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**Legislative Journal**

TUESDAY, FEBRUARY 10, 1998

SESSION OF 1998 182ND OF THE GENERAL ASSEMBLY

No. 11

**SENATE**

TUESDAY, February 10, 1998

The Senate met at 11 a.m., Eastern Standard Time.

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

**PRAYER**

The Chaplain, Reverend BRUCE W. POTTEIGER, of Christ Evangelical Lutheran Church, Fleetwood, offered the following prayer:

Please bow your heads.

Lord God, we come before You today thankful for the many blessings that You have lavished upon us, for our home and family, for food and for work. We especially thank You for the gift of freedom You have given our land and a gift offered to all nations. Bless and preserve our State and our nation, that each citizen might cherish the freedom they possess, and seek the prosperity of peace and goodwill toward all peoples.

Give this Senate the dedication to work toward the welfare of all people in this Commonwealth. Give them wisdom for their special duties, and with a spirit of love we ask that You, O Lord, would guide this Senate to make all decisions with a spirit of mercy and justice, with uprightness and kindness, that each individual in this Senate might serve unselfishly for the common good of all peoples.

We thank You for Your presence in our deliberations this day. All glory and honor be Yours, O Lord, now and forever. Amen.

The PRESIDENT. The Chair thanks Reverend Potteiger, who is the guest today of Senator O'Pake.

**JOURNAL APPROVED**

The PRESIDENT. A quorum of the Senate being present, the Clerk will read the Journal of the preceding Session of February 9, 1998.

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

**HOUSE MESSAGE**

**HOUSE CONCURS IN SENATE  
CONCURRENT RESOLUTION**

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

**Recess adjournment.**

**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:

February 10, 1998

Senators CONTI, HART, GERLACH, LEMMOND, BRIGHTBILL, TOMLINSON, RHOADES, MELLOW, ROBINS, DELP, SLOCUM, O'PAKE, KASUNIC, HUGHES, AFFLERBACH, STAPLETON, KITCHEN and STOUT presented to the Chair **SB 1289**, entitled:

An Act amending the act of March 4, 1971 (P.L.6, No.2), entitled Tax Reform Code of 1971, providing for the personal income tax treatment of contributions to and distributions from a Keystone Investment and Retirement Plan.

Which was committed to the Committee on FINANCE, February 10, 1998.

Senators KASUNIC, STOUT, BELL, STAPLETON, MELLOW, FUMO, COSTA, RHOADES and MUSTO presented to the Chair **SB 1290**, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for disqualification for a commercial driver's license.

Which was committed to the Committee on TRANSPORTATION, February 10, 1998.

**COMMITTEE OF CONFERENCE  
APPOINTED ON HB 1760**

The PRESIDENT. The Chair announces, on behalf of the President pro tempore, the appointment of Senators LOEPER, LEMMOND and KUKOVICH as a Committee of Conference on the part of the Senate to confer with a similar committee of

the House if the House shall appoint such committee to consider the differences existing between the two houses in relation to House Bill No. 1760.

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

### REPORTS FROM COMMITTEE

Senator ARMSTRONG, from the Committee on Labor and Industry, reported the following bills:

#### SB 698 (Pr. No. 1663) (Amended)

An Act relating to the industrial hygiene and safety professions; providing protection to the professions of industrial hygiene and safety.

#### SB 1247 (Pr. No. 1589)

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.

### SENATE RESOLUTION

Senators MELLOW, FUMO, BODACK, STAPLETON, MUSTO, O'PAKE and KASUNIC offered the following resolution, which was read as follows:

In the Senate, February 10, 1998

#### A RESOLUTION

Discharging the Committee on Appropriations from further consideration of Senate Bill No. 1, Printer's No. 1531.

RESOLVED, That Senate Bill No. 1, Printer's No. 1531, entitled "An Act regulating lobbying; providing for further duties of the State Ethics Commission; requiring the registration of lobbyists and principals and the submission of certain reports; providing penalties; establishing a restricted receipts fund; making an appropriation; and making a repeal," having been referred to the Committee on Appropriations on December 8, 1997, and the committee not having reported the same to the Senate for a period of over ten legislative days, the committee is discharged from further consideration thereof.

