

COMMONWEALTH OF PENNSYLVANIA

Legislative Journal

TUESDAY, MARCH 10, 1998

SESSION OF 1998

182ND OF THE GENERAL ASSEMBLY

No. 14

SENATE

TUESDAY, March 10, 1998

The Senate met at 1 p.m., Eastern Standard Time.

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

PRAYER

The Chaplain, Reverend GERALD FORTUNATO, of Pennypack Lower Dublin Baptist Church, Philadelphia, offered the following prayer:

Join me in prayer, please.

Almighty God, King of kings and Lord of lords, from whom proceedeth power and dominion in heaven and earth, most heartily we beseech Thee to look upon with favor these Thy servants and all others in authority. Imbue them with a spirit of wisdom, goodness, and truth, and so rule their hearts and bless their endeavors that law and order, justice and peace may everywhere prevail.

Preserve us from public calamities, from pestilence, famine, from war, conspiracy, and rebellion, but especially from national sins and corruption. Make us strong and great in the fear of God and in the love of righteousness, so that being blessed of Thee we may become a blessing to all whom we serve. To the praise of Thy grace we praise You, for You are God, forever and ever. Amen.

The PRESIDENT. The Chair thanks Reverend Fortunato, who is the guest today of Senator Salvatore.

JOURNAL APPROVED

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

SPECIAL ORDER OF BUSINESS

**GUESTS OF SENATOR MICHAEL A. O'PAKE
PRESENTED TO THE SENATE**

The PRESIDENT. The Chair recognizes the gentleman from Berks, Senator O'Pake, for the introduction of some guests.

Senator O'PAKE. Mr. President, as you know, March is Music in the Schools Month, and each day in the Rotunda and the East Wing we have been fortunate to have various high school chorales and instrumentalists entertaining.

So far three groups from Berks County have performed, and today two of them are here. I would like the Chair to greet in the gallery the outstanding Wyomissing Area High School chorale with their director, Sharon Luyben. Wyomissing Area is served by both Senator Brightbill and myself. Also, from Fleetwood Area High School is their chamber ensemble with their director, Chuck Ebersole.

I would appreciate if the Senate would extend its usual warm welcome to these outstanding musical groups from two schools well known for their music tradition.

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

(Applause.)

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 BRANDYWINE BATTLEFIELD
PARK COMMISSION**

March 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, Valerie Smith, 7723 Farndale Avenue, Harrisburg 17112, Dauphin County, Fifteenth Senatorial District, for appointment as a member of the Brandywine Battlefield Park Commission, to serve until December 5, 2000 and until her successor is appointed and qualified, vice Edward F. Muller, Jr., Thornton, resigned.

THOMAS J. RIDGE
Governor

**MEMBER OF THE STATE BOARD
OF COSMETOLOGY**

March 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, Daron Smith (Public Member), 755 Krutz Creek Road, York 17407, York County, Twenty-eighth Senatorial District, for appointment as a member of the State Board of Cosmetology, to serve for a term of three years and until his successor is appointed and qualified, but not longer than six months beyond that period, vice Michele K. Bote, Millersville, whose term expired.

THOMAS J. RIDGE
Governor

MEMBER OF THE PENNSYLVANIA DRUG,
DEVICE AND COSMETIC BOARD

March 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, Donna Kriner, 6320 Darlington Drive, Harrisburg 17112, Dauphin County, Fifteenth Senatorial District, for appointment as a member of the Pennsylvania Drug, Device and Cosmetic Board, 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 Gerald R. Keenan, Jr., Johnstown, whose term expired.

THOMAS J. RIDGE
Governor

MEMBER OF THE ENVIRONMENTAL
HEARING BOARD

March 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, Paula Vitz, 265 Brookview Drive, Red Lion 17356, York County, Twenty-eighth Senatorial District, for appointment as a member of the Environmental Hearing Board, to serve for a term of six years or until her successor is appointed and qualified, vice Richard S. Ehmman, Esquire, Pittsburgh, resigned.

THOMAS J. RIDGE
Governor

MEMBER OF THE PENNSYLVANIA MINORITY
BUSINESS DEVELOPMENT AUTHORITY

March 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, Domenick Argento, 910 Green Street, Harrisburg 17102, Dauphin County, Fifteenth Senatorial District, for appointment as a member of the Pennsylvania Minority Business Development Authority, to serve until June 2, 1998 and until his successor is appointed and qualified, vice Luis F. Columba, resigned.

THOMAS J. RIDGE
Governor

MEMBER OF THE PENNSYLVANIA MINORITY
BUSINESS DEVELOPMENT AUTHORITY

March 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, Fritz Bittenbender, 264 Boas Street, Harrisburg 17102, Dauphin County, Fifteenth Senatorial District, for appointment as a member of the Pennsylvania Minority Business Development Authority, to serve until June 2, 2001 and until his successor is appointed and qualified, vice Sheila Bass, Holland, resigned.

THOMAS J. RIDGE
Governor

MEMBER OF THE PENNSYLVANIA MINORITY
BUSINESS DEVELOPMENT AUTHORITY

March 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, Marilyn Striano, 1005 Coppercreek Drive, Mechanicsburg 17055, Cumberland County, Thirty-first Senatorial District, for appointment as a member of the Pennsylvania Minority Business Development Authority, to serve for a term of five years and until her successor is appointed and qualified, pursuant to Act 58, approved June 27, 1996.

THOMAS J. RIDGE
Governor

MEMBER OF THE STATE BOARD
OF OPTOMETRY

March 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, Donna Kriner (Public Member), 6320 Darlington Drive, Harrisburg 17112, Dauphin County, Fifteenth Senatorial District, for appointment as a member of the State Board of Optometry, 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 Francis R. Grady, Camp Hill, whose term expired.

THOMAS J. RIDGE
Governor

MEMBER OF THE STATE BOARD
OF PHYSICAL THERAPY

March 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, Valerie Smith (Public Member), 7723 Farndale Avenue, Harrisburg 17112, Dauphin County, Fifteenth 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 Madeline D. Leth, Hazleton, whose term expired.

THOMAS J. RIDGE
Governor

MEMBER OF THE STATE BOARD
OF PHYSICAL THERAPY

March 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, Marilyn Striano (Public Member), 1005 Coppercreek Drive, Mechanicsburg 17055, Cumberland County, Thirty-first 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 Patricia A. Aleci, whose term expired.

THOMAS J. RIDGE
Governor

MEMBER OF THE STATE PLANNING BOARD

March 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, Mark Navarro, 4184 Kittatinny Drive, Mechanicsburg 17055, Cumberland County, Thirty-first Senatorial District, for appointment as a member of the State Planning Board, to serve for a term of four years and until his successor is appointed and qualified, pursuant to Act 58, approved June 27, 1996.

THOMAS J. RIDGE
Governor

MEMBER OF THE STATE PLANNING BOARD

March 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, Valerie Smith, 7723 Farndale Avenue, Harrisburg 17112, Dauphin County, Fifteenth Senatorial District, for appointment as a member of the State Planning Board, to serve until June 15, 1998 and until her successor is appointed and qualified, vice Richard W. Hayden, Esquire, Philadelphia, resigned.

THOMAS J. RIDGE
Governor

MEMBER OF THE STATE BOARD
OF PODIATRY

March 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, Dr. Stephen F. Conti, 3471 Fifth Avenue, Suite 1010, Pittsburgh 15213, Allegheny County, Thirty-eighth Senatorial District, for appointment as a member of the State

Board of Podiatry, 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 Judy A. Carhart, M.D., Harrisburg, whose term expired.

THOMAS J. RIDGE
Governor

MEMBER OF THE STATE BOARD
OF PODIATRY

March 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, Valerie Smith (Public Member), 7723 Farndale Avenue, Harrisburg 17112, Dauphin County, Fifteenth Senatorial District, for appointment as a member of the State Board of Podiatry, 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 Marie S. Wynder, Wilkes-Barre, whose term expired.

THOMAS J. RIDGE
Governor

MEMBER OF THE ADVISORY COMMITTEE
ON PROBATION

March 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, David W. Crowe, 965 Render Avenue, Meadville 16335, Crawford County, Fiftieth Senatorial District, for appointment as a member of the Advisory Committee on Probation, to serve until May 6, 2000 and until his successor is appointed and qualified, but not longer than ninety days beyond that period, vice Richard A. Kipp, Wescosville, resigned.

THOMAS J. RIDGE
Governor

MEMBER OF THE ADVISORY COMMITTEE
ON PROBATION

March 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, Carl McKee, 208 Hammond Street, Warren 16365, Warren County, Twenty-fifth Senatorial District, for appointment as a member of the Advisory Committee on Probation, to serve until May 6, 2000 and until his successor is appointed and qualified, but not longer than ninety days beyond that period, vice David Rockwell, Cambridge Springs, resigned.

THOMAS J. RIDGE
Governor

MEMBER OF THE ADVISORY COMMITTEE
ON PROBATION

March 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, Mark Navarro, 4184 Kittatinny Drive, Mechanicsburg 17055, Cumberland County, Thirty-first Senatorial District, for appointment as a member of the Advisory Committee on Probation, to serve for a term of four years and until his successor is appointed and qualified, but not longer than ninety days beyond that period, vice Hon. John H. Chronister, York, whose term expired.

THOMAS J. RIDGE
Governor

**MEMBER OF THE PROFESSIONAL STANDARDS
AND PRACTICES COMMISSION**

March 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, Domenick Argento, 910 Green Street, Harrisburg 17102, Dauphin County, Fifteenth Senatorial District, for appointment as a member of the Professional Standards and Practices Commission, to serve until the third Tuesday of January 1999 and until his successor is appointed and qualified, vice Robert B. Cormany, Ed.D., Carlisle, confirmed to another position.

THOMAS J. RIDGE
Governor

**MEMBER OF THE STATE BOARD OF
CERTIFIED REAL ESTATE APPRAISERS**

March 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, Paula Vitz (Public Member), 265 Brookview Drive, Red Lion 17356, York County, Twenty-eighth Senatorial District, for appointment as a member of the State Board of Certified Real Estate Appraisers, 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 William C. Reiley, Esquire, Pottsville, resigned.

THOMAS J. RIDGE
Governor

HOUSE MESSAGE

**HOUSE CONCURS IN SENATE
CONCURRENT RESOLUTION**

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

Weekly adjournment.

**APPOINTMENT BY
PRESIDENT PRO TEMPORE**

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

Louis W. Fryman, Esquire, as a member of the State Ethics Commission.

REPORTS FROM COMMITTEES

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

SB 1203 (Pr. No. 1500)

An Act amending the act of November 20, 1968 (P.L.1075, No.329), entitled Public Television Network System Law, providing for the Pennsylvania Public Television Network Commission's composition and members' terms.

SB 1216 (Pr. No. 1738) (Amended)

An Act requiring the Department of Aging to place certain information on the Internet; and providing for certain duties of the Department of Health and the Department of Aging.

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

SB 1157 (Pr. No. 1741) (Amended)

An Act amending Titles 15 (Corporations and Unincorporated Associations) and 54 (Names) of the Pennsylvania Consolidated Statutes, relating to associations; making revisions, corrections and additions; and making repeals.

SB 1192 (Pr. No. 1460)

An Act providing for victims' rights; imposing penalties; establishing remedies; establishing the Office of Victim Advocate, the Bureau of Victims' Services, the Victims' Services Advisory Committee, the State Offender Supervision Fund and other funds; and making repeals.

SB 1262 (Pr. No. 1603)

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for actions that must be commenced within six months and for deficiency judgments.

HB 1520 (Pr. No. 1842)

A Joint Resolution proposing an amendment to the Constitution of the Commonwealth of Pennsylvania, further providing for bail.

SENATE RESOLUTION ADOPTED

Senators MELLOW, BODACK, O'PAKE, FUMO, MUSTO, STAPLETON, KASUNIC, LAVALLE, STOUT, KITCHEN, TARTAGLIONE, HUGHES, SCHWARTZ, KUKOVICH, WOZNIAK, WAGNER and COSTA, by unanimous consent, offered **Senate Resolution No. 141** entitled:

A Resolution congratulating Dr. Wanda D. Filer for her public service as the first Physician General of the Commonwealth.

On the question,
Will the Senate adopt the resolution?

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

Senator MELLOW. Mr. President, I rise today to speak in favor of the congratulatory resolution that we just introduced to pay tribute to Dr. Wanda Filer, the State's first Physician General. During Dr. Filer's 15 months on the job, she sought to champion a number of causes important to the health and

well-being of Pennsylvania's 12 million citizens. After all, Mr. President, that is why this legislature created this new cabinet post just several months ago, to act as an independent and authoritative voice on the issues affecting health care in the Commonwealth.

Dr. Filer also was supposed to act as an advisor to the Governor of Pennsylvania as someone who would ensure that he understood the impact that public policy can have on the overall health of the citizens of the Commonwealth. Let me be perfectly clear, Mr. President, from all accounts Dr. Filer was a capable, honest, and diligent employee and worker. Like some Members of this body, I was disappointed in her unwillingness to publicly oppose the Governor's ill-fated plan to sell the State's liquor stores to the highest bidder. At that time, Mr. President, I can say that I was extremely disappointed with her stance on that particular issue and talked to her about it on more than one occasion.

But, Mr. President, perhaps now more than ever before I understand her viewpoint, and I do understand her viewpoint a lot better today. That is because it has become clear that Dr. Filer was under enormous pressure from the Ridge administration to, if you will, tow the party line, not make any waves, and simply be a good soldier in their concerted effort to get the Governor to his next step.

In the York Daily Record, Dr. Filer was quoted as saying, quote, "These people," meaning the Ridge administration, "have a different set of values than the rest of the people in Pennsylvania," end of quote. Mr. President, I could not agree more. An administration that cares less about the health of Pennsylvania's families than it does about ensuring that a manufacturer, and who knows, potentially a political contributor, is not somehow offended clearly has its priorities upside down and inside out. This is clearly a case of our worst fears being realized. Think about it, if you will, for a moment. The leader of this Commonwealth, or at the very least his handlers, actually pressured a medical professional to keep quiet about a potential health hazard right here in Pennsylvania. Mr. President, that is unbelievable.

This is not an attack on Dr. Filer, who I believe is a decent, sincere, capable, hardworking individual. She is a mother, a wife, and a professional. Instead, Mr. President, this is an alarm bell, a message to our citizens that this administration puts its own self-interests ahead of the interests of those whom it was elected to serve. This is an honest and dedicated public servant who was forced out simply for one reason: some in the administration believe that the health and well-being of Pennsylvania citizens stood in the way of getting this Governor reelected, and potentially, Mr. President, to his next level. And I saw just recently where the Governor of Pennsylvania attended a Republican conference, I believe down South, I believe in the State of Mississippi, where he is trying to project himself to become a vice presidential candidate in several years.

Mr. President, the trend is clear. This Governor does not want public servants, he more importantly just wants servants. I would submit that Dr. Filer's departure is just one more example of power gone awry in the ivory tower known as the

Governor's Office. I salute Dr. Filer for her willingness to serve the people of this Commonwealth. I salute Dr. Filer for her statement that since she could not get done what she wanted to get done, that she was prepared to fall on her sword, and that is her right way of doing things. Mr. President, the people of Pennsylvania were greatly served and owe her a debt of thanks for her dedication to improve the health of our citizens.

Mr. President, I ask for an affirmative vote on this congratulatory resolution.

Thank you very much.

