

COMMONWEALTH OF PENNSYLVANIA
Legislative Journal

MONDAY, JUNE 8, 1998

SESSION OF 1998

182ND OF THE GENERAL ASSEMBLY

No. 36

SENATE

MONDAY, June 8, 1998

The Senate met at 1 p.m., Eastern Daylight Saving Time.

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

PRAYER

The Chaplain, Reverend GLENN A. BEARD, JR., of Salem Lutheran Church, Reamstown, offered the following prayer:

Let us pray.

Gracious and sovereign Lord, as we gather on this new and glorious day which You have given us, we pause to pray for the leader of our Commonwealth, Your servant Governor Tom Ridge. We pray that you might continue to lead him in faithfulness as he carries out the solemn duties of his office. Grant him counsel and aid, that he may preserve the integrity and honor of our Commonwealth and her people. Give him firmness to maintain law and justice, and determination to strive for peace among all people. Grant him wisdom in the hours of decision, serenity in the face of crisis, courage in the moments of danger. Guard and defend him that he may serve the security and well-being of his people.

Gracious Lord, we pray also for the leaders of our Commonwealth gathered in assembly in this solemn hall. Raise up in this place men and women who will fashion and shape laws that will not only eliminate injustice but encourage all people to live in peace. Enable them to foster legislation that provides government with strength and power, tempered by justice. Inspire them with wisdom to write and enact laws that will guarantee safety, protection, and integrity.

Help us all as we seek to encourage goodwill among all people in our great Commonwealth, and bless those of our brothers and sisters still reeling over the ravages of bad weather. Grant us Your courage, Your patience, and Your wisdom as we seek to do Your holy will. Amen.

The PRESIDENT. The Chair thanks Reverend Beard, who is the guest today of Senator Wenger.

JOURNAL APPROVED

The PRESIDENT. A quorum of the Senate being present, the Clerk will read the Journal of the preceding Session of June 3, 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
GUEST OF SENATOR NOAH W. WENGER
PRESENTED TO THE SENATE**

The PRESIDENT. The Chair recognizes the gentleman from Lancaster, Senator Wenger, for a special introduction.

Senator WENGER. Mr. President, I am very pleased to have Reverend Beard as our guest Chaplain today. He is also accompanied by his lovely wife, Mrs. Lisa Beard, who is seated on the Senate floor, and I would like for the Senate to recognize Mrs. Beard as well.

The PRESIDENT. Would Mrs. Beard please rise so that the Senate may welcome you.

(Applause.)

COMMUNICATIONS FROM THE GOVERNOR

APPROVAL OF SENATE BILLS

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

SB 97 and SB 1168.

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 PENNSYLVANIA HISTORICAL
AND MUSEUM COMMISSION**

June 4, 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, Andrea Ferenci-Fitting, 113 Sunridge Drive, Pittsburgh 15234, Allegheny County, Thirty-seventh Senatorial District, for appointment as a member of the Pennsylvania Historical and Museum Commission, to serve until the third Tuesday

of January 1999 and until her successor is appointed and qualified, vice John A. Herbst, Pittsburgh, resigned.

THOMAS J. RIDGE
Governor

**MEMBER OF THE STATE BOARD
OF PSYCHOLOGY**

June 8, 1998

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Betty Sawyor-Brown (Public Member), Hershey Heights, 1821 Gramercy Place, Hummelstown 17036, Dauphin County, Fifteenth Senatorial District, for appointment as a member of the State Board of Psychology, to serve until March 19, 2000 or until her successor is appointed and qualified, but not longer than six months beyond that period, vice Marlene Mosco, Erie, declined appointment.

THOMAS J. RIDGE
Governor

**RECALL COMMUNICATION
REFERRED TO COMMITTEE**

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

**MEMBER OF THE PENNSYLVANIA HISTORICAL
AND MUSEUM COMMISSION**

June 4, 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 May 8, 1998 for the appointment of Andrea Ferenci-Fitting, 113 Sunridge Drive, Pittsburgh 15234, Allegheny County, Thirty-seventh Senatorial District, as a member of the Pennsylvania Historical and Museum Commission, to serve until the third Tuesday of January 1999 and until her successor is appointed and qualified, vice Dr. Leroy Patrick, Pittsburgh, whose term expired.

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

THOMAS J. RIDGE
Governor

**RECALL COMMUNICATIONS
LAID ON THE TABLE**

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

**MEMBER OF THE BRANDYWINE BATTLEFIELD
PARK COMMISSION**

June 8, 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 March 9, 1998 for the appointment of Valerie Smith, 7723 Farndale Avenue, Harrisburg 17112, Dauphin County, Fifteenth Senatorial District, 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.

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

THOMAS J. RIDGE
Governor

**MEMBER OF THE PENNSYLVANIA DRUG,
DEVICE AND COSMETIC BOARD**

June 8, 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 March 9, 1998 for the appointment of Donna Kriner, 6320 Darlington Drive, Harrisburg 17112, Dauphin County, Fifteenth Senatorial District, 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.

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

THOMAS J. RIDGE
Governor

**MEMBER OF THE ENVIRONMENTAL
HEARING BOARD**

June 8, 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 March 9, 1998 for the appointment of Paula Vitz, 265 Brookview Drive, Red Lion 17356, York County, Twenty-eighth Senatorial District, 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. Ehmann, Esquire, Pittsburgh, resigned.

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

THOMAS J. RIDGE
Governor

**MEMBER OF THE PENNSYLVANIA MINORITY
BUSINESS DEVELOPMENT AUTHORITY**

June 8, 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 March 9, 1998 for the appointment of Domenick Argento, 910 Green Street, Harrisburg 17102, Dauphin County, Fifteenth Senatorial Dis-

trict, 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.

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

THOMAS J. RIDGE
Governor

MEMBER OF THE PENNSYLVANIA MINORITY
BUSINESS DEVELOPMENT AUTHORITY

June 8, 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 March 9, 1998 for the appointment of Fritz Bittenbender, 264 Boas Street, Harrisburg 17102, Dauphin County, Fifteenth Senatorial District, 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.

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

THOMAS J. RIDGE
Governor

MEMBER OF THE PENNSYLVANIA MINORITY
BUSINESS DEVELOPMENT AUTHORITY

June 8, 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 March 9, 1998 for the appointment of Marilyn Striano, 1005 Coppercreek Drive, Mechanicsburg 17055, Cumberland County, Thirty-first Senatorial District, 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.

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

THOMAS J. RIDGE
Governor

MEMBER OF THE STATE BOARD
OF OPTOMETRY

June 8, 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 March 9, 1998 for the appointment of Donna Kriner (Public Member), 6320 Darlington Drive, Harrisburg 17112, Dauphin County, Fifteenth Senatorial District, 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.

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

THOMAS J. RIDGE
Governor

MEMBER OF THE STATE BOARD
OF PHYSICAL THERAPY

June 8, 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 March 9, 1998 for the appointment of Valerie Smith (Public Member), 7723 Farmdale Avenue, Harrisburg 17112, Dauphin County, Fifteenth Senatorial District, 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.

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

THOMAS J. RIDGE
Governor

MEMBER OF THE STATE BOARD
OF PHYSICAL THERAPY

June 8, 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 March 9, 1998 for the appointment of Marilyn Striano (Public Member), 1005 Coppercreek Drive, Mechanicsburg 17055, Cumberland County, Thirty-first Senatorial District, 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.

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

THOMAS J. RIDGE
Governor

MEMBER OF THE STATE PLANNING BOARD

June 8, 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 March 9, 1998 for the appointment of Mark Navarro, 4184 Kittatinny Drive, Mechanicsburg 17055, Cumberland County, Thirty-first Senatorial District, 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.

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

THOMAS J. RIDGE
Governor

MEMBER OF THE STATE PLANNING BOARD

June 8, 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 March 9, 1998 for the appointment of Valerie Smith, 7723 Farmdale Avenue, Harrisburg 17112, Dauphin County, Fifteenth Senatorial District, 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.

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

THOMAS J. RIDGE
Governor

MEMBER OF THE STATE BOARD OF PODIATRY

June 8, 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 March 9, 1998 for the appointment of Valerie Smith (Public Member), 7723 Farmdale Avenue, Harrisburg 17112, Dauphin County, Fifteenth Senatorial District, 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.

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

THOMAS J. RIDGE
Governor

MEMBER OF THE ADVISORY COMMITTEE ON PROBATION

June 8, 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 March 9, 1998 for the appointment of Mark Navaro, 4184 Kittatinny Drive, Mechanicsburg 17055, Cumberland County, Thirty-first Senatorial District, 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.

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

THOMAS J. RIDGE
Governor

MEMBER OF THE STATE BOARD OF PSYCHOLOGY

June 8, 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 February 27, 1998 for the appointment of Betty Sawyor-Brown (Public Member), Hershey Heights, 1821 Gramercy Place, Hummelstown 17036, Dauphin County, Fifteenth Senatorial District, as a member of the State Board of Psychology, to serve until March 19, 2000 or until her successor is appointed and qualified, but not longer than six months beyond that period, vice Marlene Mosco, Erie, declined appointment.

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

THOMAS J. RIDGE
Governor

MEMBER OF THE STATE BOARD OF CERTIFIED REAL ESTATE APPRAISERS

June 8, 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 March 9, 1998 for the appointment of Paula Vitz (Public Member), 265 Brookview Drive, Red Lion 17356, York County, Twenty-eighth Senatorial District, 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.

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

THOMAS J. RIDGE
Governor

HOUSE MESSAGE

HOUSE BILL FOR CONCURRENCE

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

June 8, 1998

HB 238 -- Committee on Finance.

BILLS INTRODUCED AND REFERRED

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

June 8, 1998

Senators MOWERY, EARLL, THOMPSON, SCHWARTZ, TOMLINSON, LEMMOND, WHITE, GREENLEAF and STOUT presented to the Chair SB 1464, entitled:

An Act amending the act of March 10, 1949 (P.L.30, No.14), entitled Public School Code of 1949, further providing for payments on account of pupil transportation.

Which was committed to the Committee on EDUCATION, June 8, 1998.

Senators GREENLEAF, HELFRICK, SLOCUM, LAVALLE, BRIGHTBILL, STOUT, HART, WAGNER, MURPHY, SALVATORE, SCHWARTZ, THOMPSON, TOMLINSON and RHOADES presented to the Chair SB 1465, entitled:

An Act amending the act of June 11, 1947 (P.L.565, No.248), entitled World War II Veterans' Compensation Act, further providing for the definition of "veteran" and extending the time during which applications may be filed for veterans' compensation.

Which was committed to the Committee on MILITARY AND VETERANS AFFAIRS, June 8, 1998.

Senators GREENLEAF, STAPLETON, GERLACH, AFFLERBACH, HELFRICK, FUMO, LEMMOND, MUSTO, RHOADES, O'PAKE, SALVATORE, SLOCUM and SCHWARTZ presented to the Chair SB 1466, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, providing for multiple war veteran plate.

Which was committed to the Committee on TRANSPORTATION, June 8, 1998.

Senators GREENLEAF, LEMMOND, KUKOVICH and MURPHY presented to the Chair SB 1467, entitled:

An Act amending the act of April 12, 1951 (P.L.90, No.21), entitled, as reenacted, Liquor Code, transferring the Bureau of Liquor Control Enforcement to the Office of Attorney General.

Which was committed to the Committee on LAW AND JUSTICE, June 8, 1998.

GENERAL COMMUNICATIONS

LIST OF LOBBYISTS AND ORGANIZATIONS

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

THE GENERAL ASSEMBLY OF PENNSYLVANIA
Main Capitol Building
Harrisburg, Pennsylvania 17120

June 1, 1998

To the Honorable, the Senate
of the Commonwealth of Pennsylvania
To the Honorable, the House of Representatives
of the Commonwealth of Pennsylvania

In compliance with Act No. 712 of the 1961 Session and Act No. 212 of the 1976 Session of the General Assembly titled the "Lobbying Registration and Regulation Act," we herewith jointly present a list containing the names and addresses of the persons who have registered from May 1, 1998 through May 31, 1998 inclusive, for the 182nd Session of the General Assembly. This list also contains the names and addresses of the organizations represented by these registrants.

Respectfully submitted:

MARK R. CORRIGAN
Secretary
Senate of Pennsylvania

TED MAZIA
Chief Clerk
House of Representatives

(See Appendix for complete list.)

ANNUAL VETERANS' COMPLAINT REPORT

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

COMMONWEALTH OF PENNSYLVANIA
State Civil Service Commission

June 1, 1998

Subject: Veterans' Complaint Report

To: The Honorable Robert C. Jubelirer
President Pro Tempore
Senate of Pennsylvania
and
The Honorable Matthew J. Ryan
Speaker
House of Representatives

From: ETHEL S. BARNETT
Chairman
State Civil Service Commission

The State Civil Service Commission respectfully submits its annual Veterans' Complaint Report to the General Assembly.

As required under Section 203(5) of the Civil Service Act, this report reflects "all complaints, grievances and cases arising from questions by veterans with regard to the application of and the results attained by use of the veterans' preference provisions of this act with regard to hiring, promotion, and firing of employees covered by this act."

Should you have any questions on the information presented in this report, please contact Mr. John J. Wilk, Executive Director, at 787-3094.

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

APPOINTMENT BY PRESIDENT PRO TEMPORE

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

Mr. Walter N. Heine, P.E., as a member of the Citizens Advisory Council to the Department of Environmental Resources.

SPECIAL ORDER OF BUSINESS ANNOUNCEMENT BY THE SECRETARY

The SECRETARY. Consent has been given for the Committee on Rules and Executive Nominations to meet during today's Session in the Rules room to consider Senate Bills No. 100, 220, 640, 926, 1164, and certain nominations.

REPORTS FROM COMMITTEES

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

SB 826 (Pr. No. 2053) (Amended) (Rereported)

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

SB 1366 (Pr. No. 1771) (Rereported)

An Act amending the act of July 9, 1971 (P.L.206, No.34), entitled, as reenacted and amended, Improvement of Deteriorating Real Property or Areas Tax Exemption Act, removing certain maximum levels and providing additional schedules for exemptions.

SB 1385 (Pr. No. 1997) (Rereported)

An Act amending the act of December 5, 1972 (P.L.1280, No.284), entitled Pennsylvania Securities Act of 1972, further providing for definitions; further providing, in the securities area, for registration, for exemptions, for registration by coordination, for registration in general, for registration sanctions, for records and for retroactive registration; providing for Federally covered securities; further providing, in the area of broker-dealers, agents and investment advisers, for registration, for exemptions, for registration procedure, for postregistration procedure, for registration sanctions; further providing for prohibitions, for contract requirements and for misrepresentations; providing for school district prohibitions; further providing for civil liability, for enforcement, for investigations and for criminal penalties; providing for barring activities and for rescission; further providing for fees, for assessments, for administrative files, for powers of the Pennsylvania Securities Commission and for regulations and orders; and canceling Federal preemption.