The PRESIDENT. The resolution will appear on the Calendar.

### LEGISLATIVE LEAVES

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

Senator STAPLETON. Mr. President, I request a temporary Capitol leave for Senator Kukovich, and legislative leaves for Senator Bodack, Senator O'Pake, and Senator Williams.

The PRESIDENT. Senator Stapleton requests a temporary Capitol leave for Senator Kukovich, and legislative leaves for Senator Bodack, Senator O'Pake, and Senator Williams. Without objection, those leaves are granted.

### LEAVES OF ABSENCE

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

### CALENDAR

#### SENATE RESOLUTION No. 122 CALLED UP OUT OF ORDER, ADOPTED

Senator LOEPER, without objection, called up from page 4 of the Calendar, as a Special Order of Business, **Senate Resolution No. 122**, entitled:

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

On the question,  
Will the Senate adopt the resolution?

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

#### YEA-48

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

#### NAY-0

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

### SPECIAL ORDER OF BUSINESS GUESTS OF SENATOR ROBERT J. THOMPSON PRESENTED TO THE SENATE

The PRESIDENT. The Chair recognizes the gentleman from Chester, Senator Thompson.

Senator THOMPSON. Mr. President, from time to time the distinguished Senator from Dauphin County introduces students who are shadowing him around the Capitol for a day. The student whom I am introducing casts an extremely long shadow. She is Hande Kartel, from Turkey, a Rotary International exchange student who is here in the United States this year as the guest of the Caln Rotary Club in Chester County, and she is a student at Downingtown High School. With her this morning is Jack Hines, who is the township manager for West Bradford Township in Chester County, and I would like them both to stand so that the Senate may give them its usual warm welcome.

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

(Applause.)

### GUESTS OF SENATOR WILLIAM L. SLOCUM PRESENTED TO THE SENATE

The PRESIDENT. The Chair recognizes the gentleman from Warren, Senator Slocum.

Senator SLOCUM. Mr. President, it is indeed a privilege for me this morning to introduce to the Senate some special people from my district. With us this morning is Christa Blose, from Emporium, who is the recipient of the 1997 Poem-of-the-Year Honor Medal presented by the American Family Institute just this morning.

Christa is a fifth grade student in the Cameron County School District and was chosen from a group of 300 students who submitted poems to the American Family Institute. Christa is truly deserving of this prize.

Before introducing the rest of her family, I would like to take a moment today and read the poem that this fifth grade, 11-year-old student wrote. It is entitled "Gift of Time."

(Reading:)

Some people want the most expensive gifts money can buy-  
They search for happiness until the day they die.  
But gifts far more precious, which don't cost a dime-  
Are those freely given called the gifts of time.

My family enjoys going to many different places,  
We've had lots of great times and met many new faces.  
It doesn't take much money to enjoy the company of each other-  
My Mom and Dad always have time for me and my brother.

We really enjoy fishing and camping to name but a few-  
My grandparents come along and join in the fun, too!  
Lots of nice memories to remember and be retold-  
I sure have some good ones and I'm only 11 years old!

True happiness is wrapped up with love as the gift-  
People caring about you certainly can give one a lift.  
I'm so happy to be part of the family I belong-  
When we make time for each other, no one can go wrong!

That is Christa's poem.

I would like to introduce her, along with her mother, Teresa; her father, Ron; her brother, Jason; grandmother, Sue DeMark, and school counselor, Bill Floyd, and ask the Senate to give them its usual warm welcome.

(Applause.)

The PRESIDENT. Our guests have already risen, and I ask the Senate to give them its usual warm welcome.

(Applause.)

### SPECIAL ORDER OF BUSINESS LINCOLN DAY ADDRESS

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

Senator LOEPER. Mr. President, at this point today, it is traditional that we usually have one of our new Members present to the Members of the Chamber a traditional Lincoln Day speech,

and at this time I would ask that you recognize Senator Conti in order to make that presentation.

The PRESIDENT. The Chair recognizes the gentleman from Bucks, Senator Conti.