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

Senator BODACK. Mr. President, before Dr. Filer left her job, and just prior to her writing a five-page letter which all of us received in both the House and the Senate, Dr. Filer personally contacted my office to lend her complete and unrestrained support for swift Senate passage of the diabetes control legislation that I and many others have been advocating since last fall. It is a sad commentary indeed, Mr. President, that Dr. Filer's strong, vocal, public support of this critical legislation was muted, if not altogether stifled, as long as she remained a part of an administration that is more concerned about its campaign war chest than public health. It is all there, Mr. President, down in black and white for all 253 legislators in our State Senate and House and for all of Pennsylvania's people to know and read.

Item number one on the first page of our former Physician General's letter is Dr. Filer's parting call for quick passage of House Bill No. 656 so that 1.1 million Pennsylvanians afflicted with diabetes could get the coverage they need to prevent, as she puts it, the most horrific complications of this debilitating disease. The legislation, which was quietly derailed by our Senators on the very day that our Governor was delivering his Budget Message and backbenching his own Physician General, would require insurance companies to cover the cost of diabetic supplies and diabetic self-help training. The legislation is a cost saver and a life-saver which was already enacted by 23 other States, and it made good sense, made good dollar sense, and good common sense. It would give diabetics, as Dr. Filer says, the tools to accept personal responsibility for their blood sugar co-management, medically proven to prevent more serious complications such as kidney failure, blindness, heart disease, amputations, and also premature death.

Dr. Filer goes on to point out in her letter how there are many Pennsylvania diabetics who currently are forced, because of financial costs, to cut the blood glucose strips in half or reduce the number of times they check their sugars in order to stretch needed diabetic supplies. That, in turn, Dr. Filer points out, requires diabetics to make more frequent visits to the doctor to ensure compliance, and hospitalizations to deal with complications. Before she left her position, Dr. Filer also wrote, and I quote, "I have been asked by the administration if I was going to 'fall on my sword for this,'" meaning the diabetes control bill that for no good reason has been bottled up by our Senate, her comment and response was, "Consider it done." What a sad commentary, Mr. President. What a sad day for Pennsylvania and its people.

The law that created the office of Physician General says that the Physician General is to advise the Governor on health policy. It also says that the Physician General is to serve as the primary advocate for programs that promote the public health. Dr. Filer, unfortunately, was gagged and muzzled by this administration. She was blocked from doing the job that she was appointed and confirmed to do by this Senate. Mr. President, Pennsylvania's first Physician General was told to keep quiet. She was not allowed to be a part of this administration's inner circle. She was not, as I guess this administration's defenders would say, a team player. But, Mr. President, on that score, one has to wonder whose team this administration is playing for. Is it a team for Pennsylvania's families and the health and welfare of 12 million citizens, or is it the same team that not too long ago decided to buy baseball caps that were made in Bangladesh to promote Pennsylvania's businesses and Pennsylvania's work force?

Dr. Wanda Filer may not have been a good team player in this Governor's team where big business and big banks and big insurance companies are more important than the public good, but one thing is crystal clear: Dr. Wanda Filer was and continues to be on the team for Pennsylvania and its people. I salute her for her courage, I salute her for not compromising her principles, and I hope she might consider a return to State government in the not too distant future, Mr. President.

I want to thank you for this opportunity to speak about Dr. Filer. I ask for an affirmative vote on the resolution.

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

Senator SCHWARTZ. Mr. President. I, too, want to add my voice to congratulating Dr. Wanda Filer for her service for the past year to the Commonwealth and to speak too about the grave disappointment I hope that all of us feel in the fact that the first Physician General of the Commonwealth felt at the end of her short tenure that she was unable to be the kind of voice for good public health policy for the Commonwealth in this administration. It is really a quite extraordinary statement that she has made to all of us.

I would like to submit her letter for the record, and at the close of my remarks I would ask that it be included in the record. I brought it with me today and would be happy to do that. But she has pointed out in the most direct, straightforward way some of the critical public health issues facing the Commonwealth and her own sense of frustration at the inability to get the attention of this administration on these critical issues.

Mr. President, last week at the hearings of the Committee on Appropriations I questioned the Secretary of the Department of Health about his response to some of these allegations about the role that he felt that she played, the role that the Physician General should play in being an advocate on behalf of the public's health, and I raised with him some of the issues that she raised. Obviously, my colleague already raised the issue of diabetes testing, something we hope that we can move on, but she also raised a couple of key issues which are no surprise. She talked about these when she was first appointed and interested in serving the Commonwealth. One of the key issues she raised was the issue of tobacco use by young people in this

Commonwealth. Obviously, there has been a great deal of discussion on this at the national level; unfortunately, much less discussion on the Commonwealth level for the issue of how we can do better at reducing young people's access to tobacco products.

Mr. President, it is a little bit noisy. I do not know if that is a concern to you.

The PRESIDENT. Well, typically, on congratulatory resolutions that is the tenor.

Senator SCHWARTZ. Oh, okay.

Senator MELLOW. Mr. President, I think the point is well-taken by Senator Schwartz.

Senator SCHWARTZ. If my colleagues are not interested, they obviously can leave the floor, if this is that unimportant to my colleagues. I hope that all of us on both sides of the aisle take very seriously the comments of Dr. Filer. She really, I believe, and I cannot speak to her motivations really, but my assumption is that she sent this letter to each of us in the most sincere effort for us to care about these issues and to advance them within the General Assembly, and I want to point out just a few of them.

The issue of youth access to tobacco products, I believe, is a critical one. We have actually seen a reduction in one of the very significant efforts in southeastern Pennsylvania, on-site inspections or tests of buying by young people. They have cut that budget in this administration to one of the efforts we have made in southeastern Pennsylvania that has led to a reduction in retail outlets selling young people tobacco by doing on-site inspections by young people, and I know that Republican Senators raised issues and concerns about this as well about that kind of money being taken out of this budget at a time when everyone is talking about how to reduce tobacco use. She talked about what more we could be doing to help reduce tobacco use by young people.

She talked about CHIP, the Children's Health Insurance Program, a program all of us are keenly proud of in Pennsylvania, and yet she pushes us, compels us, as I have to say I have done, to do even more. I asked the Secretary of Health about the idea of expansion of coverage of children under the Medical Assistance program. This administration has chosen not to use that option in addition to our CHIP program. I asked him if he had been an advocate for covering more children under Medical Assistance, and he sort of did not quite answer that. He said we are doing a wonderful job with CHIP. I think the CHIP program is a terrific program as well, and I am excited about being able to double the number of children covered using Federal dollars with a small State share, but we could be doing more.

What Dr. Wanda Filer has done is to say to us do more on behalf of our public's health, do not avoid these questions and these problems. And it is not about her personally, it is about the lack of attention to public health issues in this Commonwealth, the lack of an aggressive agenda about public health. Mr. President, I can tell you this is not all about money. Some of it was Dr. Wanda Filer's inability to use her position as a bully pulpit to move the private sector, to move the public sector, to do more with the dollars that we are already using.

Mr. President, we have this administration deciding to spend \$150,000 on greeting cards with the Governor and Mrs. Ridge's picture and words on it to encourage women to get, I do not know, better exercise and to buy walking shoes for your loved ones and those sorts of things, when in fact we are not willing to deal with the very serious problem of lack of insurance for single adults, including women, who do not have access to real health services in this Commonwealth. So the willingness to attend to little cute ideas when there are serious public health issues facing us about women, our children, people with serious chronic illnesses, these are issues we should take very seriously, and Dr. Wanda Filer's resignation, in addition to the others that we have seen in this administration, should be taken seriously by all of us, Mr. President, and we should pick up that sword that she dropped and in fact fight on behalf of our people's health.

Thank you, Mr. President.

(The following letter was made a part of the record at the request of the gentlewoman from Philadelphia, Senator SCHWARTZ:)

February 27, 1998

Dear Pennsylvania Senators and Representatives:

As one of my final acts as Pennsylvania's first Physician General, please allow me to share some thoughts on several of this state's health issues for your deliberation. It is customary in health care to dictate a discharge summary on a patient's status at the time of hospital discharge. This summary can be used for referral and information by others who participate in the care delivery process. My letter to you on issues affecting our twelve million patients will serve that purpose as you continue to shepherd Pennsylvanian's needs. Clearly, I cannot cover all issues in which I have been involved but will chose several of high concern or with great public health development needs.

1. Diabetes - This condition is estimated to affect 1.1 million people and tight blood sugar control is medically proven to reduce their risks of developing horrific complications. Many patients come to their physicians' offices having been unable to purchase needed supplies to check their own blood sugars. They cut the blood glucose strips in half or reduce the number of times they check their sugars in order to stretch their supplies. They then require more frequent visits to insure compliance and hospitalizations to deal with complications.

Please give these people the tools to accept the personal responsibility for their blood sugar co-management by passing HB 656, which is now in the Senate. I have been asked by the administration if I was going to "fall on my sword for this." Consider it done.

2. Mandates - HB 656 raises the issue of mandates in health care. Upon entering my post, I had expected to provide guidance and information to you as to what possible mandates are on solid medical ground and which are more in the realm of public policy and opinion. I understand you face strong balancing issues as you review mandates and suggest a strategy for choosing those that are scientifically and economically sound. The U.S. Preventive Services Task Force has a book—a Bible in public health—that lays out best preventive health practices and serves as a "gold standard" in medicine. Only those issues widely accepted that have stood the test of thorough scientific evaluation are included. I have suggested to the Managed Care Association governmental liaison committee and to the president of the Pennsylvania Public Health Association that they work together to find common ground in the mandate arena. Hopefully, between the U.S. Preventive Services Task Force Report and the association considering a venue for dialogue, you will receive helpful input for your decisions. I was told summarily that "we do not support mandates"

and regret that I was unable to be of more candid assistance to you. I also do not support "all comers" in the mandate arena; but know that some have strong public health value and hope you will find this approach assistive.

3. Tobacco - This group of products is the leading cause of preventable Pennsylvania and American illness and death. Strong Canadian evidence suggests that a hefty (\$1.50-\$2.00 per pack) tax drastically reduces youth smoking by pricing these products out of reach. This "Canadian effect" would rapidly assure Pennsylvania's success with federal SYNAR compliance requirements. Over one billion packs of cigarettes (not including smokeless products) are sold in Pennsylvania annually per tax stamp statistics. Excess generated revenue can, in my view, fund three critical public health areas: a) Health insurance for all Pennsylvania children in need—CHIP expansion; b) Medical Assistance dollars to cover smoking cessation products and programs for those low income patients who suffer most from this addiction; c) Improved and expanded Department of Health tobacco cessation programs to reduce the impact of this substance.

Relatedly, let me boldly ask you to consider two areas. First, please pass sweeping clean indoor air legislation (See the very popular Maryland model), which many citizens have been calling for. Secondly, please be aware that the State Employee Retirement System is still investing state employee dollars (including mine—AARGH!) in tobacco stock-containing funds.

4. CHIP/Uninsured - I am thrilled that Pennsylvania is continuing its leadership in the arena of providing medical coverage to our most vulnerable population. This Administration has, in my opinion, been effectively spearheading a team to develop a solid, sustainable CHIP program for this Commonwealth. They will need to move in a measured process, and I ask you to review their work favorably.

In this venue, however, I must raise a concern about Pennsylvania's working, uninsured adults. As recently as last week, I received a call from a man with a piece of steel in his eye who did not want to seek medical care (despite agonizing pain) because he did not have medical insurance. The Department of Public Welfare graciously assisted my office several months ago as we got emergency coverage for a Philadelphia woman who needed radiation therapy. These people need your help. I realize that this area is politically complex and perilous, but I urge you to look at introduced legislation as a bipartisan starting point for our citizenry.

5. HIV/Emerging Infections - Please accept the challenge of making HIV positive results a reportable condition in Pennsylvania. In keeping with the first rule of medicine—*Primum non nocere* (Above all, do no harm), the logistics of this process will need to be hammered out to protect patient confidentiality and avoid duplication of reporting. These efforts will allow early identification of patients who will benefit from newer treatment modalities and provide accurate numbers on which to base policy, cost projections and target educational efforts.

Secondly, I ask you to focus some attention on the needs of the Bureau of Epidemiology in the Department of Health. At a time when much attention is focused on food safety/outbreaks, emerging antibiotic resistance in bacteria, new viral threats and biological warfare, this Bureau desperately needs an infrastructure infusion of staff, technical upgrades and program latitude. The current staff is very professionally capable and is in a good position to look at unaddressed health issues, e.g., asthma and Hepatitis C. This request to you, which should be of no surprise to the Administration, is made in the interest of public safety.

6. School Health and School Based Health Centers - In the not too distant future, you will receive a whole new set of initiatives to upgrade the archaic Pennsylvania School Health Code. This interagency and public process, spearheaded by the Department of Health, can serve as a solid example of the work which is underway. Concomitantly, I would ask you not to lose sight of the fledgling and floundering arena of school based health centers. If appropriate, you may wish to speak to Representatives O'Brien, Sturla, Manderino and Fleagle about our visit to a Lancaster City center where a partnership between education and health has reduced absenteeism and provided early

access for acute problems. While there are many individuals who have tried to engage in fear campaigns around school based health centers, I ask you to resist them. Please insure that communities are allowed to pursue these initiatives if they so desire.

7. State Community Health Centers - You have now received a copy of the University of Pittsburgh and Secretary Hoffmann's comments. Fortunately for me, this hot bed issue occurred before my arrival but has persisted. At this time, I would like to state that Pennsylvania needs these centers to remain operational but only in a redesigned, more effective outreach manner. I have had numerous conversations with Helen Burns, Ph.D., director of the Community Health Bureau, and many of the people who work in this arena. Dr. Burns is a visionary and is doing an exemplary job of redefining and securing the future viability of these centers. There are now many efforts being put forward to bring this health care structure back to acceptable standards and position them for future leadership. While growth and change causes much stress for some people, it is an inevitable part of life. Please give the requested extension of the pilot projects your support and continued attention. I am not certain how that facet will unfold, but I am certain that Dr. Burns and her staff can deliver an improved system for our commonwealth.

8. Telemedicine - If you are less than familiar with this issue and its growing impact on Pennsylvania health care, I urge your attention to it. Passage of legislation, e.g., the model act of the Federation of State Medical Boards (the Department of State can provide this to you) will go a long way to alleviating licensing, quality and access concerns.

9. Managed Care - Clearly this has been a contentious, feared and revolutionary movement nationally. There are many concerns among patients, health care providers and the public health community as to how this ongoing drama will end. I urge you to pay close attention to the quality versus cost concerns as they have direct examining room impact on millions of Pennsylvanians. I am particularly worried about the expansion of managed care into a Medical Assistance population and ask you to insist that quality controls are in place and performed by qualified people with a health care delivery background, in addition to budget analysis.

Medical Assistance families are, in my experience, a challenging and rewarding (professionally, this is) group of people to care for. They do not, however, fit the tidy paradigm of a fifteen-minute office visit three times per year. If those paradigms continue to be used for policy and cost projections, as well as health care delivery expectations, I assure you that the system will fail and the patients for whom we share responsibility will suffer. This commonwealth can do more than simply pay for care. It can demand a set of parameters to insure quality and assure that they are met--whether through Medical Assistance or CHIP.

10. Reproductive Health - This is perhaps the most contentious, politicized and misconstrued area that I have witnessed. I save it for last in the hope that you have read this far and will hear me out on this last point.

