her comments, I am not opening a new door.

The PRESIDENT. Senator Fumo, carry on. I think you know the problem.

Senator FUMO. Thank you, Mr. President. I recognize that her comments do not hold water so we have to do something to divert attention.

POINT OF ORDER

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

Senator BRIGHTBILL. Mr. President, point of order.

Senator FUMO. Yes, Senator Brightbill, what is your problem now?

The PRESIDENT. Senator Fumo, allow the Chair to orchestrate here for a moment.

The Chair recognizes the gentleman from Lebanon, Senator Brightbill.

Senator BRIGHTBILL. Mr. President, I think the comments just made now by the gentleman certainly violate the rules when he said something like her comments do not hold water. We are in a legislative body here, Mr. President, and I think it is appropriate for him to attempt or try to refute any arguments that the gentlewoman made, but I think that is a personal attack.

The PRESIDENT. Senator Brightbill, your point is well-taken.

Senator FUMO. Mr. President, could I ask the Chair a question? How can I say that I think her remarks are not accurate and that they are wrong? Is there a way I can say that that does not violate the rules in debate?

The PRESIDENT. I think you have shown in the past tremendous capacity for doing just that. And the Chair would technically point out that the Chair is not subject to question, so I prefer that you carry on and provide your remarks, mindful of eliminating invectives.

Senator FUMO. Well, Mr. President, if I cannot say that the gentlewoman from Allegheny County's arguments do not hold water, I guess I can say that if the gentlewoman would have read the *Rutan* decision, she would not have come to the floor of the Senate to tell us--

POINT OF ORDER

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

Senator BRIGHTBILL. Mr. President, point of order.

The PRESIDENT. Senator Brightbill, state your point.

Senator BRIGHTBILL. I think, Mr. President, and I am a little confounded here, that the gentleman is perfectly appropriate in debating the court decision to which he refers and to make whatever point relative to that court decision and how it impacts upon this bill. The nature of my point of order is that Section 124 of Mason's Manual clearly says that "In debate a member must confine remarks to the question before the house, and avoid personalities," and by the way he is couching his debate he is directly dealing with personalities, and that is the reason for my rising to raise the point of order.

Senator FUMO. Mr. President, I assume I can now continue.

I thought this bill was being sold to this Senate as a reform measure to take politics out of the hiring and firing of Allegheny County deputy sheriffs.

The PRESIDENT. Fine. Now connect that to the *Rutan* decision and you are free to move.

Senator FUMO. Mr. President, I clearly heard the gentlewoman from Allegheny state that this bill would stop the practice of having deputy sheriffs and employees of that office hired and fired based upon whom they supported in political elections. Now, the record could be read back to prove that. And all I am saying is this: A, there has been no evidence of that; but B, more importantly than that, and maybe the reason why there has been no evidence of that in recent years, is because the United States Supreme Court ruled in the *Rutan* decision that nowhere in America can any government hire and fire an individual based upon whom they supported in an election. Now, if Senator Brightbill does not understand that, I will make a copy of the opinion available to him.

POINT OF ORDER

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

Senator BRIGHTBILL. Point of order, Mr. President.

The PRESIDENT. Senator Brightbill, I think I can anticipate the point that you are about to make.

Senator FUMO. I think he is being dilatory now, Mr. President.

The PRESIDENT. Senator Fumo, may I, please, and I think you are providing your own insights and you are free to do that, but as soon as we bring in a Member's name in such a way that it reflects on the person and their intellectual take on things in a personal way you are violating the rules which you agreed to support months back, and every Member did. So I do not want to get into citations, but I think you know my point, and I think you did just fine, with exception to the last point.

Senator FUMO. Mr. President, how may I refer to Senator Brightbill then?

The PRESIDENT. The gentleman from Lebanon County.

Senator FUMO. Mr. President, so we cannot use names in here anymore. Okay.

The PRESIDENT. You created the rules.

Senator FUMO. Mr. President, if the gentleman from Lebanon County is not familiar with the *Rutan* decision, I will gladly make a copy available to him. In fact, I will have it on his desk by tomorrow morning.

Mr. President, the issue here is that the problems that the gentlewoman from Allegheny says are being solved in this bill do not exist. So we have to ask ourselves, why would someone go through the trouble of putting this whole General Assembly through these machinations to even solve a problem that does not exist? And I say to you again as I said in my opening remarks, that it is part of a political deal that was made in the other body and has been carried out here.

POINT OF ORDER

Senator BRIGHTBILL. Mr. President, point of order.

Senator FUMO. Mr. President, I object now to a point of order. The Senator is being dilatory. If he cannot take the heat in the kitchen, get out.

The PRESIDENT. Senator Fumo, the Chair will see us through this moment.

Senator Brightbill, state your point.

Senator BRIGHTBILL. Mr. President, I think the rule is very clear that one is not allowed to arraign the motives of a Member, and as I hear what the gentleman is saying, that is exactly what he is doing. We are here to debate the public policy question which is before the body.

The PRESIDENT. Senator Fumo, and I say this very respectfully, you certainly have been here much longer than I have, and I think you understand when the line has been crossed. You were making some fine points there. Stick to those points and do not get close to impugning the motives of someone's intellectual take on things, and I think we will be fine.

Senator FUMO. Mr. President, quite frankly, the problem here, and I am glad this is being televised to all the citizens of Pennsylvania, is that the Senator from Lebanon County, and the Republican Caucus for that matter, cannot take the heat in the kitchen for being part of this scam, so when I point it out they get upset and want to object, as he will object now.

POINT OF ORDER

Senator BRIGHTBILL. Point of order, Mr. President.

The PRESIDENT. Senator Brightbill, state your point.

Senator BRIGHTBILL. Mr. President, I think that the gentleman's characterization--

Senator FUMO. Mr. President, that is my characterization. I am allowed to say what I want. It is my opinion.

The PRESIDENT. Gentlemen, I am going to use the gavel in a moment, and I do not want to have to get to that.

Senator FUMO. Mr. President, as long as you hit him with it and not me, that is okay.

The PRESIDENT. Patience. Senator Fumo, Senator Brightbill is free to invoke a point of order, just as any Member is and as are you, sir, and it is my job, like it or not, to allow that person to provide that point of order. It is a courtesy afforded to every Member of this Senate.

