

COMMONWEALTH OF PENNSYLVANIA

Legislative Journal

MONDAY, FEBRUARY 2, 1998

SESSION OF 1998

182ND OF THE GENERAL ASSEMBLY

No. 7

SENATE

MONDAY, February 2, 1998

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

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

PRAYER

The Chaplain, Pastor ALLAN VIVONA, of Grace Bible Fellowship Church, Harrisburg, offered the following prayer:

Let us pray.

O Lord our Lord, how excellent is Thy name in all the earth. Almighty God and gracious Heavenly Father, we bow before You recognizing that You are the all holy and all righteous God, King of kings and Lord of lords.

Father, we invoke Your blessing today and we ask for Your special grace and mercy upon this Senate Session. We ask, Father, that You would direct our attention, first of all, to our Creator, giving thanks that You have granted to us life. And, Father, we thank You that You have directed us to recognize You as the Sovereign, that You rule over all Your creation. And, Father, we ask that You enable us to submit to that rule.

And then, Father, we recognize You as the redeemer of men. We thank You for ministering to us and granting to us the magnificent Savior, the Lord Jesus Christ.

Now I ask that You grant us wisdom, diligence, clarity of thought. Grant to us the exercise of integrity for Your name's sake, and restore to us, Father, in our Federal government a new spirit of integrity. We ask it for You, and we ask it by the authority of our God and Savior, the risen Lord Jesus Christ. Amen.

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

JOURNAL APPROVED

The PRESIDENT. A quorum of the Senate being present, the Clerk will read the Journal of the preceding Session of January 28, 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

APPROVAL OF SENATE BILLS

The PRESIDENT laid before the Senate communications in writing from His Excellency, the Governor of the Commonwealth, advising that the following Senate Bills had been approved and signed by the Governor:

SB 307, 538 and 631.

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 ANIMAL HEALTH AND DIAGNOSTIC COMMISSION

January 29, 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, C. Arthur Zug, R. D. 2, Box 985, Mifflintown 17059, Juniata County, Thirty-fourth Senatorial District, for appointment as a member of the Animal Health and Diagnostic Commission, to serve until December 5, 1999 and until his successor is appointed and qualified, but not longer than six months beyond that period, vice Robert T. Gabel, deceased.

THOMAS J. RIDGE
Governor

MEMBER OF THE STATE BOARD OF PHYSICAL THERAPY

January 29, 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, Kathleen A. Cegles, 1136 West 34th Street, Erie 16508, Erie County, Forty-ninth Senatorial District, for appointment as a member of the State Board of Physical Therapy, to serve for a term of four years and until her successor is appointed

and qualified, but not longer than six months beyond that period, vice Augustus Hatzas, Reading, whose term expired.

THOMAS J. RIDGE
Governor

JUDGE, MUNICIPAL COURT

January 30, 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, Linda F. Anderson, Esquire, 1603 Yerkes Street, Philadelphia 19150, Philadelphia County, Fourth Senatorial District, for appointment as Judge of the Municipal Court of Philadelphia, to serve until the first Monday of January 2000, vice Hon. J. Earl Simmons, Jr., resigned.

THOMAS J. RIDGE
Governor

**JUDGE, TRAFFIC COURT
OF PHILADELPHIA**

January 30, 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, Willie J. Adams, 1431 West Girard Avenue, Philadelphia 19130, Philadelphia County, Third Senatorial District, for appointment as Judge of the Traffic Court of Philadelphia, to serve until the first Monday of January 2000, pursuant to Act 2, approved February 14, 1997.

THOMAS J. RIDGE
Governor

**RECALL COMMUNICATION
LAID ON THE TABLE**

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

**MEMBER OF THE BOARD OF TRUSTEES
OF HAMBURG CENTER**

January 29, 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 October 1, 1997 for the appointment of Mark Navarro, 4184 Kittatiny Drive, Mechanicsburg 17055, Cumberland County, Thirty-first Senatorial District, as a member of the Board of Trustees of Hamburg Center, to serve until the third Tuesday of January 2003, and until his successor is appointed and qualified, vice Thomas J. Gombar, Reading, resigned.

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

THOMAS J. RIDGE
Governor

HOUSE MESSAGES

HOUSE BILLS FOR CONCURRENCE

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

January 30, 1998

HB 985 -- Committee on Law and Justice.

February 2, 1998

HB 907 -- Committee on Local Government.

BILLS INTRODUCED AND REFERRED

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

January 30, 1998

Senators SALVATORE, COSTA and ARMSTRONG presented to the Chair **SB 1266**, entitled:

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

Which was committed to the Committee on EDUCATION, January 30, 1998.

Senators SALVATORE, COSTA and SLOCUM presented to the Chair **SB 1267**, entitled:

An Act amending the act of March 10, 1949 (P.L.30, No.14), entitled Public School Code of 1949, further providing for exceptions to compulsory attendance; and providing for the deletion from school rolls of certain pupils in school districts of the first class.

Which was committed to the Committee on EDUCATION, January 30, 1998.

February 2, 1998

Senators CONTI, HELFRICK, BRIGHTBILL, TOMLINSON, AFFLERBACH and KASUNIC presented to the Chair **SB 1257**, entitled:

An Act amending the act of December 19, 1974 (P.L.973, No.319), entitled Pennsylvania Farmland and Forest Land Assessment Act of 1974, adding a definition; and providing for the valuation of land used for wildlife preservation.

Which was committed to the Committee on AGRICULTURE AND RURAL AFFAIRS, February 2, 1998.

Senators TOMLINSON, CONTI, GERLACH, PUNT, WILLIAMS, SALVATORE, WHITE, AFFLERBACH, THOMPSON, KASUNIC, GREENLEAF and STOUT presented to the Chair **SB 1268**, entitled:

An Act amending the act of March 10, 1949 (P.L.30, No.14), entitled Public School Code of 1949, further providing for special education payments to school districts; and providing for an aid ratio guarantee.

Which was committed to the Committee on EDUCATION, February 2, 1998.

Senators ROBBINS, SLOCUM, BELL, EARLL, WENGER, BRIGHTBILL, TOMLINSON, MUSTO, LEMMOND, LAVALLE, JUBELIRER, HOLL, LOEPER, KASUNIC, WILLIAMS, COSTA, STOUT, RHOADES, THOMPSON, SALVATORE, TARTAGLIONE, KUKOVICH, HART, MELLOW, CONTI, ULIANA, CORMAN, WAGNER, WHITE, BODACK, GERLACH, WOZNIAK, STAPLETON, PUNT, O'PAKE, HELFRICK, AFFLERBACH, MADIGAN, GREENLEAF, SCHWARTZ, MURPHY, TILGHMAN, PICCOLA and MOWERY presented to the Chair **SB 1269**, entitled:

An Act amending Title 24 (Education) of the Pennsylvania Consolidated Statutes, providing for a supplemental annuity; adding definitions; further providing for actuarial cost method, for set-aside special contribution rates and for annuity reserve account; and providing for a supplemental annuity reserve account.

Which was committed to the Committee on FINANCE, February 2, 1998.

Senators WAGNER, MELLOW, LAVALLE, COSTA, TARTAGLIONE, KASUNIC, STAPLETON, O'PAKE, HUGHES, STOUT, FUMO, WOZNIAK, BODACK and MUSTO presented to the Chair **SB 1270**, entitled:

An Act amending the act of March 4, 1971 (P.L.6, No.2), entitled Tax Reform Code of 1971, reducing the rate of personal income tax and corporate net income tax; and further defining "capital stock value" for purposes of capital stock and franchise tax.