Currently it is estimated that 57 percent of ALL pregnancies are unplanned in a country where sexual messages greet us at every turn. I have expressed my concerns to this Administration that the pursuit of abstinence-based programs not detract from the funding for clinical services to prevent these pregnancies, treatment of sexually transmitted diseases and education of patients. As the mother of two young daughters and as a physician who has provided health care to many Pennsylvania adolescents, I hope that the dollars committed to abstinence-only programs can, indeed, foster the development of effective programs that withstand objective, scientific review. Please be advised, however, that there is a paucity of data to support abstinence only programs' effectiveness at this time, based on public health models. There are, however, many reproductive health care delivery sites with compromised delivery of care--including a center in Harrisburg that closed for the summer due to lack of funds.

I am referring to the issue of basic reproductive health care. If this situation continues, I ask you not to blame Pennsylvania's extraor-

dinarly high chlamydia sexually transmitted disease rates on any one group. It will be a reflection on all of us.

Lastly, please let me thank you for the opportunity to serve as your first Physician General. This experience has been a roller coaster which I am now leaving. I have learned a lot and worked tirelessly on behalf of my patients while attempting to open much needed discussions. I came to this role with an understanding and a commitment to develop a credible public health leadership position. The discussion of a job description, which I believe to be inconsistent with legislative intent, and my early discussions with this Administration, was the final issue which convinced me there are strong efforts underway to co-opt this position. I wish to pursue public service and, with these conflicting *a priori* beliefs, must now step away. This letter is a reflection of who I am as a physician and a piece of the work that I have undertaken.

Warmest personal regards,

WANDA D. FILER, M.D.
Physician General

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

Senator KITCHEN. Mr. President, we work in a business where honesty, especially in public statements, is an all too rare commodity. Most politicians and public officials tend to be cautious. I think we sometimes worry so much about offending one interest group or another that we decide it is safer to say nothing. I guess it is an occupational hazard of politics in the 1990s. That is why it is so refreshing when a public official like Dr. Wanda Filer comes along.

As Pennsylvania's first Physician General, Dr. Filer was a straight shooter. You could count on her to give you honest opinions about difficult public policy issues. She thought that was her job. Now Dr. Filer is out of a job. I guess in the Ridge administration a little honesty does go a long way. While Dr. Filer is no longer a Physician General, she is still a physician and her opinions still have value.

Last week Dr. Filer talked to reporters about what it was like to work for Governor Ridge. The picture she painted was not pretty. She said she was urged to place the interests of business above people. She said she was shut out of policy discussions after she refused to bow to political pressure. She was even criticized for talking to legislators on the phone. Dr. Filer worked for the Ridge administration for 15 months. Here is what she told a reporter she learned from that experience, and I quote, "These people have a different set of values than the rest of the people in Pennsylvania. I think people would be surprised at how things work." Well said, Dr. Filer, and congratulations for a job well done.

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

Senator COSTA. Mr. President, previous speakers have spoken at some length about the factors that led up to Dr. Wanda Filer's resignation as Pennsylvania's first Physician General. They have also spoken of Dr. Filer's integrity, her honesty, and her intelligence. Right now I would like to say a few words about Dr. Filer's courage.

Mr. President, from all outward appearances, Dr. Filer had a pretty good life. She had a very high profile job. She was making good money. And all she had to do, Mr. President, to

keep living that lifestyle was essentially to keep her mouth quiet and do as she was told and go along with the program. But, Mr. President, Dr. Filer decided the price was too high. Lots of folks have dreamed of telling their boss what it is they can do with their job, and Dr. Filer did exactly that. And by doing that, Mr. President, she set a very high example for employees everywhere. It took tremendous courage on her part to stand up to Governor Ridge and his administration. It also took great courage to expose the actions of an administration, Mr. President, that believes that public health is less important than private business. And it also took tremendous courage to give up a comfortable lifestyle to protect when you want self-respect.

The Governor's administration says that there are many physicians who want to replace Dr. Filer in this very important position, Mr. President, and even if that is true, in my estimation it is very unlikely that any particular physician will be able to match the very high standards set by Dr. Filer during her short 15-month term as Pennsylvania's first Physician General, and I, too, would ask my colleagues for an affirmative vote on this very important resolution.

Thank you, Mr. President.

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

Senator MURPHY. Mr. President, a brief note here. I am pleased that this resolution is coming before us to bring praise to Dr. Filer. I do want to note that in the short time I have been here I have enjoyed working with her, and she has played an active role in the legislation that I have been working on which we will be dealing with in this Chamber in the very near future, managed care and HMO reform issues.

She has had a significant impact, and even though her footsteps may not be around here anymore, her footprints will certainly be seen in the actions she has taken, and I am thankful that she has worked so hard on these issues with me.

Thank you, Mr. President.

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

Senator LOEPER. Mr. President, I also would like to just take this opportunity to commend the efforts of Dr. Filer in her service to State government. I think that Dr. Filer faced a very new and unique challenge in assuming the role as the first Physician General of the Commonwealth of Pennsylvania. She essentially was a pioneer in that role and in defining that role, and I think that the service she provided, not only serving as an advocate on various issues but also her relationship with all the Members of the General Assembly, was one that was very positive.

On behalf of this side of the aisle, we certainly wish Dr. Filer well. We congratulate her on her work and what she has done for the residents of this Commonwealth and wish her well in her efforts ahead.

Thank you, Mr. President.

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

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

The PRESIDENT. The resolution is adopted.

PERMISSION TO ADDRESS

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

Senator MELLOW. Mr. President, before we move on in our order of business, would Senator Loeper permit himself to be interrogated?

The PRESIDENT. Senator Loeper?

Senator LOEPER. Yes, I would, Mr. President.

The PRESIDENT. Senator Mellow, carry on.

Senator MELLOW. Mr. President, can Senator Loeper share with us as we proceed in today's order of business in the agenda, last evening there was an adjournment motion made prior to the completion of the order of business, so we never got to the order of business of Petitions and Remonstrances, and there were some very important issues that Members wanted to discuss in that order of business and they were never given the opportunity to do that.

Mr. President, could the gentleman tell us if we are going to have an opportunity to get to that order of business in today's Session?

The PRESIDENT. Which one, adjournment or Petitions and Remonstrances? I think I can answer that one.

Senator MELLOW. Mr. President, that is my concern, that we may get to adjournment before we get to Petitions and Remonstrances.

Senator LOEPER. Mr. President, it would certainly be the Majority's intention to proceed in our normal fashion in dealing with our Calendar and all orders of business of the day.

Senator MELLOW. Mr. President, I thank the gentleman. My interpretation of that is that we will get to the order of business of Petitions and Remonstrances later on today. Is that correct?

Senator LOEPER. Mr. President, the gentleman is correct.

Senator MELLOW. Thank you very much, Mr. President.

LEGISLATIVE LEAVE

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

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

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

LEAVES OF ABSENCE

Senator LOEPER asked and obtained leaves of absence for Senator ARMSTRONG and Senator BELL, for today's Session, for personal reasons.

CALENDAR

HB 1757 CALLED UP OUT OF ORDER

HB 1757 (Pr. No. 2830) -- Without objection, the bill was called up out of order, from page 2 of the Third Consideration Calendar, by Senator LOEPER, as a Special Order of Business.

**BILL ON THIRD CONSIDERATION
AND FINAL PASSAGE**

HB 1757 (Pr. No. 2830) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, defining the offense of solicitation of minors to traffic drugs.

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

NAY-0

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

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

SPECIAL ORDER OF BUSINESS**GUEST OF SENATOR ALLYSON Y. SCHWARTZ
PRESENTED TO THE SENATE**

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

Senator SCHWARTZ. Mr. President, I want to introduce a young woman who is spending the day with me. Her name is Regina Hill, and she attends Simmons College in Boston, which is where I went to college. She is a political science major, a dual major with African-American studies. She is a senior and has been admitted to law school for next year, and she is interested in becoming a lawyer with hope of someday

running for office. She is from Massachusetts, so you can all relax, maybe. She might not be one of our opponents, but maybe she will be so intrigued by Pennsylvania and our efforts today that she will consider Pennsylvania as a future home.

But in the meantime, she has spent a pretty interesting day with me so far, and I would like to welcome her from Boston and welcome her to the world of politics and public policy. Regina Hill is her name.

The PRESIDENT. Would Regina please stand so that the Senate may acknowledge you.

(Applause.)

**GUEST OF SENATOR JEFFREY E. PICCOLA
PRESENTED TO THE SENATE**

The PRESIDENT. The Chair recognizes the gentleman from Dauphin, Senator Piccola.

Senator PICCOLA. Mr. President, I am pleased to present to the Senate a young man who has been serving today as a guest Page for the Senate. The young man is Jonathan Gallup, who is an eighth grade student at the Math Science Academy in Harrisburg. He has had a wonderful experience serving as a guest Page. He is seated in the gallery, and I would appreciate a warm welcome from the Senate.

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

(Applause.)

**GUESTS OF SENATOR ROBERT D. ROBBINS
PRESENTED TO THE SENATE**

The PRESIDENT. The Chair recognizes the gentleman from Mercer, Senator Robbins.

Senator ROBBINS. Mr. President, it is my honor to introduce two very distinguished visitors to the Senate today. They are the State and National Commanders of the American Legion. Our State Commander is Louise Chase, a World War II Navy veteran and a businesswoman. In 1979, she became the first woman elected Vice Commander of the Pennsylvania Department of the American Legion. She was elected Commander on July 20, 1997. Her family has a long tradition of service to America, dating from the Civil War, including a brother who saw duty with the Navy off the coast of Cuba during the Cuban Missile Crisis, and a father who worked with the original astronauts in the early days of our space program.

She is one of only two Pennsylvania Legionnaires to have served on committees of the two national conventions held in Pennsylvania. She served for 16 years as the eastern regional vice chairman of the United States Service Academies Selection Committee of Senator John Heinz and Senator Harris Wofford. She recently retired as an international marketing representative of a major computer company, and she lives in Montgomery County with her husband, Joseph, who was Pennsylvania American Legion Commander in 1991 and 1992.

Also with her today is Anthony Jordan, who was elected National Commander of the American Legion in September 1997. This resident of Maine served in the Army from 1963 to 1965 and joined the American Legion, the nation's largest

veterans organization, in 1966. He has served as chairman of the National Security Commission, chairman of the National Membership and Post Activities Committee, chairman of the Foreign Relations Council, and in many other important capacities. He recently retired from the Maine Yankee Atomic Power Company after 26 years.

Mr. President, Anthony Jordan and Louise Chase have dedicated their lives to not only serving their country but to serving others who answer the call, our veterans.

With them today are State auxiliary president, Verla Mae Shultz; past National Commander, Dominic DiFrancesco; past State Commander, Mr. Joseph Chase; and our State Adjutant, Stanley W. Reinhard, Jr.

As a fellow veteran and chairman of the Senate Committee on Military and Veteran Affairs, it is an honor for me to welcome these people to the Pennsylvania Senate today, and I ask my colleagues to make them feel welcome as well.

Thank you, Mr. President.

The PRESIDENT. The Chair thanks Senator Robbins, and would our National Commander and State Commander and their guests please rise so that the Senate may greet you.

(Applause.)

The PRESIDENT. Thank you, Senator Robbins, and again, welcome to our American Legion officers and guests.

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. However, I understand that some of our Members may want to attend a news conference scheduled for 2:30 this afternoon. Therefore, I would request a caucus to begin at 3:15 in the Majority Caucus room.

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

Senator MELLOW. Mr. President, I request that the Democratic Members report immediately to our caucus room.

The PRESIDENT. For purposes of Republican and Democratic caucuses, with the intention of returning at approximately 4:15, the Senate stands in recess.

AFTER RECESS

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

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

LEGISLATIVE LEAVES

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

Senator BRIGHTBILL. Mr. President, I ask for temporary Capitol leaves for Senator Loeper and Senator Salvatore.

The PRESIDENT pro tempore. Senator Brightbill requests temporary Capitol leaves for Senator Loeper and Senator Salvatore. Without objection, those leaves will be granted.

The Chair recognizes the gentleman from Lackawanna, Senator Mellow.

Senator MELLOW. Mr. President, I request a temporary Capitol leave for Senator O'Pake, and a legislative leave for Senator Schwartz.

The PRESIDENT pro tempore. Senator Mellow requests a temporary Capitol leave for Senator O'Pake, and a legislative leave for Senator Schwartz. Without objection, those leaves will be granted.

CONSIDERATION OF CALENDAR RESUMED

BILL ON CONCURRENCE IN HOUSE AMENDMENTS AS AMENDED

BILL RECOMMITTED

SB 640 (Pr. No. 1660) -- The Senate proceeded to consideration of the bill entitled:

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

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

BILL ON CONCURRENCE IN HOUSE AMENDMENTS

SENATE CONCURS IN HOUSE AMENDMENTS

SB 492 (Pr. No. 1507) -- The Senate proceeded to consideration of the bill, entitled:

An Act providing for real estate broker liens in the amount of compensation due for services rendered by the broker in connection with certain real estate transactions.

On the question,

Will the Senate concur in the amendments made by the House to Senate Bill No. 492?

Senator BRIGHTBILL. Mr. President, I move that the Senate do concur in the amendments made by the House to Senate Bill No. 492.

On the question,

Will the Senate agree to the motion?

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

YEA-46

Afflerbach	Helfrick	Mowery	Tartaglione
Belan	Holl	Murphy	Thompson
Bodack	Hughes	Musto	Tilghman

Conti	Jubelirer	O'Pake	Tomlinson
Corman	Kasunic	Punt	Uliana
Costa	Kitchen	Rhoades	Wagner
Delp	Kukovich	Robbins	Wenger
Earll	LaValle	Salvatore	White
Fumo	Lemmond	Schwartz	Williams
Gerlach	Loeper	Slocum	Wozniak
Greenleaf	Madigan	Stapleton	
Hart	Mellow	Stout	

NAY-2

Brightbill Piccola

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.

THIRD CONSIDERATION CALENDAR

BILLS OVER IN ORDER

SB 105, SB 114, SB 157, SB 212, SB 268, SB 508 and SB 962 -- Without objection, the bills were passed over in their order at the request of Senator BRIGHTBILL.

SECOND CONSIDERATION CALENDAR

BILL ON SECOND CONSIDERATION

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.

Considered the second time and agreed to,

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

BILL AMENDED

SB 252 (Pr. No. 253) -- The Senate proceeded to consideration of the bill, entitled:

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

On the question,

Will the Senate agree to the bill on second consideration?

Senator EARLL offered the following amendment No. A0899:

Amend Sec. 3, page 2, line 6, by striking out "week" and inserting: day

Amend Sec. 3, page 2, line 11, by striking out "of the termination of" and inserting: after receiving notice of

Amend Sec. 3, page 2, line 17, by striking out "within the week" and inserting: on the day

Amend Sec. 4, page 3, line 1, by striking out "counsel of the inmate" and inserting: inmate's counsel of record or other attorney requested by the inmate

On the question,

Will the Senate agree to the amendment?

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

Senator MELLOW. Mr. President, I believe there are Members on this side of the aisle who want to vote against the amendment and probably against the bill on final passage, so perhaps Senator Earll would like to explain the amendment.

The PRESIDENT pro tempore. The Chair recognizes the gentlewoman from Erie, Senator Earll.