HB 135 (Pr. No. 3472) (Rereported)

An Act establishing an osteoporosis prevention and education program; and providing for additional duties of the Department of Health.

HB 1479 (Pr. No. 3701) (Rereported)

An Act amending Title 15 (Corporations and Unincorporated Associations) of the Pennsylvania Consolidated Statutes, further providing for trademark fees; and providing for certain acquisitions and proposed acquisitions involving banks, bank and trust companies, national banks and bank holding companies.

HB 1480 (Pr. No. 3643) (Rereported)

An Act amending Title 54 (Names) of the Pennsylvania Consolidated Statutes, adding and changing definitions; making classifications; and providing for registrability and application for registration, duration and renewal, for cancellation for damages for fraudulent registration, for infringement, for injury to business or reputation and for remedies.

HB 1755 (Pr. No. 3690) (Amended) (Rereported)

An Act amending the act of May 22, 1933 (P.L.853, No.155), known as The General County Assessment Law, further providing for the valuation of property in counties of the second class A and third class; and providing for auxiliary appeal boards.

HB 2328 (Pr. No. 3614) (Rereported)

An Act providing for the creation of keystone opportunity zones to foster economic opportunities in this Commonwealth, to facilitate economic development, stimulate industrial, commercial and residential improvements and prevent physical and infrastructure deterioration of geographic areas within this Commonwealth; authorizing expenditures; providing tax exemptions, tax deductions, tax abatements and tax credits; creating additional obligations of the Commonwealth and local governmental units; and prescribing powers and duties of certain State and local departments, agencies and officials.

Senator HART, from the Committee on Finance, reported the following bill:

HB 908 (Pr. No. 3689) (Amended)

An Act amending Title 24 (Education) of the Pennsylvania Consolidated Statutes, further providing for creditable nonschool service.

RESOLUTIONS REPORTED FROM COMMITTEE

Senator SALVATORE, from the Committee on Intergovernmental Affairs, reported the following resolutions:

SR 182 (Pr. No. 1961)

A Concurrent Resolution memorializing the Congress of the United States to enact comprehensive reform of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 in the 105th Congress.

SR 183 (Pr. No. 1937)

A Resolution urging the United States Government to fulfill its financial obligation under the Susquehanna River Basin Compact.

HR 352 (Pr. No. 3014)

A Concurrent Resolution memorializing the Congress of the United States to create job and housing opportunities by supporting legislation to increase the private activity bond cap and low-income housing tax credit allocation.

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

LEGISLATIVE LEAVES

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

Senator LOEPER. Mr. President, I request a legislative leave for today's Session on behalf of Senator Hart.

The PRESIDENT. Senator Loeper requests a legislative leave for Senator Hart. Without objection, that leave is granted.

The Chair recognizes the gentleman from Lackawanna, Senator Mellow.

Senator MELLOW. Mr. President, I request legislative leaves for Senator Belan and Senator Williams.

The PRESIDENT. Senator Mellow requests legislative leaves for Senator Belan and Senator Williams. Without objection, those leaves are granted.

LEAVES OF ABSENCE

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

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

**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.

Senator O'PAKE. Mr. President, visiting in the gallery are a group of students from Reading Area Community College.

They are here with their teacher, Ms. Pamela Blakely. They have been here all day and they must leave by 2 o'clock, so I appreciate the Chair extending its usual warm welcome to our students from Reading Area Community College.

The PRESIDENT. Would our special guests please rise so that the Senate may acknowledge you. Thank you for being with us.

(Applause.)

GUEST OF SENATOR NOAH W. WENGER PRESENTED TO THE SENATE

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

Senator WENGER. Mr. President, I am pleased to have a guest Page here today. He is fine young man from Elizabethtown, and his name is Christopher Jewell. He is a fifth grader at Rheems Elementary School, and he plays baseball, basketball, and the trumpet, and he is active in his church youth group. He is also our guest Page today, and I would like to introduce him to the Senate of Pennsylvania at this time.

The PRESIDENT. Would our student athlete and special musician please rise so that the Senate may acknowledge your presence and help.

(Applause.)

GUEST OF SENATOR MARY JO WHITE PRESENTED TO THE SENATE

The PRESIDENT. The Chair recognizes the gentlewoman from Venango, Senator White.

Senator WHITE. Mr. President, I am delighted to introduce I think my first guest Page from my district, Joni Weber. She is a junior, soon to be a senior, at Butler High School. She is a very enterprising young woman. She got on a Greyhound bus in Butler this morning by herself, came all this distance, and is turning around and going back today, so she is here at tremendous personal sacrifice. Her ambition is to become a speechwriter. She hopes to attend Georgetown University, and I ask the Senate to give her a warm Senate welcome.

The PRESIDENT. Would our special guest please rise.
(Applause.)

CALENDAR

SENATE RESOLUTION No. 202 CALLED UP OUT OF ORDER, ADOPTED

Senator LOEPER, without objection, called up from page 5 of the Calendar, as a Special Order of Business, **Senate Resolution No. 202**, entitled:

A Resolution congratulating the American Legislative Exchange Council on the occasion of its 25th Anniversary.

On the question,

Will the Senate adopt the resolution?

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

Senator ROBBINS. Mr. President, I am pleased, as the Pennsylvania chairman of the American Legislative Exchange Council, more commonly referred to as ALEC, to sponsor Senate Resolution No. 202.

Mr. President, when a small group of Democratic and Republican legislators met in Chicago in 1973 to found a bipartisan association that would advocate the fundamental Jeffersonian principles of free markets, limited government, Federalism, and individual liberty, no one could have imagined 25 years later from then the role that this organization now plays in the revitalization of the Federal relationship between the States and national government.

Mr. President, ALEC has served as a counterweight against tendencies to further centralize government at the national level by continually striving to return as much power and resources as possible to the levels of government closest to the people.

Mr. President, on behalf of the more than 100 Pennsylvania public sector members, both in the House and the Senate, of the American Legislative Exchange Council and the General Assembly, I request the Senate now adopt Senate Resolution No. 202, recognizing ALEC on its 25th anniversary.

Thank you, Mr. President.

And the question recurring,

Will the Senate adopt the resolution?

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

YEA-48

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

NAY-0

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

SPECIAL ORDER OF BUSINESS GUESTS OF SENATOR RICHARD A. TILGHMAN PRESENTED TO THE SENATE

The PRESIDENT. The Chair recognizes the distinguished gentleman from Montgomery, Senator Tilghman.

Senator TILGHMAN. Mr. President, to my colleagues in the Senate, I think you may find this interesting, as I am going to introduce to you a gentleman who saved another person's life. Fortunately, we are not called on to do that very often, but this is a special occasion. I am going to ask him to say a few words later on and I am going to read the commendation that he got from the United States Navy, but I would like to first

introduce him to you, along with the other members of his family who are here.

I would ask Lieutenant Commander Norman FitzPatrick, whom we are honoring today, to please stand and receive our welcome.

(Applause.)

Senator TILGHMAN. Mr. President, if I may, and bear with me because this is a pretty special individual, I would like to introduce the other members of his family and friends who are here. They do not have to rise. Hold your applause. We will welcome them all after I have read their names off. They are Admiral John Sweeney; Henry and Pat FitzPatrick, his parents; William Leahy, his father-in-law; Brian FitzPatrick, his brother; Siobhan FitzPatrick, his sister--as you can see, his whole family is here--Burke and Beth FitzPatrick, his brother and sister-in-law; Fenton and Dosie FitzPatrick, his uncle and aunt; Norman and Mary Irene Geatz, his uncle and aunt; and sitting here with him because the House is being renovated is Representative Lita Cohen. Lita, would you please stand.

(Applause.)

Senator TILGHMAN. Mr. President, now, as you know, the House would have this same ceremony over there, but because of the repairs to the House, it is not possible. Representative Cohen and I each have a resolution that has been passed in the House and the Senate to give to Lieutenant Commander FitzPatrick, but before we do that and hear from him, I would like to read to you the citation that he received from the Chief of Naval Operations. (*Reading:*)

"The President of the United States takes pleasure in presenting the Navy and Marine Corps Medal to Lieutenant Commander Norman G. FitzPatrick, United States Naval Reserve...."

Mr. President, I am going to read the whole thing to you because it really is pretty interesting. (*Reading:*)

CITATION:

For heroism while serving as Maintenance Officer of Helicopter Antisubmarine Squadron SEVEN FIVE, Naval Air Station Jacksonville, Florida on 27 July 1997. While driving on Race Track Road in St. John's County, Florida, Lieutenant Commander FitzPatrick observed a white 1982 Oldsmobile veer off the road, through a ditch, and into a small tree. Upon arrival at the scene of the accident, Lieutenant Commander FitzPatrick stopped to render assistance and noted the vehicle was on fire. Upon being informed by on-lookers that there was a passenger in the car, he approached the burning vehicle and, after repeated attempts, opened the driver's side door.--I might tell you that I am not going to read the newspaper articles, but all this time this is going on, this is very succinct and brief in this commendation, he was trying to unbuckle the seatbelt and burnt his hands as a result. The seatbelt was red hot and he could not get it undone to get the man out who was on fire.--He discovered an unconscious passenger with seat belt fastened in the driver's seat and flames throughout the dash and overhead areas. With little regard for his own personal safety and despite suffering burns to his left arm, Lieutenant Commander FitzPatrick proceed to remove the passenger, whose legs were on fire, from the vehicle. After transporting the victim to the opposite side of the road, Lieutenant Commander FitzPatrick rendered medical assistance to the victim until relieved by Emergency Medical Technicians. By his courageous and prompt actions in the face of personal risk, Lieutenant Commander FitzPatrick saved the life of the victim, thereby reflecting great credit upon himself and upholding the highest traditions of the United States Naval Service.

If I may, just one last point from the newspaper article written at the time that this happened about a year ago, this is not in the citation, it is a newspaper article: "Only later did FitzPatrick learn that the man whose life he saved, a father of three children, was a neighbor who was burned and blackened so badly he was not recognizable."

Lieutenant Commander, thank you very much, and we would be pleased to receive any words you would like to give us.

The PRESIDENT. Lieutenant Commander.

(Applause.)

Lt. Commander FITZPATRICK. Thank you very much, Lieutenant Governor, Senator Tilghman, Representative Cohen, distinguished Members of the Senate.

The Navy has adopted in the last 5 or 6 years something that we are evaluated on: honor, courage, and commitment. And when I first was introduced to these, because it is new, relatively speaking, I said, hey, this is what I learned when I grew up. Kids today do not come from standard homes that we all think we came from, as much, and I would like to thank and give credit to my parents and my family and my brothers and sisters and aunts and uncles and my father-in-law and friends of the family for giving me honor, courage, and commitment.

Thank you again.

(Applause.)

Senator TILGHMAN. Mr. President, Representative Cohen and I would like to personally hand our citations to the Lieutenant Commander.

The PRESIDENT. Thank you, Senator Tilghman. Thank you, Representative Cohen, for being with us today. And certainly, Lieutenant Commander FitzPatrick, I am sure I speak for the members of your proud family and all gathered here today that we certainly have come to know great courage by virtue of your comments and certainly wondrous actions in Florida. Pennsylvania stands proud of what you have accomplished, sir.

Thank you so much.

**GUESTS OF SENATOR ROY C. AFFLERBACH
PRESENTED TO THE SENATE**

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

Senator AFFLERBACH. Mr. President, we have in the gallery today four young adults who have joined me here in Harrisburg to watch how the Senate and the House work in these last few days before we take the summer recess, and clearly it has been a good time. Because of the pace of activity, I think they have gotten a good flavor of all the different kinds of things we do.

They are Chris Burdick, Kelly Miller, and Marlene Moussa, who are serving as interns in my district office, and Cheryl Obal, who is my shadow for the day and is attending Point Park College in Pittsburgh. However, she has been honored by going to New York City to work with a well-known dance company there over the summer. So if the Senate would pro-

vide its usual warm welcome to these four students today, I would surely appreciate it.

The PRESIDENT. Would our Members please recognize their presence.

(Applause.)

PERMISSION TO ADDRESS

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

Senator LOEPER. Mr. President, I would also just like to congratulate Lieutenant Commander FitzPatrick on his fine achievement, and I think that when he talked about family, the one thing he did not mention is that he is the sixth of 10 children in that family, and I think that speaks very well for Mr. and Mrs. FitzPatrick and the entire family.

I am very proud to be associated with his dad, Mr. FitzPatrick, as a charter member of the YMBA. We also in that organization have as our archivist the president judge of the Superior Court of Pennsylvania, Judge Stephen J. McEwen, and he also extends his congratulations to the Lieutenant Commander.

The PRESIDENT. That certainly gives new meaning to the term, "Made in Pennsylvania."

RECESS

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

Senator LOEPER. Mr. President, at this time I ask for a recess of the Senate for the purpose of a Republican caucus to begin in the Majority Caucus Room immediately, with an expectation of returning to the floor at approximately 3:30 p.m.

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

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

The PRESIDENT. For purposes of Republican and Democratic caucuses to begin immediately, with the intention of returning at approximately 3:30 p.m., this Senate stands in recess.

AFTER RECESS

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

CONSIDERATION OF CALENDAR RESUMED

FINAL PASSAGE CALENDAR

RECONSIDERATION OF HB 1502

HB 1502 (Pr. No. 3617) -- Senator LOEPER. Mr. President, I move to reconsider the vote by which the bill was agreed to on third consideration.

The motion was agreed to.

BILL AMENDED

The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 20 (Decedents, Estates and Fiduciaries) of the Pennsylvania Consolidated Statutes, further providing for persons who may execute anatomical gifts and for contributions to the Organ Donation Awareness Trust Fund.

On the question,

Will the Senate agree to the bill on third consideration?

Senator LOEPER offered the following amendment No. A3248:

Amend Sec. 1 (Sec. 8621), page 3, line 19, by striking out "AN ORIGINAL OR" and inserting: a

Amend Sec. 1 (Sec. 8621), page 3, line 22, by striking out "AN ORIGINAL OR" and inserting: a

Amend Sec. 1 (Sec. 8621), page 3, line 23, by striking out "IS-SUANCE OR"

Amend Sec. 1 (Sec. 8621), page 3, line 29, by inserting after "FUND.": The Organ Donor Awareness Trust Fund shall reimburse the department for the initial costs incurred in the development and implementation of the contribution program under this subsection.

Amend Sec. 2, page 4, line 15, by striking out "IN ONE YEAR" and inserting: July 1, 1999

On the question,

Will the Senate agree to the amendment?

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

Senator MELLOW. Mr. President, this is a little bit of a change from the amendment that we had seen initially, and I would like if we could be at ease for just a moment, please.