Which was committed to the Committee on FINANCE, February 2, 1998.

RESOLUTIONS INTRODUCED AND REFERRED

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

January 30, 1998

Senators ROBBINS, SLOCUM, EARLL, BELAN, LOEPER, BRIGHTBILL, KASUNIC, LEMMOND, MELLOW, THOMPSON, TOMLINSON, WENGER, COSTA, SALVATORE, MURPHY, HART, STAPLETON, HELFRICK, STOUT, PICCOLA, ARMSTRONG, O'PAKE, GERLACH, AFFLERBACH, PUNT, FUMO, GREENLEAF and MUSTO presented to the Chair **SR 114**, entitled:

A Resolution declaring February 15 through 21, 1998, as "Patriotism Week" in Pennsylvania.

Which was committed to the Committee on MILITARY AND VETERANS AFFAIRS, January 30, 1998.

Senators PUNT, MOWERY, ROBBINS, HELFRICK, BRIGHTBILL, AFFLERBACH, KUKOVICH, LAVALLE, ARMSTRONG, SALVATORE, WHITE, KASUNIC, WOZNIAK, O'PAKE, ULIANA, MUSTO, STOUT, MELLOW, SCHWARTZ, RHOADES, STAPLETON, COSTA, TOMLINSON, KITCHEN, LEMMOND, HART and GERLACH presented to the Chair **SR 118**, entitled:

A Resolution designating February 1998 as "Pennsylvania Elks Month."

Which was committed to the Committee on RULES AND EXECUTIVE NOMINATIONS, January 30, 1998.

GENERAL COMMUNICATIONS

1997 TAX-EXEMPT BOND ALLOCATION REPORT

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

COMMONWEALTH OF PENNSYLVANIA
Department of Community and Economic Development
Harrisburg, PA 17120

January 21, 1998

Mark R. Corrigan
Secretary of the Senate
The Senate of Pennsylvania
Commonwealth of Pennsylvania
462 Capitol Building
Harrisburg, PA 17120

RE: 1997 Allocation Report

Dear Mr. Corrigan:

As required by the Tax-Exempt Bond Allocation Act of 1985, Act 113, Section 7(3), I am providing a report on tax-exempt bond allocation during 1997.

This report includes:

1. a summary of volume cap allocation for small issue, exempt facility, housing, and education bonds; and,
2. a list of small issue and exempt facility allocations including the issuing authority, project name, allocation amount, and estimated jobs for each project.

There were no allocation requests rejected in 1997, although several exempt facility projects were deferred to 1998.

If you have any questions concerning this report, please contact my office.

Sincerely,

SAMUEL A. McCULLOUGH
Secretary

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

REPORT ON CATASTROPHIC LOSS BENEFITS CONTINUATION FUND

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

DATE: January 30, 1998

SUBJECT: Statutory Requirement Reporting the Status of the Catastrophic Loss Benefits Continuation Fund

TO: Ted Mazia, Chief Clerk of the House
Mark R. Corrigan, Secretary of the Senate

FROM: M. DIANE KOKEN
Insurance Commissioner

ROBERT A. BITTENBENDER
Secretary of the Budget

In accordance with Act 24 of July 1, 1989, we hereby respectfully submit a report of the status of the Catastrophic Loss Benefits Continuation Fund and the unfunded liability of the Catastrophic Loss Trust Fund.

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

SPECIAL ORDER OF BUSINESS ANNOUNCEMENT BY THE SECRETARY

The SECRETARY. Consent has been given for the Committee on Rules and Executive Nominations to meet during today's Session to consider certain nominations, as well as Senate Resolutions No. 98 and 118.

REPORTS FROM COMMITTEE

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

SB 252 (Pr. No. 253) (Rereported)

An Act providing for a procedure and method of execution; and making repeals.

SB 926 (Pr. No. 1630) (Amended) (Rereported)

An Act amending the act of April 12, 1951 (P.L.90, No.21), entitled, as reenacted, Liquor Code, providing for alcoholic cider; further providing for breweries and for limited wineries; providing for construction and applicability; and making repeals.

SB 1163 (Pr. No. 1631) (Amended) (Rereported)

An Act amending Title 51 (Military Affairs) of the Pennsylvania Consolidated Statutes, further providing for advisory councils for veterans' homes.

HB 14 (Pr. No. 2851) (Amended) (Rereported)

An Act regulating the check-cashing industry; providing for the licensing of check cashers, for additional duties of the Department of Banking and for certain terms and conditions of the business of check cashing; and providing penalties for money-laundering activities and violations of the act.

LEGISLATIVE LEAVES

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

Senator LOEPER. Mr. President, I request legislative leaves for today's Session on behalf of Senator Armstrong and Senator Delp.

The PRESIDENT. Senator Loeper requests legislative leaves for Senator Armstrong and Senator Delp. Without objection, those leaves are granted.

The Chair recognizes the gentleman from Lackawanna, Senator Mellow.

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

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

LEAVE OF ABSENCE

Senator LOEPER asked and obtained leave of absence for Senator HELFRICK, 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, February 2, 1998

RESOLVED, (the House of Representatives concurring), That when the Senate adjourns this week it reconvene on Monday, February 9, 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, February 9, 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	Mowery	Tartaglione
Armstrong	Hart	Murphy	Thompson
Belan	Holl	Musto	Tilghman
Bell	Hughes	O'Pake	Tomlinson
Bodack	Jubelirer	Piccola	Uliana
Brightbill	Kasunic	Punt	Wagner
Conti	Kitchen	Rhoades	Wenger
Corman	Kukovich	Robbins	White
Costa	LaValle	Salvatore	Williams
Delp	Lemmond	Schwartz	Wozniak
Earl	Loeper	Slocum	
Fumo	Madigan	Stapleton	
Gerlach	Mellow	Stout	

NAY-0

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

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

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

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

Senator O'PAKE. Mr. President, in observance of Groundhog Day, the Junior Achievement of Reading in Berks County is sponsoring a shadow day, and I am honored to have as my shadow today a student who is a senior at Fleetwood High School. She is the secretary of the student council. She was

Fleetwood's representative for the Junior Miss contest. She is a very intelligent and ambitious young lady, very interested in government, although I understand her career goal is to be a school superintendent. I would like the Chair to recognize a guest Page who is my shadow for the day, Brooke Christman.

The PRESIDENT. Would Ms. Christman please rise so that the Senate may acknowledge you.

(Applause.)

PERMISSION TO ADDRESS

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

Senator WILLIAMS. Mr. President, I rise for a matter of personal privilege. Mr. President, when the Reverend gave the prayer a few minutes ago, in it he stated a prayer for a new sense of integrity in the Federal government. With what is in the news today, I take that to be a political swipe at the present administration concerning unsubstantiated allegations. I do not think that is appropriate, not to give each and every person or administration the due course of a process without being so judgmental that it is put in the form of a prayer as though each and every one agrees with that.

History certainly has shown us that things do reveal themselves one way or the other. That is the American way. History also shows us that in certain matters there is no claim by one party or another on certain behavior. And so I just think it was fundamentally flawed, inappropriate, and I reject that notion in the interest of fair play, in the interest of what the American people would have happen now, and that is for these matters, if they are the matters referred to, to play themselves out in due course.

I might also add, since the deity was invoked and since Christ was mentioned, his principles always were about fair play, due process, and judge that they be not judged.

Thank you.