Senator EARLL. Mr. President, I rise today to offer an amendment that seeks to improve on our State's death penalty law. There are no doubt thousands of imperfect laws on the books in Pennsylvania that no one particularly notices, but when it comes to the State death penalty statute, less than perfect is not good enough. We are, after all, talking about imposing upon an inmate the maximum sentence available under law and the orchestration of a scene that will not only impact upon the individual facing execution but all who participate in the process, from law enforcement personnel to the families of the victims and to the individual sentenced. As legislators, I believe that it is our duty to make sure that these executions are conducted in a manner that is fair to all, that is compassionate, and that in all respects respects the rights and dignities of all involved.

The amendment that I am proposing to Senate Bill No. 252 would make some significant changes that are much needed in the way the death penalty is carried out in Pennsylvania. Recent cases have exposed weaknesses in the provisions for scheduling executions. The result has been confusion at the worst possible time. Our courts and our Corrections officials are supportive of the following changes that would, in their mind, make this serious task much more orderly.

The legislation would extend from 30 days to 60 days the timeframe during which an execution must occur once the Governor signs the death warrant. It gives the Department of Corrections more flexibility in scheduling executions. Given the complexities involved, 30 days is oftentimes not enough time to carry out the execution in an orderly fashion. What my amendment does is it refines not only that 60-day timeframe, but it requires that there be a date certain set for a particular day on the calendar. Right now the way it stands, executions can be scheduled any time within a week's timeframe. This would require that it be scheduled for a date certain.

Secondly, my amendment would require that if an inmate wants legal counsel to represent him, he must do something proactive or affirmatively to contact counsel or to ask that counsel be contacted on his behalf. Counsel or defense attorneys will no longer be able to what I would characterize as ambulance chase and contact an inmate who may not want representation, and contact him for purposes other than truly representing him at that time and perhaps for purposes of an agenda that is completely different than representing the defendant's rights. So all in all, that is what the amendment does, those two specific provisions.

LEGISLATIVE LEAVE

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

Senator BRIGHTBILL. Mr. President, Senator Delp has been called to his office, and I request a temporary Capitol leave for him.

The PRESIDENT pro tempore. Senator Brightbill requests a temporary Capitol leave for Senator Delp. Without objection, that leave is granted.

LEGISLATIVE LEAVE CANCELLED

The PRESIDENT pro tempore. The Chair notes the presence on the floor of Senator Williams. His legislative leave is cancelled.

LEGISLATIVE LEAVE

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

Senator MELLOW. Mr. President, Senator Williams was again called back to his office, and I request a temporary Capitol leave for him.

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

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

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

YEA-42

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

NAY-6

Fumo	Hughes	Schwartz
Helfrick	Kitchen	Williams

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

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

Senator MELLOW offered the following amendment No. A0541:

Amend Sec. 2, page 1, lines 13 through 17; page 2, lines 1 and 2, by striking out all of said lines on said pages

Amend Sec. 3, page 2, line 3, by striking out "3" and inserting:

2

- 3 Amend Sec. 4, page 2, line 26, by striking out "4" and inserting:
- 4 Amend Sec. 5, page 3, line 5, by striking out "5" and inserting:
- 5 Amend Sec. 6, page 3, line 20, by striking out "6" and inserting:
- 6 Amend Sec. 7, page 4, line 7, by striking out "7" and inserting:
- 7 Amend Sec. 8, page 4, line 14, by striking out "8" and inserting:
- 8 Amend Sec. 9, page 4, line 24, by striking out "9" and inserting:
- 9 Amend Sec. 10, page 4, line 27, by striking out "10" and inserting:
- 10 Amend Sec. 10, page 5, line 2, by striking out "§ 9711(i), (j)," and inserting: § 9711(j),
- Amend Sec. 11, page 5, line 3, by striking out "11" and inserting:

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

And the question recurring, 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

SB 698 -- Without objection, the bill was passed over in its order at the request of Senator BRIGHTBILL.

BILL OVER IN ORDER TEMPORARILY

HB 1189 -- Without objection, the bill was passed over in its order temporarily at the request of Senator BRIGHTBILL.

BILL ON SECOND CONSIDERATION

SB 1239 (Pr. No. 1580) -- The Senate proceeded to consideration of the bill, 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 or on probation in other states; providing for proceedings subsequent to parole; and imposing a penalty.

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

BILL REREFERRED

SB 1247 (Pr. No. 1589) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of May 2, 1929 (P.L.1518, No.452), entitled, as reenacted and amended, Elevator Regulation Law, providing for technical standards; further providing for regulations and fees; increasing penalties; and providing for accident reporting requirements.

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

FIRST CONSIDERATION CALENDAR**PREFERRED APPROPRIATION BILLS
ON FIRST CONSIDERATION**

SB 1304 (Pr. No. 1723) -- The Senate proceeded to consideration of the bill, entitled:

An Act making an appropriation from a restricted revenue account within the General Fund to the Office of Consumer Advocate in the Office of Attorney General.

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

SB 1305 (Pr. No. 1724) -- The Senate proceeded to consideration of the bill, entitled:

An Act making an appropriation from a restricted revenue account within the General Fund to the Office of Small Business Advocate in the Department of Community and Economic Development.

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

SB 1306 (Pr. No. 1725) -- The Senate proceeded to consideration of the bill, entitled:

An Act making an appropriation from the State Employees' Retirement Fund to provide for expenses of the State Employees' Retirement Board for the fiscal year July 1, 1998, to June 30, 1999, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 1998.

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

SB 1307 (Pr. No. 1726) -- The Senate proceeded to consideration of the bill, entitled:

An Act making an appropriation from the Public School Employees' Retirement Fund to provide for expenses of the Public School Employees' Retirement Board for the fiscal year July 1, 1998, to June 30, 1999, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 1998.

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

SB 1308 (Pr. No. 1727) -- The Senate proceeded to consideration of the bill, entitled:

An Act making appropriations from the Professional Licensure Augmentation Account and from restricted revenue accounts within the General Fund to the Department of State for use by the Bureau of Professional and Occupational Affairs in support of the professional licensure boards assigned thereto.

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

SB 1309 (Pr. No. 1728) -- The Senate proceeded to consideration of the bill, entitled:

An Act making appropriations from the Workmen's Compensation Administration Fund to the Department of Labor and Industry and the Department of Community and Economic Development to provide for the expenses of administering the Workers' Compensation Act, The Pennsylvania Occupational Disease Act and the Office of Small Business Advocate for the fiscal year July 1, 1998, to June 30, 1999, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 1998.

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

**NONPREFERRED APPROPRIATION BILLS
ON FIRST CONSIDERATION**

SB 1311 (Pr. No. 1684) -- The Senate proceeded to consideration of the bill, entitled:

A Supplement to the act of April 1, 1863 (PL.213, No.227), entitled "An act to accept the grant of Public Lands, by the United States, to the several states, for the endowment of Agricultural Colleges," making appropriations for carrying the same into effect; and providing for a basis for payments of such appropriations, for a method of accounting for the funds appropriated and for certain fiscal information disclosure.

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

SB 1312 (Pr. No. 1685) -- The Senate proceeded to consideration of the bill, entitled:

A Supplement to the act of July 28, 1966 (3rd Sp.Sess., PL.87, No.3), entitled University of Pittsburgh—Commonwealth Act, making appropriations for carrying the same into effect; providing for a basis for payments of such appropriations; and providing a method of accounting for the funds appropriated and for certain fiscal information disclosure.

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

SB 1313 (Pr. No. 1686) -- The Senate proceeded to consideration of the bill, entitled:

A Supplement to the act of November 30, 1965 (PL.843, No.355), entitled Temple University—Commonwealth Act, making appropriations for carrying the same into effect; providing for a basis for payments of such appropriations; and providing a method of accounting for the funds appropriated and for certain fiscal information disclosure.

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

SB 1314 (Pr. No. 1687) -- The Senate proceeded to consideration of the bill, entitled:

A Supplement to the act of July 7, 1972 (PL.743, No.176), entitled Lincoln University—Commonwealth Act, making appropriations

for carrying the same into effect; providing for a basis for payments of such appropriations; and providing a method of accounting for the funds appropriated and for certain fiscal information disclosure.

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

SB 1315 (Pr. No. 1688) -- The Senate proceeded to consideration of the bill, entitled:

An Act making appropriations to the Trustees of the University of Pennsylvania.

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

SB 1316 (Pr. No. 1689) -- The Senate proceeded to consideration of the bill, entitled:

An Act making appropriations to the Allegheny University of the Health Sciences.

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

SB 1317 (Pr. No. 1690) -- The Senate proceeded to consideration of the bill, entitled:

An Act making appropriations to the Thomas Jefferson University, Philadelphia.

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

SB 1318 (Pr. No. 1691) -- The Senate proceeded to consideration of the bill, entitled:

An Act making an appropriation to the Philadelphia College of Osteopathic Medicine, Philadelphia.

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

SB 1319 (Pr. No. 1692) -- The Senate proceeded to consideration of the bill, entitled:

An Act making an appropriation to the Trustees of Drexel University, Philadelphia.

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

SB 1320 (Pr. No. 1693) -- The Senate proceeded to consideration of the bill, entitled:

An Act making an appropriation to the University of the Arts, Philadelphia.

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

SB 1321 (Pr. No. 1694) -- The Senate proceeded to consideration of the bill, entitled:

An Act making appropriations to the Trustees of the Berean Training and Industrial School at Philadelphia.

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

SB 1322 (Pr. No. 1695) -- The Senate proceeded to consideration of the bill, entitled:

An Act making an appropriation to the Johnson Technical Institute of Scranton.

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

SB 1323 (Pr. No. 1696) -- The Senate proceeded to consideration of the bill, entitled:

An Act making an appropriation to the Williamson Free School of Mechanical Trades in Delaware County.

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

SB 1324 (Pr. No. 1697) -- The Senate proceeded to consideration of the bill, entitled:

An Act making an appropriation to the Pennsylvania College of Optometry, Philadelphia.

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

SB 1325 (Pr. No. 1698) -- The Senate proceeded to consideration of the bill, entitled:

An Act making an appropriation to the Pennsylvania College of Podiatric Medicine, Philadelphia.

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

SB 1326 (Pr. No. 1699) -- The Senate proceeded to consideration of the bill, entitled:

An Act making an appropriation to the Fox Chase Institute for Cancer Research, Philadelphia, for the operation and maintenance of the cancer research program.

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

SB 1327 (Pr. No. 1700) -- The Senate proceeded to consideration of the bill, entitled:

An Act making appropriations to the Wistar Institute-Research, Philadelphia.

Considered the first time and agreed to,

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

SB 1328 (Pr. No. 1701) -- The Senate proceeded to consideration of the bill, entitled:

An Act making an appropriation to the Central Penn Oncology Group.

Considered the first time and agreed to,

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

SB 1329 (Pr. No. 1702) -- The Senate proceeded to consideration of the bill, entitled:

An Act making an appropriation to the Trustees of the University of Pennsylvania for cardiovascular studies.

Considered the first time and agreed to,

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

SB 1330 (Pr. No. 1703) -- The Senate proceeded to consideration of the bill, entitled:

An Act making an appropriation to St. Francis Hospital, Pittsburgh.

Considered the first time and agreed to,

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

SB 1331 (Pr. No. 1704) -- The Senate proceeded to consideration of the bill, entitled:

An Act making appropriations to St. Christopher's Hospital, Philadelphia.

Considered the first time and agreed to,

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

SB 1332 (Pr. No. 1705) -- The Senate proceeded to consideration of the bill, entitled:

An Act making an appropriation to the Lancaster Cleft Palate.

Considered the first time and agreed to,

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

SB 1333 (Pr. No. 1706) -- The Senate proceeded to consideration of the bill, entitled:

An Act making an appropriation to the Pittsburgh Cleft Palate.

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

SB 1334 (Pr. No. 1707) -- The Senate proceeded to consideration of the bill, entitled:

An Act making an appropriation to the Trustees of Jefferson Medical College and Hospital of Philadelphia for a comprehensive program relating to Tay-Sachs disease.

Considered the first time and agreed to,

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

SB 1335 (Pr. No. 1708) -- The Senate proceeded to consideration of the bill, entitled:

An Act making an appropriation to the Burn Foundation, Philadelphia.

Considered the first time and agreed to,

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

SB 1336 (Pr. No. 1709) -- The Senate proceeded to consideration of the bill, entitled:

An Act making an appropriation to The Children's Institute, Pittsburgh.

Considered the first time and agreed to,

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

SB 1337 (Pr. No. 1710) -- The Senate proceeded to consideration of the bill, entitled:

An Act making an appropriation to the Arsenal Family and Children's Center.

Considered the first time and agreed to,

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

SB 1338 (Pr. No. 1711) -- The Senate proceeded to consideration of the bill, entitled:

An Act making an appropriation to the Beacon Lodge Camp.

Considered the first time and agreed to,

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

SB 1339 (Pr. No. 1712) -- The Senate proceeded to consideration of the bill, entitled:

An Act making an appropriation to the Trustees of the University of Pennsylvania for the general maintenance and operation of the University of Pennsylvania Museum.

Considered the first time and agreed to,

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

SB 1340 (Pr. No. 1713) -- The Senate proceeded to consideration of the bill, entitled:

An Act making appropriations to The Carnegie for the Carnegie Museum of Natural History and the Carnegie Science Center.

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

SB 1341 (Pr. No. 1714) -- The Senate proceeded to consideration of the bill, entitled:

An Act making an appropriation to the Franklin Institute Science Museum.

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

SB 1342 (Pr. No. 1715) -- The Senate proceeded to consideration of the bill, entitled:

An Act making an appropriation to the Academy of Natural Sciences.

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

SB 1343 (Pr. No. 1716) -- The Senate proceeded to consideration of the bill, entitled:

An Act making an appropriation to the Afro-American Historical and Cultural Museum for operating expenses.

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

SB 1344 (Pr. No. 1717) -- The Senate proceeded to consideration of the bill, entitled:

An Act making an appropriation to the Mercer Museum in Doylestown, Pennsylvania.

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

SB 1345 (Pr. No. 1718) -- The Senate proceeded to consideration of the bill, entitled:

An Act making an appropriation to the Everhart Museum in Scranton.

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

SB 1346 (Pr. No. 1719) -- The Senate proceeded to consideration of the bill, entitled:

An Act making an appropriation to the Museum of Scientific Discovery in Harrisburg, Pennsylvania.

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

BILLS ON FIRST CONSIDERATION

SB 668 (Pr. No. 710) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of December 31, 1965 (P.L.1257, No. 511), entitled The Local Tax Enabling Act, prohibiting certain fees relating to the collection of the earned income tax.

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

SB 670 (Pr. No. 712) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of October 27, 1979 (P.L.241, No.78), entitled "An act authorizing political subdivisions, municipality authorities and transportation authorities to enter into contracts for the purchase of goods where no bids are received," providing for the sale of real and personal property.

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

HB 964 (Pr. No. 3020) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of February 1, 1966 (1965 P.L.1656, No.581), known as The Borough Code, further providing for associations and organizations for mayors, for decreases in number of ward council members, and for general powers.

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

HB 1108 (Pr. No. 3021) -- 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, further providing for contract procedures.

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

SB 1221 (Pr. No. 1549) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of May 1, 1933 (P.L.103, No.69), entitled, as reenacted and amended, The Second Class Township Code, providing for compensation of auditors for attendance at conferences, institutes, schools and conventions.