Senator CONTI. Mr. President, I have been a Member of the State Senate now for less than 3 months, making me not only the newest Republican but by far the most junior Member of this body. Those of you who have been here longer than I know that such a distinction can have its disadvantages. It is early in the day, but I have not yet been asked to chair a powerful committee, and my office is not quite as large or ornate as those of some of my colleagues with more seniority. But Senator Jubelirer has reminded me that being the new kid on the block does bring with it one special honor, and that is offering the annual Lincoln Day Address and tribute to our first Republican President.

I thought today, because there have been many fine Lincoln Day Addresses before mine, that I would reflect a little bit on some of the ideals of our founder of this Commonwealth, William Penn, and then we will try to look at Penn's and Lincoln's ideas together, because certainly a brief reflection of our founder William Penn will show ideas that were really provocative for their time.

In 1681, William Penn received the Land Grant Charter for the colony of Pennsylvania from King Charles II of England in payment of a debt owed by the King to Penn's late father, Admiral Sir William Penn. We all remember that Penn's underlying intention in establishing his colony was to create a haven of religious freedom for the Quakers, a sect of which Penn was a member. And this freedom of religion was an important foundation in his colony. Penn referred to his colony as the holy experiment to establish a godly, virtuous, and exemplary society.

But I think there is much more to his ideas about government. Penn's ideals of government can be found in several major documents. These include the 1681 First Frame of Government, the proposed Constitution for his new colony, the 1682 Great Law, a humanitarian code which formed the basis of Pennsylvania law and which guaranteed liberty of conscience. That is a term I kind of like, "liberty of conscience," or religious freedom, and certainly his famous 1701 Charter of Privileges. The 1681 First Frame of Government claims two basic purposes for government, and I quote, "...to terrify evil-doers;" and "to cherish those that do well." Penn saw government once again, I quote, as "...a thing sacred in its institution and end."

While admittedly not capable of removing the causes of evil, government can serve to crush its effect. Penn felt that correction is the secondary role of government, with the primary role being the care and regulation of the affairs of men. He also felt that the form government takes, be it monarchy or democracy, is not the deciding factor in whether that government is free. What is crucial to freedom is the participation of the people in making the laws. Penn warned that the best planned government is no better than those who run it. Good men and, may I add, women, will fix a bad government, and bad men and women will ruin a good one. Penn comes full circle in suggesting that the more input that people have in making the law, the more likely they are to obey and respect it.

So let us leap some 175 years forward and reflect on the impact of Abraham Lincoln, State legislator and President of our nation. Abraham Lincoln is universally admired for his honesty, strength of character, and his unswerving belief in doing what was right even if it was not politically popular. But one of the traits I admire most about Lincoln was that he never allowed the power and trappings of the most powerful office of the land to go to his head. Abraham Lincoln was truly a man of the people.

By his own admission, Lincoln was a plain, inelegant man. He once said, if I were two-faced, why would I be wearing this one? He came from humble roots and he felt more comfortable among the common people than the rich and well-heeled. Once while Lincoln was attending a gathering of Washington elite, he overheard several dignitaries comment on his appearance. One of them said very loudly, he is a very common looking man. Calmly Lincoln replied, the Lord prefers common-looking people. That is the reason he made so many of us.

Lincoln recognized that our nation was founded on a deep faith in the dignity and basic rights of not only people of common looks but people of common means, people who raise a family, pay taxes, and work hard every day to meet the mortgage and provide a better life for their children and their families. Nobody knew better than Lincoln, a common man blessed with uncommon common sense. As our first Republican President, he left an extraordinary legacy that we are still living up to today, and he serves as a proud reminder of our party's strong foundation and our continuing commitment to representing the common man and to making life better. Our challenges today are much different than those that Lincoln faced. But we can still learn from the way he faced adversity and worked to bring consensus, and most importantly, govern with decency and courage.