SPECIAL ORDER OF BUSINESS CEREMONY IN COMMEMORATION OF GROUNDHOG DAY

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

Senator STAPLETON. Mr. President, you know, I have often heard the saying around here that it is a beautiful day in Pennsylvania. Well, it is a beautiful day in Punxsutawney, Jefferson County, Pennsylvania, and, Mr. President, I am not sure also that I really do not have a shadow as Senator O'Pake mentioned, but I do have a friend who saw his shadow today.

You know, here we are on February 2 in this great little community of Punxsutawney where that furry forecaster, the prognosticator Punxsutawney Phil, again told a record crowd of a little over 15,000 old people, young people, and children to expect 6 more weeks of winter. The shadow was there, which in groundhogese means there will not be an early thaw.

And this fellow Phil is quite remarkable, Mr. President. This is the 111th time for forecasting from his home in Punxsutawney, and now we have a documentary film called

"Groundhog, the Spirit of Punxsutawney," we have the great Bill Murray's film "Groundhog Day," and, yes, all the national coverage and visitors who were there today from as far away as Japan. Representatives from the foreign press were at the event this morning, and, yes, this year also is the first time ever that Phil's web site taken from the Internet could be watched live on their computer screens today.

I recall that Willard Scott, the great nationally known weather forecaster, has been in Phil's presence on several occasions, and as I indicated, all this took place at 7:24 this morning at Gobbler's Knob with the members of the Inner Circle and cheering spectators, including families and groups of college students from in-State and out-of-State. When he emerged from his burrow, I have been told that he stood up proud and tall and confident, and looking skyward and then towards the ground, he saw his shadow, forecasting 6 more weeks of cold winter weather. And I am quite confident, Mr. President, that most of the Members here today have the same confidence in this mature, reliable weather prophet.

It is true that the groundhog from Quarryville is bilingual and predicts the weather in more than just one language, as we have heard for many, many years, and this has caused some confusion to many of us as to whom to believe: Is it Phil from Punxsutawney, or is it Orphie from Quarryville? But I believe both groundhogs today saw their shadow, so they do have something in common, and I am sure we would like to hear a few words from Senator Wenger.

Thank you very much, Mr. President.

The PRESIDENT. The Chair thanks Senator Stapleton, so figuratively speaking, we will leave Jefferson County and travel east to Lancaster County, and I think Senator Wenger has some comments about the contributions of Orphie and the weather prediction.

The Chair recognizes the gentleman from Lancaster, Senator Wenger.

Senator WENGER. Mr. President, each year on Groundhog Day the Pennsylvania Senate, in our usual deliberative fashion, pauses to consider the wisdom of two great weather prophets, Punxsutawney Phil and Quarryville Orphie. When they agree, we all know when to expect the arrival of spring. When they disagree, we not only have confusion as to the arrival of spring, but it also raises the more profound question as to which groundhog to believe. And in this business, I am sure Senator Stapleton would agree that believing is a very major part of the process.

Now, this year, today on February 2, 1998, Quarryville Orphie saw his shadow and promptly scurried back into the burrow, assuring us of 6 more weeks of winter. And interestingly enough, Punxsutawney Phil had the same experience, and in the interest of State unity he agreed with the infallible Orphie that we will indeed have 6 more weeks of winter. Now, since Quarryville is a little bit to the east of Punxsutawney, I would point out, Mr. President, that Quarryville Orphie did indeed see his shadow before Phil had an opportunity to do so, so again, Orphie did come in first, but his prediction was confirmed by Punxsutawney Phil as well.

Now, the agreement between the two groundhogs certainly is significant at this time, and it remains to be seen, Mr. President, if this spirit of bipartisan harmony will prevail during the forthcoming budget debate and passage. Suffice it to say be in preparation for 6 more weeks of winter, the two great groundhogs have spoken.

And now, I have again been requested in the tradition of making a few comments in the Pennsylvania German dialect concerning our great weather prophets, and I can only say, Mr. President:

Brieder un schweschiere vun der Senaad, mir worra gwant den noch griege mir noch sex meh woche winder wedder. Des iss net die vannen aus/saage vun blos mann, awwer liewer es iss die befehl vun Quarryville, Orphie. Die menscht gscheit un menscht rechtschaffe wedder brofeet vun allezeit. Die Pennsilfaanisch Deitsch bauere wisse es iss kee gebrauch fer die Orphie fechde, so lockern un gen mit die fliese. Du die lang unnerglieder aw, griege en gute versarye vun hols fer die feierblatz un ruh, fer gewiss friehyaahr wedder koomt zeitlich.

Thank you, Mr. President.

The PRESIDENT. Thank you, Senator Wenger. I think that is a prelude to Senator Loeper's request for caucus.

SENATE RESOLUTION ADOPTED

Senators HOLL, ROBBINS, LOEPER, KASUNIC, KUKOVICH, WAGNER, AFFLERBACH, HELFRICK, SLOCUM, TOMLINSON, TARTAGLIONE, MOWERY, SALVATORE, COSTA, BRIGHTBILL, WENGER, TILGHMAN, ULIANA, STOUT, BELAN, GREENLEAF, CORMAN, O'PAKE, MELLOW, WHITE, SCHWARTZ, LEMMOND, RHOADES and HART, by unanimous consent, offered **Senate Resolution No. 119**, entitled:

A Resolution designating February 2 through 9, 1998, as "Boy Scout Week" in Pennsylvania.

On the question,
Will the Senate adopt the resolution?

Senator HOLL. Mr. President, this resolution honors one of American's most influential organizations, the Boy Scouts of America. This resolution designates the week of February 2 as "Boy Scout Week" in Pennsylvania.

It has been 88 years since the Boy Scouts of America was founded by Lord Baden-Powell back in 1910. Since that time, the world scouting movement has influenced literally thousands of young men, instilling confidence, imparting knowledge, and making boys into leaders. In fact, some of our history's most impressive leaders include Presidents, Congressmen, Senators, judges, and clergy, all having been Boy Scouts. The organization has even left its mark on the moon. Astronaut Neil Armstrong was an Eagle Scout, the highest rank in scouting.

Scouting is perhaps more important now than ever because in these days, many, many young men are living troubled lives and are hungry for guidance, the type of guidance which scouting provides. The organization gives young people a productive outlet for their creativity and a chance to grow in mind and

body. It builds character and encourages good citizenship which, in turn, benefits our Commonwealth.

Mr. President, on behalf of all past, current, and future Boy Scouts, I urge the immediate adoption of this resolution.

And the question recurring,
Will the Senate adopt the resolution?

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

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 p.m.

The PRESIDENT. The Chair recognizes the Democratic Leader, Senator Mellow, for the same purpose.

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

The PRESIDENT. For purposes of Republican and Democratic caucuses, with the intention of returning at approximately 4 p.m., the Senate stands in recess.

AFTER RECESS

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

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

CALENDAR

BILL ON CONCURRENCE IN HOUSE AMENDMENTS AS AMENDED

BILL RECOMMENDED

SB 635 (Pr. No. 1509) -- 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 sentencing for the offense of drug delivery resulting in death, for certain assaults by prisoners and for wiretapping and electronic surveillance; and providing for the Office of Attorney General, the General Counsel, special investigative counsel and independent counsel and their powers and duties.

Upon motion of Senator LOEPER, and agreed to, the bill was recommitted to the Committee on Rules and Executive Nominations.

BILL ON CONCURRENCE IN HOUSE AMENDMENTS

BILL OVER IN ORDER

SB 492 -- Without objection, the bill was passed over in its order at the request of Senator LOEPER.

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

HB 1113 -- Without objection, the bill was passed over in its order at the request of Senator LOEPER.