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

SB 1310 (Pr. No. 1729) -- The Senate proceeded to consideration of the bill, entitled:

An Act providing for the capital budget for the fiscal year 1998-1999.

Considered the first time and agreed to,

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

HB 1487 (Pr. No. 1779) -- The Senate proceeded to consideration of the bill, entitled:

An Act authorizing the Department of Community and Economic Development to adopt a program of training, examination, qualification and continuing education of tax collectors.

Considered the first time and agreed to,

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

HB 1189 CALLED UP

HB 1189 (Pr. No. 1746) -- Without objection, the bill, which previously went over in its order temporarily, was called up, from page 3 of the Second Consideration Calendar, by Senator BRIGHTBILL.

BILL AMENDED

HB 1189 (Pr. No. 1746) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, adding the offense of invasion of privacy; and imposing a penalty.

On the question,

Will the Senate agree to the bill on second consideration?

Senator MELLOW offered the following amendment No. A0862:

Amend Sec. 1 (Sec. 7507.1), page 1, line 14, by inserting after "privacy": A separate violation of this section shall occur:

(1) for each victim viewed, photographed or filmed during the same course of conduct; or

(2) if a victim is viewed, photographed or filmed on more than one occasion during a separate course of conduct either individually or otherwise.

Amend Sec. 1 (Sec. 7507.1), page 2, lines 1 through 4, by striking out "more than one person is viewed, photographed or" in line 1, all of lines 2 and 3 and "privacy" in line 4 and inserting: there is more than one violation. Otherwise, a violation of this section

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?

Senator BRIGHTBILL, on behalf of Senator PICCOLA, offered the following amendment No. A0540:

Amend Sec. 1 (Sec. 7507.1), page 3, line 4, by removing the period after "person" and inserting: , for the purpose of arousing or gratifying the sexual desire of any person.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

And the question recurring,

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.

UNFINISHED BUSINESS SENATE RESOLUTION

Senators MELLOW, BODACK, FUMO, O'PAKE, MUSTO, KUKOVICH, LAVALLE, TARTAGLIONE, KITCHEN, STOUT, SCHWARTZ, WOZNAK, and WAGNER offered the following resolution, which was read as follows:

In the Senate, March 10, 1998

A RESOLUTION

Discharging Committee on Rules and Executive Nominations from further consideration of House Bill No. 162, Printer's No. 2077.

RESOLVED, That House Bill No. 162, Printer's No. 2077, entitled "An act amending Titles 24 (Education) and 71 (State Government) of the Pennsylvania Consolidated Statutes, further providing for creditable nonschool service; and extending the period of eligibility for special early retirement," having been referred to the Committee on Rules and Executive Nominations on June 17, 1997, and the committee not having reported the same to the Senate for a period of over ten legislative days, the committee is discharged from further consideration thereof.

The PRESIDENT pro tempore. The resolution will appear on the Calendar.

DISCHARGE PETITIONS

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

In the Senate, March 10, 1998

A PETITION

To place before the Senate the nomination of David L. Shultz, as Coroner, Lycoming 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 David L. Shultz, as Coroner, Lycoming 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
Vincent J. Fumo

In the Senate, March 10, 1998

A PETITION

To place before the Senate the nomination of Ronald N. Stuber, V.M.D., as a member of the State Board of Veterinary Medicine.

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 Ronald N. Stuber, V.M.D., as a member of the State Board of Veterinary Medicine, 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
Vincent J. Fumo

In the Senate, March 10, 1998

A PETITION

To place before the Senate the nomination of Benjamin A. Martinez as a member of the Pennsylvania Board of Probation and Parole.

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 Benjamin A. Martinez, as a member of the Pennsylvania Board of Probation and Parole, 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
Vincent J. Fumo

In the Senate, March 10, 1998

A PETITION

To place before the Senate the nomination of Mark Navarro, as a member of the Health Policy Board.

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 Mark Navarro, as a member of the Health Policy Board, 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
Vincent J. Fumo

In the Senate, March 10, 1998

A PETITION

To place before the Senate the nomination of Angelo Mazzanti, as a member of the Pennsylvania Game Commission.

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 Angelo Mazzanti, as a member of the Pennsylvania Game Commission, 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
Vincent J. Fumo

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

CONGRATULATORY RESOLUTIONS

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

Congratulations of the Senate were extended to Joseph and Rita Scheller, Reverend Joseph B. Rapczynski, Mark Dobil, Brendon LaBuz, Clarence Miller, Jr., Ardath Harter Rodale, Kathryn Stephanoff, Dr. Eileen Mera, Dr. Nancy G. Allmon, Dr. Regina Brunner, Patrick Owen McCarty, Connie R. Kunda, Cyndi Blaschak, Kostas Kalogeropoulos, Harvey L. Emert IV and to the Panasonic Foundation by Senator Afflerbach.

Congratulations of the Senate were extended to Mr. and Mrs. Elam Ginder, Mr. and Mrs. J. Robert Miller, Mr. and Mrs. Emerson Frey, Mr. and Mrs. Stan Hurst, Mr. and Mrs. Homer L. Dodson, Mr. and Mrs. Robert Hess, Mr. and Mrs. Maynard Clark, Mr. and Mrs. Herbert Kautz, Wilmer P. Bolton, Spencer G. Groff, Robert F. Potts, Russell J. Spang, Jr., and to Gerald E. Wilson, Jr., by Senator Armstrong.

Congratulations of the Senate were extended to Francis A. Geletko, Neeja Bakshi, Nathan Welch, the Honorable James DeMuzzio, Daniel Brugos, Keith Newmyer, Albert Matis, Jack Patterson, John F. Puhala and to the citizens of White Oak Borough by Senator Belan.

Congratulations of the Senate were extended to Raymond Siniawski, John C. Nikolic and to the Steel Valley Council of Governments by Senators Belan and Costa.

Congratulations of the Senate were extended to Mr. and Mrs. Harold Moyer, Mr. and Mrs. Charles E. Leach, Mr. and Mrs. Cheney R. Nattress, Mr. and Mrs. Rocco F. Nigro, Mr. and Mrs. Kirby Steger, Mr. and Mrs. John Lastowka, Nicholas F. Catania, Jeremiah A. Heartley, Riddle Memorial Hospital of Media, Strath Haven High School Girls' Soccer Team and to the Delaware County Federation of Women's Clubs, Nether Providence Woman's Club, by Senator Bell.

Congratulations of the Senate were extended to Mr. and Mrs. John Robey, Mr. and Mrs. John Galasso, John and Sue Flanagan, Raymond Casper, Carl W. Brueck, Jr., Dolores G. Bartell, Stanley A. Frankowski, Harriet Lisowski, First Presbyterian Church of Castle Shannon and to the Pittsburgh Zoo by Senator Bodack.

Congratulations of the Senate were extended to the Western Pennsylvania Hospital by Senator Bodack and others.

Congratulations of the Senate were extended to Lionel I. Lee, Paul R. Yurejefcic and to the Lebanon Industrial Management Club by Senator Brightbill.

Congratulations of the Senate were extended to Frances Stengel, Joshua F. Anderson, Benjamin Cote Hallowell, Troy A. Kravitz and to Morgan C. Broderick by Senator Conti.

Congratulations of the Senate were extended to Douglas M. Wrabel, Paul C. Horn, Jeffrey C. Hermann, Raymond James Bryer and to Douglas A. Wisniewski by Senator Corman.

Congratulations of the Senate were extended to Joseph and Antonietta Lopardo, Edward Fink, Ben Foster, Mary Magdalene Happe and to Daniel Brugos by Senator Costa.

Congratulations of the Senate were extended to Mr. and Mrs. James E. Krumrine and to David Czarnik by Senator Delp.

Congratulations of the Senate were extended to the York County Chamber of Commerce by Senator Delp and others.

Congratulations of the Senate were extended to Maria Figurski, Ed Lee Bankhead, Siebenbuerger Club of Erie and to the Erie Council of Women by Senator Earll.

Congratulations of the Senate were extended to Michael Taylor and to Electric Factory Concerts by Senator Fumo.

Congratulations of the Senate were extended to Henry B. Baker III, Nathan Fitzcharles, Scott Szabo and to Christopher Greiser by Senator Gerlach.

Congratulations of the Senate were extended to Mr. and Mrs. John Finnegan, Larry Santee, Charles Kahn, Jr., Violet Piernikoski, Helen Suzman, Priscilla Kinney and to CAPT, Citizens and Police Together, of Abington by Senator Greenleaf.

Congratulations of the Senate were extended to Mr. and Mrs. Ray McCoy, Mr. and Mrs. Raymond Slezycycki, Mr. and Mrs. Samuel Moses, Mr. and Mrs. Regis Metzler, Mr. and Mrs. Carl F. Kusbit, Mr. and Mrs. Joseph Buhl, Robert John Schulties, Jay Joseph Fung, Erica Holloway, Cindy Hajel-Clark, Matt Mahoney, Franklin Blackstone, Jr., Monsignor William A. Kerr, Qamara Sol, Candice Stover, Natalie Powell, Jeff Gally, Highlands Middle School of Natrona Heights and to the Median School of Allied Health of Pittsburgh by Senator Hart.

Congratulations of the Senate were extended to Mr. and Mrs. John D. Hughes, Mr. and Mrs. Robert E. Mills, Mr. and Mrs. Boyd F. Farver, Mr. and Mrs. John Wengrenovich, Mr. and Mrs. Bryce E. Ashenfelder, Mr. and Mrs. Harold N. Kirkendall, Mr. and Mrs. Lionel N. Rarig, Dr. Nicholas Spock, Andy Kozneski, Vivian Leisenring, Colby Weinhofer, Christopher James Morrison and to the Elysburg Senior Action Center by Senator Helfrick.

Congratulations of the Senate were extended to Mr. and Mrs. Paul W. Rorer, Sr., Daniel J. Gallagher, Walter Joseph Muller, Lena Schellinger Gordon, Michael A. Damiani, Michael S. McLaughlin, John Lawrence Parks, Douglas Joseph Philiabaum, Samuel Vincent Couchara, Perkiomen Valley High School, Northern Montgomery County Drug and Alcohol Task Force and to the citizens of the borough of Hatfield by Senator Holl.

Congratulations of the Senate were extended to Reverend Dr. Carl D. Ogden, Sr., Dr. Carolyn C. Collins, the Most Worshipful Prince Hall Grand Lodge Free and Accepted Masons of Pennsylvania and to the Philadelphia Chapter of the National Coalition of 100 Black Women, Inc., NCBW, by Senator Hughes.

Congratulations of the Senate were extended to Mr. and Mrs. Janvier Jenkins, Mr. and Mrs. Max Kough, Mr. and Mrs. Roy Shoop, Mr. and Mrs. Iver C. Stiffler, Mr. and Mrs. Roy Warnick, William E. Swigart, Jr., and to Barbara Sponsler Miller by Senator Jubelirer.

Congratulations of the Senate were extended to Mr. and Mrs. Robert Ferguson Rae, Mr. and Mrs. Robert Ferguson, Samuel J. Denny, Ray Shoemaker, Joseph Gary Cortese, Jr., Gregory Daniel Higgins, Jason Richard Schubert, Benjamin Joseph Doppelheuer, David Michael Petrun, Mildred Renner and to Aaron Younkin by Senator Kasunic.

Congratulations of the Senate were extended to Michael A. Brehant by Senators Kitchen and Tartaglione.

Congratulations of the Senate were extended to Steven P. Woelke, Adam Michael Tuttle and to Bushy Run Lions Club by Senator Kukovich.

Congratulations of the Senate were extended to Vivian Jones Kirkland and to James J. Verlotte by Senator LaValle.

Congratulations of the Senate were extended to Mr. and Mrs. Keith Rollison, Mr. and Mrs. David McCain, Mr. and Mrs. Henry Burton, Mr. and Mrs. Al Brunner, Mr. and Mrs. Jack Zimmerman, Mr. and Mrs. Leroy VanDeWende, Mr. and Mrs. Edwin Burnell, Mr. and Mrs. Bernard Jones, Glenn Stroh, John Z. Thomas, Jason Richard Macey, Robert Simpson, Joe Henkel, Bertha Germick, Christopher Michael Robacker and to Chris E. Turner by Senator Lemmond.

Congratulations of the Senate were extended to Mr. and Mrs. James Plumley, James F. Mollan, Jr., Robert J. Quinn and to the Hillview Nursery School of Broomall by Senator Loeper.

Congratulations of the Senate were extended to Mr. and Mrs. James Lang, Mr. and Mrs. Earl M. Jonas, Mr. and Mrs. George A. Smith, Mr. and Mrs. William C. Koser, Mr. and Mrs. A. Dewey Waugh, Mr. and Mrs. Robert L. Hummer, Sr., Mr. and Mrs. Alfred J. Economu, Mr. and Mrs. Lawrence Bair, Mr. and Mrs. Henry L. Fornwalt, Mr. and Mrs. Elwood Braund, Mr. and Mrs. Bruce Weidler, Mr. and Mrs. Charles A. Fuller, Mr. and Mrs. Robert Sweeley, Mr. and Mrs. Richard C. Grissinger, Jason Kenyon Reed, Katie Turner, Donald Ott, Francis Wilcox, Scott Joseph Blair and to the Sayre Business and Professional Women's Club by Senator Madigan.

Congratulations of the Senate were extended to Mr. and Mrs. Walter Kapelan, Dr. Gino Mori, Ryan Anthony Bringham, Paula Leri, Egisto Panettieri, Olyphant Hose Company No. 2 and to the Peckville Business and Professional Women's Club by Senator Mellow.

Congratulations of the Senate were extended to Mr. and Mrs. Elmer Van Brunt by Senators Mellow and Madigan.

Congratulations of the Senate were extended to Dr. James Prescott III, Eunice Ritter, Matthew L. Shaffer, James E.

Schmick, Edith Wolfe and to Cub Scout Pack 64 by Senator Mowery.

Congratulations of the Senate were extended to Christopher Marljar, James Kester, Eugene W. Esken, Marguerite Canonge and to the Mt. Lebanon High School Girls' Volleyball Team by Senator Murphy.

Congratulations of the Senate were extended to Dr. Edward M. Whalen, Sr., Matt Jones, Michael D. Booth, Justin Ulanoski, Dr. Christopher N. Breiseth, Anna Siller Miorelli and to James A. Rooney by Senator Musto.

Congratulations of the Senate were extended to the Wyoming Valley Catholic Youth Center by Senators Musto and Lemmond.

Congratulations of the Senate were extended to Sharyn and Dr. Larry Harris, Rabbi Alan G. Weitzman, Michael Witmyer, Stephen K. Little, Frank D. McCracken, the Most Reverend Edward P. Cullen, Robert W. Cardy, the Honorable John F. Dougherty, Gary Reinert, Boyertown Area Alumni Marching Unit, Gibraltar Fire Company No. 1 of Birdsboro, Governor Mifflin School District Music Department of Shillington, Reading Civic Opera Company, Reading-Berks Human Relations Council, Reading Chapter of The Alliance of Black Lucent Employees, ABLE, and to the Rainbow Fire Company of Reading by Senator O'Pake.

Congratulations of the Senate were extended to Mr. and Mrs. Harry Snavelly, Sarah Katherine Knapp, Mary E. Troutman, Reverend Donald M. Rising, Jack Reiss, Grantville Volunteer Fire Company, Buffalo Soldier Day and to St. Catherine Labouré Parish of Harrisburg by Senator Piccola.