The PRESIDENT. Could the gentleman repeat that?

Senator MELLOW. Mr. President, the amendment that has been submitted is a little different from the amendment that we had seen before we went to caucus, and for that reason I would like if we would go at ease for just a moment.

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

(The Senate was at ease.)

LEGISLATIVE LEAVES

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

Senator MELLOW. Mr. President, I request temporary Capitol leaves for Senator Afflerbach and Senator O'Pake, and legislative leaves for Senator Costa, Senator Hughes, Senator Kitchen, and Senator Schwartz.

The PRESIDENT. Senator Mellow requests temporary Capitol leaves for Senator Afflerbach and Senator O'Pake, and legislative leaves for Senator Costa, Senator Hughes, Senator Kitchen, and Senator Schwartz. Without objection, those leaves are granted.

And the question recurring,

Will the Senate agree to the amendment?

It was agreed to.

The PRESIDENT. House Bill No. 1502 will go over in its order as amended.

THIRD CONSIDERATION CALENDAR

BILL OVER IN ORDER

SB 636 -- Without objection, the bill was passed over in its order at the request of Senator LOEPER.

BILLS ON THIRD CONSIDERATION AND FINAL PASSAGE

SB 664 (Pr. No. 2040) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of May 1, 1933 (PL.103, No.69), entitled, as reenacted and amended, The Second Class Township Code, further providing for county associations and for the State Association of Township Supervisors.

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

On the question, Shall the bill pass finally?

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

YEA-48

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

NAY-0

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

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

SB 665 (Pr. No. 707) -- The Senate proceeded to consideration of the bill, entitled:

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

Considered the third time and agreed to,

On the question, Shall the bill pass finally?

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

YEA-48

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

NAY-0

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

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

SB 666 (Pr. No. 2029) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of February 1, 1966 (1965 P.L.1656, No.581), entitled The Borough Code, further providing for the State Association of Boroughs and for regional borough associations.

Considered the third time and agreed to,

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

On the question, Shall the bill pass finally?

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

YEA-48

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

NAY-0

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

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

SB 1011 (Pr. No. 2034) -- The Senate proceeded to consideration of the bill, entitled:

An Act authorizing the Department of General Services, with the approval of the Governor, to sell and convey to Upper Skippack Mennonite Church, certain improved land situate in the Township of Skippack, County of Montgomery, Commonwealth of Pennsylvania.

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

On the question,
Shall the bill pass finally?

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

YEA-48

Afflerbach	Hart	Mellow	Stapleton
Armstrong	Helfrick	Mowery	Stout
Belan	Holl	Murphy	Tartaglione
Bell	Hughes	Musto	Thompson
Bodack	Jubelirer	O'Pake	Tilghman
Conti	Kasunic	Piccola	Tomlinson
Corman	Kitchen	Punt	Uliana
Costa	Kukovich	Rhoades	Wagner
Delp	LaValle	Robbins	Wenger
Earll	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 present said bill to the House of Representatives for concurrence.

BILLS AMENDED

SB 1157 (Pr. No. 2016) -- The Senate proceeded to consideration of the bill, entitled:

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.

On the question,
Will the Senate agree to the bill on third consideration?
Senator WENGER offered the following amendment No. A3174:

Amend Sec. 2, page 166, lines 19 through 28, by striking out all of said lines

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

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

SB 1232 (Pr. No. 1565) -- The Senate proceeded to consideration of the bill, entitled:

A Joint Resolution proposing an amendment to the Constitution of the Commonwealth of Pennsylvania, to provide for the right to hunt and fish.

On the question,
Will the Senate agree to the bill on third consideration?

Senator MELLOW offered the following amendment No. A3233:

Amend Sec. 1 (Sec. 29), page 1, line 12, by inserting after "Commonwealth.": However, this right shall not be construed to confer a right to a license to hunt or fish issued by the Commonwealth when the privilege to hold such a license has been revoked or suspended pursuant to an act of the General Assembly.

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

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

BILL ON THIRD CONSIDERATION,
DEFEATED ON FINAL PASSAGE

SB 1247 (Pr. No. 2018) -- 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.

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

On the question,
Shall the bill pass finally?

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

Senator BELL. Mr. President, Senate Bill No. 1247 is highly technical, but it has one part in it that I think is absolutely dangerous. This would reduce the number of times an elevator or escalator is inspected. Right now, it is four times in 12 months. This bill would have those old elevators inspected once in 6 months. Now, I do not know how many of you people ride the elevators in this building, and I do not think I would want to see the inspections reduced. I do not care who recommends it. We are dealing with the life and safety of the people of Pennsylvania. There are many old elevators in Pennsylvania, and if they needed inspections four times in 12 months 10 years ago, they need them four times in 12 months today.

Thank you, Mr. President.

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

Senator ARMSTRONG. Mr. President, I would agree with the gentleman that if this was a safety issue, we should all be very, very concerned, and obviously the more you inspect something, anything, whether a car, airplane, or elevator, the less chance of something happening. However, the national standards that are accepted in almost every State in the Union are twice a year. A lot of States only have once a year. We are the only State that inspects four times a year.

Now, we can make it 10 times a year, but the fact is we cannot even inspect 4 times a year. We do not have the people to do it. So what this bill will do will make it so that we would have nationally certified inspectors, and they will be inspecting the elevators twice a year, so we will have higher quality inspectors inspecting them twice a year, and we feel we will not compromise safety one iota.

Thank you, Mr. President.

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

Senator BELL. Mr. President, I do not know why we do not have highly qualified inspectors today. After all, Pennsylvania is not a hick State. Today our inspectors should be highly qualified. Now, if the Department of Labor and Industry does not have enough men and women to protect the lives and limbs of Pennsylvania citizens, that is wrong. They should come in and ask for the money to have adequate numbers of inspectors.

And again, just because another State like Arkansas or Mississippi does not do it our way, let us not take their standards. We have good standards. Let us keep them that way, and let the Department of Labor and Industry, if they are short on money for inspectors, let them come in for a supplemental appropriation. After all, we are ending this fiscal year with a \$500 million surplus.

And the question recurring,
Shall the bill pass finally?

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

YEA-23

Armstrong	Helfrick	Madigan	Salvatore
Corman	Holl	Mowery	Slocum
Delp	Hughes	Murphy	Thompson
Gerlach	Jubelirer	Piccola	Tilghman
Greenleaf	Lemmond	Punt	Wenger
Hart	Loeper	Robbins	

NAY-25

Afflerbach	Kasunic	Rhoades	Wagner
Belan	Kitchen	Schwartz	White
Bell	Kukovich	Stapleton	Williams
Bodack	LaValle	Stout	Wozniak
Conti	Mellow	Tartaglione	
Costa	Musto	Tomlinson	
Earll	O'Pake	Uliana	

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

RECONSIDERATION OF SB 1247

BILL OVER IN ORDER ON FINAL PASSAGE

SB 1247 (Pr. No. 2018) -- Senator LOEPER. Mr. President, I move that the Senate do now reconsider the vote by which Senate Bill No. 1247, Printer's No. 2018, just failed on final passage and move that the bill go over in its order and appear on the Final Passage Calendar.

The motion was agreed to.

The PRESIDENT. Senate Bill No. 1247 will go over in its order on final passage.

LEGISLATIVE LEAVES

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

Senator LOEPER. Mr. President, Senator Delp and Senator Gerlach have been called from the floor to their offices, and I request temporary Capitol leaves on their behalf.

The PRESIDENT. Senator Loeper requests temporary Capitol leaves for Senator Delp and Senator Gerlach. Without objection, those leaves are granted.

The Chair recognizes the gentleman from Lackawanna, Senator Mellow.

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

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

THIRD CONSIDERATION CALENDAR RESUMED

BILL OVER IN ORDER

HB 1272 -- Without objection, the bill was passed over in its order at the request of Senator LOEPER.

BILLS ON THIRD CONSIDERATION AND FINAL PASSAGE

SB 1372 (Pr. No. 2019) -- The Senate proceeded to consideration of the bill, entitled:

An Act relating to the unlawful disposition of motor vehicles; and providing penalties.

Considered the third time and agreed to,

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

On the question,
Shall the bill pass finally?

The PRESIDENT. The Chair recognizes the gentleman from Montgomery, Senator Holl.

Senator HOLL. Mr. President, I will speak on Senate Bill No. 1372 and the companion bill, Senate Bill No. 1373, both of which were drafted to combat the serious problem of auto theft in the Commonwealth. Every 11 minutes an automobile is stolen in Pennsylvania. That averages to about 47,000 automobiles stolen every year in the State of Pennsylvania. This represents an approximate value of about \$500 million a year in stolen automobiles.

Senate Bill No. 1372 and the following bill on the Calendar, Senate Bill No. 1373, combat this costly problem by targeting chop shops. These two bills do this in a variety of ways. Senate Bill No. 1372 deters individuals from owning, operating, or conducting a chop shop. Under Senate Bill No. 1372, it would be a second-degree felony to knowingly own, operate, or con-

duct a chop shop. It would be a third-degree felony to alter, destroy, sell, or transfer a vehicle or a part with the intent to conceal, misrepresent, or prevent the identification of a vehicle or a vehicle part.

Because Senate Bill No. 1372 classifies these offenses as felonies instead of misdemeanors, as is the case under current law, they bring the possibility of increased punishment, including prison time. The possibility of increased punishment will give prosecutors a significant tool when proceeding against chop shop operators. Senate Bill No. 1372 provides for the seizure and forfeiture of real and personal property, as well as money, either used to violate the act or obtained by violating the act. Senate Bill No. 1372 codifies under statutory law forfeiture provisions that exist in case law and common law. This will make the forfeiture provisions easier to understand, not only for the courts but anyone who is thinking of operating a chop shop.

Senate Bill No. 1372 makes police reports on stolen vehicles or vehicle parts acceptable as prima facie evidence during a preliminary hearing that the vehicle or part was possessed without the permission of the owner. This provision means that the owners of stolen cars or parts do not have to take time out of their schedule to testify that the accused had possession of the property without their permission. This prevents the owners from suffering even more inconvenience as a result of the initial theft of the car or vehicle.

In short, these acts have the potential to reduce automobile theft, a problem that costs Pennsylvanians millions of dollars a year in higher insurance rates. These acts also bring Pennsylvania in line with the other 38 States which have enacted criminal statutes specifically targeting chop shops.

Mr. President, I request an affirmative vote.

And the question recurring,
Shall the bill pass finally?

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

YEA-48

Afflerbach	Hart	Mellow	Stapleton
Armstrong	Helfrick	Mowery	Stout
Belan	Holl	Murphy	Tartaglione
Bell	Hughes	Musto	Thompson
Bodack	Jubelirer	O'Pake	Tilghman
Conti	Kasunic	Piccola	Tomlinson
Corman	Kitchen	Punt	Uliana
Costa	Kukovich	Rhoades	Wagner
Delp	LaValle	Robbins	Wenger
Earll	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 present said bill to the House of Representatives for concurrence.

SB 1373 (Pr. No. 1783) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Titles 18 (Crimes and Offenses) and 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, making revisions and repeals relating to the Motor Vehicle Chop Shop and Illegally Obtained and Altered Property Act.

Considered the third time and agreed to,

On the question,
Shall the bill pass finally?

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

YEA-45

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

NAY-3

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

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

BILL AMENDED

SB 1387 (Pr. No. 1837) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, providing for an offense relating to habitual offenders.

On the question,
Will the Senate agree to the bill on third consideration?
Senator MELLOW offered the following amendment No. A2644:

Amend Title, page 1, line 3, by removing the period after "offenders" and inserting: and for homicide by vehicle while driving under influence; and making a repeal.

Amend Sec. 1, page 1, line 7, by striking out "a section" and inserting: sections

Amend Sec. 1, page 2, by inserting between lines 7 and 8:

§ 7511. Homicide by vehicle while driving under influence.

(a) Offense defined.—Any person who unintentionally causes the death of another person as the result of a violation of 75 Pa.C.S. § 3731 (relating to driving under influence of alcohol or controlled substance) and who is convicted of violating 75 Pa.C.S. § 3731 commits a felony of the second degree when the violation is the cause of death and the sentencing court shall order the person to serve a minimum term of imprisonment of not less than three years. A consecu-

five three-year term of imprisonment shall be imposed for each victim whose death is the result of the violation of 75 Pa.C.S. § 3731.

(b) Applicability of sentencing guidelines.—The sentencing guidelines promulgated by the Pennsylvania Commission on Sentencing shall not supersede the mandatory penalty of this section.

Section 2. Section 3735 of Title 75 is repealed.

Amend Sec. 2, page 2, line 8, by striking out "2" and inserting:

3

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

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

Senator MELLOW. Mr. President, just briefly on the amendment, what this amendment will basically do, it will go a long way to strengthen the drunken driving laws in Pennsylvania where a vehicular homicide takes place by stating that, based on this amendment and the passage of this bill, if you are involved in an automobile accident and you are under the influence where a fatality has taken place, you will no longer be able to serve the sentence concurrently if there is more than one fatality in the accident. These sentences must be served consecutively, which means, Mr. President, that in a motor vehicle accident, under current law, if two people are killed and the driver was under the influence, the driver could be sentenced to two terms and they would be served concurrently, meaning the person would have to spend 3 years in jail.

Under this proposal, Mr. President, under the same situation, it would be consecutive terms, which would mean that the individual, instead of serving 3 years in jail for two homicides, a person would have to spend two 3-year terms in jail consecutively. It significantly strengthens a problem that has been identified with motor vehicle homicide, people driving under the influence, and, Mr. President, it needs an affirmative vote.

Thank you very much.

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

It was agreed to.

The PRESIDENT. Senate Bill No. 1387 will go over in its order as amended.

BILL OVER IN ORDER

SB 1396 -- Without objection, the bill was passed over in its order at the request of Senator LOEPER.

BILLS ON THIRD CONSIDERATION
AND FINAL PASSAGE

HB 1597 (Pr. No. 3672) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of June 23, 1931 (PL.899, No.299), known as the Public Bathing Law, further providing for definitions; requiring lifeguards; and providing for the use of certain pesticides in swimming pools.

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
Armstrong	Helfrick	Mowery	Stout
Belan	Holl	Murphy	Tartaglione
Bell	Hughes	Musto	Thompson
Bodack	Jubelirer	O'Pake	Tilghman
Conti	Kasunic	Piccola	Tomlinson
Corman	Kitchen	Punt	Uliana
Costa	Kukovich	Rhoades	Wagner
Delp	LaValle	Robbins	Wenger
Earll	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.

HB 1660 (Pr. No. 3549) -- The Senate proceeded to consideration of the bill, entitled:

An Act designating a section of SR 0073 in Montgomery County, Pennsylvania as the POW/MIA Memorial Highway; and designating a bridge in Chester County as the Martyr Godra Memorial Bridge.