Now that being said, the gentleman has stated his point and the Chair believes that words like "scam" I think come very close to what one would call a harangue, that is against a Senate rule that you agreed to support. So mindful of that, please get yourself back in focus and carry on.

Senator FUMO. I can stay in focus very easily, Mr. President. I appreciate the advice.

POINT OF ORDER

Senator FUMO. Mr. President, at this time I would like to raise a point of order to you. I believe Senator Brightbill is being dilatory to the process in not allowing the debate to go forward. I think if it is my opinion that a scam is a scam, I am allowed to say that. I did not say he said it, I did not say she said it. I believe that this is a political scam. Now, if you do not like the word "scam," I will gladly take suggestions on whatever else you want to call it. We can call it conspiracy, we can call it garbage, we can call it XYZ, if anybody understands that word, if we are going to use that, but I am allowed to have my opinion. That is my First Amendment right under the United States Constitution and the State Constitution and my right as an elected Member of this body. If I think it is a scam, it is a scam. That is all I am saying. I did not say it was by definition. It is my opinion.

The PRESIDENT. Well, let me politely state--

Senator FUMO. Mr. President, first of all, I want a ruling on whether or not he is being dilatory to the process, and then I would like to have a word other than "scam" that you would let me use to explain a scam.

The PRESIDENT. I do not believe your point is well-taken, and, Senator Fumo, you can continue.

Senator FUMO. So, Mr. President, we are back to the matter at hand, and that is that this bill is not about good government. This bill is about politics, raw, pure, and simple. It is about, as one of my colleagues will speak in a few moments, the setting up of a huge patronage mill in the airport authority. It is about all these things, but it is not about good government.

Mr. President, it is ironic as well that these provisions would only apply to the sheriff of Allegheny County. I do not

see any of the advocates of this position, including the gentleman from Lebanon, sponsoring a bill similar to this for his sheriff in Lebanon County, nor do I see anyone coming forth with a bill saying that all sheriffs throughout Pennsylvania should have the same provisions attached. This, therefore, leads me, and I think the viewers out there in Pennsylvania, to another conclusion that reinforces my original statement that this is nothing more than a political deal that is being paid off and it is politics at its lowest, and it is a shame that it has to happen here in the Senate and dirty the reputation of the Senate.

Mr. President, getting into the merits of the so-called good government amendment that the gentlewoman from Allegheny County supports and advocates, there is a very serious flaw in here and one that we have seen problems with in Philadelphia and in other areas of this country where it happens. Philadelphia has recently been the subject of House hearings on its crime problem. We have, as the Daily News has termed them, the Gang of Five riding into Philadelphia on a regular basis now telling us about our crime problem, and one of the things that they wanted us to do in Philadelphia was to consult with a now nationally known and I think recognized law enforcement expert by the name of Mr. Braton, who is New York's former police commissioner, who almost all accounts attribute to him the huge reduction in crime in New York City.

When he came to Philadelphia, one of the things he told us was that when he was commissioner in New York, he set out the agenda, and the problem there is quality of life crimes, which I will not get into now because it is not germane here, but he set out the agenda of how he wanted that department to run for the betterment of the citizens of New York. When he ran into a captain who was not carrying out the program, he was free to fire that individual and get rid of him and hire a captain who would be concerned about these crimes in New York. As a result of him having that ability to run his operation, he was able to cut crime in New York by 30 percent, and some people say 40 percent. Certainly he did cut crime so severely that the entire national crime rate dropped because of New York's crime fighting efforts under him.

Now, under this bill, and the reason why we cannot do that in Philadelphia is that the police commissioner of Philadelphia can only hire and fire two key deputies. He cannot say to a captain or to a lieutenant or to an inspector this is the way you will work or else you are fired. Now, in this particular bill, I believe it is on page 3, starting on line 18, it clearly says that everyone of the rank of captain and below will now have this new civil service coverage, which means, Mr. President, that when that sheriff decides that that captain is not doing his job, he cannot fire him and that captain knows it.

Mr. President, in this particular situation, if this bill is enacted, the sheriff cannot tell that captain to get lost on a bet. He would have to go into a civil service hearing, spend thousands and thousands of dollars of taxpayer money in order to fire or discipline that individual. There was an amendment offered in the Committee on Rules and Executive Nominations, and I am not sure if the gentleman from Lebanon was in the room at the time or not, that I thought was quite reasonable that lowered that status down to sergeant and at least gave the

sheriff control of the management of that office. That was beaten down right along party lines because it was not part of the deal that was made in the House and is being carried out here.

Mr. President, the sheriff of Allegheny County is even closer to the people than the commissioner of police in New York or Philadelphia in that he is an elected official, and if he is not doing his job, he will be thrown out of office. But to now say to him we are going to tie your hands behind your back, you cannot do your job, you cannot discipline your employees at the management level, what is he to do? And I am shocked, Mr. President, to find this bill coming out of a Republican-controlled committee and Senate. If there was ever a political philosophy that said that management should manage, I believe it was the Republican Party's philosophy. We are the Democrats who are for the workers. The Republicans have always been for running things and doing management things, but here because of a deal, and I do not fault the Senator from Lebanon for having to defend this thing, he was not part of the deal, it happened over in the House machinations. And I fully suspect that the reason the bill is running is because if the Senate Republicans do not run it, they will not get their legislation through the House.

Senator BRIGHTBILL. Mr. President.

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

Senator BRIGHTBILL. Mr. President, I would just like to repeat again for the gentleman that it is not allowable to arraign the motives of a Member, but the nature or consequences of a measure may be condemned in strong terms. I think the gentleman's debate--

Senator FUMO. Mr. President, I got you. I know how to do that.

The PRESIDENT. Senator Fumo, allow Senator Brightbill to finish.

Senator FUMO. Mr. President, I know how to do that.

The PRESIDENT. And you have been.

Senator Brightbill, finished?

Senator BRIGHTBILL. Yes, Mr. President.

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

Senator FUMO. Mr. President, let me then condemn in the most strongest of terms the public policy that will occur if this bill passes in this form. Mr. President, if this bill passes in this form, it will condone vote buying, dealmaking in the other Chamber that we have to put our imprimatur on no matter how lousy the legislation is. That is more appalling than the darned bill itself. The bill is horrible to begin with, but the process by which we are having it forced down our throats is even worse, and it is a blemish on this Senate. And I recognize blackmail and I know -- I believe, in fact, I do not know, I believe that what is happening here is they are succumbing to the blackmail demands of the Majority Leader of the House, and I understand that, too. All I asked for was a little bit of courage, and I did not ask to kill the whole thing. All I asked for was to make it at least a decent bill so that when you ram it down

the throats of the people of Allegheny County, it will not be as bad as it is going to be the way you are doing it now.