Congratulations of the Senate were extended to the Allenberry Resort Inn and Playhouse of Boiling Springs by Senators Punt and Mowery.

Congratulations of the Senate were extended to John and Helen Kovatch, John W. Higgins, Jr., Chad Allen Gibson, Joseph H. Jones, Sr., Walter Lausterer, Robert McKinney Allen, John Chuma, Jr., and to the Shenandoah Valley Varsity Football Team by Senator Rhoades.

Congratulations of the Senate were extended to Louise Chase, William Frederick Phillips III, Timothy John Williams, Wayne Glenn McCartney, Benedict J. Miceli, Dwight Haas, Hadley Rod and Gun Club and to the borough of Grove City by Senator Robbins.

Congratulations of the Senate were extended to Christopher Schramm, John Maloney, Christopher Thomas Kushto and to Ryan Dennis Donlon by Senator Salvatore.

Congratulations of the Senate were extended to Jared D. LeVere by Senator Schwartz.

Congratulations of the Senate were extended to Lucas F. Smith, Armand Joseph Mazzocchi and to Nicholas Andrew Mazzocchi by Senator Slocum.

Congratulations of the Senate were extended to Mr. and Mrs. Edwin E. Fairman, Mr. and Mrs. George Andyshak, Mr. and Mrs. Floyd Croyle, Sr., Mr. and Mrs. Harvey McCunn, Mildred C. Shaffer Brendle Thompson, Nathan Andrew Kunkle, Clair Jackson and to Michael Stefan, Sr., by Senator Stapleton.

Congratulations of the Senate were extended to Mr. and Mrs. Albert Dunkerton, Mr. and Mrs. Melvin Bane, Mr. and Mrs. John Hayden Jacobs, Sr., Delphia H. Thomas, Ann Kanotz, Daniel Fulford and to the citizens of the city of Monessen by Senator Stout.

Congratulations of the Senate were extended to Nancy Quinn, Sean Fehrle, Jeffrey Troebs, James Crown and to Mark Diviny by Senator Tartaglione.

Congratulations of the Senate were extended to Mr. and Mrs. Edwin H. Domseif, John Barry, Robert Barry, Kyle Newton, Daniel Sweeney, Adam Wood, Sarah Thomas, Miles H. Arnold IV and to Rita Jones by Senator Thompson.

Congratulations of the Senate were extended to Shirley M. Cox by Senator Tilghman.

Congratulations of the Senate were extended to Joseph E. Marut III, Thomas M. McIntyre, Richard Noon and to Croydon Fire Company No. 1 by Senator Tomlinson.

Congratulations of the Senate were extended to Mr. and Mrs. Richard Noll, Mr. and Mrs. William Voight, Kevin Michael Ramaley, Brenda Holden, Olivia Greenfield, Leonard John French, Jr., Grace Anna George Dech, Nazareth Floral Designs and to the Comfort Suites of Bethlehem by Senator Uliana.

Congratulations of the Senate were extended to Heather N. Busin by Senators Uliana and Robbins.

Congratulations of the Senate were extended to Mr. and Mrs. Joseph Ducci, Wilfred C. Kastroll and to Jack Lennon by Senator Wagner.

Congratulations of the Senate were extended to Tabitha Kulish and to Christopher M. Wagner by Senator Wenger.

Congratulations of the Senate were extended to Brian Christopher Glath, Nicholas J. Hummel, Laurie Weaver, Lawrence C. Santee, Matthew James Osborn, Jason Charles Brannon, Philip A. Criado, Cassandra Jeffries, John R. Thomas, Jr., Sue Leonard, George E. Isovitsch, Sr., Albert Polanec and to the Girl Scouts of America by Senator White.

Congratulations of the Senate were extended to Reverend Dr. Timothy E. Ruffin and to Daniel Alan Williams by Senator Williams.

Congratulations of the Senate were extended to Mr. and Mrs. Earl F. Guelich, Mr. and Mrs. Edward J. Slonka, Sr., Mr. and Mrs. Willis Bressler, Mr. and Mrs. Roy J. Lint, Mr. and Mrs. Dwight R. Carbaugh, Mr. and Mrs. Louis A. Marsalko, Mr. and Mrs. Daniel Kinol, Mr. and Mrs. Eugene Baroni, Mr. and Mrs. Clifford Bowser, Mr. and Mrs. Donald G. Mishler, Mr. and Mrs. James Webb, Christine Necek Spinelli, Melvina R. Gustkey and to Steven Cowfer by Senator Wozniak.

CONDOLENCE RESOLUTIONS

The PRESIDENT pro tempore 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 Roland B. Downing, to the family of the late Rudolph L. Fella, to the wife of the late Donald G. Rutt and to the family of the late Robert J. Held by Senator Afflerbach.

Condolences of the Senate were extended to the family of the late Reverend Dr. Lloyd Merle Perry by Senator Armstrong.

Condolences of the Senate were extended to the family of the late Stanford I. Cohen by Senator Bodack.

Condolences of the Senate were extended to the employees and to the family of the late Mark C. Hershey by Senator Brightbill.

Condolences of the Senate were extended to the family of the late George H. Dunkle by Senator Fumo.

Condolences of the Senate were extended to the family of the late Norman E. Ramsden by Senator Greenleaf.

Condolences of the Senate were extended to the wife of the late Albert Guzzo by Senator Hart.

Condolences of the Senate were extended to the family of the late Mary A. Tucker by Senator Hughes.

Condolences of the Senate were extended to the family of the late Edwin C. Ickes by Senator Jubelirer.

Condolences of the Senate were extended to the family of the late Albert Larke by Senator Kitchen.

Condolences of the Senate were extended to the family of the late John B. Urbanc by Senator Lemmond.

Condolences of the Senate were extended to the family of the late William J. Bainbridge by Senator Robbins.

Condolences of the Senate were extended to the family of the late Howard W. Laur, Sr., by Senator Stout.

Condolences of the Senate were extended to the family of the late Stanley E. Stettz by Senator Uliana.

Condolences of the Senate were extended to the family of the late Andree Maurice Lisby by Senator Williams.

SENATE RESOLUTION ADOPTED

Senators SCHWARTZ, KUKOVICH, KASUNIC, AFLERBACH, O'PAKE, COSTA, GERLACH, TAGLIONE, EARLL, FUMO, RHOADES, STAPLETON, TOMLINSON, KITCHEN, MUSTO, STOUT, MELLOW and HOLL, by unanimous consent, offered Senate Resolution No. 142, entitled:

A Resolution recognizing and celebrating the 150th anniversary of the women's rights movement under the theme "Living the Legacy: Women's Rights Movement 1848-1998."

Which was read, considered and adopted.

BILLS ON FIRST CONSIDERATION

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

The motion was agreed to.

The bills were as follows:

SB 1157, SB 1192, SB 1203, SB 1216, SB 1262 and HB 1520.

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

SB 1013, HB 80 AND HB 961 TAKEN FROM THE TABLE

Senator BRIGHTBILL. Mr. President, I move that Senate Bill No. 1013, Printer's No. 1736, House Bill No. 80, Printer's No. 2620, and House Bill No. 961, Printer's No. 2564 be taken from the table and placed on the Calendar.

The motion was agreed to.

The PRESIDENT pro tempore. The bills will be placed on the Calendar.

PETITIONS AND REMONSTRANCES

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

Senator FUMO. Mr. President, Tammy Bryan, Pittsburgh; George Rose, McKeesport; Mr. and Mrs. Mitch Azar, Johnstown; Matt Gogowitz, Philadelphia; Charlotte Maro, Carbondale; Otis Lyons, Pittsburgh; Dale Malinzack, Uniontown; Jim McCarthy, Wilkes-Barre; Jake Frank, Indiana; Renee Brown, Philadelphia; Lynn Irwin, Squirrel Hill; Freda Colongo, Philadelphia; John Martino, Rochester; Harry Sabatassi, Washington County; Ralph Pinkus, Philadelphia; Cathy Palm, Warnersville; Iona Gallaway, Philadelphia - all citizens of the Commonwealth of Pennsylvania and, Mr. President, much to my sadness and chagrin, and much in the face of democracy and freedom of speech, all people whose views, opinions, ideas, and input were denied on this Senate floor last night. Mr. President, the names that I read to you were random constituents represented by the 20 Senators on the Democratic side of the aisle, people who live in this Commonwealth from all over this Commonwealth who pay their taxes, who vote, and who have a right to be heard through their elected representatives. Mr. President, last night the Majority party in this Chamber decided to muzzle those citizens of Pennsylvania.

Mr. President, Senate Bill No. 1 was reported out of committee and railroaded through this Senate without even the opportunity for Members on this side of the aisle to represent those people, to offer amendments, to say whether the bill was good or bad. It was railroaded through here in a horrible, distasteful, and despicable fashion. It is one of the problems, Mr. President, when we can look to the adage that says, power corrupts, and absolute power corrupts absolutely.

Mr. President, this is Pennsylvania. This is the birthplace of our nation. This is where it all began, or so say we to the rest of the nation in our advertisements for tourism. Come visit where it all began. Come visit where Ben Franklin and Thomas Jefferson and our Founding Fathers got together the fight for basic freedoms and liberties. Mr. President, in this Chamber the Republican Party decided that it did not care what Kevin Carey from Forest Hills thought about a major piece of legislation. Or Ms. JoAnn Clark from Freedom, Pennsylvania. It is a very sad day, Mr. President, a very sad day that the Republican Party will have to own up to and pay for and describe to the citizens of Pennsylvania why it did not want to hear from Fern Billet from Cheltenham. You have to decide that, Mr. President. And that is a shame.

We have never done that to you. The use of cutting off debate and moving the previous question is a very serious issue. Yes, it has been used in this Chamber, and, yes, it has been used by us, and, yes, it has been used by you, but I can only speak for this side of the aisle. Never has it been used by this side of the aisle to cut off debate right out of the box. It has been used many times after hours of dilatory debate, and even then it was distasteful.

This side of the aisle extended a courtesy to the Majority party by allowing a meeting of the Committee on Appropriations off the floor to expedite this process, and everyone here thought, at the very least, that they would be heard. There were no illusions of grandeur that with 20 votes they would have been able to change what I view to be a lousy piece of legislation, but at least they wanted to tell you what Kevin Carey from Forest Hills cared about in that bill. But those citizens of Pennsylvania were frozen out by the Republican Party because of its arrogance of power. Mr. President, I hope it never happens again, and that will only occur if the editorial writers throughout this Commonwealth rise up and speak out, and if the people in this Commonwealth recognize that when it happens to the very least of them, it can happen to the most powerful.

Mr. President, it was a sad day and a day that I hope never happens again, and I hope that someday we would revisit our rules to make sure that it does not happen again. But I can give you our commitment from this side of the aisle, were we in the Majority, it would not have happened in that fashion and it never will.

Thank you, Mr. President.

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

Senator BRIGHTBILL. Mr. President, as to the use of the motion to move the previous question, my recollection is that it has been used out of the box, so to speak, and by the Caucus that is represented by the gentleman from Philadelphia who just spoke. I cannot give chapter and verse at this point in time, but I think that the way we used it was most appropriate, and I think the acid test on whether or not our use of that motion was appropriate would be to look at a press release from an organization called Common Cause of Pennsylvania, and this press release is dated March 10, 1998, which means, of course, that it is dated today, and it is entitled, "Common Cause Commends Senate for Passage of Lobby Reform Bill." And what this press release says is that, "This important government reform measure has been more than a decade in the making. With Senate passage accomplished, the action now moves to the State House of Representatives."

What is interesting is that this particular press release follows a letter from Common Cause dated earlier, which very simply asked that we move Senate Bill No. 1 without amendment and that when we do so, we do so in order to promote the debate and move the process to the House of Representatives. I would be curious to know who the people were who wrote those letters that the gentleman from Philadelphia referenced, but my judgment is that they were writing on behalf of

Common Cause, and my judgment is that we have done the right thing.

The Senate acted responsibly, decisively, and in the interest of good government by moving ahead on a bill that will shed more light on the scope of lobbying activity in Pennsylvania. Our action was necessary, Mr. President, because Pennsylvania currently has some of the least restrictive laws regarding lobbyist disclosure, a distinction that has held our Commonwealth up for national criticism. Currently, only a small portion of the costs associated with lobbying are ever recorded, and Pennsylvania's State Ethics Commission has little or no power to make lobbyists conform with disclosure guidelines. That means little is known about how much time, effort, and money is spent by private interest groups in their attempts to influence State government. That means the public is left in the dark about who is working behind the scenes promoting their private agendas in Harrisburg. The legislation we passed yesterday, with bipartisan support, will open the lobbying process up to public review by all Pennsylvanians. Under this bill, people across the Commonwealth will finally know who is lobbying and how much they are spending to influence public policy and the course of State government. With this information, they can clearly see who is trying to direct State government's activities.

Under Senate Bill No. 1, spending must be reported starting with dollar one rather than only after a spending threshold is exceeded over a designated period of time. Lobbyists would be required to register with the State Ethics Commission and report four times a year what they are spending to impact legislation, regulations, and State policy. These reports would include the issues for which they lobby and any affiliations they maintain with political action committees. Those who employ or contract with lobbyists would also have to register with the commission. The measure would also tighten financial disclosure requirements. Lobbyists who do not comply with the new requirements would face civil and criminal penalties, including possible bans on future lobbying activities.

I would note that this bill was amended to strengthen its provisions and tighten reporting requirements. It drew praise from Senate Democrats here on the floor and received favorable editorial comment, and, most important, the legislation addresses the primary reform of lobbyist disclosure without getting weighted down with unrelated and controversial matters that could derail the bill. No person, group, or organization should be barred from expressing their opinions or from trying to bring about changes through our political process.

However, along with those rights comes the obligation to disclose who is working and how much they are spending to advocate those changes. The public, the taxpayers, deserve to see who the players are and to have the link between lobbyists and their clients clearly identified and to have an accounting of what interest groups are spending to influence State policy. In the simplest terms, Mr. President, this law will give our citizens a scorecard allowing them to identify the players and follow the process - who, how, how often, and most importantly, how much.

I am proud to have voted for this important reform measure which will shore up our lobbyist disclosure laws, and I think the citizens of Pennsylvania will be the biggest beneficiary should it become law.

Thank you, Mr. President.

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

Senator FUMO. Mr. President, in response, the gentleman gives a very interesting dissertation about the merits of the bill. We do not have a problem with his position on the merits of the bill, but it seems to me that the time when he should have made that presentation was last night prior to us passing the bill. Our complaint is not about the fact that the bill passed. Our complaint is about process, Mr. President. The end never justifies the means that you used to get there.

Mr. President, others will speak even more on this, but let me tell the gentleman and the people of Pennsylvania what just two of our amendments would have done. They would have made the bill better. Currently, Mr. President, in the bill there is a trigger, meaning that at a certain point you must begin reporting. In the bill that was passed, Senate Bill No. 1, it was set at \$2,500 per quarter. We felt that in order for the people of Pennsylvania to know what these lobbyists are doing, that should have been lowered to \$1,000 a quarter. But yet, we were never given the opportunity to make this bill better for the people of Pennsylvania. That leads me to believe that while you say one thing, you do something exactly the opposite. While you say you are out to regulate lobbyists and report this to the people of Pennsylvania so they know what is going on, in reality what you are doing is protecting those various lobbyists.