Considered the third time and agreed to,

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

On the question,
Shall the bill pass finally?

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

YEA-48

Afflerbach	Hart	Mellow	Stapleton
Armstrong	Helfrick	Mowery	Stout
Belan	Holl	Murphy	Tartaglione
Bell	Hughes	Musto	Thompson
Bodack	Jubelirer	O'Pake	Tilghman
Conti	Kasunic	Piccola	Tomlinson
Corman	Kitchen	Punt	Uliana
Costa	Kukovich	Rhoades	Wagner
Delp	LaValle	Robbins	Wenger
Earll	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.

BILL OVER IN ORDER

HB 1992 -- Without objection, the bill was passed over in its order at the request of Senator LOEPER.

BILL AMENDED

HB 2200 (Pr. No. 3018) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of May 25, 1945 (P.L.1050, No.394), known as the Local Tax Collection Law, providing for the definition of "duplicate"; and further providing for collection and payment and for settlement and audits.

On the question,

Will the Senate agree to the bill on third consideration?

Senator MOWERY offered the following amendment No. A3194:

Amend Sec. 4, page 5, line 23, by striking out "in 60 days." and inserting: December 31, 1999.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

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

SECOND CONSIDERATION CALENDAR

BILLS OVER IN ORDER

HB 280, SB 674, SB 818, SB 964 and SB 1135 -- Without objection, the bills were passed over in their order at the request of Senator LOEPER.

BILLS REREFERRED

HB 1173 (Pr. No. 3552) -- The Senate proceeded to consideration of the bill, entitled:

An Act creating a Uniform Construction Code; imposing powers and duties on municipalities and the Department of Labor and Industry; providing for enforcement; imposing penalties; and making repeals.

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

SB 1196 (Pr. No. 1464) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of April 9, 1929 (P.L.177, No.175), entitled The Administrative Code of 1929, further regulating leases, conveyances and costs.

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

BILLS OVER IN ORDER

SB 1221, SB 1415, HB 1473 and HB 1628 -- Without objection, the bills were passed over in their order at the request

of Senator LOEPER.

LEGISLATIVE LEAVE CANCELLED

The PRESIDENT. Senator Hart has returned, and her legislative leave is cancelled.

RECESS

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

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

The PRESIDENT. For the purpose of a meeting of the Committee on Rules and Executive Nominations, the Senate stands in recess.

AFTER RECESS

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

REPORTS FROM COMMITTEE

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

SB 220 (Pr. No. 2075) (Amended) (Rereported) (Concurrence)

An Act amending the act of August 9, 1955 (P.L.323, No.130), entitled The County Code, providing for the abolition of jury commissioners in counties of the third class having a population under the Federal Decennial Census in excess of 337,000 residents, but less than 341,000 residents; further providing for the collection of county taxes during vacancies in the office of elected tax collectors in municipalities; and providing for an excise tax in certain counties and for appropriations for radio broadcasting companies.

SB 640 (Pr. No. 2065) (Amended) (Rereported) (Concurrence)

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 and for payment of damages; further providing for certain expenses and fees relating to the minor judiciary, for service of process, for collection of restitution, reparation, fees, costs, fines and penalties and for record requirements; and providing for contents of presentence reports.

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

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

**MEMBER OF THE BRANDYWINE BATTLEFIELD
PARK COMMISSION**

June 8, 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 March 9, 1998 for the appointment of Valerie Smith, 7723 Farmdale Avenue, Harrisburg 17112, Dauphin County, Fifteenth Senatorial District, 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.

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

THOMAS J. RIDGE
Governor

**MEMBER OF THE CORONERS'
EDUCATION BOARD**

June 2, 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 February 13, 1998 for the reappointment of William R. Fatora, 66-3 Azalea Way, Reading 19606, Berks County, Eleventh Senatorial District, as a member of the Coroners' Education Board, to serve for a term of four years and until his successor is appointed and qualified.

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

THOMAS J. RIDGE
Governor

**MEMBER OF THE PENNSYLVANIA DRUG,
DEVICE AND COSMETIC BOARD**

June 8, 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 March 9, 1998 for the appointment of Donna Kriner, 6320 Darlington Drive, Harrisburg 17112, Dauphin County, Fifteenth Senatorial District, 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.

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

THOMAS J. RIDGE
Governor

**MEMBER OF THE ENVIRONMENTAL
HEARING BOARD**

June 8, 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 March 9, 1998 for the appointment of Paula Vitz, 265 Brookview Drive, Red Lion 17356, York County, Twenty-eighth Senatorial District, 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. Ehmann, Esquire, Pittsburgh, resigned.

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

THOMAS J. RIDGE
Governor

**MEMBER OF THE PENNSYLVANIA HISTORICAL
AND MUSEUM COMMISSION**

June 4, 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 May 8, 1998 for the appointment of Andrea Ferenci-Fitting, 113 Sunrise Drive, Pittsburgh 15234, Allegheny County, Thirty-seventh Senatorial District, as a member of the Pennsylvania Historical and Museum Commission, to serve until the third Tuesday of January 1999 and until her successor is appointed and qualified, vice Dr. Leroy Patrick, Pittsburgh, whose term expired.

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

THOMAS J. RIDGE
Governor

**MEMBER OF THE PENNSYLVANIA MINORITY
BUSINESS DEVELOPMENT AUTHORITY**

June 8, 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 March 9, 1998 for the appointment of Domenick Argento, 910 Green Street, Harrisburg 17102, Dauphin County, Fifteenth Senatorial District, 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.

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

THOMAS J. RIDGE
Governor

**MEMBER OF THE PENNSYLVANIA MINORITY
BUSINESS DEVELOPMENT AUTHORITY**

June 8, 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 March 9, 1998 for the appointment of Fritz Bittenbender, 264 Boas Street, Harrisburg 17102, Dauphin County, Fifteenth Senatorial District, 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.

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

THOMAS J. RIDGE
Governor

MEMBER OF THE PENNSYLVANIA MINORITY
BUSINESS DEVELOPMENT AUTHORITY

June 8, 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 March 9, 1998 for the appointment of Marilyn Striano, 1005 Coppercreek Drive, Mechanicsburg 17055, Cumberland County, Thirty-first Senatorial District, 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.

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

THOMAS J. RIDGE
Governor

MEMBER OF THE STATE BOARD
OF OPTOMETRY

June 8, 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 March 9, 1998 for the appointment of Donna Kriner (Public Member), 6320 Darlington Drive, Harrisburg 17112, Dauphin County, Fifteenth Senatorial District, 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.

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

THOMAS J. RIDGE
Governor

MEMBER OF THE STATE BOARD
OF PHYSICAL THERAPY

June 8, 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 March 9, 1998 for the appointment of Valerie Smith (Public Member), 7723 Farndale Avenue, Harrisburg 17112, Dauphin County, Fifteenth Senatorial District, 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.

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

THOMAS J. RIDGE
Governor

MEMBER OF THE STATE BOARD
OF PHYSICAL THERAPY

June 8, 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 March 9, 1998 for the appointment of Marilyn Striano (Public Member), 1005 Coppercreek Drive, Mechanicsburg 17055, Cumberland County, Thirty-first Senatorial District, 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.

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

THOMAS J. RIDGE
Governor

MEMBER OF THE STATE PLANNING BOARD

June 8, 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 March 9, 1998 for the appointment of Mark Navarro, 4184 Kittatinny Drive, Mechanicsburg 17055, Cumberland County, Thirty-first Senatorial District, 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.

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

THOMAS J. RIDGE
Governor

MEMBER OF THE STATE PLANNING BOARD

June 8, 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 March 9, 1998 for the appointment of Valerie Smith, 7723 Farndale Avenue, Harrisburg 17112, Dauphin County, Fifteenth Senatorial District, 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.

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

THOMAS J. RIDGE
Governor

MEMBER OF THE STATE BOARD
OF PODIATRY

June 8, 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 March 9, 1998 for the appointment of Valerie Smith (Public Member), 7723 Farmdale Avenue, Harrisburg 17112, Dauphin County, Fifteenth Senatorial District, 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.

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

THOMAS J. RIDGE
Governor

MEMBER OF THE ADVISORY COMMITTEE
ON PROBATION

June 8, 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 March 9, 1998 for the appointment of Mark Navarro, 4184 Kittatinny Drive, Mechanicsburg 17055, Cumberland County, Thirty-first Senatorial District, 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.

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

THOMAS J. RIDGE
Governor

MEMBER OF THE STATE BOARD
OF PSYCHOLOGY

June 8, 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 February 27, 1998 for the appointment of Betty Sawyor-Brown (Public Member), Hershey Heights, 1821 Gramercy Place, Hummelstown 17036, Dauphin County, Fifteenth Senatorial District, as a member of the State Board of Psychology, to serve until March 19, 2000 or until her successor is appointed and qualified, but not longer than six months beyond that period, vice Marlene Mosco, Erie, declined appointment.

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

THOMAS J. RIDGE
Governor

MEMBER OF THE STATE BOARD OF
CERTIFIED REAL ESTATE APPRAISERS

June 8, 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 March 9, 1998 for the appointment of Paula Vitz (Public Member), 265 Brookview Drive, Red Lion 17356, York County, Twenty-eighth

Senatorial District, 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.

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

THOMAS J. RIDGE
Governor

NOMINATIONS RETURNED TO THE GOVERNOR

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

The motion was agreed to.

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

**REPORT FROM COMMITTEE ON
RULES AND EXECUTIVE NOMINATIONS**

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

MEMBER OF THE COUNCIL OF TRUSTEES OF
CHEYNEY UNIVERSITY OF PENNSYLVANIA
OF THE STATE SYSTEM OF HIGHER EDUCATION

May 22, 1998

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Robert C. Wonderling, 575 Paterno Drive, Harleysville 19438, Montgomery County, Twenty-fourth Senatorial District, for appointment as a member of the Council of Trustees of Cheyney University of Pennsylvania of the State System of Higher Education, to serve until the third Tuesday of January 2001, and until his successor is appointed and qualified, vice Samuel Johnson, Ph.D., Harrisburg, whose term expired.

THOMAS J. RIDGE
Governor

MEMBER OF THE STATE BOARD
OF CHIROPRACTIC

May 22, 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, Georgia L. King (Public Member), 11592 Kimberly Drive, Greencastle 17225, Franklin County, Thirty-third Senatorial District, for appointment as a member of the State Board of Chiropractic, 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 Michael J. Hampsey, Waterford, whose term expired.

THOMAS J. RIDGE
Governor

MEMBER OF THE STATE BOARD
OF COSMETOLOGY

May 22, 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, Sandra Evans (Public Member), 5416 Wyndale Avenue, Philadelphia 19193, Philadelphia County, Seventh Senatorial District, for appointment as a member of the State Board of Cosmetology, to serve for a term of three years and until her 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 STATE FARM PRODUCTS
SHOW COMMISSION

May 22, 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, Bob Mazza, 11580 East Lake Road, North East 16428, Erie County, Fiftieth Senatorial District, for appointment as a member of the State Farm Products Show Commission, to serve for a term of four years and until his successor is appointed and qualified, vice C. Guy Rudy, Centre Hall, whose term expired.

THOMAS J. RIDGE
Governor

MEMBER OF THE PENNSYLVANIA
FISH AND BOAT COMMISSION

May 22, 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, Rozell A. Stidd (District 4), 1402 Warm Springs Avenue, Huntingdon 16652, Huntingdon County, Thirtieth Senatorial District, for appointment as a member of the Pennsylvania Fish and Boat Commission, to serve for a term of eight years or until his successor is appointed and qualified, but not longer than six months beyond that period, vice Donald K. Anderson, Meyersdale, whose term expired.

THOMAS J. RIDGE
Governor

MEMBER OF THE PENNSYLVANIA
GAME COMMISSION

May 8, 1998

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Robert J. Gilford (District 1), P. O. Box 69, Lickingville 16332, Clarion County, Twenty-first Senatorial District, for reappointment as a member of the Pennsylvania

Game Commission, to serve for a term of eight years or until his successor is appointed and qualified, but not longer than six months beyond that period.

THOMAS J. RIDGE
Governor

MEMBER OF THE PENNSYLVANIA
GAME COMMISSION

May 8, 1998

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, George Venesky (District 7), 1327 Heslop Road, Mountaintop 18707, Luzerne County, Fourteenth Senatorial District, for appointment as a member of the Pennsylvania Game Commission, to serve for a term of eight years or until his successor is appointed and qualified, but not longer than six months beyond that period, vice Edward L. Vogue, Jr., Dupont, whose term expired.

THOMAS J. RIDGE
Governor

MEMBER OF THE HEALTH POLICY BOARD

April 14, 1998

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Thomas Coyne, 10 Valley Road, Indiana 15701, Indiana County, Forty-first Senatorial District, for appointment as a member of the Health Policy Board, to serve for a term of three years and until his successor is appointed and qualified, vice Carmen M. Wey, Lewisburg, whose term expired.

THOMAS J. RIDGE
Governor

MEMBER OF THE PENNSYLVANIA HISTORICAL
AND MUSEUM COMMISSION

June 4, 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, Andrea Ferenci-Fitting, 113 Sunridge Drive, Pittsburgh 15234, Allegheny County, Thirty-seventh Senatorial District, for appointment as a member of the Pennsylvania Historical and Museum Commission, to serve until the third Tuesday of January 1999 and until her successor is appointed and qualified, vice John A. Herbst, Pittsburgh, resigned.

THOMAS J. RIDGE
Governor

MEMBER OF THE PENNSYLVANIA HISTORICAL
AND MUSEUM COMMISSION

May 8, 1998

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Brian C. Mitchell, 125 Pelham Road, Camp Hill 17011, Cumberland County, Thirty-first Senatorial District, for appointment as a member of the Pennsylvania Historical and Museum Commission, to serve until the third Tuesday of January 1999 and until his successor is appointed and qualified, vice Timothy Buchanan, Harrisburg, resigned.

THOMAS J. RIDGE
Governor

MEMBER OF THE PENNSYLVANIA
LIQUOR CONTROL BOARD

May 22, 1998

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Robert P. Fohl, 127 Marie Drive, Pittsburgh 15237, Allegheny County, Fortieth Senatorial District, for reappointment as a member of the Pennsylvania Liquor Control Board, to serve until the third Tuesday in May 2002.

THOMAS J. RIDGE
Governor

DISTRICT JUSTICE

May 8, 1998

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Barbara J. Easton, R. R. 2, Box 144B, Coudersport 16915, Potter County, Twenty-fifth Senatorial District, for appointment as District Justice, in and for the County of Potter, Magisterial District 55-4-01, to serve until the first Monday of January 2000, vice Donna Fetzer, resigned.