Mr. President, I ask for a negative vote on this bill. I ask that we not concur in the House amendments. They are atrocious, appalling, and insulting to not only me as a Senator but to every citizen of Pennsylvania.

Thank you, Mr. President.

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

Senator COSTA. Mr. President, one of the gentlemen from Philadelphia has very clearly and articulately put forth the position and the arguments that I would want to make on this particular issue. But, Mr. President, I cannot help but think that I have stood here for approximately 25 minutes as we discussed back and forth whether or not it was appropriate how we spoke to one another on this Senate floor. I think that is something we should look at, Mr. President, that the amount of time we spend bickering and arguing back and forth about how it is that we are going to speak to one another is more than twice the amount of time that we spent considering the merits of this particular amendment.

Mr. President, as Senator Fumo has indicated, I find it offensive that we are dealing with and addressing this particular amendment in this process. This bill came back to us from the House at the end of December, and this provision was added after great debate in the House. We had the opportunity to get it held over for a few short Senate legislative days, but today we addressed it in the Committee on Rules and Executive Nominations, brought forth what we believed were some very appropriate amendments to address some of these issues, and today, Mr. President, we are now dealing with this issue on a Supplemental Calendar.

Now, Mr. President, I came to this Senate about 18 months or so ago, and it was my understanding at that time that that was not the way things were done around here and I held the highest regard for this particular body. But today, Mr. President, is one of those days that I wish that I could say that I have that same esteem for this body, given the nature of the process that was employed here. I think it is a situation that we need to address when we spend more time arguing and bickering than talking about the merits of a particular amendment.

Mr. President, as it relates to the amendments that we have talked about, a very short time ago, a few weeks ago in fact, a study was conducted by a commission that talked about the hiring practices of police officers. And, Mr. President, that commission and a recommendation of that commission, Governor Ridge's commission, was one in which the commission indicated that it would be appropriate that we consider hiring more minorities as we hire police officers, that we consider hiring more women and Hispanics and the like as we hire police officers. Mr. President, under what is being proposed today, that will not take place in Allegheny County. What will take place, Mr. President, is that you will have a police department that does not include many minorities. Right now current hiring practices permit the sheriff to take those types of issues into consideration.

Mr. President, the nature of the sheriff's office and the duties of the deputy sheriffs in that office, while they are respected and viewed as police officers through legislation and they have received the municipal police training--and I am one of those deputy sheriffs who has gone through the police training--the duties of a deputy sheriff are somewhat different than those of a normal police officer and as such they require that the sheriff be required to take into consideration the hiring practices as they relate to minorities and as they relate to gender. Those are some of the issues regarding this particular piece of legislation that will not be permitted to take place in the future.

Mr. President, I also want to address other provisions of this bill. The provisions relating to the Allegheny County employees and the opportunity for them to retire at age 60 with 8 years of service and the like I think are very good measures, and I am very happy to support Allegheny County in those causes. I think it is something that needs to be done given the current financial condition of our county.

Mr. President, as it relates to the airport authority, while some may question the appropriateness of the airport authority, I think it is imperative to protect the employees who have provided service to Allegheny County, as the gentlewoman from Allegheny indicated.

Mr. President, the provision as it relates to the rehabilitation of the old Allegheny County jail, a few moments ago I just found out that there are provisions in this particular bill that quite possibly state, and I am not certain, I have not had an opportunity to review this, but simply state that U.S.-made steel does not have to be utilized in the redevelopment or the fixing up of this old jail. Mr. President, I find that very offensive, particularly in light of the fact that right now as we stand here today, I and many others - Senator Wagner, Senator Bodack, and Senator Belan included - are working with LTV Steel Corporation trying to save 800 jobs in the Pittsburgh area, trying to stop a company of 800 employees from leaving the Pittsburgh area. They produce coke that makes steel for many of the steel companies across our country, so we are fighting like heck to try to keep a steel company in Allegheny County, but at the same time we are asked to support legislation that is going to take steelmaking jobs out of our region, and I find it quite offensive that we have not been made aware of that particular provision of the bill.

But I want to get back to Senate Bill No. 382 and the provisions that relate to the deputy sheriff's bill. Mr. President, the things that Senator Bodack stated, the things that Senator Fumo stated, I am sure other Senators from Allegheny County will talk about as well. I find it offensive and am actually more disappointed that this body of the General Assembly would resort to the political tactics that are being implored and imposed upon us by the House Democrats and also the House Republicans. Mr. President, it is one of those days that I wish that I could hold this body in higher esteem, but I think this is something that requires more debate. We spent more time bickering and arguing about what is appropriate in this body in terms of how we speak to one another and less time on the actual merits of this bill. I think there is something wrong with

that, and I think all the Members of this body should take a look at that particular aspect, based upon those observations that I made standing here.

I thank you for the opportunity to speak. I apologize if I offended the body or you, Mr. President, in any way, but I hope that my colleagues would not vote to concur in this particular amendment.

Thank you, Mr. President.

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

Senator WAGNER. Mr. President, I also rise to speak in regard to Senate Bill No. 382, which is a piece of legislation that has a number of issues in it, and unfortunately, there are too many pieces of legislation that come in front of this General Assembly that have a multitude of issues in them, none of which really connect with each other. This is the first piece of legislation representing my county, Allegheny County, that this General Assembly has dealt with since the change in commissioners of Allegheny County over 2 years ago, and quite frankly, Mr. President, the issues that are in this piece of legislation should not be in it all in one.

The issues are, and my colleagues have talked about them: changing the pension system for a large number of employees within Allegheny County, especially employees who presently work at the two airports, Pittsburgh International Airport and the county airport that is generally used by private airlines or private individuals. It also includes the sheriff department changes to which my colleagues have referred. It refers to a major project, a \$30-plus million project to take the old Allegheny County jail and convert it into a juvenile facility. But most importantly, Mr. President, the issue in this legislation that is probably the most significant is really that it is the prelude to the creation of an authority that will insulate the largest department of Allegheny County government from the people of Allegheny County government through the creation of an authority by creating a bureaucracy that does not exist today and does not need to exist.