BILLS OVER IN ORDER

SB 5 and **HB 80** -- Without objection, the bills were passed over in their order at the request of Senator LOEPER.

LEGISLATIVE LEAVE CANCELLED

The PRESIDING OFFICER. The Chair recognizes Senator Stout on the floor, and his temporary Capitol leave is cancelled.

THIRD CONSIDERATION CALENDAR RESUMED**BILL AMENDED**

HB 109 (Pr. No. 118) -- The Senate proceeded to consideration of the bill, entitled:

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.

On the question,

Will the Senate agree to the bill on third consideration?

Senator CORMAN offered the following amendment No. A0419:

Amend Title, page 1, line 4, by inserting after "thereto,"": further defining "permanent resident"; and

Amend Bill, page 1, lines 9 through 11, by striking out all of said lines and inserting:

Section 1. The definition of "permanent resident" in section 1770.2(f) of the act of August 9, 1955 (P.L.323, No.130), known as The County Code, added June 18, 1997 (P.L.179, No.18), is amended to read:

Section 1770.2. Authorization of Excise Tax.—* * *

(f) As used in this section, the following words and phrases shall have the meanings given to them in this subsection:

* * *

"Permanent resident." A person who has occupied or has the right to occupancy of a room or rooms in a hotel as a patron or otherwise for a period exceeding [sixty] thirty consecutive days.

* * *

Section 2. The definition of "permanent resident" in section 1770.4(f) of the act, added June 18, 1997 (P.L.179, No.18), is amended to read:

Section 1770.4. Authorization of Hotel Tax.—* * *

(f) As used in this section, the following words and phrases shall have the meanings given to them in this subsection:

* * *

"Permanent resident." A person who has occupied or has the right to occupancy of a room or rooms in a hotel as a patron or otherwise for a period exceeding [sixty] thirty consecutive days.

* * *

Section 3. Article XIX of the act is amended by adding a subdivision to read:

Amend Sec. 2, page 2, line 14, by striking out "2" and inserting:

4

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

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

Senator COSTA offered the following amendment No. A0267:

Amend Title, page 1, line 4, by inserting after "thereto,"": providing for civil service coverage; banning political activity for deputy sheriffs; and

Amend Bill, page 1, lines 9 through 11, by striking out all of said lines and inserting:

Section 1. The act of August 9, 1955 (P.L.323, No.130), known as The County Code, is amended by adding sections to read:

Section 1216. Sheriff's Employes.—(a) Appointment and promotion of deputies and other employes in the office of sheriff of a county of the third through eighth class shall be made in the manner provided by the act of August 5, 1941 (P.L.752, No.286), known as the "Civil Service Act," except as otherwise provided in this section.

(b) A county of the third to eighth class shall, within twelve months following the effective date of this section, enter into a contract with the State Civil Service Commission for the purpose of establishing a complete civil service merit system protecting the deputy sheriffs and employes of the sheriff's office. The contract shall be executed in accordance with the provisions of the "Civil Service Act," and each county is authorized to make the payments required by that act.

(c) The contract shall provide for a civil service merit system for all current deputy sheriffs and employes. The State Civil Service Commission shall use only the provisions of the "Civil Service Act" in setting standards and principles for employment. The commission shall include in the system the same duties and obligations, rights, prerogatives, and appeals provided for employes by the "Civil Service Act." The agreement shall provide that persons employed on the effective date of this section shall continue in their present positions, without taking an examination, and may be removed only in accordance with section 807 of the "Civil Service Act." The agreement shall also provide that the compensation of all deputy sheriffs and employes of the sheriff shall be determined by the county.

(d) Appointees shall be selected for each existing vacancy from the eligible list in the order of names of persons thereon who have received the highest average on the written examination. Appointments shall be made in the order of names of persons who have received the highest average.

(e) Civil service examinations to test applicants shall relate to such matters and include such inquiries as will fairly test the merits and fitness of the persons examined to discharge the duties of employment.

(f) All positions for deputy sheriff and employes shall be classified as competitive. Persons holding positions of deputy sheriff or employe on the effective date of this section shall continue to occupy those positions. New openings for a vacancy in the position of deputy sheriff or employe shall be classified as competitive on and after the effective date of this section.

(g) In no case shall an applicant for promotion in the sheriff's office be considered until the applicant shall have first served three years in the sheriff's department. No member of the sheriff's office shall be eligible to take any promotional examination until after serving three years in the sheriff's office. Each member of the sheriff's department shall have his examination mark or grade increased by an additional one-half point for each year he served in the sheriff's department, but such additional points shall not exceed ten points.

(h) All applicants for examination shall undergo a physical examination, which shall be conducted under the supervision of a doctor of medicine. No person shall be eligible for appointment until a doctor certifies to the commission that the applicant is free from any bodily or mental defects, deformity or disease that might incapacitate him or her from the discharge of the duties of the position desired in the sheriff's department.

Section 1217. Political Activity by Sheriff's Employees.—(a) No employe shall use his official authority or influence for the purpose of interfering with or affecting the result of an election.

(b) No employe shall take an active part in political management or in a political campaign. Activities prohibited by this subsection include, but are not limited to, the following activities:

(1) Serving as an officer of a political party, a member of a National, State or local committee of a political party or an officer or member of a committee of a partisan political club, or being a candidate for any of these positions.

(2) Organizing or reorganizing a political party organization or political club.

(3) Directly or indirectly soliciting, receiving, collecting, handling, disbursing or accounting for assessments, contributions or other funds for a partisan political purpose.

(4) Organizing, selling tickets to, promoting or actively participating in a fund-raising activity of a candidate in a partisan election or of a political party, or political club.

(5) Taking an active part in managing the political campaign of a candidate for public office in a partisan election or a candidate for political party office.

(6) Becoming a candidate for, or campaigning for, an elective public office in a partisan election.

(7) Soliciting votes in support of or in opposition to a candidate for public office in a partisan election or a candidate for political party office.

(8) Acting as recorder, watcher, challenger or similar officer at the polls on behalf of a political party or a candidate in a partisan election.

(9) Driving voters to the polls on behalf of a political party or a candidate in a partisan election.

(10) Endorsing or opposing a candidate for public office in a partisan election or a candidate for political party office in a political advertisement, a broadcast, campaign, literature or similar material.

(11) Serving as a delegate, alternate or proxy to a political party convention.

(12) Addressing a convention, caucus, rally or similar gathering of a political party in support of or in opposition to a partisan candidate for public office or political party office.

(13) Initiating or circulating a partisan nominating petition.

(14) Soliciting, paying, collecting or receiving a contribution at or in the workplace from any employe for any political party, political fund or other partisan recipient.

(15) Paying a contribution at or in the workplace to any employe who is the employing authority of the person making the contribution for any political party, political fund or other partisan recipient.

(c) An employe or individual to whom subsection (a) or (b) applies retains the right to vote and to express an opinion on political subjects and candidates, and may engage in the following activities:

(1) Register and vote in any election.

(2) Express an opinion as an individual privately and publicly on political subjects and candidates.

(3) Display a political picture, sticker, badge or button when not on duty and at locations other than the workplace.

(4) Participate in the nonpartisan activities of a civic, community, social, labor or professional organization, or of a similar organization.

(5) Be a member of a political party or other political organization or club and participate in its activities to the extent consistent with this section.

(6) Attend a political convention, rally, fund-raising function or other political gathering.

(7) Sign a political petition as an individual.

(8) Make a financial contribution to a political party or organization.