THOMAS J. RIDGE
Governor

MEMBER OF THE WARREN COUNTY
BOARD OF ASSISTANCE

May 1, 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, Nora Doyle Mahan (Republican), 2727 Penn Avenue, West, Warren 16365, Warren County, Twenty-fifth Senatorial District, for appointment as a member of the Warren County Board of Assistance, to serve until December 31, 2000, and until her successor is appointed and qualified, vice Bettie A. Ford, Warren, whose term expired.

THOMAS J. RIDGE
Governor

NOMINATIONS LAID ON THE TABLE

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

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

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

BILL ON THIRD CONSIDERATION AMENDED

HB 1479 (Pr. No. 1769) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 15 (Corporations and Unincorporated Associations) of the Pennsylvania Consolidated Statutes, further providing for trademark fees.

On the question,

Will the Senate agree to the bill on third consideration?

Senator HOLL offered the following amendment No. A3261:

Amend Title, page 1, line 3, by removing the period after "fees" and inserting: ; and providing for certain acquisitions and proposed acquisitions involving banks, bank and trust companies, national banks and bank holding companies.

Amend Bill, page 2, by inserting between lines 8 and 9:

Section 2. Title 15 is amended by adding a section to read:

§ 524. Certain acquisitions and proposed acquisitions involving banks, bank and trust companies, trust companies, national banks and bank holding companies.

(a) Scope.—This section applies to all institutions and holding companies as defined in subsection (m).

(b) Requirement of prior approval.—Except as provided in subsection (i), it shall be unlawful, without the prior written approval of the department under this section, for any person:

(1) to acquire, or to make a proposal to acquire, voting shares of an institution or voting shares of a holding company if the aggregate number of voting shares held after such acquisition would total more than 5% of the outstanding voting shares of any class of such institution or holding company; or

(2) to enter into an acquisition transaction with an institution or with a holding company;

whether or not any prior acquisition had been approved by the department under this section.

(c) Application for approval.—If the approval of the department is required under subsection (b), a person who intends to acquire, or to make a proposal to acquire, voting shares of, or to enter into an acquisition transaction with, an institution or a holding company shall:

(1) file an application for approval in such form as the department may prescribe;

(2) deliver to the department from time to time such other information as the department may require with such certification of financial information and such verification by oath or affirmation of other data as the department may specify;

(3) pay such investigation fee as the department may specify; and

(4) except in the case of an applicant which is a domestic corporation or a foreign corporation qualified to do business in Pennsylvania, deliver to the department a written consent to service of process in any action or suit arising out of or in connection with the proposed acquisition through service of process on the Secretary of Banking.

(d) Investigation by department.—Upon receipt of an application for approval and other items required under subsection (c) the department shall conduct an investigation to determine whether the applicant has demonstrated by a preponderance of the evidence that:

(1) the acquisition of voting shares or acquisition transaction, its purposes and probable effects would be consistent with the purposes set forth in section 103(a) of the Banking Code;

(2) the applicant, or its directors and officers in the case of a corporation, and any proposed new officers or directors of the institution involved would satisfy the test for incorporators, direc-

tors and officers of a new institution under section 1007(a) of the Banking Code;

(3) the proposed acquisition of voting shares or acquisition transaction would not be prejudicial to the interests of the depositors, creditors, beneficiaries of fiduciary accounts or shareholders of the institution or holding company involved;

(4) the proposed acquisition of voting shares or acquisition transaction is in the best interests of the institution and, if applicable, the holding company of such institution; and

(5) competition among institutions will not be adversely affected and public convenience and advantage will be promoted.

In making the determination under paragraphs (4) and (5), the department shall not approve an acquisition of voting shares or acquisition transaction unless the acquisition of voting shares or acquisition transaction is consistent with the convenience and needs of the customers and communities served by the institution after taking into account, among other things, the relative ratings under the Community Reinvestment Act of 1977 (91 Stat. 1111, 12 U.S.C. § 2901 et seq.), of the institution and the applicant, prospective branch closings and prospective job losses. In making the determination under paragraphs (4) and (5), the department shall consider, to the extent it deems appropriate, all relevant factors, including without limitation the matters set forth in section 1715(a)(1), (2) and (3) (relating to exercise of powers generally), and whether the applicant has demonstrated that the acquisition of voting shares or acquisition transaction will result in net new benefits.

(e) Information furnished to subject institution or holding company.—As part of its investigation, the department shall transmit to the institution or the holding company whose voting shares are proposed to be acquired or which is the subject of such acquisition transaction a copy of the application and all other information received from the applicant, except such information which the department determines should be kept confidential, for the purpose of receiving such comments thereon as such institution or holding company shall transmit to the department upon its request.

(f) Action by department.—Within 60 days after receipt of an application under subsection (c) or within a longer period not in excess of 30 days after receipt from the applicant of additional information required by the department, the department shall approve or disapprove the proposed acquisition of voting shares or acquisition transaction and give written notice of its decision to the applicant and the institution or holding company whose voting shares are proposed to be acquired or that is the subject of the acquisition transaction. If the department approves a proposed acquisition of voting shares which may result in a change of control or ownership change of such institution or holding company or an acquisition transaction, it may impose conditions to be observed after such acquisition of voting shares or acquisition transaction, with respect to transactions between the institution involved and the applicant or affiliate of the applicant, with respect to dividends or distributions by such institutions, with respect to employee relations, with respect to reimbursement for any loss occasioned by such ownership change or with respect to such other matters as the department may deem advisable on the basis of the purposes set forth in section 103(a) of the Banking Code. In making the determination under subsection (d)(5), the department shall consult with the Attorney General. The decision of the department shall be subject to review by the Commonwealth Court in the manner provided by law.

(g) Prohibition of misleading statements.—It shall be unlawful for any person directly or indirectly to make any untrue statement of a material fact or to omit to state a material fact necessary in order to make the statements made, in light of the circumstances in which they were made, not misleading in connection with:

(1) any acquisition of, or proposal to acquire, voting shares that requires approval under this section;

(2) an acquisition transaction that requires approval under this section; or

(3) any application or submission of information to the department under subsection (c).

(h) Regulation by department.—The enforcement and implementation of this section shall be subject to regulation by the department.

(i) Exemptions.—No approval under this section shall be required for an acquisition of or proposal to acquire voting shares or for an acquisition transaction in the case of either:

(1) an acquisition or proposal to acquire voting shares by the issuer thereof or an acquisition or proposal to acquire voting shares of an institution by its holding company, or an acquisition transaction between an institution and its holding company or any other entity which is controlled by such holding company;

(2) a transaction by a broker-dealer who does no more than perform the customary broker's function in transactions on a stock exchange or in the over-the-counter market, who receives no more than the customary broker's commission and who does not solicit or arrange for the solicitation of orders;

(3) an acquisition or proposal to acquire voting shares of, or an acquisition transaction with, an institution or holding company by any person which has been approved by a majority of the board of directors of the institution or holding company, unless at the time the institution or holding company approves the acquisition of voting shares or acquisition transaction, 25% or more of the institution's or holding company's board is composed of nominees, agents, affiliates of or any other persons acting in concert with the person or entity seeking to acquire voting shares of, or enter into an acquisition transaction with, the institution or holding company;

(4) an acquisition or proposal to acquire voting shares of an institution or holding company by any person if the aggregate number of shares held by such person after such acquisition would total less than 10% in voting power of the outstanding shares of such institution or holding company entitled to vote generally in the election of directors and such person is not required to obtain the approval of the Federal Reserve Board under the Bank Holding Company Act of 1956 (70 Stat. 133, 12 U.S.C. § 1841 et seq.) in connection with such acquisition; or

(5) a transaction of a type exempted by regulation of the department in light of the purposes set forth in section 103(a) of the Banking Code.

(j) Criminal penalty for violation.—Any person who acquires or proposes to acquire voting shares of an institution or of a holding company or who engages in an acquisition transaction in violation of this section or who violates subsection (g) shall be guilty of a misdemeanor and shall upon conviction thereof be subject, in the case of an individual, to imprisonment for a period not exceeding five years or a fine not exceeding \$5,000, or both, and, in the case of any other person, to a fine not exceeding \$50,000.

(k) Civil liability penalty for violation.—Any person who violates any provision of this section shall be liable to any institution or holding company or shareholder thereof damaged thereby and, in the discretion of the court, for punitive damages. The provisions of this section shall be enforceable in any action or suit instituted by the department or by any such institution, holding company or shareholder to enjoin or restrain any violation or threatened violation of this section.

(l) Severability.—The provisions of this section shall be severable. If any provision of this section or the application thereof to any person or circumstance is held invalid, the remainder of this section, and the application of such provision to other persons or circumstances, shall not be affected thereby, unless the court finds that the valid provisions of this section are so essentially and inseparably connected with, and so depend upon, the void provision or application, that it cannot be presumed the General Assembly would have enacted the remaining valid provisions without the void one; or unless the court finds that the remaining valid provisions, standing alone, are incomplete and are incapable of being executed in accordance with the legislative intent.

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

"Acquire." Obtaining legal or beneficial ownership of voting shares, whether obtained directly or indirectly, through an intermediary or otherwise; beneficial ownership by a person shall be deemed to include ownership by another person which controls, is controlled by or is under common control with such person and to include ownership by a spouse or member of the family of such person; the acquisition of options, warrants and rights to subscribe for, or to purchase, voting shares and the acquisition of rights to obtain voting shares through conversion or exchange shall be deemed an acquisition of such voting shares.

"Acquisition transaction." A merger, sale of assets or other similar transaction involving an institution or a holding company following which:

(1) persons who are directors of such institution or holding company immediately prior to the consummation of such transaction shall not constitute at least one-half of the directors of the surviving, successor or transferee institution or holding company immediately following the consummation of such transaction; or

(2) holders of voting shares of such institution or holding company immediately prior to the consummation of such transaction shall not be holders of at least one-half of the voting shares of the surviving, successor or transferee institution or holding company immediately following the consummation of such transaction.

"Banking Code." The act of November 30, 1965 (P.L.847, No.356), known as the Banking Code of 1965.

"Department." The Department of Banking of the Commonwealth.

"Holding company." A corporation that has the power to elect, directly or indirectly, a majority of the board of directors of an institution.

"Institution." A bank, bank and trust company, national bank or stock savings bank having its main office in Pennsylvania and having deposits in excess of \$10,000,000,000 as of December 31, 1997.

"Net new benefits." Initial capital investments, job creation plans, consumer and business services, commitments to maintain and open branch offices within a banking institution's delineated local community and such other matters as the department may deem necessary or advisable.

"Ownership change." The same meaning as in section 382 of the Internal Revenue Code of 1986 (Public Law 99-514, 26 U.S.C. § 1 et seq.).

"Proposal to acquire." Any offer or attempt to buy or solicitation of an offer to sell or other attempt or offer to acquire by any means, directly or indirectly, through an intermediary or otherwise.

"Voting shares." Shares of an institution or holding company entitled to vote generally in the election of directors.

Amend Sec. 2, page 2, line 9, by striking out all of said line and inserting:

Section 3. This act shall take effect as follows:

- (1) The addition of 15 Pa.C.S. § 524 shall take effect immediately.
- (2) This section shall take effect immediately.
- (3) The remainder of this act shall take effect in 60 days.

On the question,

Will the Senate agree to the amendment?

The PRESIDENT. The Chair recognizes the gentleman from Montgomery, Senator Holl.

Senator HOLL. Mr. President, these amendments are necessary to ensure that with the acquisition of large Pennsylvania banks or their parent holding companies, the interest of the constituency served, communities and employees, and other factors are fairly considered. Recent events have demonstrated that acquisition of banks can be devastating for communities, particularly communities where the banks have a major pres-

ence. Among the adverse consequences have been losses of jobs, branch closings, particularly in low- and moderate-income neighborhoods, and a reduced financial and social commitment.

In January 1997, 3 Pennsylvania banks were represented among the 25 largest banks in the country. Today there are only two. The proposed legislation mirrors existing Massachusetts legislation by requiring a positive public benefit finding by the Pennsylvania Department of Banking prior to its approval of an acquisition of a Pennsylvania bank or its parent holding company. In assessing whether there are public benefits, the department must find that a transaction would benefit Pennsylvania through the retention of jobs, existing jobs, promotion of job growth, community leadership, and avoidance of the stagnation or decline of our communities.

The legislation also permits the department to take into account the same factors which directors of Pennsylvania corporations are permitted to consider under the Pennsylvania Business Corporation Law in evaluating a potential acquisition. The proposed legislation applies only to large banks in Pennsylvania and their holding companies that are likely to have a statewide presence and whose loss could result in devastating statewide effects, including jobs. Absent the legislation, the existence of consolidation in the trend among the banking industry could very well make these large Pennsylvania institutions an appendage of out-of-State organizations and banks.

In order to achieve the foregoing purposes, the legislation expands upon the existing statutory requirements of the Pennsylvania Banking Code. This legislation permits the department to consider the interests of Pennsylvania communities, employees, and businesses in connection with acquisition, including consideration of the effects of the acquisition on jobs in Pennsylvania and future job growth. Recognizing the importance of large Pennsylvania-based world-class banks in assisting the preserving of our major Pennsylvania businesses and serving as a magnet to attract new businesses, this legislation recognizes the historical leadership role of large Pennsylvania banks and their needed financial support in the communities in which the banks are located.

The legislation further takes into account the unique needs of Pennsylvania, particularly western Pennsylvania, which particularly needs the support provided by its leading financial institutions in order to develop and grow into the future, consistent with Pennsylvania's significant financial strength and contribution to the country.

The legislation will provide for prior approval by the Department of Banking, which must be obtained before the purchase of 5 percent or more of the shares of large banks or their parent holding companies. The Pennsylvania Banking Code requires approval of 10 percent as a threshold. This is consistent with section 3 of the Federal Bank Holding Company Act and the Massachusetts statute. The prior approval of the department must be obtained prior to the merger, consolidation, or similar transaction that would result in a change in control of a large Pennsylvania bank or its holding company. An applicant must demonstrate by a preponderance of the evidence that an acquisition would not adversely affect competition and would promote public convenience and advantage and that the

transaction is in the best interest of the Pennsylvania bank or its parent holding company and complies with existing requirements of section 112 of the Code.

In determining whether or not an applicant has made such a demonstration, the department must conclude that the transaction is consistent with the needs of the customers and the communities served by the Pennsylvania bank after taking into account the relative ratings of the Pennsylvania institution and the applicant under the Community Reinvestment Act, section 2901, et cetera. In addition to determining the benefits of this legislation, the department must consider the impact of the transaction upon an array of consequences such as shareholders, employees, suppliers, customers, creditors, the local communities served, and the short-term and long-term interests of the Pennsylvania bank or parent holding company, including the long-term benefits of continuing independence, all of which may also be considered by boards of directors of Pennsylvania corporations under section 1715 of the Pennsylvania Business Corporation Law, as well as capital investments, jobs that would be created, additional consumer and business services that may be provided, branch offices that would be maintained within the local communities, and such other matters as the department deems appropriate.