Mr. President, prior to talking in detail about that issue, I want to go back to what the Senator from Allegheny County talked about a little earlier. And actually prior to doing that I want to state that this bill when it left the Senate was a rather innocuous piece of legislation that included very little in regard to Allegheny County. We voted on this piece of legislation finally on November 17, 1997, and it passed with a vote of 47 to 0 here in the Senate because it was an agreeable piece of legislation. The bill went to the House of Representatives, and in the Committee on Local Government in the House of Representatives, Mr. President, an amendment was made relating to the eligibility of retirement allowances for employees of Allegheny County on November 26, 1997. The bill was finally voted on December 8, 1997, with major amendments, the amendments that we have in front of us today, virtually none of which were part of the three previous votes on this piece of legislation. So if the public out there wonders what happens to legislation in this General Assembly, this is a perfect example. A piece of legislation with one signature from one Senator passes this body with a 47 to 0 vote, goes across the building

to the House of Representatives, has a minor change in committee, and then hits the full floor and gets a major, major change in the legislation, with multiple different changes related to my county, Allegheny County.

Mr. President, I want to talk about a couple of those changes, but first I again want to go back to the senior Senator from Allegheny County who talked about a piece related to the provision in this legislation, and I am talking about Printer's No. 1522, the final piece of legislation, related to the changes in the readaptive use of the jail facilities in Allegheny County. And, Mr. President, just today I found out that on page 18 of this legislation, and I would like my colleagues to please refer to it if they so desire, on line 24 of that legislation, the next to the last word in that sentence, I will begin by reading: "...exempt from and not be subject to Sections 2517 and 2520 of this act or the Act of May 1, 1913 (PL. 155, No. 104), entitled An act regulating the letting of certain contracts for the erection, construction, and alteration of public buildings."

Now that is a significant paragraph in this legislation, and if you read it you really do not know what it is. So really what you have to do is you have to refer to the Act of 1913, now Act 104, that has had major changes in the last 80 years in that original act. In the next to the last paragraph, and keep in mind we are exempting that act, that is what this legislation is saying. It is exempting Act 104. Every contract for the construction, reconstruction, alteration, repair, improvement, or maintenance of public works shall comply with the provisions of the Act of March 3, 1978, known as the Steel Products Procurement Act. What we are doing with the legislation today if we vote "yes" is we are taking that out and not making it part of a \$35 million project in the heart of the steel country of this world, the city of Pittsburgh, because the Steel Procurement Act requires that steel for public buildings paid for by public dollars, the steel must be made in the United States. This legislation is exempting that. This legislation is saying the steel can come from Korea, it can come from Poland, it can come from South America.

Now, how did this get in this legislation, Mr. President, and why did not the sponsors of the legislation bring that to the attention of the House of Representatives or the Senate of the Commonwealth of Pennsylvania? Mr. President, this is an insult to every person in southwestern Pennsylvania, for that matter every person in this Commonwealth who has worked or has in any way benefitted from the steel industry of this Commonwealth, especially in the city of Pittsburgh with the Pittsburgh Steelers, Iron City Beer, and I could go on and on.

We have one remaining steel mill left in the city of Pittsburgh, Mr. President, LTV Coke Ovens, with 750 employees, and what we are really saying is that those employees do not have a chance of producing any portion of the steel for a public building in the city of Pittsburgh. And, Mr. President, I want to know why the sponsors of this legislation have suggested that. I want to interrogate Senator Hart, or whoever the sponsor of this legislation is, as to why that is written into this legislation.

The PRESIDENT. Senator Wagner, Senator Hart is your interest?

Senator Hart, will you stand for interrogation?

Senator HART. No, Mr. President, I am not the sponsor of the legislation. I am simply arguing so that we do pass it and allow the county to proceed with what it wishes to do, which is to proceed with the reconstruction of the old jail building so that we can have a family and juvenile court that works instead of the one that we have now, Mr. President.

Senator WAGNER. Well, Mr. President, that is very unfortunate because the Senator is standing up supporting the legislation. There are others who I am sure supported it in committee, and again, this one single aspect of the legislation is a direct insult to every one of my constituents, 250,000 strong, and every resident of Allegheny County, 1.3 million people, and for that matter 12 million people in the Commonwealth of Pennsylvania, and I, for one, will not stand here and permit public money, taxpayer dollars to be used for taxpayer buildings to go outside of this country, and that is what we are suggesting here today. It took research into this legislation at the final moments to find it because it was hidden in the legislation, and that should disturb everyone in this Capitol building, from the Governor on down. So why is it being supported? That is the big question.

And, Mr. President, I have some other concerns about this legislation. Number one, it talks about civil service with sheriffs' departments; that is fine. I support civil service. Why is this General Assembly identifying one county out of 67 to change the hiring practice and why not across the board throughout the Commonwealth of Pennsylvania? Why are Senators and House Members outside of Allegheny County telling Allegheny County what to do when they in fact are not adhering to the same principles? That is what is being done in this legislation.

Mr. President, I have not gotten to the most disturbing piece of this legislation, the creation of a new authority in Allegheny County, which the Senator from Allegheny County supports and I do not support. I am opposed to the creation, through this legislation, of the largest bureaucracy that has been created in the last 40 years, and if you do not believe me, simply turn to page 9, and the Senator referred to it.

We are creating a change in the pension system for employees who work at the county airports in Allegheny County so that they are not excluded from the pension system of the full county when the county commissioners create a new airport authority in Allegheny County. Now, the first question that has to be asked is why do we need an airport authority in Allegheny County? To what degree and how will it benefit the taxpayers of Allegheny County? Mr. President, is there anyone volunteering to answer that question?

The PRESIDENT. Well, Senator Wagner, I think you know the rules. It will be your obligation to stipulate to whom you wish to place the questions and interrogate.

Senator WAGNER. Mr. President, I know the rules, and there is no one jumping to the podium in regard to the Steel Products Procurement Act, and I do not see anyone jumping to the podium in regard to creating the largest bureaucracy that I have ever seen created in my county. I would not do that to any other Senator here in their county, create big government,

more government, more employees, more costs to the taxpayers. That is what is being suggested. Who is going to defend that here?

The PRESIDENT. I will leave that a rhetorical question, unless you want to place it to a particular Member.