(9) Be politically active in connection with a question which is not specifically identified with a political party, such as a constitutional amendment, referendum, approval of a municipal ordinance or any other question or issue of a similar character.

(10) Otherwise participate fully in public affairs, except as prohibited by law, in a manner which does not materially compromise efficiency or integrity as an employe or the neutrality, efficiency or integrity of the sheriff's office.

(d) Notwithstanding anything in this section or any other act to the contrary, no person shall be deemed ineligible for the office of school director solely on the basis that such person's political activities are otherwise restricted under this section.

(e) Subsection (c) does not authorize an employe to engage in political activity while on duty or while in a uniform that identifies him as an employe. The sheriff of a county may prohibit or limit the participation of an employe or class of employes of the sheriff's office in an activity permitted by subsection (c), if participation in the activity would interfere with the efficient performance of official duties or create a conflict or apparent conflict of interests.

(f) An employe who violates this section shall be removed from employment and funds appropriated for the position from which removed thereafter may not be used to pay the employe or individual: Provided, That, the State Civil Service Commission at its discretion may impose a penalty of suspension without pay for at least thirty days, but not more than one hundred twenty days, if it finds that the violation does not warrant termination.

(g) An employe who is currently an officer in a political party or who holds a political office on the effective date of this section may fulfill the remainder of his term. Upon completion of the term, the provisions of this section shall apply.

(h) The following words and phrases when used in this section shall have, unless the context clearly indicates otherwise, the meanings given to them in this subsection:

"Contribution" means any gift, subscription, loan, advance, deposit of money, allotment of money or anything of value given or transferred by one person to another, including in cash, by check, by draft, through a payroll deduction or allotment plan, or by pledge or promise, whether or not enforceable, or otherwise.

"Election" means a primary, municipal, special and general election.

"Employe" means a person employed in the office of sheriff of a county. The term includes management employes, deputy sheriffs and clerical employes. The term does not include a sheriff of a county.

"Employing authority" means an employe's supervisor.

"Partisan" when used as an adjective refers to a political party.

"Political fund" means any fund, organization, political action committee or other entity that, for purposes of influencing in any way the outcome of any partisan election, receives or expends money or anything of value or transfers money or anything of value to any other fund, political party, candidate, organization, political action committee or any other entity.

Section 2. Article XIX of the act is amended by adding a subdivision to read:

Amend Sec. 2, page 2, line 14, by striking out "2" and inserting:

3

On the question,

Will the Senate agree to the amendment?

The PRESIDING OFFICER. The Chair recognizes the gentleman from Allegheny, Senator Costa.

Senator COSTA. Mr. President, this amendment essentially takes care of or works with the other 62 counties in the Commonwealth of Pennsylvania, the third to eighth class counties,

and relates to the sheriff's office civil service practices in those counties. This amendment will essentially do the same thing which we did to Allegheny County a few weeks ago, and that is place the deputy sheriffs in those respective counties under the civil service process. It will also take those individuals out of the political activities, as was recently done in Allegheny County.

Mr. President, what took place in Allegheny County as relates to the sheriff's department there, we felt and their people believed it was a good government measure. Mr. President, I believe if it was a good government measure for Allegheny, then we should implement it across our Commonwealth, and I ask my colleagues to support this measure.

Thank you, Mr. President.

The PRESIDING OFFICER. The Chair recognizes the gentlewoman from Allegheny, Senator Hart.

Senator HART. Mr. President, I rise in opposition to the amendment. It is actually a separate issue to make the sheriffs from all the other counties aside from Allegheny civil service simply because the sheriffs in other sheriff's offices in the Commonwealth are not designated police officers, as are those in Allegheny County. Therefore, Mr. President, I urge a negative vote.

LEGISLATIVE LEAVES

The PRESIDING OFFICER. The Chair recognizes the gentleman from Allegheny, Senator Costa.

Senator COSTA. Mr. President, I ask for temporary Capitol leaves for Senator Williams, Senator Afflerbach, Senator Fumo, Senator O'Pake, and Senator Bodack.

The PRESIDING OFFICER. Senator Costa asks for temporary Capitol leaves for Senator Williams, Senator Afflerbach, Senator Fumo, Senator O'Pake, and Senator Bodack. Without objection, those leaves will be granted.

And the question recurring,

Will the Senate agree to the amendment?

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

YEA-14

Afflerbach	Fumo	Mellow	Wagner
Belan	Hughes	O'Pake	Williams
Bodack	Kitchen	Schwartz	
Costa	Kukovich	Tartaglione	

NAY-34

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

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

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

BILLS OVER IN ORDER

SB 157 and SB 212 -- Without objection, the bills were passed over in their order at the request of Senator LOEPER.

LEGISLATIVE LEAVE CANCELLED

The PRESIDING OFFICER. Senator Williams has returned to the floor, and his temporary Capitol leave is cancelled.

THIRD CONSIDERATION CALENDAR RESUMED

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

HB 595 (Pr. No. 2765) -- The Senate proceeded to consideration of the bill, entitled:

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.

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

On the question, Shall the bill pass finally?

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

YEA-48

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

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 962, HB 1048, HB 1111, HB 1114 and HB 1116 -- Without objection, the bills were passed over in their order at the request of Senator LOEPER.

BILL AMENDED

SB 1175 (Pr. No. 1530) -- The Senate proceeded to consideration of the bill, entitled:

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

On the question,

Will the Senate agree to the bill on third consideration?

Senator HART offered the following amendment No. A0447:

Amend Sec. 1 (Sec. 5102), page 1, line 11, by inserting a bracket before "such"

Amend Sec. 1 (Sec. 5102), page 1, line 18; page 2, lines 1 through 4, by striking out "or if such planned community, regardless" in line 18, page 1 and all of lines 1 through 4, page 2 and inserting: it

Amend Sec. 1 (Sec. 5102), page 2, line 10, by inserting a bracket after "applicable."

Amend Sec. 1 (Sec. 5102), page 2, lines 11 through 30; page 3, lines 1 through 7, by striking out all of lines 11 through 30, page 2, all of lines 1 through 7, page 3 and inserting:

(i) such a planned community contains no more than 12 units and is not subject to any rights under section 5215 (relating to subdivision or conversion of units) to subdivide units or to convert into common elements or under section 5211 (relating to conversion and expansion of flexible planned communities) to add additional real estate, create units or limited common elements within convertible real estate or withdraw real estate, it is subject only to sections 5105 (relating to separate titles and taxation), 5106 (relating to applicability of local ordinances, regulations and building codes), 5107 (relating to eminent domain) and 5218 (relating to easement to facilitate completion, conversion and expansion) unless the declaration provides that the entire subpart is applicable; or