The foregoing changes apply only to large Pennsylvania banks with deposits in excess of \$10 billion and their holding companies. Mr. President, I urge the adoption of this amendment.

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

Senator WAGNER. Mr. President, I also rise in support of the amendment to House Bill No. 1479, and all the comments made by the previous speaker. We are right on the mark that this is a very important amendment for banking, for the banking industry in the Commonwealth of Pennsylvania. As the Senator indicated, we had 3 of the top 25 banks in the country here in Pennsylvania back a year and a half ago. Today we only have 2 out of those top 25. What this amendment will do is prevent hostile takeovers of banks in Pennsylvania and require some strict criteria to be evaluated in those takeovers, criteria that is important to job retention, important to stability within communities. That would be reviewed by the Secretary of Banking in the Commonwealth.

I might just add, Mr. President, that in the Pittsburgh area, the banking industry has had a very positive impact on our economy, and in the last year the two largest banks, PNC and Mellon, have made major commitments to build operation centers in downtown Pittsburgh. They are a vital part of our economy. This legislation is a very important piece of legislation to protect those jobs in Pennsylvania.

Thank you.

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

Senator ARMSTRONG. Mr. President, I can sympathize with the gentleman who just spoke, because it was PNC and Mellon, the two banks we were talking about, which were coming into our small communities throughout the last couple of years buying up our small banks or medium-size banks and

having a devastating effect on our communities, but that was okay. But now all of a sudden they are so big they want to be protected and they come running to the legislature for protection.

This is a major piece of legislation. This is House Bill No. 1479, and it is going to be amended. Well, the House bill that we look at is a page and a half. That is all this bill is. It is an insignificant piece of legislation really, but all of a sudden we are getting a major piece of legislation rolled into it.

At 2:30 this afternoon, I do not know if anybody but a handful of people in this legislature, in this Senate, knew anything at all about this amendment. I know I did not know anything about it. The people to the right and left of me in caucus knew absolutely nothing about this amendment. Now all of a sudden we have a major piece of legislation that is bypassing the committees, bypassing hearings, bypassing going to the House, it is bypassing all the setups we have so we will not be jumping into legislation that is not necessary.

I have a little bit of personal experience with one of the banks because they did buy up a bank in Lancaster County. And just within the last month, two gentlemen came to me and one had investment properties, about six or eight properties. It was PNC Bank. They are calling all their loans, all the mortgages on these investment properties, these houses. They are not huge mortgages, but they are calling every single one, and they said they would try to call them all if they could, because they do not want these small mortgages in Lancaster County.

I talked to an Amishman at a restaurant the other week who had a commercial property, about a \$200,000 mortgage, they are calling his mortgage in. Both of these people have never been late on their payments, they have always paid on time, but they just do not want to bother with them. But now they want us to come and protect them because now they have gobbled up all these small and medium-sized fish, and now they are large fish, but there are a couple other larger fish out there that might get them and they want us to protect them.

We already have takeover legislation in place that took over 6 months to be enacted that would protect them, but they want to have even more protection. I think what this bill actually does is protect a handful of people, the higher-ups of Mellon Bank and PNC, so they can get an even more lucrative offer when they sell their bank out to another bank. I urge that we vote against this amendment. This is not the way to run legislation in Harrisburg.

Thank you.

The PRESIDENT. The Chair recognizes the gentleman from Northumberland, Senator Helfrick.

Senator HELFRICK. Mr. President, I rise, too, to oppose this legislation. At approximately 2:30 to 3:00 this afternoon we were apprised of this legislation in caucus. We were not even handed the piece of legislation or the amendment or anything else we talked about, and finally we almost had to force the issue to get the amendment ourselves. I doubt if there is hardly anyone in this Chamber who understands this legislation. It is a very important piece of legislation and could be a far-reaching piece of legislation. To try to shove this piece of legislation through without going through the committee pro-

cess or without allowing any of us to really understand what we are doing here I think is entirely wrong.

The gist of this is that this is going to protect Mellon Bank so there are no takeovers. It does not guarantee a thing. All it guarantees is that there are no hostile takeovers. We could pass this legislation today, and next week Mellon Bank could be sold and moved out of Pennsylvania without any problem as long as the people running the bank got the right deal, not necessarily the right deal for the stockholders but for the people running it.

I just believe it is wrong that today we should force an issue this important through this legislature, and I urge the reasonable people in this legislature to consider postponing this legislation to a time when we can fully understand it.

Thank you, Mr. President.

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

Senator BELL. Mr. President, I agree almost 90 percent with the gentleman from Northumberland, but, first of all, I do not like this business of pushing stuff through the day before the last day. But I do not know how much the danger is out there.

All right, I am going to give you my experience. I had a bank account with Fidelity, and it merged, some outfit in New Jersey. Then Meridian came in and took over, then a couple more. Finally we were First Union. When the Pennsylvania banks took over the smaller banks they did not dump everybody out on the street, but I believe First Union from North Carolina, when they went through this last merger, they dumped 1,300 of my neighbors on the street with no jobs. I am voting "yes."

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

Senator HART. Mr. President, I also rise in support of the amendment. It was very eloquently described by the gentleman, the chairman of the Committee on Banking and Insurance, but I also feel a need to sort of add some information that I think is important that actually makes the banking industry so very different from the comparison that the gentleman from Lancaster made about any other corporation that is being taken over.

Mr. President, a bank is unique in that in the community it provides not only employment to the people who live there, but it also is able to provide capital, opportunities for capital, opportunities for people to expand and build businesses in a community. Mr. President, I think it is clear that if a bank is resident in a community, that bank is much more likely to be interested in building that community. We obviously, and I think legitimately, have a concern that if those banks are all based elsewhere that our communities will be put in jeopardy, that we will be less able to build the capital necessary to grow our businesses, to actually start businesses in the first place.

We also will be less likely to be able to utilize some very wonderful State programs that work in concert with these banks and communities to revitalize neighborhoods. The two banks that would fall into this category are two that are very active in helping to revitalize urban neighborhoods. They are

also very active in loaning money to small business, which is the backbone of our economy.

Mr. President, I do not doubt that if we fail to pass this legislation, we will probably see one or both of these banks become a small portion of a national bank or a larger regional bank. I think it is important for us to think this through before we would actually vote against this maybe because we are doing it fairly quickly, or for some other reason. As legislators, it is our responsibility to make sure that our constituents' best interests are addressed. Mr. President, I believe that this legislation will address the best interests not only of the employees of those companies but of the people and the neighborhoods they serve.

Thank you, Mr. President.

PARLIAMENTARY INQUIRY

The PRESIDENT. The Chair recognizes the gentleman from Blair, Senator Jubelirer.

The PRESIDENT pro tempore. Mr. President, I am a member of the Blair-Huntingdon Regional Board of Mellon Bank and have been for several years. I would inquire of the Chair whether I have a conflict that would preclude me from voting on this bill or whether I still must vote on the bill.

The PRESIDENT. The Chair's reaction, Senator, and opinion is that you are merely one of a class of individuals, and this law's effects, should it pass, are not particularly personal to you. As I read the Senate Rules, there is no conflict, and you would be required to vote, and that would be the case for others who may have this same concern.

The PRESIDENT pro tempore. Thank you, Mr. President.

PARLIAMENTARY INQUIRY

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

Senator LOEPER. Mr. President, if I could also make an inquiry of the Chair, I serve as the director of a Pennsylvania chartered bank, and whether in fact it would be proper for me to cast a vote on this issue.

The PRESIDENT. The same ruling would apply.

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

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

Senator WAGNER. Mr. President, if I may speak for one last time very briefly. I understand some of the concerns of my colleagues who have spoken on the floor about their hesitancy to vote for this legislation, especially due to the lateness in its proposal and as an amendment to a bill. I was concerned also about that, Mr. President, that I did not have the information as they did not have the information, and the majority of us received it just today.

Mr. President, I would have liked to have had more time to study this, but we all know that this Chamber and the General Assembly is going to recess and will not be back here in Harrisburg. We also all know that 1 month ago there was a hostile

takeover attempt of one of the largest banks in this country that is domiciled in the city of Pittsburgh. It would have been, except for some innovative strategy and some real courage by the leadership of that bank, taken over by a New York bank. We would have had one less major corporation in Pennsylvania.

I believe that is what we are faced with here today. The volatility of the banking industry in the mergers in this country is such that anything can happen any day, and for us to leave Harrisburg and have the possibility that this same bank or another bank could be taken over prior to us getting back here in Harrisburg, when we in fact could do something about it, I do not think is in our best interest as a Commonwealth. So I would please ask my colleagues to push that aside and let us do what we can do to protect jobs here in Pennsylvania.

Thank you.

The PRESIDENT. The Chair recognizes the gentleman from Northumberland, Senator Helfrick.

Senator HELFRICK. Mr. President, the previous speaker said that one of the main reasons we should vote for this is because he knows we are going to recess. Certainly, that is a reason we should not vote for this particular legislation now. That is not a reason that we should vote for legislation that we do not understand. Too much legislation is passed when we do not understand it. I think this is something on which we should take our time and understand. Certainly, allow us to know what we are doing here, not insist on a vote when we do not know what we are doing.

Secondly, previous colleagues have said that this guarantees that there will be no takeover of a bank. This guarantees nothing. This guarantees that Mellon Bank will not be taken over hostilely. This does not guarantee that Mellon Bank will not move out of Pittsburgh next week if they come up with a friendly takeover, and we all know business the way it is today. If the amount of money offered for it is right, Mellon Bank or any other bank is going to sell. Regardless of what they say, their stockholders will never allow them to turn down an offer they cannot refuse, and this is no guarantee whatsoever that Mellon Bank will remain there. A friendly takeover could take them out in a week or so.

Thank you.

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

Senator MELLOW. Mr. President, would the gentleman from Montgomery, Senator Holl, permit himself to be interrogated?

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

Senator HOLL. I will, Mr. President.

The PRESIDENT. Senator Mellow, you may proceed.

Senator MELLOW. Mr. President, on page 5 of the amendment, there is a definition of "holding company" and a definition of "institution." Under the definition of "institution," and I will read it, it says, "A bank, bank and trust company, national bank or stock savings bank having its main office in Pennsylvania and having deposits in excess of \$10,000,000,000

as of December 31, 1997," would be subject to this particular amendment.

Starting on line 23 of the same page, it deals with the holding company. It does not say what the limitation is for the total deposits or what the deposits would be at a holding company. Can the gentleman share with us what his intentions are for the deposits in excess of how much money for a holding company before they can be subject to a hostile takeover?

Senator HOLL. Mr. President, it is my understanding the same amount, \$10 billion.

Senator MELLOW. Mr. President, can the gentleman share with us how the amount of \$10 billion came to be that amount in the amendment? Why was not another figure put in there, \$5 billion, \$3 billion, or maybe even more than \$10 billion? How was the figure of \$10 billion arrived at?

Senator HOLL. Mr. President, may we be at ease?

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

(The Senate was at ease.)

Senator HOLL. Mr. President, there were considerable consultations on the development of the amendment and the language and the amounts, and so on, and this was the reasonable amount that was determined by the negotiators to determine what a world-class bank or a holding company would be.

Senator MELLOW. Mr. President, can the gentleman tell us then, it has been mentioned here on the floor that there are only two banks that are involved that would come under this particular amendment. Can he share with us if there are other holding companies in addition to these two banks that might potentially be involved in this amendment?

Senator HOLL. I have no idea, Mr. President. I cannot answer that question.

Senator MELLOW. I am sorry, Mr. President, I did not hear the gentleman's answer.

Senator HOLL. Mr. President, I said I do not have that information.

Senator MELLOW. Mr. President, well, then is it possible that there may be more than two institutions in the Commonwealth, whether they be holding companies and/or banks, that could come under this particular amendment?

Senator HOLL. Well, Mr. President, we do not believe so.

Senator MELLOW. Also, Mr. President, and finally, can the gentleman share with us why the amendment was limited then to just two of the major, I think he said, world-class banks and not some of the smaller, less well-known banks in the Commonwealth, where with a \$10 billion exclusion they can be subject to a hostile takeover, where you must exceed \$10 billion before you can be subject to a hostile takeover. Can the gentleman tell us why these other banks were not included?

Senator HOLL. Mr. President, these are the two banks that were targets for takeover.

Senator MELLOW. Mr. President, I am sorry but we cannot hear what the gentleman is saying over here.

The PRESIDENT. Senator Holl, could you repeat that.

Senator HOLL. Mr. President, the banks in question were targets or are targets for takeover, and that is the reason they were listed.

Senator MELLOW. Mr. President, well, then will the gentleman go on record with us to say that if a bank of less than \$10 billion worth of deposits is the subject of a hostile takeover, that we then can expect the same type of an amendment to appear on the floor for a bank of \$1 billion or of \$150 million, or, for that matter, \$5 million, that it will not be just class legislation for two banks?

Senator HOLL. Mr. President, the determination is made by the Secretary of Banking based on the existing Banking Code having to do with the shares of stock, and so on, as contained in the amendment.

Senator MELLOW. Mr. President, that really was not my question. My question was if we find ourselves in the same position where there would be a hostile takeover of a bank with \$5 billion worth of assets, deposits of \$5 billion, will we then find ourselves in the same position on the floor of the Senate that we will be advancing legislation to also protect that bank from a hostile takeover in Pennsylvania?

Senator HOLL. I think the only fair answer, Mr. President, is that we will have to cross that bridge when we come to it. It will have to be considered at that time.

Senator MELLOW. I thank the gentleman, Mr. President.

Mr. President, I was in favor of this legislation, and probably still am, prior to the discussion that has taken place on the floor, but I am a little concerned about the answers that were just put on the record. I have some of the same considerations that some of the previous speakers have talked about, because I have seen it within the senatorial district I represent where there have not been hostile takeovers. There have been larger banks which have come into the area and they purchased small community banks, and the employees from these small community banks found themselves out of a job. What is taking place in small community banks is really not that much different from what we are trying to protect from taking place with two extremely large banks in which deposits exceed \$10 billion.

But what I would like to know, Mr. President, is how many banks we have in Pennsylvania, how many institutions which have their main offices in Pennsylvania and have deposits of much less than \$10 billion which potentially could be the subject of a hostile takeover. I think it is a concern that we have. I think we are in the right area in dealing with this type of legislation.