Senator WAGNER. Mr. President, I spoke to the controller of Allegheny County just recently. He is opposed to the creation of the authority for one simple reason: He will not be permitted to audit the authority when it is created. Another question that goes along with it is where are the checks and balances going to be when you create a \$140 million operation and isolate it from the taxpayers of Allegheny County? Where are the checks and balances of government going to come from? By the authority board directors who are not held responsible to the taxpayers of that entity? Again, Mr. President, who is here to defend this? That is my question. Who can I ask questions to?

The PRESIDENT. That will be your choice.

Senator WAGNER. Well, Mr. President, again, if the Senator from Allegheny County chooses to answer those questions, I would love to hear them.

The PRESIDENT. Senator Hart?

Senator WAGNER. Senator Hart or anyone else.

The PRESIDENT. Senator Hart, do you stand for interrogation?

Senator HART. Well, Mr. President, I can respond to the gentleman's comments regarding the creation of an authority in Allegheny County, if he would like me to.

The PRESIDENT. Senator Wagner, do you want to give it a go?

Senator WAGNER. Well, Mr. President, I want to know to what degree this benefits the taxpayers of Allegheny County by creating more bureaucracy.

Senator HART. Mr. President, this bill does not create any more bureaucracy. In fact, what this bill does is it helps some of the employees within the current bureaucracy to maintain their pension when the bureaucracy in Allegheny County shrinks. Mr. President, there is no provision in this bill that creates an authority for the airport. What there is in this bill is an opportunity for those employees who are currently part of the Allegheny County bureaucracy to stay in the pension system when and if the county commissioners create an authority by which they will then be employed. In other words, Mr. President, there is no creation of an authority here and there is no addition of bureaucracy. In fact, what there is here is an opportunity for the county to eliminate some bureaucracy. We are simply helping them do that because there are some obstacles that are caused by the State pension laws.

Senator FUMO. Could we be at ease, Mr. President?

The PRESIDENT. At the request of Senator Fumo, the Senate will be at ease.

Senator WAGNER. Could the Senate be at ease?

The PRESIDENT. The Senate will be at ease.

(The Senate was at ease.)

Senator WAGNER. Mr. President, the legislation before us is a Trojan horse. That is what it is to Allegheny County because it creates more bureaucracy. It is because it takes out of

the hands of the commissioners responsibility in Allegheny County. The people in Allegheny County elected three commissioners to represent them and to oversee the operation of departments in Allegheny County. This takes the largest department out of their hands and puts it in the hands of others.

Mr. President, fortunately, this largest entity, the Pittsburgh International Airport, is in my senatorial district. Therefore, I am very concerned. I am very concerned because the communities that represent Pittsburgh International National Airport, where it sits directly, two communities, Moon Township and Findlay Township, have had virtually no input into the creation of this authority. There was one public hearing that was held in the county courthouse. There have been no meetings in the airport community for this authority that is suggested. What we are voting on today is a prelude to the creation of the largest authority in the history of southwestern Pennsylvania, and authorities have not generally been responsive to the needs of the public in southwestern Pennsylvania. I can name a whole bunch of them. I do not intend to do that here today, Mr. President.

But there are some serious concerns. I do not know, for instance, if the safety, which has to be the top priority at any airport, will still be dealt with at the magnitude it is today when it is insulated from the government process. Presently today, Mr. President, the taxpayers do not pay one penny, the taxpayers of Allegheny County do not pay one penny in the \$140 million operating budget of the two airports in Allegheny County, of which 95 percent of that is Pittsburgh International Airport. Under the creation of an authority, will that change? That question has never been answered.

So there are a number of questions out there, Mr. President, to which I have seen no answers. I do know quite factually that US Airways is pushing this authority, and I know they have been the driving force and have wanted an authority for years. And as everyone in this Chamber knows, we have the most modern airport in the world that opened 5 years ago. It is the shining star or jewel of southwestern Pennsylvania. There is development occurring all around it: Robinson Town Center, RPS corporate headquarters, Bayer Corporation, I could go on and on and on. There has not been justification for the creation of the authority.

But, Mr. President, in addition to that, I have not received answers to any of the questions that I have put forth here today in this Chamber, which disturbs me greatly. And if there is no public official in Harrisburg who can defend this legislation, again I ask the question, why are we suggesting it and why are we voting on it?

MOTION TO TABLE SB 382

Senator WAGNER. With that, Mr. President, I would like to see us table this legislation, and therefore I put a motion on the floor to do so.

The PRESIDENT. Senator Wagner moves to table Senate Bill No. 382.

On the question,

Will the Senate agree to the motion?

The PRESIDENT. On the motion to table, the Chair recognizes the gentleman from Delaware, Senator Loeper.

Senator LOEPER. Mr. President, I oppose the motion to table.

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

Senator FUMO. Mr. President, I support the motion to table.

LEGISLATIVE LEAVES

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

Senator FUMO. Mr. President, I request temporary Capitol leaves for Senator Bodack and Senator Mellow, who have been called to their offices.

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

Senator LOEPER. Mr. President, I request temporary Capitol leaves on behalf of Senator Helfrick, Senator Madigan, Senator Uliana, Senator Wenger, Senator Salvatore, and Senator Lemmond

The PRESIDENT. Senator Fumo requests temporary Capitol leaves for Senator Bodack and Senator Mellow.

Senator Loeper requests temporary Capitol leaves for Senator Helfrick, Senator Madigan, Senator Uliana, Senator Wenger, Senator Salvatore, and Senator Lemmond.

Without objection, those leaves are granted.

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

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

YEA-19

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

NAY-30

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

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

And the question recurring,
Will the Senate concur in House amendments to Senate Bill No. 382?

The PRESIDENT. The Chair recognizes the gentlewoman from Allegheny, Senator Hart.

Senator HART. Mr. President, I simply wanted to put on the record the concern that a portion of this legislation, the portion which allows the county to proceed with a renovation of the old jail, does not waive the adherence to the Steel Products Procurement Act. We did in the meantime, since the comments by the gentleman from Allegheny were made, investigate it and discovered that the Steel Products Procurement Act is a different number than that cited in the legislation. Therefore, it must be adhered to, and that is that every public agency shall require that every contract document for the construction, reconstruction, et cetera, of public works contain a provision that if any steel products are to be used or supplied in the performance of that contract that only steel products that are melted, manufactured in the United States, and I am paraphrasing, Mr. President, can be used in that project. I have that act, it is the Act of 1978 (P.L. 6, No. 3), and that law is not waived under this legislation.