(ii) such a planned community, regardless of the number of units, has common elements or limited common elements which include only storm water management facilities and related devices, real estate containing signage, lighting, landscaping, gates, walls, fences or monuments or open space and is not subject to any rights under section 5215 or under section 5211, it shall be subject only to the sections listed in subparagraph (i), the provisions of sections 5103 (relating to definitions), 5104 (relating to variation by agreement), 5105, 5106, 5107, 5108 (relating to supplemental general principles of law applicable), 5109 (relating to construction against implicit repeal), 5110 (relating to uniformity of application and construction), 5111 (relating to severability), 5112 (relating to unconscionable agreement or term of contract), 5113 (relating to obligation of good faith) and 5114 (relating to remedies to be liberally administered), and the provisions of Chapter 53 (relating to management of planned community), sections 5407 (relating to resales of units), 5408 (relating to escrow of deposits), 5409 (relating to release of liens) and 5411 (relating to warranty against structural defects) unless the declaration provides that the entire subpart is applicable. If a planned community is subject to the provisions of this subparagraph, a declarant shall include a provision in any sales agreement for a unit of such planned community which states that an association exists or may be created to own and manage certain generally described common elements or limited common elements. There may be imposed by the association assessments upon unit owners for expenses related to the ownership, management, administration or regulation of such elements and that the declarant shall provide copies of the proposed or recorded declaration or covenants and restrictions, an actual or proposed budget of the planned community in accordance with the provisions of section 5402(a)(7) (relating to public offering statement; general provisions) and the actual or proposed bylaws of the association; provided that

the purchaser has the right, before convenance, to cancel the agreement within seven days of the date of receiving a copy of the proposed or recorded declaration or covenants and restrictions, the actual or proposed budget and the actual or proposed bylaws. As used in this subparagraph, the term "open space" shall include an area of land or an area of water or a combination of land and water within a planned community intended for the use or enjoyment of residents, including, but not limited to, ball fields and courts, parks, walking, hiking or biking trails, wetlands, wooded areas and walkways and driveways providing access thereto, or parking intended for users of such open space. The term does not include streets, utility lines or facilities or swimming pools or clubhouses owned or leased and maintained by the association.

Amend Sec. 2 (Sec. 5103), page 5, line 27, by striking out all of said line and inserting:

(i) any unit or common element; or

(ii) any other portion of a unit or

Amend Sec. 2 (Sec. 5103), page 5, line 28, by inserting after "element": constructed.

Amend Sec. 6 (Sec. 5411), page 13, line 11, by striking out all of said line and inserting: defects in structures constructed, modified, altered or improved by or on behalf of such declarant in:

(i) each of the units and the controlled facilities that

Amend Sec. 6 (Sec. 5411), page 13, line 13, by striking out all of said line and inserting: conveyed to a bona fide purchaser[, and]; and

(ii) all of the controlled

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

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

Senator SCHWARTZ offered the following amendment No. A0133:

Amend Sec. 6 (Sec. 5411), page 14, line 19, by inserting after "part.": The disclaimer required under this subsection shall be set forth in 14-point boldface type.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

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

BILLS OVER IN ORDER

HB 1272, HB 1764 and HB 1765 -- Without objection, the bills were passed over in their order at the request of Senator LOEPER.

SECOND CONSIDERATION CALENDAR

BILL REREPORTED FROM COMMITTEE
AS AMENDED ON SECOND CONSIDERATION

SB 950 (Pr. No. 1614) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, further providing for protection from abuse; providing for appointing guardians for care-dependent persons; and providing for release of information in confidential reports.

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

**BILL ON SECOND CONSIDERATION
AND REREFERRED**

SB 94 (Pr. No. 1613) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of December 22, 1989 (P.L.687, No.90), entitled Mortgage Bankers and Brokers Act, further providing for definitions, for loan correspondents, for limited mortgage broker, for wholesale table funders, for license applications, requirements, exemptions, duration, fees, limitations, suspensions or revocations and for enforcement and penalties.

Considered the second time and agreed to,
Ordered, To be printed for third consideration.
Upon motion of Senator LOEPER, and agreed to, the bill just considered was rereferred to the Committee on Appropriations.

BILLS ON SECOND CONSIDERATION

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.

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

SB 1013 (Pr. No. 1575) -- The Senate proceeded to consideration of the bill, entitled:

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.

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

BILLS OVER IN ORDER

HB 1189, SB 1195, SB 1202 and HB 1291 -- Without objection, the bills were passed over in their order at the request of Senator LOEPER.

BILL ON SECOND CONSIDERATION

HB 1495 (Pr. No. 2829) -- The Senate proceeded to consideration of the bill, entitled:

An Act authorizing and directing the Department of General Services, with the approval of the Governor, to sell and convey to James E. Hedglin and Cheryl Hedglin, husband and wife, certain surplus land situate in Sandy Creek Township, Venango County, Pennsylvania; authorizing and directing the Department of General Services, with the approval of the Department of Environmental Protection and the Governor, to sell and convey to Marc G. and Susan K. Springman, certain land situate in Old Lycoming Township, Lycoming County, Pennsylvania; and authorizing the Department of General Services, with the approval of the Governor and the Commissioner of the Pennsylvania State Police, to sell and convey to B.D. and D. Associates certain land situate in the City of Bethlehem.

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

BILL OVER IN ORDER

HB 1757 -- Without objection, the bill was passed over in its order at the request of Senator LOEPER.

RECESS

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

Senator LOEPER. Mr. President, at this time I request a very brief recess of the Senate for the purpose of a meeting of the Committee on Rules and Executive Nominations to be held in the Rules room at the rear of the Senate Chamber.

The PRESIDING OFFICER. Senator Loeper requests a brief recess of the Senate for the purpose of a meeting of the Committee on Rules and Executive Nominations to be held in the Rules room at the rear of the Chamber. Seeing no objection, the Senate will stand in recess.

AFTER RECESS

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

**UNFINISHED BUSINESS
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 STATE BOARD OF
OCCUPATIONAL THERAPY EDUCATION
AND LICENSURE**

November 26, 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, John F. Yaninek, Esquire, 1700 Mountainview Road, Harrisburg 17110, Dauphin County, Fifteenth Senatorial District, for appointment as a member of the State Board

of Occupational Therapy Education and Licensure, to serve for a term of three years and until his successor is appointed and qualified, vice Helen Kauffman, Bernville, deceased.

THOMAS J. RIDGE
Governor

MEMBER OF THE STATE BOARD
OF PHARMACY

December 8, 1997

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Paul J. Miller (Public Member), 49 Hearthiside Road, Aston 19014, Delaware County, Ninth Senatorial District, for appointment as a member of the State Board of Pharmacy, to serve until February 2, 1999 or until his successor is appointed and qualified, but not longer than six months beyond that period, vice Ethel S. Walker, Williamsport, resigned.

THOMAS J. RIDGE
Governor

MEMBER OF THE STATE BOARD
OF VETERINARY MEDICINE

October 7, 1997

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Mary D. Evans (Public Member), 1078 Squire Cheyney Drive, West Chester 19382, Chester County, Ninth Senatorial District, for appointment as a member of the State Board of Veterinary Medicine, to serve for a term of four years or until her successor is appointed and qualified, but not longer than six months beyond that period, vice Dean C. Rishel, Spring Mills, whose term expired.

THOMAS J. RIDGE
Governor

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 MONTOUR COUNTY
BOARD OF ASSISTANCE

January 5, 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, Judith A. Fausey (Democrat), 85 Valley West Road, Danville 17821, Montour County, Twenty-seventh Senatorial District, for appointment as a member of the Montour 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

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 PRESIDING OFFICER. The nominations will be laid on the table.

**COMMUNICATION FROM THE GOVERNOR
TAKEN FROM THE TABLE**

Senator SALVATORE, by unanimous consent, called from the table communication from His Excellency, the Governor of the Commonwealth, recalling the following nomination, which was read by the Clerk as follows:

MEMBER OF THE BOARD OF TRUSTEES
OF HAMBURG CENTER

January 29, 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 October 1, 1997 for the appointment of Mark Navarro, 4184 Kittatiny Drive, Mechanicsburg 17055, Cumberland County, Thirty-first Senatorial District, as a member of the Board of Trustees of Hamburg Center, to serve until the third Tuesday of January 2003, and until his successor is appointed and qualified, vice Thomas J. Gombar, Reading, resigned.

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

THOMAS J. RIDGE
Governor

NOMINATION RETURNED TO THE GOVERNOR

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

The motion was agreed to.