Another thing that we would have tried to assert in that bill was the fact that we would have limited the amount of contributions that lobbyists could have made to candidates or committees to \$1,000. That is still a lot of money. And we would have limited to \$5,000 the amount that their PACs could have given. But no, you did not want to know about that amendment. You did not want to vote on it, because you like the system the way it is. We have been trying to get campaign finance reform done constantly, but the bills keep getting bogged down in committee. That is what we wanted to do last night, Mr. President, to be able to make that bill something that the people of Pennsylvania could have been proud of, rather than this, just something that the Republican Majority party and their friends, the lobbyists, are proud of.

And, Mr. President, as to the issue of when we cut off debate, it occurred six times when we were in the Majority. The first time that it occurred was on November 18, 1992, and that was the day that the big shock came to the Republican Party that we took over this Chamber. And there was a lot of yelling and screaming from the Republicans that they did not like it when we got in the Majority. So after six pages of debate, and it is in the Journal, you can read it for yourself, and when it became apparent to us that we were not really debating anything except, is that not a shame you guys lost and we won, we did in fact move to cut off debate.

The next time it was used, Mr. President, was again on November 18, 1992, when the Republican, at that time, Minority was upset at Senator Pecora, who had come over to this side of the aisle. But did we jump up the minute you got up to make your speeches? No. Three full pages of debate about Senator Pecora, and then we raised the issue. It was used again on that same day when you did not like the fact that Senator Lewis was sitting over here, and after four pages of that debate we raised the issue, even though when we talk about one of your Members by name, Senator Brightbill is the first one up at the mike complaining that we used somebody's name. Oh, I should say the gentleman from Lebanon, because I am not supposed to use his name, I guess. Then, Mr. President, the same day again, after pages and pages and pages of debate concerning Senator Lewis and Senator Pecora, we used it again.

The next time we used it was on November 22, 1993, after pages of debate, after Senator Jubelirer had spoken eight times, when the rules of this Chamber provide you can only speak twice on an issue, after Senator Peterson--and you all remember him, he is now a big Congressman, we will not say how he got there--but after he spoke two times, and the issue that day was about Senator Stinson, and then again, the same day on the same subject again, about Senator Stinson. They were the six times when we were in the Majority that we moved the previous question to cut off debate.

Notice what each one of those occasions was about. Not one time did we ever move to cut off debate when it concerned a piece of legislation. Not once. We moved to cut off debate when there were personal issues concerning Senators in this Chamber, and I daresay if I ever got up to the floor and started to speak about one of your Senators today, you would move in 30 seconds flat. We waited after pages and pages.

So do not tell us about democracy, do not tell us about what we did. Never once did we do it on a piece of legislation, and that is because we believe that the constituents in your district have a right to be heard through you when we deal with legislation. We believe that all the citizens of Pennsylvania have an equal right to be heard in this Chamber through their representatives. We did not take the position when we were in the Majority that just because we were in the Majority we had the right to rule as we saw fit and to hell with freedom of speech. That is the difference between Democrats and Republicans when they have power. We respect Republicans when we have power, you do not, and that is a problem.

And you can say how great that bill was, but you were afraid of the amendments that we were going to offer on campaign finance reform and to really crack down on lobbyists. That is because if we look at the political records and if we go to the Department of State and look at the campaign filings, we will see the hundreds of thousands and millions of dollars that you have taken from those same lobbyists, and we know why you have to protect them. We just get upset when you do it in a hypocritical fashion and try to say how wonderful you are that you are policing lobbyists, when in essence you are scared to death to debate the issue with us when we want to really show you how to protect the Commonwealth from lob-

byists, and we want to show you how to effect campaign finance reform, even though it will apply to us as well, but you do not want to do that.

So that is what it was about, Mr. President. It was not about how good or how bad Senate Bill No. 1 was. It was about the fact that the people we represented did not have a chance to tell you how we felt about that bill and, quite frankly, if we were given the opportunity you would not have liked it one bit because you might have had to vote for some of our amendments and then you would have had to really reform the system, and that is what you would have found distasteful. Why else, why else would you have cut off debate?

People in Pennsylvania are not dumb, Mr. President. And those people who watch PCN are particularly intelligent because they watch this and understand. Why else, ask yourselves, would I, if I am sitting over here in the Majority, want to cut off debate? I could never lose. I have the votes. I cut off debate because I do not want to face the hard issues and have to hurt the lobbyists.

And as far as Common Cause is concerned, Mr. President, I am sure they will be shocked to learn that the gentleman from Lebanon thinks that they supported his actions last night. I have my differences with Common Cause, as do all of us, I am sure, from time to time, but, Mr. President, I am sure that Common Cause is in favor of freedom of speech, and I am sure that Common Cause is in favor of every Senator on this side of the aisle having the right to make that bill better and having the right to stand up and speak his piece. Do not hide behind Common Cause saying thank you for doing something about this problem. I am sure they would have supported all our amendments with great vigor, but since they are not here, we will not know.

But I am sure if they are worth anything, you will be getting a letter, Senator Brightbill from Lebanon County, about the real position that they have, and they are certainly not friends of mine, so I am not going to dictate the letter. But I think what they basically stand for is exactly the antithesis of what you did last night, and you cannot cover up what you did by trying to speak nice about Senate Bill No. 1. What you did, you tore up the Constitution of this Commonwealth and tore up the concept of freedom of speech and representative democracy. And that is a shame, Mr. President, when it happens in Pennsylvania.

Thank you, Mr. President.

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

Senator BODACK. Mr. President, I am still overwhelmed by the gentleman's speech.

The PRESIDENT pro tempore. Do you wish to waive your time, Senator? You are not that overwhelmed? I just want to know how overwhelmed you are.

Senator BODACK. Mr. President, based on some of the comments of my colleague, Senator Fumo, and the actions of the last, well, let me say during 1998 I started a book. I am writing a book and, who knows, it might become a bestseller. Already this year, and it is still early in the year, I have completed two chapters, and I have an advance title for that book.

It is going to be called, very simply, "The Shift and Shaft Shuffle." And I am sure most of you know what that is, but for those of you who care to know, I am going to tell you that the shift and shaft shuffle refers to all of the times that you gentlemen and ladies on the other side of the aisle, our Republican friends, say one thing and then you do something else. It refers to all of those times that this GOP-run State government tries to paint itself as addressing the needs of our people and then proffers up solutions that are either way off the mark or they are way short.

Chapter one of "The Shift and Shaft Shuffle" was written on February 3 of this year. That is the day that Governor Ridge delivered his Budget Message to the General Assembly, but this chapter has nothing to do with the Governor's message or his budget. What chapter one involves is the GOP's derailing of legislation that was critically important and is critically important to more than 1.1 million Pennsylvania children and adults who are afflicted with diabetes. The Republicans have sent that off to be studied to death. Their referral of this bill to the Committee on Rules and Executive Nominations and later to the Health Care Cost Containment Council for an unneeded analysis is a real honest to goodness shift and shaft shuffle.

Now, many of our Republican friends in this administration indicate that they may support the proposal to expand the insurance coverage so that diabetics can get the supplies and the self-help training they need to control this debilitating disease, but of course the Republican inaction is deafening, and that inaction speaks louder than words. There is a lot more to this chapter, but it is only in the first draft. I am sure there is more to come, and I will let you know about that later.

Now chapter two in "The Shift and Shaft Shuffle" was written on March 9, just yesterday. Chapter two focuses on how the powers that run the place ran through, without a single word of debate, one of the most important bills that we will likely consider during this entire 2-year Session. It was given its designation by the Majority as Senate Bill No. 1, and I, like many of my colleagues on this side of the aisle, assumed that it was a very extremely important piece of legislation, as most of our constituents feel. Unfortunately, for all the hype about this being about lobbyist disclosure, those of us in this Senate who wanted to strengthen it, those of us who wanted to discuss it, were not allowed to disclose a single thing about this bill. What an irony. What a slap at openness in government. It is a disclosure bill that was enacted in deep, dark silence. It is all part of "The Shift and Shaft Shuffle," chapter two. What took place here yesterday was one of the most undemocratic spectacles in the history of this Senate, I am sure. Our Republican friends, instead of standing up and publicly discussing an issue of such major importance, ran and hid yesterday from the people of Pennsylvania. They could not stand the heat in the kitchen so they not only got out but they closed it down.

Could it be that this modest lobbyist disclosure reform bill is not all that it is cracked up to be? Yeah, you bet it is. We could have done a lot better. That is precisely because, other than disclosure, it does absolutely nothing to reduce or to limit the influence of money on the political process here in Penn-

sylvania. It does not cap, it does not cut, it cuts no megadollar campaign contributions or even one lobbyist gift. It does not go nearly far enough in addressing issues, such as the \$50,000-per-person Governor's Club or the huge \$5 million-plus campaign war chest that our Republican Governor has amassed from just about every corporate and moneyed special interest around. It does not go nearly far enough in doing the job that Pennsylvania's people are demanding, one which they deserve. That is why our Republican friends ran and hid yesterday. They could not take the heat.

We fully understand that the Majority almost always has its way and the Minority usually just has its say. But yesterday, March 9, 1998, the Minority had neither. We were gagged, we were muzzled, and the 5 million people whom our 20 Senate Democrats represent were disenfranchised because they were not even allowed a say in this matter. It is State government under one-party rule. And as the saying goes, and my colleague, Senator Fumo, said it earlier, absolute power corrupts absolutely. It is all part of chapter two of "The Shift and Shaft Shuffle," as I say, and, Mr. President, I am sure there will be other chapters to follow.

I thank you.

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

Senator BRIGHTBILL. Mr. President, regarding the process of amendments on March 5, the floor leader, Senator Loeper, sent a memo to all the Members of the Senate saying simply that, may I request that you forward copies of any amendments you may propose to my office by noon on Friday, and if the amendment is not in final form, please advise us as to its proposed content. We received none. In a letter dated February 11 from Common Cause to Senator Loeper, it was indicated that, this is a quote, "The Democrats appear to be sincerely committed to their efforts to address additional issues on lobbyist regulation during floor debate." That is appropriate. "They were not willing to share the substance of those amendments when we met," so that by the time we got to the floor, we saw no amendments.

The issue, though, that I would like to talk about, and I would ask the gentleman from Philadelphia if perhaps he could get a copy of the Legislative Journal dated November 30, 1988. When the gentleman indicated that this motion has not been used to suspend debate on a policy issue, I immediately flashed back to November 30, 1988, and at that time Senator Lewis moved that the Senate concur in House amendments to Senate Bill No. 442, and for those of you who do not remember, anyone who is watching at home, this was what was characterized as tax reform.

There was a motion then to suspend the rules to offer amendments by Senator Loeper, and immediately Senator Zemprelli, who was the Democratic leader, said, "Mr. President, very reluctantly, for the first time in my legislative career, I move the previous question." And Senator Lewis, Senator Kelley, Senator Mellow, Senator Afflerbach, Senator Jones, Senator Andrezeski all offered seconds. And, of course, that motion carried. So one does not have to go back very far in

our legislative history to find an instance when this motion was used by the Senate Democrats.

What is important here, Mr. President, is not who used the motion first or last, what is important here is that this is a legislative body, and what happened here was that Senator Mellow filed a discharge resolution to bring Senate Bill No. 1 out of the Committee on Appropriations, and we had a number of alternatives on this side. Number one, we could have let that discharge resolution been voted; number two, we could have, as we did, ask for concurrence with Senator Mellow to hold a committee meeting to bring it out, and we did that. We did not act like individuals who were smacked, and we simply brought that up before the committee. If my recollection is correct, the committee unanimously moved the bill, it came to the floor, we had no proposed amendments at that time. In order to do our job, we moved the previous question, passed the bill with one negative vote, and did our job.

What is important for people listening is that this is not the final vote. Common Cause, for example, has not indicated that they do not support further amendments. They have simply said that it is now 6 or 8 months into the process, and that they would like to see the bill go the House so that they could focus their lobbying efforts on the Members of the House of Representatives to get the bill through the House, because it has to get through the House and the Senate in one form to get to the Governor to become law. Had it languished here in the Senate, it never would have had an opportunity to be considered by the House. That was their objective, and that was our objective.

And from what we could see based upon what was given to us, the discharge resolution, that was the good Senator from Scranton's objective, which was to get the bill considered. You had some amendments you would have liked to have offered. I think a lot of people in this Chamber had some amendments they would have liked to offer. And it was not the first time in this process that we have moved a bill that we knew was not in final form because it is important that the people of Pennsylvania see the bill moving, and it is important that it move from one Chamber where it is stalled into another Chamber.

Our employers are the public and we have served them well. We have sent a bill to the House that moves Pennsylvania from being an F when it comes to lobbyist disclosure, a grade F to a grade B. And if they can reach a consensus to send it back as an A or an A-plus, so be it. If they can reach a consensus on some of the other issues, so be it. And if we do not like what they agree to, we can nonconcur and go to a conference committee. I think the general public knows this is a long process, and they understand that this is a complicated process. And they understand that sometimes we all need to hold back and pull back in order to make this process work. That is exactly what happened in this Chamber yesterday, and that is the best part of our process.

This book, Mr. President, the Legislative Journal, reveals a time it was not the same. We were not simply moving the process, we were passing a bill on final consideration, and the irony, the irony of the outrage coming from that side of the

aisle is that the people of Pennsylvania got to have the final say on Senate Bill No. 442. And 2 to 1, overwhelmingly, they said no. See, you moved the final question and you jammed it down our throats, not to send it to the House, not to proceed with further debate, but you did it to pass a bill and send it to the Governor, which you knew he would sign, and the people of Pennsylvania said no. Well, so be it, Mr. President.

I am proud of what happened here yesterday. I am proud of the fact that we were able to move the process, and I think what is unfortunate is that we take something that was very positive in our legislative process and we try to turn it into a negative. And here is why it was very positive. The gentleman from Scranton, the floor leader, was not happy with the process of a bill. The gentleman from Scranton was unhappy because that bill was bottled up, in his opinion I suppose, in our Committee on Appropriations. So he had the power to file a discharge resolution. He had the ability to make us deal with that issue, and I respect him for having done that. I think it is appropriate that he did that, and I think he deserves credit for having done that.

But in response then, what we did, Mr. President, is we brought the bill out, we acted responsibly, and we responsibly moved the previous question, which would eliminate amendments, and we responsibly sent it to the House. You know, people at home know that every amendment that makes the bill better does not make the bill better, and they know, for example, whether the threshold is \$1,000 or \$2,500 is not going to move that bill from being a B to a B-plus. And they know what is important, and they know the process that is important.

And you know, Mr. President, what is sad here is that, frankly, the people of Pennsylvania should be proud of the process and proud of the fact that we were able to respond and move that bill when the forces were brought out to have us do that. And that is what Common Cause says in their press release. I am sure that even they would have liked to perhaps see a different process, but the important thing is this bill is moving. So as Pennsylvanians, Mr. President, we should be pleased with what we have accomplished here. We should be pleased that this important issue is now before the House of Representatives. And I am not going to cower from my role in that. I am happy to have put up one of those votes to move the previous question and to make sure that the people of Pennsylvania get to have their process moved forward.

This, Mr. President, is what I see as acrimony for the sake of acrimony, and I think that is really sad. Instead of everybody in this Chamber declaring victory for moving this bill, which is exactly what the people, the public that is watching wanted, we have to try to turn this into another acrimonious occasion. It need not be. To the gentleman from Scranton, I would say congratulations for a job well done, you got us to move a bill. Let us rejoice that this issue is moving forward because we know how important it is.