Thank you.

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

Senator FUMO. Mr. President, I do not have the research available to me that the gentlewoman from Allegheny, among other places, referred to recently, but all I can say is that there has been an issue raised. We will now research that. The problem is that to vote for this blindly at this point in time is a mistake. There was a motion to table so that people could take a look into this. I do not know why this has to get out of here tonight at 6:30 on a Supplemental Calendar. I think the more prudent thing to do, if we are concerned about the provisions of the Steel Products Procurement Act, is to table the bill until tomorrow morning. You know, there is a lot of stuff in here, it is getting steamrolled, and I do not think anyone expected it. It bounced out of the Committee on Rules and Executive Nominations and was just started to be debated tonight.

MOTION TO POSTPONE
CONSIDERATION OF SB 382

Senator FUMO. So with that, Mr. President, I would like to make a motion that we table this bill until tomorrow's Session, which is a date certain, and no one should be upset about that, so we can then take a look and see how it impacts upon the Steel Products Procurement Act so that all of us can vote in good conscience. So I make that motion, Mr. President, that we table this bill until a date certain, tomorrow's Session, at the call of the Majority Leader, whenever he wants to call it up tomorrow.

Mr. President, I am advised that the way to do this is to make a motion to postpone consideration of this until tomorrow's Session. I am advised that is correct.

The PRESIDENT. Senator Fumo moves that the Senate postpone consideration of Senate Bill No. 382 until tomorrow's Session.

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

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

Senator LOEPER. Mr. President, I oppose the motion. I believe we called this bill up in good faith. I believe the debate has shown that many of the issues have been answered. It is very obvious that there are different points of view on the issue, and I believe that a vote on the merits of the issue is in order.

Therefore, I ask for a negative vote on Senator Fumo's motion and then request we get back to the main motion.

The PRESIDENT. Senator Fumo, do you want to state a position?

Senator FUMO. Mr. President, my position is that we should not hurry in haste. I think it is an affront to the United Steelworkers and all the steel producers in Pennsylvania to do this in such haste. We should at least afford them consideration. Steel is a major industry in this Commonwealth and employs a lot of people in good working jobs. We are trying to protect it, and I think we owe them the respect of a 24-hour delay in making sure that some of the things that have just been brought out in this debate are proper and true. We do not want to hurt steel, and I do not want anybody to even think that they have the excuse, oh, I did not know. You know. It has been raised. The least we can do is postpone this until tomorrow.

LEGISLATIVE LEAVE

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

Senator FUMO. Mr. President, I ask for a temporary Capitol leave for Senator Williams.

The PRESIDENT. Senator Fumo requests a temporary Capitol leave for Senator Williams. Without objection, that leave will be granted.

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

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

YEA-22

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

NAY-27

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

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

And the question recurring,
Will the Senate concur in House amendments to Senate Bill No. 382?

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

Senator WAGNER. Mr. President, I had no intent of speaking twice, but I have to respond to the Senator from Allegheny who said that the exemption of the Steel Products Procurement Act is not in this legislation. It is. It is on page 18, line 26, and it refers to a document I have in my hands entitled Public Building Contracts, Act of 1913, (PL. 155, No. 104), and that is precisely what is stated in this legislation. So, Mr. President, if anyone doubts it, please open the legislation and look at it. We are excluding American steel with this legislation, if anyone votes "yes" for it. And again, I ask for a "no" vote for that reason and the others stated earlier.

Thank you.

And the question recurring,
Will the Senate concur in House amendments to Senate Bill No. 382?

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

YEA-29

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

NAY-20

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

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.

UNFINISHED BUSINESS
CONGRATULATORY RESOLUTIONS

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

Congratulations of the Senate were extended to Marlene Evangelista, Bernard M. Lesavoy, Robert Weaver, Dun and Bradstreet Information Services and to Durant Enterprises, Inc., by Senator Afflerbach.

Congratulations of the Senate were extended to Mr. and Mrs. Clair Charles, Mr. and Mrs. John Landis, Mr. and Mrs. Raymond Van Cleve, Mr. and Mrs. Thomas Heisler, Mr. and Mrs. Donald Koller, Mr. and Mrs. Titus C. Waltemyer, Mr. and Mrs. John Weaver, Mr. and Mrs. Bruce Mahaffey, Mr. and Mrs. Richard Dixon, Mr. and Mrs. G. Wesley Myers, Mr. and Mrs. Kenneth Sechrist, William R. Kurau III, Vicki Jo Stambaugh-Smith, Elizabeth Dussinger, Troy P. Walters and to Jacob L. Hartman by Senator Armstrong.

Congratulations of the Senate were extended to Daniel Adam Jakubek, Dane Maurer and to Garrett Francis Kovacevic by Senator Belan.

Congratulations of the Senate were extended to Mr. and Mrs. John Martin, Mr. and Mrs. John D'Ostilio and to Luke Wesolowski by Senator Bell.

Congratulations of the Senate were extended to Mr. and Mrs. George A. Givens III, Mr. and Mrs. Louis Andreaggi, Mr. and Mrs. George F. Koehler and to Mr. and Mrs. Jack Lucas by Senator Bodack.

Congratulations of the Senate were extended to Steven J. Lambing and to Michael Spigelman by Senator Conti.

Congratulations of the Senate were extended to the Lower Bucks County Chamber of Commerce and to Development Education Services at Bucks County Community College by Senators Conti and Tomlinson.

Congratulations of the Senate were extended to Dr. David S. Zorub and to Joseph A. Piccone by Senator Costa.

Congratulations of the Senate were extended to South Vocational Technical High School of Pittsburgh by Senators Costa, Bodack, and Wagner.

Congratulations of the Senate were extended to Mr. and Mrs. Gordon Culp by Senator Delp.

Congratulations of the Senate were extended to the Pennsylvania Department of Health and Visual Records of Erie, the Pennsylvania Department of Transportation of Waterford and to the Pennsylvania Office of Vocational Rehabilitation/Department of Labor of Erie by Senator Earll.

Congratulations of the Senate were extended to Mr. and Mrs. Gordon White, Jason L. Jones, Andrew J. Giampa, Jonathan Michael Heller and to the Upper Moreland Senior High School by Senator Greenleaf.