The PRESIDING OFFICER. The nomination will be returned to the Governor.

**RESOLUTIONS REPORTED FROM
COMMITTEE**

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

SR 98 (Pr. No. 1456)

A Resolution designating July 7 through 11, 1998, as "National Veterans Wheelchair Games Days" in Pennsylvania.

SR 118 (Pr. No. 1620)

A Resolution designating February 1998 as "Pennsylvania Elks Month."

The PRESIDING OFFICER. The resolutions will be placed on the Calendar.

SENATE RESOLUTION ADOPTED

Senators RHOADES, MOWERY, LOEPER, SCHWARTZ, HART, CORMAN, TOMLINSON, GREENLEAF, PICCOLA, MURPHY, CONTI, AFFLERBACH, BODACK, LAVALLE, WENGER, WAGNER, COSTA, KASUNIC, STOUT, BELAN, ULIANA, GERLACH, O'PAKE, TARTAGLIONE, MELLOW, TILGHMAN, EARLL, MADIGAN, WHITE and LEMMOND, by unanimous consent, offered **Senate Resolution No. 120**, entitled:

A Resolution designating February 1998 as "Teacher Appreciation Month" in Pennsylvania.

Which was read, considered and adopted.

CONGRATULATORY RESOLUTIONS

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

Congratulations of the Senate were extended to Mr. and Mrs. James LeVan by Senator Afflerbach.

Congratulations of the Senate were extended to M. William Jones by Senator Armstrong.

Congratulations of the Senate were extended to James Luther Kunkle by Senator Belan.

Congratulations of the Senate were extended to the Central Bucks West Football Team by Senator Conti.

Congratulations of the Senate were extended to Clarence Root II and to Jeannie Jo Miller by Senator Corman.

Congratulations of the Senate were extended to April Pearson by Senator Costa.

Congratulations of the Senate were extended to Louise Holmes by Senator Fumo.

Congratulations of the Senate were extended to American Crane & Equipment Corporation of Douglassville by Senator Gerlach.

Congratulations of the Senate were extended to Dr. Bihong Guan and to Thomas J. Beal by Senator Greenleaf.

Congratulations of the Senate were extended to Allen Garner, Jan Dillalogue, Ted LeBlanc and to the Ches Mont Chapter of the Order of DeMolay by Senator Holl.

Congratulations of the Senate were extended to Helen Elizabeth Perry Moore by Senator Hughes.

Congratulations of the Senate were extended to Mr. and Mrs. Richard J. Frederick, Mr. and Mrs. Jacques K. Miller, Berg Electronics of Mount Union and to the Altoona Area High School Football Team by Senator Jubelirer.

Congratulations of the Senate were extended to Ryan Patrick Shuff by Senator Kasunic.

Congratulations of the Senate were extended to Daniel Bowers, Thelma Kurz, Jozef Kuzmkowski, Robert J. Quiggle and to Matthew Quiggle by Senator Kukovich.

Congratulations of the Senate were extended to Dr. Samuel Mitrovich, Jr., by Senator LaValle.

Congratulations of the Senate were extended to Mr. and Mrs. James T. Walters by Senator Lemmond.

Congratulations of the Senate were extended to Francyne R. Wharton by Senator Loeper.

Congratulations of the Senate were extended to the United Steelworkers of America Legislative Committee of PA by Senator Mellow.

Congratulations of the Senate were extended to William C. Devore and to Neil Mohler by Senator Mowery.

Congratulations of the Senate were extended to Bert Krasnahill and to James Libonate by Senator Musto.

Congratulations of the Senate were extended to the Lithuanian Alliance of America, District 7, of Pittston by Senators Musto, Mellow, and Lemmond.

Congratulations of the Senate were extended to Kristy Kowal, Berks County Employer Advisory Council and to Union Fire Company No. 13 of Reading by Senator O'Pake.

Congratulations of the Senate were extended to Hilda G. Andrew by Senator Punt.

Congratulations of the Senate were extended to Sean Coleman by Senator Rhoades.

Congratulations of the Senate were extended to Michael Joseph Maluk by Senator Robbins.

Congratulations of the Senate were extended to William C. Wood III by Senator Salvatore.

Congratulations of the Senate were extended to James Elmer Warrell and to William T. Todd II by Senator Stout.

Congratulations of the Senate were extended to Mr. and Mrs. Albert Abel by Senators Uliana and Afflerbach.

Congratulations of the Senate were extended to Michael Gordon, Jason Binkley and to Spencer M. Todd by Senator Wenger.

Congratulations of the Senate were extended to Reverend Harry Isiah Brown by Senator Williams.

Congratulations of the Senate were extended to Mr. and Mrs. Arthur D. Maldet, Jr., Mr. and Mrs. Donald M. Reynolds, Mr. and Mrs. Michael Potchak and to Mr. and Mrs. Guy R. Cover by Senator Wozniak.

BILLS INTRODUCED AND REFERRED

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

February 2, 1998

Senator ARMSTRONG presented to the Chair **SB 1271**, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for the right of action regarding profits received as a result of the commission of a crime.

Which was committed to the Committee on JUDICIARY, February 2, 1998.

Senator ARMSTRONG presented to the Chair **SB 1272**, entitled:

An Act amending the act of July 23, 1970 (P.L.563, No.195), entitled Public Employe Relations Act, further providing for the composition and selection of the individual arbitrators and panels and boards of arbitration.

Which was committed to the Committee on LABOR AND INDUSTRY, February 2, 1998.

Senators THOMPSON, CORMAN and STOUT presented to the Chair **SB 1273**, entitled:

An Act amending the act of February 1, 1966 (1965 P.L.1656, No.581), entitled The Borough Code, further providing for borough councils' and mayors' salaries.

Which was committed to the Committee on LOCAL GOVERNMENT, February 2, 1998.

Senators CORMAN, THOMPSON and STOUT presented to the Chair **SB 1274**, entitled:

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

Which was committed to the Committee on LOCAL GOVERNMENT, February 2, 1998.

Senators ROBBINS, CORMAN, THOMPSON and STOUT presented to the Chair **SB 1275**, entitled:

An Act amending the act of April 9, 1929 (P.L.343, No.176), entitled, as amended, The Fiscal Code, further regulating abandoned property.

Which was committed to the Committee on FINANCE, February 2, 1998.

Senators STOUT, AFFLERBACH, STAPLETON, BELAN and BODACK presented to the Chair **SB 1276**, entitled:

An Act amending the act of April 27, 1966 (1st Sp.Sess., P.L.31, No.1), entitled, as amended, The Bituminous Mine Subsidence and Land Conservation Act, further providing for bond for satisfaction of claims.

Which was committed to the Committee on ENVIRONMENTAL RESOURCES AND ENERGY, February 2, 1998.

Senators AFFLERBACH, COSTA, O'PAKE, EARLL and SCHWARTZ presented to the Chair **SB 1277**, entitled:

An Act amending the act of April 12, 1951 (P.L.90, No.21), entitled, as reenacted, Liquor Code, further providing for renewal of licenses and for unlawful acts relative to liquor, malt and brewed beverages and licensees.

Which was committed to the Committee on LAW AND JUSTICE, February 2, 1998.

Senators ARMSTRONG, BELAN, LAVALLE, MOWERY, WENGER, TARTAGLIONE, KASUNIC, MADIGAN, THOMPSON, DELP and JUBELIRER presented to the Chair **SB 1278**, entitled:

An Act amending the act of June 2, 1915 (P.L.736, No.338), entitled, as reenacted and amended, Workers' Compensation Act, providing for payments of benefits to certain claimants who are not covered by the Self-Insurance Guaranty Fund; establishing rights and obligations of the Department of Labor and Industry relating to such payments; providing for restriction on the amount of such benefits that may be paid; and making an appropriation.