I am sure there are more than I who remember the problem that we had in Lancaster not too many years ago with Armstrong, where there was going to be a hostile takeover of the Armstrong Corporation by a company out of Canada, and we immediately came to their aid, through legislation, which I thought was the appropriate thing to do, and I believe that what we are doing here, Mr. President, for apparently Mellon Bank and PNC, is the important thing to do if it is going to protect and keep jobs here in Pennsylvania. But I also think it is the important thing to do if we find that we are in a position where down the road somewhere a bank of \$5 billion worth of deposits might find themselves in the same position, and I do not think the appropriate answer to that question is we will have to cross that bridge when we come to it. I would have

expected more, Mr. President, than that answer.

Thank you.

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

Senator LOEPER. Mr. President, I would just point out to the gentleman that the language in the amendment does require prior approval of the Department of Banking before the purchase of 5 percent or more of the shares of the large banks or the parent holding companies, and I believe that that provision addresses some of those concerns.

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

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

YEA-43

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

NAY-5

Armstrong	Helfrick	Uliana
Earll	Punt	

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 third consideration, as amended?

AMENDMENTS TO AMENDMENT A3249 OFFERED

Senator ARMSTRONG offered the following amendment No. A3267 to amendment No. 3249:

Amend Amendments, page 5, line 28, by striking out "\$10,000,000,000" and inserting: \$1,000,000,000

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

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

Senator ARMSTRONG. Mr. President, what this amendment does is follow up on the previous speaker's remarks, and it lowers it from \$10 billion to \$1 billion. If it is great at \$10 billion, it must be even better at \$1 billion. Now, I do not have a \$10 billion bank in my district. I do not know who has any except for maybe Allegheny County now, but a \$1 billion bank in my district is much more important perhaps than a \$10 billion bank in Allegheny County. To me, losing through a

hostile takeover one of my banks that is a \$1 billion bank has a much more significant impact on my economy than a \$10 billion bank does in Pittsburgh.

So I would like to reduce it from \$10 billion to \$1 billion, and I ask for the adoption of the amendment, Mr. President.

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

Senator LOEPER. Mr. President, could we be at ease for a moment.

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

(The Senate was at ease.)

Senator LOEPER. Mr. President, if you could recognize Senator Armstrong.

AMENDMENT WITHDRAWN

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

Senator ARMSTRONG. Mr. President, just to avoid any further confusion and complications of the bill, I will withdraw my amendment.

The PRESIDENT. Without objection, House Bill No. 1479 will go over as amended.

BILLS OVER IN ORDER

HB 1480 and HB 2328 -- Without objection, the bills were passed over in their order at the request of Senator LOEPER.

BILL REREPORTED FROM COMMITTEE AS AMENDED ON SECOND CONSIDERATION

HB 1755 (Pr. No. 3690) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of May 22, 1933 (P.L.853, No.155), known as The General County Assessment Law, further providing for the valuation of property in counties of the second class A and third class; and providing for auxiliary appeal boards.

Considered the second time and agreed to,

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

BILL ON SECOND CONSIDERATION

HB 135 (Pr. No. 3472) -- The Senate proceeded to consideration of the bill, entitled:

An Act establishing an osteoporosis prevention and education program; and providing for additional duties of the Department of Health.

Considered the second time and agreed to,

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

HB 1778 TAKEN FROM THE TABLE

Senator LOEPER. Mr. President, I move that House Bill No. 1778, Printer's No. 2385, be taken from the table and placed on the Calendar.

The motion was agreed to.

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

SPECIAL ORDER OF BUSINESS SUPPLEMENTAL CALENDAR No. 2

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

HB 1502 (Pr. No. 3699) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 20 (Decedents, Estates and Fiduciaries) of the Pennsylvania Consolidated Statutes, further providing for persons who may execute anatomical gifts and for contributions to the Organ Donation Awareness Trust Fund.

Considered the third time and agreed to,

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

On the question,

Shall the bill pass finally?

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

YEA-48

Afflerbach	Hart	Mellow	Stapleton
Armstrong	Helfrick	Mowery	Stout
Belan	Holl	Murphy	Tartaglione
Bell	Hughes	Musto	Thompson
Bodack	Jubelirer	O'Pake	Tilghman
Conti	Kasunic	Piccola	Tomlinson
Corman	Kitchen	Punt	Uliana
Costa	Kukovich	Rhoades	Wagner
Delp	LaValle	Robbins	Wenger
Earll	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.

UNFINISHED BUSINESS SENATE RESOLUTIONS ADOPTED

Senators O'PAKE and ULIANA, by unanimous consent, offered **Senate Resolution No. 209**, entitled:

A Resolution honoring Betsy King for professional and community accomplishments.

Which was read, considered and adopted.

Senators WOZNIAK, COSTA, TOMLINSON, WHITE, STAPLETON, O'PAKE, AFFLERBACH, SALVATORE, BRIGHTBILL, EARLL, THOMPSON and HART, by unanimous consent, offered **Senate Resolution No. 210**, entitled:

A Resolution designating July 4, 1998, as "Let Freedom Ring Day" in Pennsylvania.

Which was read, considered and adopted.

Senators ROBBINS, JUBELIRER, BELL, TILGHMAN, MUSTO, WHITE, WAGNER, HART, HELFRICK, BELAN, BRIGHTBILL, COSTA, EARLL, AFFLERBACH, FUMO, MOWERY, KUKOVICH, RHOADES, STAPLETON, SALVATORE, TOMLINSON, WENGER, THOMPSON, HOLL, MURPHY, KASUNIC, WOZNAK, PUNT, O'PAKE, LEMMOND, GERLACH, MELLOW, SCHWARTZ, ULIANA, PICCOLA, CORMAN, SLOCUM, ARMSTRONG, STOUT, LAVALLE and TARTAGLIONE, by unanimous consent, offered **Senate Resolution No. 211**, entitled:

A Resolution designating June 8 through 14, 1998, as "State Veterans' Homes Week" in Pennsylvania.

On the question,

Will the Senate adopt the resolution?

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

Senator ROBBINS. Mr. President, this resolution honors the State veterans homes, and I would like permission to have it left open for other signatures of Senators who may want to cosponsor the resolution.

And the question recurring,

Will the Senate adopt the resolution?

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

DISCHARGE PETITION

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

In the Senate, June 8, 1998

A PETITION

To place before the Senate the nomination of Donna Kriner, as a member of the Pennsylvania Industrial Development Authority.

TO: The President Officer of the Senate:

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

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

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

CONGRATULATORY RESOLUTIONS

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

Congratulations of the Senate were extended to George C. Kelly, Jr., and to Allentown College of St. Francis de Sales by Senator Afflerbach.

Congratulations of the Senate were extended to Mr. and Mrs. James Ranck, Mr. and Mrs. Royal Wireback, Mr. and Mrs. James Youtz, Mr. and Mrs. William McCord, Mr. and Mrs. Raymond Kellenberger, Mr. and Mrs. Dick Gallagher, Mr. and Mrs. Harold Ross, Mr. and Mrs. Henry Hughes, Mr. and Mrs. G. Dale Sherr, Mr. and Mrs. James P. Flurry, Mr. and Mrs. Charles Nissley and to Mr. and Mrs. Roy M. Lehman by Senator Armstrong.

Congratulations of the Senate were extended to Stephen Michael Veloski by Senator Bell.

Congratulations of the Senate were extended to Dr. William D. Starr and to Ruth D. Dinkel by Senator Bell.

Congratulations of the Senate were extended to Aaron Robert Krikava by Senator Conti.

Congratulations of the Senate were extended to Robert F. Poust and to Ernest F. Obrock III by Senator Corman.

Congratulations of the Senate were extended to Christopher Smith, Jason Lee Goldberg, Andrew C. Moffatt and to the Hartsville Fire Company by Senator Greenleaf.

Congratulations of the Senate were extended to Dorothy Cloherty, Eric James Yingling, Alexander Vaughn Bulow, Michael Hansell, Paul Douglas Yingling and to Pittsburgh Action Against Rape by Senator Hart.

Congratulations of the Senate were extended to Mr. and Mrs. Raymond L. Miller, Mr. and Mrs. Philip B. Snyder, Mr. and Mrs. George R. Grey, Mr. and Mrs. John Kehler, Mr. and Mrs. Harry E. Lewis, Mr. and Mrs. Forrest A. Talcott, Mr. and Mrs. Jesse C. Robbins, Mr. and Mrs. Claude Joseph Kindt, Mr. and Mrs. John Stugin and to Mr. and Mrs. Chester Earl Oppel by Senator Helfrick.

Congratulations of the Senate were extended to Peter DePaul by Senator Holl.

Congratulations of the Senate were extended to Mr. and Mrs. Robert Morris, Mr. and Mrs. Cecil Hamman, Mr. and Mrs. Donald Gummo, Mr. and Mrs. D. Richard Brumbaugh, Mr. and Mrs. Robert L. Knote, Mr. and Mrs. J. Howard Riley, Mr. and Mrs. Eugene Figurelle, Mr. and Mrs. Emory Tilson and to Alice Helsel by Senator Jubelirer.

Congratulations of the Senate were extended to Gregory N. Pletcher and to Reverend Peter L. Peretti by Senator Kasunic.

Congratulations of the Senate were extended to the Youth of East Logan Drill Team of Philadelphia by Senator Kitchen.

Congratulations of the Senate were extended to the citizens of New Castle and to the St. Anthony Club of Midland by Senator LaValle.

Congratulations of the Senate were extended to Robert C. Lee, Alert Hook & Ladder Co. No. 2, Texas No. 4 Fire Company, Starrucca Viaduct of Lanesboro and to La Anna United Methodist Church by Senator Lemmond.

Congratulations of the Senate were extended to Wayne R. McAllister by Senator Loeper.

Congratulations of the Senate were extended to Mr. and Mrs. Michael Mastracchio, Mr. and Mrs. Donald Crane, Mr. and Mrs. David W. Gatham, Mr. and Mrs. Frank J. Kiodo, Mr. and Mrs. William Clarke, Mr. and Mrs. James Lee Cohick, Mr. and Mrs. Henry E. Knarr, Jr., Ruth Walker, Carolyn Wright and to the Vicksburg Community Center by Senator Madigan.

Congratulations of the Senate were extended to the Meyers High School Boys 400 meter relay team by Senator Musto.

Congratulations of the Senate were extended to the Mid Atlantic Air Museum and to Riverfest '98 of Reading by Senator O'Pake.

Congratulations of the Senate were extended to Jefferson M. Davis by Senators Rhoades and Helfrick.

Congratulations of the Senate were extended to Evan Rosenberg by Senator Salvatore.

Congratulations of the Senate were extended to Mr. and Mrs. Bill Lightcap by Senator Stapleton.

Congratulations of the Senate were extended to Kurt and Mary McGauhey, Eugene and Shirley Painter, Ralph and Eleanor Hunter, Gertrude Buck and to Roy Buck by Senator Stout.

Congratulations of the Senate were extended to Benjamin Campetti, West Chester Henderson High School Science Bowl Team and to Veterans of Foreign War Post 5230 of Malvern by Senator Thompson.

Congratulations of the Senate were extended to Charles G. Zagorskie by Senators Thompson, Gerlach, and Bell.

Congratulations of the Senate were extended to Keith D. Duzenski and to the Franklin Delano Roosevelt Middle School 1998 Flood Kids Team by Senator Tomlinson.

Congratulations of the Senate were extended to Mr. and Mrs. Joseph Presto by Senator Uliana.

Congratulations of the Senate were extended to the Gateway Clipper Fleet by Senator Wagner.

Congratulations of the Senate were extended to William Jennings Bryan McDanel by Senator White.

CONDOLENCE RESOLUTIONS

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

Condolences of the Senate were extended to the family of the late Bradford W. Mitchell by Senator Holl.

Condolences of the Senate were extended to the family of the late Fred A. Caruso by Senator Stout.

BILL ON FIRST CONSIDERATION

Senator WENGER. Mr. President, I move that the Senate do now proceed to consideration of the bill reported from committee for the first time at today's Session.

The motion was agreed to.

The bill was as follows:

HB 908.

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

COMMUNICATIONS FROM THE GOVERNOR

NOMINATION REFERRED TO COMMITTEE

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

MEMBER OF THE HEALTH POLICY BOARD

June 8, 1998

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Mark Navarro, 4184 Kittatinny Drive, Mechanicsburg 17055, Cumberland County, Thirty-first Senatorial District, for appointment as a member of the Health Policy Board, to serve for a term of three years and until his successor is appointed and qualified, vice A. James Freeman, Erie, resigned.

THOMAS J. RIDGE
Governor

CORRECTION TO NOMINATION REFERRED TO COMMITTEE

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

MEMBER OF THE STATE CONSERVATION COMMISSION

June 8, 1998

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

Please note the nomination dated June 1, 1998 for the reappointment of Loren W. Lustig, 795 Stone Jug Road, Biglerville 17307, Adams County, Thirtieth Senatorial District, as a member of the State Conservation Commission, to serve until May 30, 2002, and until his successor is appointed and qualified, but not longer than six months beyond that period, should be corrected to read:

Loren W. Lustig, 795 Stone Jug Road, Biglerville 17307, Adams County, Thirty-third Senatorial District, as a member of the State Conservation Commission, to serve until May 30, 2002, and until his successor is appointed and qualified, but not longer than six months beyond that period.

HOUSE MESSAGES

SENATE BILLS RETURNED WITH AMENDMENTS

The Clerk of the House of Representatives returned to the Senate SB 252 and 1163, with the information the House has passed the same with amendments in which the concurrence of the Senate is requested.

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

HOUSE CONCURS IN SENATE BILLS

The Clerk of the House of Representatives returned to the Senate SB 253, 540, 1203, 1269 and 1423, with the information the House has passed the same without amendments.

HOUSE CONCURS IN SENATE AMENDMENTS TO HOUSE AMENDMENTS TO SENATE BILL

The Clerk of the House of Representatives informed the Senate that the House has concurred in amendments made by the Senate to House amendments to SB 420.

HOUSE CONCURS IN SENATE AMENDMENTS TO HOUSE BILLS

The Clerk of the House of Representatives informed the Senate that the House has concurred in amendments made by the Senate to HB 1108, 1979 and 2356.

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:

SR 113.

BILLS INTRODUCED AND REFERRED

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

June 8, 1998

Senators KASUNIC, MELLOW, BODACK, MUSTO, SCHWARTZ, TARTAGLIONE, O'PAKE, COSTA, WOZNIAK, LAVALLE, STAPLETON, WILLIAMS, WAGNER, AFFLERBACH, KUKOVICH, FUMO, BELAN, KITCHEN, STOUT and HUGHES presented to the Chair SB 1468, entitled:

An Act amending the act of July 19, 1979 (P.L.130, No.48), entitled Health Care Facilities Act, further providing for reports by the Department of Health to the General Assembly.

Which was committed to the Committee on PUBLIC HEALTH AND WELFARE, June 8, 1998.