Congratulations of the Senate were extended to Mr. and Mrs. Walter Grzywinski, Mr. and Mrs. Andrew Warych, Mr. and Mrs. Charles Rieger, Mr. and Mrs. Robert Cartwright, Mr. and Mrs. Ralph E. Gowetski, Mr. and Mrs. Joseph Palumbo, Michael J. Mihue, Kielan Williams and to the Springdale High School Girls' Soccer Team by Senator Hart.

Congratulations of the Senate were extended to Mr. and Mrs. Joseph D. Snyder, Mr. and Mrs. Leonard Wasileski, Jan Hutchinson and to the Bloomsburg University Field Hockey Team by Senator Helfrick.

Congratulations of the Senate were extended to the American Congress of Muslim Youth by Senator Hughes.

Congratulations of the Senate were extended to Mr. and Mrs. Ned McDonald, Edwin S. Mansberger and to David Sloan by Senator Jubelirer.

Congratulations of the Senate were extended to the Brownsville Area High School Football Team by Senator Kasunic.

Congratulations of the Senate were extended to Kelvin Randell by Senator Kitchen.

Congratulations of the Senate were extended to Pearl Nagy Salai, Mary G. Dettorre, Nathan Eberly, Pelin Borkluoglu, Jennifer Lai, the School-To-Work Partnership in Westmoreland County and to the Eighth Annual February Winterlude of Greensburg by Senator Kukovich.

Congratulations of the Senate were extended to Sister Miriam Francis Cunningham by Senator Kukovich and others.

Congratulations of the Senate were extended to the Lincoln High School Ellwood City Wolverines Football Team by Senator LaValle.

Congratulations of the Senate were extended to Mr. and Mrs. Walter Raser, Alden Johnson, David Ronald F. Neiman, Alfred Luff, Edward L. Freeman and to the Pierce Bakery of Kingston by Senator Lemmond.

Congratulations of the Senate were extended to St. Philomena Church of Lansdowne by Senator Loeper.

Congratulations of the Senate were extended to Mr. and Mrs. Irwin Chrispell, Mr. and Mrs. Jack W. Cromley, Mr. and Mrs. Al Ferrari, Mr. and Mrs. J. Robert Lamade, Mr. and Mrs. Elwood R. Laubach, Mr. and Mrs. Elwood L. Pfirman, Mr. and Mrs. Donald E. Stroble, Mr. and Mrs. Robert L. Swartz, Trevor J. Baker, William A. Herbst, Richard E. Vacula, David E. Young, Erik Vagn Leth Danko and to Tag's Restaurant of Williamsport by Senator Madigan.

Congratulations of the Senate were extended to Frank J. Naughton and to Robert J. Jones by Senator Mellow.

Congratulations of the Senate were extended to Jack and Pearl Snyder, Elizabeth Brinton, Howard T. Brinton, Robert L. Hayes, anonymous informant and to Cindy Murphy and the residents of West Lowther Street by Senator Mowery.

Congratulations of the Senate were extended to the 1997-1998 Keystone Oaks High School Varsity Wrestling Team of Pittsburgh and to the Jefferson 885 Volunteer Fire Company by Senator Murphy.

Congratulations of the Senate were extended to Mr. and Mrs. Joseph Verespy and to Al Kopacz by Senator Musto.

Congratulations of the Senate were extended to Lewis P. Runkle, Joan M. Kepley, members of the interfaith community of Reading and Berks County and to the YMCA of Reading and Berks County by Senator O'Pake.

Congratulations of the Senate were extended to the Honorable James G. Baker, Reverend Virginia A. Bates, Stella Fritz, McCullough Memorial Church of the Living God of Harrisburg and to the Middletown Area High School Varsity Cheerleaders by Senator Piccola.

Congratulations of the Senate were extended to Marcyann Poet and to Sara Eliza Myers by Senator Punt.

Congratulations of the Senate were extended to Mr. and Mrs. Larry Chesla, Mr. and Mrs. Robert Becker, Mr. and Mrs. Irv Ebling, Mr. and Mrs. Richard Laubenstine, Mr. and Mrs. Michael Wiyda, Mr. and Mrs. Allen Wolfgang, Robert A.

Kerr, Reverend Donald J. Stump, Edwin S. Miller, Frank F. Schoelch and to Caine Brobst by Senator Rhoades.

Congratulations of the Senate were extended to Travis Jason Sheldon, Adam William Roche and to Stoneboro Nurseries, Inc., by Senator Robbins.

Congratulations of the Senate were extended to Meta Palow and to International Paper of Philadelphia by Senator Salvatore.

Congratulations of the Senate were extended to Howard Kittell and to Jennifer Esler by Senator Schwartz.

Congratulations of the Senate were extended to Mr. and Mrs. Frank Wheaton, Donna Ann Bell, Dr. A. E. Devlin and to the citizens of the Borough of Coudersport by Senator Slocum.

Congratulations of the Senate were extended to Mr. and Mrs. Harold Kunselman, Mr. and Mrs. Christ Kromer and to Mr. and Mrs. Robert Strong by Senator Stapleton.

Congratulations of the Senate were extended to Mr. and Mrs. Michael Sebro, Anna Pozonsky, Anna Mamrack Funka, Mary Paraska, and to Nellie A. Simonin by Senator Stout.

Congratulations of the Senate were extended to Sister Shaun Thomas Callahan, Lucas C. Linderman and to Doris A. Brown by Senator Thompson.

Congratulations of the Senate were extended to John Quinn, Fareeha Hydari, Jaime McKeehan, Margaret Palmer and to Jeanette Ruano by Senator Tomlinson.

Congratulations of the Senate were extended to Mr. and Mrs. Marshall Bailey, Mr. and Mrs. Samuel Gerbino, Mr. and Mrs. Dorando Perini, Mr. and Mrs. Harry Stauffer, Mr. and Mrs. Joseph DeMartino, Paul Roth, Dorothy Roth, Robert C. Hillman, Charles Staples, Ronald L. Minnich, Jolan Carten, Victoria Penske, John Jakobsen, Frances Hesselbein, Elizabeth Jasimas Dilsaver and to Renae Mendall Westman by Senator Uliana.

Congratulations of the Senate were extended to Larry L. Gensemer by Senator Wenger.

Congratulations of the Senate were extended to Mr. and Mrs. Arthur Maldet, Jr., Mr. and Mrs. Andrew Mihalick, Mr. and Mrs. Frank Rowzer, Mr. and Mrs. Andrew Simon, Mr. and Mrs. William Webb, Mr. and Mrs. Harry B. Williams and to Mr. and Mrs. David M. Rodgers by Senator Wozniak.