Which was committed to the Committee on LABOR AND INDUSTRY, February 2, 1998.

Senator ARMSTRONG presented to the Chair **SB 1279**, entitled:

An Act amending the act of June 24, 1968 (P.L.237, No.111), entitled Policemen and Firemen Collective Bargaining Act, further providing for the composition and selection of the board of arbitration.

Which was committed to the Committee on LABOR AND INDUSTRY, February 2, 1998.

Senators MUSTO, HELFRICK, COSTA, STAPLETON, SCHWARTZ, MELLOW, BELAN, FUMO and HUGHES presented to the Chair **SB 1280**, entitled:

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

Which was committed to the Committee on TRANSPORTATION, February 2, 1998.

SPECIAL ORDER OF BUSINESS SUPPLEMENTAL CALENDAR No. 1

BILL REREPORTED FROM COMMITTEE AS AMENDED OVER IN ORDER

HB 14 -- Without objection, the bill was passed over in its order at the request of Senator LOEPER.

ANNOUNCEMENTS BY THE SECRETARY

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

SENATE OF PENNSYLVANIA

COMMITTEE MEETINGS

TUESDAY, FEBRUARY 3, 1998

9:00 A.M.	FINANCE (public hearing to receive testimony on Senate Bill No. 1169)	Room 8E-A East Wing
10:00 A.M.	BANKING AND INSURANCE (to consider Senate Bill No. 39; House Bill No. 656; and any other business that may come before the Committee)	Room 461 Main Capitol
10:00 A.M.	JUDICIARY (public hearing and committee meeting on the nominations of Berle M. Schiller, Esq. for Judge, Superior Court of PA, Louise O. Knight, Esq. for Judge, Court of Common Pleas, 17th Judicial District, Willie J. Adams for Judge, Traffic Court of Philadelphia and Linda F. Anderson,	Room 8E-B East Wing

	Esq. for Judge, Municipal Court of Philadelphia; and committee meeting to consider Senate Bills No. 636, 1259 and 1261)		3:00 P.M.	APPROPRIATIONS (Budget Hearing - Governor's Office, Executive Offices, Overall Economic Outlook)	Majority Caucus Room
	<u>WEDNESDAY, FEBRUARY 4, 1998</u>			<u>THURSDAY, FEBRUARY 26, 1998</u>	
9:00 A.M.	MILITARY AND VETERANS AFFAIRS (public hearing on the transfer of federal property at Ft. Indiantown Gap to the Commonwealth and the PA National Guard; and a committee meeting to consider Senate Resolution No. 114; and House Bills No. 1561 and 1633)	Room 461 Main Capitol	9:00 A.M.	APPROPRIATIONS (Budget Hearing - Dept. of Conservation and Natural Resources)	Majority Caucus Room
9:30 A.M.	LABOR AND INDUSTRY (to consider Senate Bills No. 568, 698, 963 and 1278)	Rules Cmte. Conf. Rm.	11:00 A.M.	APPROPRIATIONS (Budget Hearing - Treasury)	Majority Caucus Room
1:00 P.M.	APPROPRIATIONS (Budget Hearing - Public Utility Commission)	Majority Caucus Room	1:00 P.M.	APPROPRIATIONS (Budget Hearing - Attorney General)	Majority Caucus Room
1:00 P.M.	JUDICIARY (public hearing to receive testimony relating to Senate Bill No. 555)	Room 8E-B East Wing	2:30 P.M.	APPROPRIATIONS (Budget Hearing - Insurance Department)	Majority Caucus Room
3:00 P.M.	APPROPRIATIONS (Budget Hearing - Office of Consumer Advocate)	Majority Caucus Room		<u>MARCH 2, 1998</u>	
3:30 P.M.	APPROPRIATIONS (Budget Hearing - Office of Small Business Advocate)	Majority Caucus Room	9:30 A.M.	APPROPRIATIONS (Budget Hearing - Dept. of Labor and Industry)	Majority Caucus Room
	<u>MONDAY, FEBRUARY 23, 1998</u>		10:30 A.M.	APPROPRIATIONS (Budget Hearing - Dept. of Aging)	Majority Caucus Room
9:30 A.M.	APPROPRIATIONS (Budget Hearing - Dept. of General Services)	Majority Caucus Room	1:00 P.M.	APPROPRIATIONS (Budget Hearing - Dept. of Public Welfare)	Majority Caucus Room
10:30 A.M.	APPROPRIATIONS (Budget Hearing - Lincoln University)	Majority Caucus Room		<u>TUESDAY, MARCH 3, 1998</u>	
1:00 P.M.	APPROPRIATIONS (Budget Hearing - Penn State University)	Majority Caucus Room	9:00 A.M.	APPROPRIATIONS (Budget Hearing - Dept. of Transportation)	Majority Caucus Room
3:00 P.M.	APPROPRIATIONS (Budget Hearing - State System of Higher Education)	Majority Caucus Room	1:00 P.M.	APPROPRIATIONS (Budget Hearing - Dept. of Education)	Majority Caucus Room
	<u>TUESDAY, FEBRUARY 24, 1998</u>			<u>WEDNESDAY, MARCH 4, 1998</u>	
9:00 A.M.	APPROPRIATIONS (Budget Hearing - University of Pittsburgh)	Majority Caucus Room	9:00 A.M.	APPROPRIATIONS (Budget Hearing - Dept. of Agriculture)	Majority Caucus Room
10:30 A.M.	APPROPRIATIONS (Budget Hearing - Temple University)	Majority Caucus Room	10:30 A.M.	APPROPRIATIONS (Budget Hearing - Historical and Museum Commission)	Majority Caucus Room
1:00 P.M.	APPROPRIATIONS (Budget Hearing - Dept. of Revenue)	Majority Caucus Room	1:00 P.M.	APPROPRIATIONS (Budget Hearing - Dept. of State)	Majority Caucus Room
3:00 P.M.	APPROPRIATIONS (Budget Hearing - Dept. of Community and Economic Development)	Majority Caucus Room	2:00 P.M.	APPROPRIATIONS (Budget Hearing - Dept. of Environmental Protection)	Majority Caucus Room
	<u>WEDNESDAY, FEBRUARY 25, 1998</u>			<u>THURSDAY, MARCH 5, 1998</u>	
9:00 A.M.	APPROPRIATIONS (Budget Hearing - Auditor General)	Majority Caucus Room	9:00 A.M.	APPROPRIATIONS (Budget Hearing - PA Emergency Management Agency)	Majority Caucus Room
10:00 A.M.	APPROPRIATIONS (Budget Hearing - Dept. of Corrections)	Majority Caucus Room	10:00 A.M.	APPROPRIATIONS (Budget Hearing - Dept. of Health)	Majority Caucus Room
1:00 P.M.	APPROPRIATIONS (Budget Hearing - State Police)	Majority Caucus Room	11:15 A.M.	APPROPRIATIONS (Budget Hearing - Dept. of Military and Veterans Affairs)	Majority Caucus Room
				ADJOURNMENT	
				Senator LOEPER. Mr. President, I move that the Senate do now adjourn until Tuesday, February 3, 1998, at 11 a.m., Eastern Standard Time.	
				The motion was agreed to.	
				The Senate adjourned at 4:45 p.m., Eastern Standard Time.	