Senators KASUNIC, MELLOW, BODACK, MUSTO, SCHWARTZ, TARTAGLIONE, O'PAKE, COSTA, WOZNIAK, LAVALLE, STAPLETON, WILLIAMS, WAGNER, AFFLERBACH, KUKOVICH, FUMO, BELAN, KITCHEN, STOUT and HUGHES presented to the Chair SB 1469, entitled:

An Act amending the act of July 19, 1979 (P.L.130, No.48), entitled Health Care Facilities Act, requiring the department to publish annual inspection reports.

Which was committed to the Committee on PUBLIC HEALTH AND WELFARE, June 8, 1998.

Senators KASUNIC, MELLOW, BODACK, MUSTO, SCHWARTZ, TARTAGLIONE, O'PAKE, COSTA, WOZNIAK, LAVALLE, STAPLETON, WILLIAMS, WAGNER, AFFLERBACH, KUKOVICH, FUMO, BELAN, KITCHEN, STOUT and HUGHES presented to the Chair SB 1470, entitled:

An Act providing for nursing home performance information; and requiring nursing homes to maintain inspection reports and to distribute reports to patients or designees.

Which was committed to the Committee on PUBLIC HEALTH AND WELFARE, June 8, 1998.

Senators KASUNIC, MELLOW, BODACK, MUSTO, SCHWARTZ, TARTAGLIONE, O'PAKE, COSTA, WOZNIAK, LAVALLE, STAPLETON, WILLIAMS, WAGNER, AFFLERBACH, KUKOVICH, FUMO, BELAN, KITCHEN, STOUT and HUGHES presented to the Chair SB 1471, entitled:

An Act amending the act of July 19, 1979 (P.L.130, No.48), entitled Health Care Facilities Act, providing for quality assurance inspections.

Which was committed to the Committee on PUBLIC HEALTH AND WELFARE, June 8, 1998.

Senators KASUNIC, MELLOW, BODACK, MUSTO, SCHWARTZ, TARTAGLIONE, O'PAKE, COSTA, WOZNIAK, LAVALLE, STAPLETON, WILLIAMS, WAGNER, AFFLERBACH, KUKOVICH, FUMO, BELAN, KITCHEN, STOUT and HUGHES presented to the Chair SB 1472, entitled:

An Act amending the act of July 19, 1979 (P.L.130, No.48), entitled Health Care Facilities Act, requiring the department to establish a toll-free telephone number for receiving complaints and licensed facilities to post certain telephone numbers.

Which was committed to the Committee on PUBLIC HEALTH AND WELFARE, June 8, 1998.

BILLS SIGNED

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

SB 253, SB 420, SB 540, SB 1203, SB 1269, SB 1423, HB 1108, HB 1979, HB 2355, HB 2356 and HB 2541.

SPECIAL ORDER OF BUSINESS SUPPLEMENTAL CALENDAR No. 3

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

SB 1387 (Pr. No. 2068) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, providing for an offense relating to habitual offenders and for homicide by vehicle while driving under influence; and making a repeal.

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

On the question,
Shall the bill pass finally?

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

YEA-48

Afflerbach	Hart	Mellow	Stapleton
Armstrong	Helfrick	Mowery	Stout
Belan	Holl	Murphy	Tartaglione
Bell	Hughes	Musto	Thompson
Bodack	Jubelirer	O'Pake	Tilghman
Conti	Kasunic	Piccola	Tomlinson
Corman	Kitchen	Punt	Uliana
Costa	Kukovich	Rhoades	Wagner
Delp	LaValle	Robbins	Wenger
Earl	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 present said bill
to the House of Representatives for concurrence.

**SPECIAL ORDER OF BUSINESS
SUPPLEMENTAL CALENDAR No. 5**

**SENATE CONCURS IN HOUSE AMENDMENTS
AS AMENDED**

SB 220 (Pr. No. 2069) -- The Senate proceeded to consid-
eration of the bill, entitled:

An Act amending the act of August 9, 1955 (P.L.323, No.130),
entitled The County Code, providing for the abolition of jury commis-
sioners in counties of the third class having a population under the
Federal Decennial Census in excess of 337,000 residents, but less than
341,000 residents; further providing for the collection of county taxes
during vacancies in the office of elected tax collectors in municipali-
ties; and providing for an excise tax in certain counties and for appro-
priations for radio broadcasting companies.

On the question,
Will the Senate concur in the amendments made by the
House, as amended by the Senate, to Senate Bill No. 220?

Senator LOEPER. Mr. President, I move that the Senate do
concur in the amendments made by the House, as amended by
the Senate, to Senate Bill No. 220.

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

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

YEA-48

Afflerbach	Hart	Mellow	Stapleton
Armstrong	Helfrick	Mowery	Stout
Belan	Holl	Murphy	Tartaglione
Bell	Hughes	Musto	Thompson
Bodack	Jubelirer	O'Pake	Tilghman
Conti	Kasunic	Piccola	Tomlinson
Corman	Kitchen	Punt	Uliana
Costa	Kukovich	Rhoades	Wagner
Delp	LaValle	Robbins	Wenger
Earl	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 inform the House
of Representatives accordingly.

**SPECIAL ORDER OF BUSINESS
SUPPLEMENTAL CALENDAR No. 4**

**SENATE CONCURS IN HOUSE AMENDMENTS
AS AMENDED**

SB 640 (Pr. No. 2065) -- The Senate proceeded to consid-
eration 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 and for payment of
damages; further providing for certain expenses and fees relating to
the minor judiciary, for service of process, for collection of restitu-
tion, reparation, fees, costs, fines and penalties and for record require-
ments; and providing for contents of presentence reports.

On the question,
Will the Senate concur in House amendments to Senate
amendments, as further amended by the Senate, to Senate Bill
No. 640?

Senator LOEPER. Mr. President, I move that the Senate do
concur in House amendments to Senate amendments, as further
amended by the Senate, to Senate Bill No. 640.

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

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

YEA-42

Afflerbach	Greenleaf	Mowery	Stout
Armstrong	Hart	Murphy	Thompson
Belan	Helfrick	Musto	Tilghman
Bell	Holl	O'Pake	Tomlinson
Bodack	Jubelirer	Piccola	Uliana
Conti	Kasunic	Punt	Wagner
Corman	LaValle	Rhoades	Wenger
Costa	Lemmond	Robbins	White
Delp	Loeper	Salvatore	Wozniak

Earl
GerlachMadigan
MellowSlocum
Stapleton

NAY-6

Hughes
KitchenKukovich
Schwartz

Tartaglione

Williams

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

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

ANNOUNCEMENTS BY THE SECRETARY

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

SENATE OF PENNSYLVANIA

COMMITTEE MEETINGS

TUESDAY, JUNE 9, 1998

9:00 A.M.	STATE GOVERNMENT (public hearing and committee meeting on report of Special Commission to Limit (Judicial) Campaign Expenditures; and House Bill No. 1636)	Room 461 Main Capitol
9:45 A.M.	APPROPRIATIONS (to consider House Bill No. 601)	Rules Cmte. Conf. Rm.
9:50 A.M.	RULES AND EXECUTIVE NOMINATIONS (to consider Senate Bills No. 91, 100, 185, 220, 252, 284, 672, 926, 1013, 1163, 1164, 1200 and 1296; Senate Resolutions No. 203 and 204; House Bills No. 114, 366 and 413; and certain executive nominations)	Rules Cmte. Conf. Rm.

WEDNESDAY, JUNE 10, 1998

9:30 A.M.	SENATE SPECIAL COMMITTEE ON INTERSCHOLASTIC ATHLETICS (public hearing)	Room 60 East Wing
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THURSDAY, JUNE 18, 1998

10:00 A.M. to 3:00 P.M.	INTERGOVERNMENTAL AFFAIRS (information on the existing nature of government and how it carried on its responsibilities through non-profit corporations and authorities; the first hearing will focus on the City of Philadelphia)	Best Western Hotel Phila., N.E.
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WEDNESDAY, JULY 1, 1998

9:30 A.M.	CONSUMER PROTECTION AND PROFESSIONAL LICENSURE (public hearing on competition in the telephone industry)	Majority Caucus Rm.
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WEDNESDAY, JULY 15, 1998

9:30 A.M.	CONSUMER PROTECTION AND PROFESSIONAL LICENSURE (public hearing to consider a progress report on Natural Gas Deregulation)	Majority Caucus Rm.
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RECESS

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

Senator LOEPER. Mr. President, at this time I move that the Senate recess to the call of the President pro tempore.

For the information of the Members, it is my intention to reconvene the Senate at 10 a.m. tomorrow morning.

The PRESIDENT. With the intention of returning at approximately 10 a.m. on June 9, this Senate stands in recess to the call of the President pro tempore.

The Senate stands in recess.

AFTER RECESS

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

HOUSE MESSAGES

HOUSE CONCURS IN SENATE AMENDMENTS BY AMENDING SAID AMENDMENTS TO HOUSE BILL

The Clerk of the House of Representatives informed the Senate that the House has concurred in amendments made by the Senate by amending said amendments to HB 114, in which concurrence of the Senate is requested.

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

SENATE BILLS RETURNED WITH AMENDMENTS

The Clerk of the House of Representatives returned to the Senate SB 803, 1013, 1200 and 1296, with the information the House has passed the same with amendments in which the concurrence of the Senate is requested.

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

SPECIAL ORDER OF BUSINESS ANNOUNCEMENT BY THE SECRETARY

The SECRETARY. Consent has been given for the Committee on Appropriations to meet off the floor imminently in the Rules room to consider House Bill No. 10.

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 meeting of the Committee on Appropriations to take place immediately in the Rules room at the rear of the Senate Chamber.

The PRESIDENT. For the purpose of a meeting of the Committee on Appropriations to begin immediately in the Rules room, 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.

**SPECIAL ORDER OF BUSINESS
GUEST OF SENATOR ROY C. AFFLERBACH
PRESENTED TO THE SENATE**

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

Senator **AFFLERBACH**. Mr. President, joining us in the gallery today is a young lady who was the winner of the Youth in Government Moot Court competition just a little while ago. Her name is Laura Grant, and she is actually following in the footsteps of her esteemed father, Ron Andidora, whom I happened to recruit for the Democratic Caucus legal staff in 1978, and he has joined her in the gallery today.

I would like a warm welcome for Laura and the acknowledgment of her accomplishment of being the individual who has won the Youth in Government Moot Court competition.

The **PRESIDENT pro tempore**. Would the guest of Senator Afflerbach please rise so we may give you a warm welcome and congratulate you.

(Applause.)

REPORT FROM COMMITTEE

Senator **TILGHMAN**, from the Committee on Appropriations, reported the following bill:

HB 10 (Pr. No. 3731) (Amended) (Rereported)

An Act amending Title 30 (Fish) of the Pennsylvania Consolidated Statutes, providing for marking of dams.

**SPECIAL ORDER OF BUSINESS
SUPPLEMENTAL CALENDAR No. 6**

**BILL REREPORTED FROM COMMITTEE
AS AMENDED ON SECOND CONSIDERATION**

HB 10 (Pr. No. 3731) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 30 (Fish) of the Pennsylvania Consolidated Statutes, providing for marking of dams.

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

ANNOUNCEMENT BY MAJORITY LEADER

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

Senator **LOEPER**. Mr. President, before I make the motion for adjournment, I would inform the Members that as soon as we adjourn this Session, there will be a meeting of the Committee on Appropriations in the Rules room, followed by a

meeting of the Committee on Rules and Executive Nominations, and then followed by the opening of Tuesday's Session.

**SPECIAL ORDER OF BUSINESS
GUESTS OF SENATOR MARY JO WHITE
PRESENTED TO THE SENATE**

The **PRESIDENT pro tempore**. The Chair recognizes the gentlewoman from Venango, Senator White.

Senator **WHITE**. Mr. President, my young ladies just arrived and have seated themselves in the gallery. I guess this is my week for company and guests, and I am delighted to introduce to the Senate the Highland Pines Keystone Tall Tree Girl Scout Council Troop 904, from Butler, Pennsylvania. They are here with their troop leader, Myrna Gordon, whom many of you may know. She is the head of my Butler office and has held that position for many years, and in her little bit of free time she volunteers as a Girl Scout leader. Also with them is assistant leader Katheryn Prady. So I would ask the Senate to welcome to the Chamber today Troop 904 from Butler County.

The **PRESIDENT pro tempore**. Would the guests of Senator White please rise so that we may welcome you appropriately to the Senate of Pennsylvania.

(Applause.)

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

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

Senator **SCHWARTZ**. Mr. President, I, too, have an introduction. Patty Dietch is with me today. She is shadowing me for the day, which was purchased at an auction for a good program in my district. She is actually the director of two health centers in north Philadelphia, and so we have had an opportunity to talk about health services, including mental health services. She was particularly interested in Senate Bill No. 100, which I suppose we might do today, and a variety of other ways in which we carry on the process here. I ask that you warmly welcome my guest for today, Patty Dietch.

The **PRESIDENT pro tempore**. Would the guest of Senator Schwartz please rise so that we may warmly welcome you to the Senate of Pennsylvania.

(Applause.)

**GUEST OF SENATOR FRANK A. SALVATORE
PRESENTED TO THE SENATE**

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

Senator **SALVATORE**. Mr. President, I am also honored today to have a guest Page, Mimi Cleaver. She resides in Senator Mowery's district, but she is the daughter of a girl in my office whom I refer to as "the princess," Fran Cleaver.

The **PRESIDENT pro tempore**. Would Senator Salvatore's guest please rise and be welcomed to the Senate of Pennsylvania.

(Applause.)

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

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

Senator RHOADES. Mr. President, I have a special guest up in the gallery today, a fine young man from Lehigh who is the winner of the AMVETS State Poster and Essay Contest for 1998. He attends Shull-David Elementary School in Lehigh. He is here with his brother, Adam; his sister, Amanda; his mom and dad, Ken and Lori Phifer; and his grandparents, Dawson and Beryl Beers. This young man who won the contest is Alex B. Phifer, and I would appreciate it if the Senate would recognize him and extend its usual warm welcome.

The PRESIDENT pro tempore. Would the guests of Senator Rhoades kindly rise so that we may welcome you and congratulate you and wish you well, and welcome to the Senate of Pennsylvania.

(Applause.)

ADJOURNMENT

Senator LOEPER. Mr. President, I move that the Senate do now adjourn until Tuesday, June 9, 1998, at 12:15 p.m., Eastern Daylight Saving Time.

The motion was agreed to.

The PRESIDENT pro tempore. The Senate stands adjourned until Tuesday, June 9, 1998, at 12:15 p.m., Eastern Daylight Saving Time, reminding the Members of the Committee on Appropriations to report imminently and the Members of the Committee on Rules and Executive Nominations to stand by for a meeting of the Committee on Rules and Executive Nominations.

The Senate adjourned at 11:59 p.m., Eastern Daylight Saving Time.