CONDOLENCE RESOLUTIONS

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

Condolences of the Senate were extended to the family of the late Romeo Massucci by Senator Greenleaf.

Condolences of the Senate were extended to the family of the late Edward Sullivan by Senator Hart.

Condolences of the Senate were extended to the family of the late Thompson T. Terry, Sr., by Senator Hughes.

Condolences of the Senate were extended to the family of the late George Ferris by Senator Jubelirer.

Condolences of the Senate were extended to the family of the last Haldor Roald Reinholt by Senator Schwartz.

Condolences of the Senate were extended to the family of the late James L. Moore by Senator Stout.

BILL SIGNED

The PRESIDENT (Lieutenant Governor Mark S. Schweiker) in the presence of the Senate signed the following bill:

SB 382.

ANNOUNCEMENTS BY THE SECRETARY

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

SENATE OF PENNSYLVANIA

COMMITTEE MEETINGS

WEDNESDAY, JANUARY 21, 1998

10:00 A.M.	JUDICIARY (public hearing and committee meeting on the nominations of Thomas F. Gehret, John J. O'Grady, Jr. and Harry Schwartz for Judge, Municipal Court of Philadelphia; and Senate Bill No. 239, PA Board of Probation and Parole Law concerning the interstate transfer of parolees)	Room 8E-B East Wing
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WEDNESDAY, JANUARY 28, 1998

1:00 P.M.	AGING AND YOUTH (public hearing on Senate Bill No. 1051)	Room 461 Main Capitol
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TUESDAY, FEBRUARY 3, 1998

10:00 A.M.	FINANCE (public hearing to receive testimony on Senate Bill No. 1169)	Room 8E-A East Wing
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WEDNESDAY, FEBRUARY 4, 1998

1:00 P.M.	APPROPRIATIONS (Budget Hearing - Public Utility Commission)	Majority Caucus Room
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3:00 P.M.	APPROPRIATIONS (Budget Hearing - Office of Consumer Advocate)	Majority Caucus Room
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3:30 P.M.	APPROPRIATIONS (Budget Hearing - Office of Small Business Advocate)	Majority Caucus Room
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MONDAY, FEBRUARY 23, 1998

9:30 A.M.	APPROPRIATIONS (Budget Hearing - Dept. of General Services)	Majority Caucus Room
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10:30 A.M.	APPROPRIATIONS (Budget Hearing - Lincoln University)	Majority Caucus Room
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1:00 P.M.	APPROPRIATIONS (Budget Hearing - Penn State University)	Majority Caucus Room
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3:00 P.M.	APPROPRIATIONS (Budget Hearing - State System of Higher Education)	Majority Caucus Room
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TUESDAY, FEBRUARY 24, 1998

9:00 A.M.	APPROPRIATIONS (Budget Hearing - University of Pittsburgh)	Majority Caucus Room
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10:30 A.M.	APPROPRIATIONS (Budget Hearing - Temple University)	Majority Caucus Room
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1:00 P.M.	APPROPRIATIONS (Budget Hearing - Dept. of Revenue)	Majority Caucus Room
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3:00 P.M. APPROPRIATIONS (Budget Hearing - Majority
Dept. of Community and Economic Caucus Room
Development)

WEDNESDAY, FEBRUARY 25, 1998

9:00 A.M. APPROPRIATIONS (Budget Hearing - Majority
Auditor General) Caucus Room

10:00 A.M. APPROPRIATIONS (Budget Hearing - Majority
Dept. of Corrections) Caucus Room

1:00 P.M. APPROPRIATIONS (Budget Hearing - Majority
State Police) Caucus Room

3:00 P.M. APPROPRIATIONS (Budget Hearing - Majority
Governor's Office, Executive Offices, Caucus Room
Overall Economic Outlook)

THURSDAY, FEBRUARY 26, 1998

9:00 A.M. APPROPRIATIONS (Budget Hearing - Majority
Dept. of Conservation and Natural Caucus Room
Resources)

11:00 A.M. APPROPRIATIONS (Budget Hearing - Majority
Treasury) Caucus Room

1:00 P.M. APPROPRIATIONS (Budget Hearing - Majority
Attorney General) Caucus Room

2:30 P.M. APPROPRIATIONS (Budget Hearing - Majority
Insurance Department) Caucus Room

MARCH 2, 1998

9:30 A.M. APPROPRIATIONS (Budget Hearing - Majority
Dept. of Labor and Industry) Caucus Room

10:30 A.M. APPROPRIATIONS (Budget Hearing - Majority
Dept. of Aging) Caucus Room

1:00 P.M. APPROPRIATIONS (Budget Hearing - Majority
Dept. of Public Welfare) Caucus Room

TUESDAY, MARCH 3, 1998

9:00 A.M. APPROPRIATIONS (Budget Hearing - Majority
Dept. of Transportation) Caucus Room

1:00 P.M. APPROPRIATIONS (Budget Hearing - Majority
Dept. of Education) Caucus Room

WEDNESDAY, MARCH 4, 1998

9:00 A.M. APPROPRIATIONS (Budget Hearing - Majority
Dept. of Agriculture) Caucus Room

10:30 A.M. APPROPRIATIONS (Budget Hearing - Majority
Historical and Museum Commission) Caucus Room

1:00 P.M. APPROPRIATIONS (Budget Hearing - Majority
Dept. of State) Caucus Room

2:00 P.M. APPROPRIATIONS (Budget Hearing - Majority
Dept. of Environmental Protection) Caucus Room

THURSDAY, MARCH 5, 1998

9:00 A.M. APPROPRIATIONS (Budget Hearing - Majority
PA Emergency Management Agency) Caucus Room

10:00 A.M. APPROPRIATIONS (Budget Hearing - Majority
Dept. of Health) Caucus Room

11:15 A.M. APPROPRIATIONS (Budget Hearing - Majority
Dept. of Military and Veterans Affairs) Caucus Room

ADJOURNMENT

Senator LOEPER. Mr. President, I move that the Senate do now adjourn until Wednesday, January 21, 1998, at 11 a.m., Eastern Standard Time.

The motion was agreed to.

The Senate adjourned at 6:42 p.m., Eastern Standard Time.