Thank you.

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

Senator MELLOW. Mr. President, I hope that you can bear with me for just a moment because, as you can tell, I am losing my voice.

Mr. President, we talk over and over about one of the famous radio newscasters by the name of Paul Harvey who says there is the rest of the story. Mr. President, I thank Senator Brightbill for congratulating me on moving the process forward in filing a discharge resolution to get the bill passed yesterday, but Senator Brightbill's characterization of what took place on Senate Bill No. 442 in the Session of 1988 is not accurate and therefore should be corrected.

First of all, Mr. President, Senate Bill No. 442 was a bill that was on concurrence in House amendments. The bill came back to the Senate near the hour of midnight on November 30. Now, according to our Constitution, our legislative Sessions end on November 30 of an election year, and 1988 was an election year for the General Assembly, so is 1998 for that matter. Come November 30 of that year, the General Assembly went out of existence. Mr. President, Governor Casey at that time, who happened to be the Governor of Pennsylvania, for a number of months was trying to push through the General Assembly a bill that would bring about local tax reform. That bill was encompassed in Senate Bill No. 442. Amendments had passed the House of Representatives after the bill had already passed the Senate and was discussed in total. The bill then came over to the Senate of Pennsylvania, Mr. President, near the hour of midnight when the Session, according to the Constitution, was going to end. And what took place by the Minority party leader, Senator Zemprelli, the thing that Senator Brightbill failed to mention is that Senator Zemprelli, the Democratic leader, was also the Minority Leader, and as we say over and over, the Minority will have its say, but the Majority will have its way.

Well, unfortunately for the Republican Members of the Senate on that particular evening, who were totally opposed to local tax reform then--what a difference 10 years makes--their way of trying to kill the bill was to offer amendments to a bill that was back here in the Senate on final passage on House amendments. And what took place, Mr. President, that evening, because I happened to be here, Senator Fumo was here, Senator Stapleton was here as a Member of the Senate, and Senator Brightbill was also here as a Member of the Senate, so I am surprised that his memory might be a little questionable on this so he did not really present it the way it actually did take place.

It is true that the Democrats did move the previous question, but the thing that Senator Brightbill did not tell you is that it had the support of the Republican Majority Leader at the time, a gentleman by the name of John Stauffer. In fact, movement of the previous question, the motion to do that was passed on a bipartisan basis because on bipartisan support it was evident that Members in this Chamber were interested in tax reform, both Democrats and Republicans. So, Senator Brightbill, it is important that when you try to lecture us as to what took place 10 years ago, accuracy, I think, is paramount to the things that should be said if in fact you have the opportunity to be accurate.

Mr. President, the important thing in dealing with what we had to deal with on that particular night was the fact that the Majority party did not want tax reform to take place. They were trying to run the clock so that come midnight, November 30, 1988, the legislature would go out of Session officially, based on the Constitution. The bill on tax reform, Senate Bill No. 442, would have died because the General Assembly was no longer in Session, and therefore we would not have had the question of tax reform on the ballot.

And to the credit of the Republican Party and to your credit, Mr. President, you led the charge statewide to defeat the vote on tax reform in 1988. So that is to your credit, that is part of your legacy, that is part of something you should be very proud of, and I am only happy that maybe sometime later on this year, we will have the right to undo the wrong that took place 10 years ago. But, Mr. President, that vote was a bipartisan vote, it was a vote to move the previous question, it was to try to give us the opportunity to consider local tax reform, which we did.

So I think, Senator Brightbill, sometimes you protest too hard, and I think you are trying so hard to justify your vote that took place here yesterday and the vote of your Republican colleagues that you are reaching for straws, and the straw that you reached for in Senate Bill No. 442 is not an accurate depiction of what actually has taken place. So I only hope the record would be very clear as to what took place 10 years ago, and there is no comparison. We were trying 10 years ago to protect the Constitution, to protect the General Assembly on the sine die, to give us an opportunity to put tax reform on the ballot so the people of Pennsylvania could make the determination as to what would happen with tax reform.

What you tried to do last night was not give the people of Pennsylvania, through their elected officials, the opportunity to discuss on this floor of the Senate, which is appropriate, the merits of lobbying reform. You denied the people of Pennsylvania that opportunity, and for that you should be ashamed of yourselves.

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

Senator WAGNER. Mr. President, I rise today to talk not for the rhetoric of discussion but to talk about something that I think is very, very important. It is so important, Mr. President, that it has never happened to me in my tenure here in the Senate in almost 4 years. And that is the reason why I am standing here speaking. And, Mr. President, in reference to the Senator from Lebanon County, I am very concerned about what I am hearing, hearing that yesterday we represented the public well here in this Chamber. If the Senator truly believes that, one of us is in the wrong profession, because yesterday was a disgrace to the professionalism, the Constitution, and the character of people serving in this Chamber, that for the first time in my history as a Senator I was not permitted to stand up and represent the 250,000 people who sent me here. Now, if anyone here thinks that is the right thing to do, it is time to resign, because I certainly do not feel that way.

I have heard history, and I have heard about this party, the party I represent, the Democratic Party, doing that in the past.

And I am not here to defend the Democratic Party doing that in the past, but I do know two wrongs never make a right. If it happened in the past it was wrong, and it was wrong yesterday.

Mr. President, I rise to talk about what really happened, or maybe I should say what did not happen yesterday. And it relates to the most important piece of legislation evidently in this legislative Session, Senate Bill No. 1. And the reason why, and the public needs to know, it is designated as Senate Bill No. 1 is that it is the most important piece of legislation, the premier piece of legislation of the 1997-98 legislative Session. That bill came through this Senate and was not permitted to be amended, and that is something that occurs quite often in this Chamber, too often I should say. But it is one thing not to permit amendments to occur, it is another thing not to permit discussion to occur in regard to the piece of legislation.

So, in essence, discussion was eliminated not once, not twice, but three times. Number one, when amendments could be offered; number two, when no one was permitted to stand on the floor of the Senate and speak in regard to Senate Bill No. 1; and, number three, at the end of the Session as we are speaking now under Petitions and Remonstrances. And quite frankly, we could eliminate discussion right now if the Majority party chose to do so. But unfortunately, this is the only time we have to talk about that bill. Well, the bill has passed the Senate. It passed overwhelmingly, and it is actually too late to talk about the legislation, and I choose not to, Mr. President, talk about the legislation.

I choose to talk about the process that was violated here yesterday, and I choose to talk about it for one simple reason, and that is that this does not happen again in this Chamber. If it happens again in this Chamber, there is no sense in any of us being here. That is the importance of the process, Mr. President. The hows and whys of why it occurred need to be aired out today and in the future in the public, in the media, because from what I hear today, a likelihood exists that this could happen again quite soon. And if that is the case, my people, the 250,000 people who sent me here to represent them, cannot be represented. And I speak not just for my people, I speak for everyone in this Chamber who was sent here by those people, their own constituents.

Mr. President, our ancestors came to this country, came to America for the purpose of freedom of religion, freedom of expression, and freedom of speech. And quite frankly, Mr. President, they would be insulted by what happened here yesterday. And again, that is the reason why I speak today, because I think the process was seriously violated.

Mr. President, the rules of the Senate, which I have right here in front of me, the 1997 edition, clearly state on page 13, "Third Consideration and Final Passage" of legislation. "Bills on third consideration may be amended and are subject to debate. Bills on final passage may not be amended but are open to debate." Our very rules were violated yesterday, and it appears to me as if there is intent that this kind of thing can happen again.

The floor procedure manual put out by the Secretary of the Senate clearly states on page 1, "What do I say when I want

to..." Let me repeat that. "What do I say when I want to..." A lot of people in this Chamber wanted to say something yesterday. They were not given the right to do that.

Mr. President, yesterday also there was a ceremony that occurred, if I am not mistaken, in the Pennsylvania State Museum, and at that ceremony we discussed the ideals of our founder, William Penn, and what he thought about the process and how the process should move in this Chamber. And it was quoted yesterday that William Penn said there must always be public debate before taking a vote. The person for whom this Commonwealth was named said that. And we chose not to follow that process. It was good back then, I am sure it is good today.

Mr. President, we all can assume what happened yesterday, but again I am concerned because, as my colleague from Philadelphia indicated earlier, we were muzzled. And if a Senator is muzzled, if a House Member is muzzled, the people of Pennsylvania are muzzled, because we are their spokesperson. And I find a great difficulty in explaining this and what did not happen to the young people of Pennsylvania. What if schoolchildren were tuned into the process yesterday? How do I explain to my son who is 9 years old what happened yesterday? How do we explain to any student of government what happened yesterday? How can we expect young people to be encouraged to want to be part of government, based on what happened yesterday? That people can be censored? That elected officials can be censored? That is hypocritical to the democratic process. But that is precisely what happened yesterday.

Mr. President, it is my intent to stand here and say what I have said for one simple, clear reason: so it does not happen again. It cannot happen again. If it does happen again, there is no sense in us being here.

Thank you, Mr. President.

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

Senator HUGHES. Mr. President, so Senate Bill No. 1, which is the bill that was supposed to return integrity to this process, this process of governing, of debating, of analyzing, of seeking input, which was supposed to rebuild people's confidence in our government, was run through here like a bat out of you know where, and the only reason I can figure out why it was run through so fast is because the Majority did not want the people to know what the bill could have been, because they clearly prevented us from improving on the legislation.

The gentleman said earlier that we moved from an F to a B. My mom told me that she would not accept B's, that she wanted A's on my report card. We had a chance to do some grade-A legislation yesterday, and the Majority did not want that to happen. Why? We had an amendment, I am going to try to make this as plain as possible, we had an amendment that would have limited gifts and lodging and transportation by lobbyists to \$250 per year, per firm. Folks need to understand that there are some lobbying firms in Pennsylvania, in case they do not know, that have 25 or 30 members in them. Am I correct? Lots of members. The way the bill reads, Senate Bill No. 1 that ran past everybody, that we could not put the brakes on to try to get it to grade-A legislation, says that a lobbyist

could provide to a Member up to \$900 a year in gifts, transportation, lodging, and hospitality and, in fact, and I do not want to get lost in the sauce here, but in fact every member of that firm could give that Member \$900 a year in gifts, lodging, or transportation and hospitality.

Let us make it simple mathematics here. If you have a lobbying firm with 10 members, each one of them could, in the bill, on Senate Bill No. 1, it is in there, okay, you did not get a chance to hear this yesterday, you can hear it today, and hopefully everybody will get a chance to read it, since the Majority would not allow us to discuss it yesterday, so theoretically, a firm could give a Member during the course of the year, 10 members in that firm, \$900 per year, \$9,000 worth of gifts, transportation, lodging, and hospitality. Now, what we wanted to do was to put a brake on that and limit that to \$250 per Member, one of us, per firm. Two hundred and fifty dollars, \$250, that is all. That is all. And that is probably a lot on its face anyway.

But the bill ran through here so fast, and the only reason I can think that it ran through here so fast, not with all this other stuff about how, you know, legislation takes a while and you have to figure it out and do this and do that and tighten it up here and do all this dancing and prancing, on a matter of this importance, a matter of this importance, you take your time. You weigh the issues. You allow the 20 Members on the other side, in this case, an opportunity to express their issues and concerns in this great hall.

I look in front of me and I see George Washington debating in 1787. He is just debating, running his mouth, talking about the birthplace of this country. Talk, dialogue, conversation, that is what we wanted, Mr. President. The 250,000 people who sent me here, they said, Senator Hughes, you are going to be in the Minority, it is a rough place, but at least you will get a chance to say your piece. Not yesterday. And it was so blatant and so obvious that they wanted to shut down the process that even in this time period yesterday, the time period for Petitions and Remonstrances, they shut that down also. I never saw guys leave the floor of the Senate so fast as I did yesterday. Run, just get out of here. We do not want anybody to see us. Let us go. We have to get out of here.

Somebody said that everything done in the dark will come out in the light. And so help me, this period of time, I am glad we have had five Members or so stand up right now to put some light on this subject. And thank God we have PCN covering this issue, because what you have here is that the lights were shut out yesterday on a very important issue, Senate Bill No. 1, a very important issue, an issue to limit lobbyists' activities, an issue to put some restraints on us as Members, an issue that had Senate Bill No. 1 attached, Senate Bill No. 1, so important, we have to do this, an issue to restore some integrity to our process and to get the people to start to believe in us again. We destroyed all that when we shut down the process and ran out of here like we did not want anybody to hear it or understand it or figure out what was going on. Absolute power corrupting absolutely, you have it right here. And that is what is happening and that is what the people need

to be very clear about, what we are dealing with and the environment that we are dealing with here in Pennsylvania.

It seems that on important issues of the day, major issues of the time that we have involved ourselves with, the big boys on the other side, the Majority party on the other side, seem to want to shut it down and put the reins on it and not allow us to have real, open dialogue. I remember it happening on several occasions, but that is all right. Everything done in the dark will come out in the light. Okay? And, hopefully, the next time this piece of legislation comes through, if it comes through, hopefully it will get back here. I do not know. It could go on the other side and just die on the vine or we will never hear what happens. We will never know. Hopefully, when it comes back here there will be a full opportunity for debate and discussion. Hopefully.

COMMUNICATIONS FROM THE GOVERNOR

NOMINATION REFERRED TO COMMITTEE

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

JUDGE, COURT OF COMMON PLEAS,
PHILADELPHIA COUNTY

March 10, 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, Henry Hart, III, Esquire, 7100 McCallum Street, Philadelphia 19119, Philadelphia County, Fourth Senatorial District, for appointment as Judge of the Court of Common Pleas of Philadelphia County, to serve until the first Monday of January 2000, vice The Honorable G. Craig Lord, resigned.

THOMAS J. RIDGE
Governor

RECALL COMMUNICATION REFERRED TO COMMITTEE

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

MEMBER OF THE ANIMAL HEALTH
AND DIAGNOSTIC COMMISSION

March 10, 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 January 29, 1998 for the appointment of C. Arthur Zug, R. D. 2, Box 985, Mifflintown 17059, Juniata County, Thirty-fourth Senatorial

District, 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.

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

THOMAS J. RIDGE
Governor

HOUSE MESSAGES

SENATE BILLS RETURNED WITH AMENDMENTS

The Clerk of the House of Representatives returned to the Senate SB 1168 and SB 1204, with the information the House has passed the same with amendments in which the concurrence of the Senate is requested.

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

ANNOUNCEMENTS BY THE SECRETARY

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

SENATE OF PENNSYLVANIA

COMMITTEE MEETINGS

WEDNESDAY, MARCH 11, 1998

10:45 A.M.	RULES AND EXECUTIVE NOMINATIONS (to consider Senate Bills No. 640 and 1087; and Senate Resolutions No. 135, 137, 138 and 139)	Rules Cmte. Conf. Rm.
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MONDAY, MARCH 16, 1998

1:30 P.M.	LOCAL GOVERNMENT (to consider Senate Bills No. 664, 665, 666, 667 and 674; and House Bill No. 1176)	Room 8E-A East Wing
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TUESDAY, APRIL 14, 1998

9:30 A.M.	CONSUMER PROTECTION AND PROFESSIONAL LICENSURE (public hearing: Progress Report on Natural Gas Deregulation)	Room 8E-B East Wing
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ADJOURNMENT

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

The motion was agreed to.

The Senate adjourned at 7:15 p.m., Eastern Standard Time.