Looking back, we can see the monumental tasks that he faced and completed so well to take a nation coming apart at the seams, win the war that tried so hard to tear it apart, and set the tone for what became the healing process. How did he do that? The answer lies within the man. Lincoln was a man of sound judgment. He had an internal moral compass that he trusted to guide his life, regardless of what others told him was right or wrong. No public opinion poll or political pundits could sway his direction when he believed he was right. Lincoln once said, and I quote, "I do the very best I know how-- the very best I can; and I mean to keep doing so until the end. If the end brings me out all right, what is said against me won't amount to anything. If the end brings me out wrong, ten angels swearing I was right would make no difference."

Like Abraham Lincoln, we as public officials will have to answer our own consciences, and as Lincoln's life provides, our consciences can be a very good guide. In 1861, as the nation stood on the brink of war, Lincoln confidently stated, and again I quote, "The mystic chords of memory, stretching from every battlefield and patriot grave to every living heart and hearthstone all over this broad land, will yet swell the chorus of the Union when again touched, as surely they will be, by the better angels of our nature." As public officials I believe we have an obligation

every day to trust in the better angels of our nature, and to govern with respect for the common man. It is a privilege and an obligation, one that strikes at the very heart of public service.

When I first came to the Senate, I was struck by the beauty of the Chamber, and in particular, the mural of Lincoln giving his Gettysburg Address. His head is lowered as if by the weight of his sadness and the burden of bringing together our broken Union. It is a low point in the Civil War, but the still weary faces of the soldiers and the hopeful faces of the women and children look to Lincoln, a common man facing an uncertain future with hope, determination, and a belief in God and himself. The words around the painting say, "It is rather for us the living to be dedicated to the unfinished work."

My friends and colleagues, it is an honor and privilege to serve in this General Assembly as I enter my fifth year of service. I think the term that comes to mind more often for me is a term of reverence, and every time I walk into this wonderful building where we all work for the good of the people I am struck by the reverence, the beauty, and majesty that we all participate in here in our public service for the Commonwealth. For centuries now, beginning with our founder William Penn, the people of this great Commonwealth have placed their hopes for a better future for themselves and for their children in those of us sitting in this room, their elected representatives. Let us dedicate ourselves to the unfinished work today and honor Abraham Lincoln, a common man who left his mark in a most uncommon and unforgettable way.

Thank you, Mr. President.

(Applause.)

The PRESIDENT. The Chair, on behalf of the Senate, appreciates the remarks of Senator Conti and his providing such important reflections.

## CONSIDERATION OF CALENDAR RESUMED

### BILLS ON CONCURRENCE IN HOUSE AMENDMENTS AS AMENDED

#### SENATE CONCURS IN HOUSE AMENDMENTS

**SB 635 (Pr. No. 1659)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for sentencing for the offense of drug delivery resulting in death, for certain assaults by prisoners and for wiretapping and electronic surveillance; and providing for the Office of Attorney General, the General Counsel, special investigative counsel and independent counsel and their powers and duties.

On the question,

Will the Senate concur in the amendments made by the House, as amended by the Senate, to Senate Bill No. 635?

Senator BRIGHTBILL. 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. 635.

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

LEGISLATIVE LEAVE

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

Senator MELLOW. Mr. President, I ask for a temporary Capitol leave for Senator Belan.

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

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

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

YEA-36

Afflerbach	Earl	Mowery	Stapleton
Armstrong	Gerlach	Murphy	Thompson
Bell	Greenleaf	Musto	Tilghman
Bodack	Hart	O'Pake	Tomlinson
Brightbill	Holl	Piccola	Uliana
Conti	Jubelirer	Punt	Wagner
Corman	Lemmond	Rhoades	Wenger
Costa	Loeper	Salvatore	White
Delp	Mellow	Schwartz	Wozniak

NAY-12

Belan	Kasunic	LaValle	Stout
Fumo	Kitchen	Robbins	Tartaglione
Hughes	Kukovich	Slocum	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.

BILL OVER IN ORDER

**SB 640** -- Without objection, the bill was passed over in its order at the request of Senator BRIGHTBILL.

BILL ON CONCURRENCE IN HOUSE AMENDMENTS

BILL OVER IN ORDER

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

THIRD CONSIDERATION CALENDAR

BILL REREPORTED FROM COMMITTEE AS AMENDED OVER IN ORDER

**SB 508** -- Without objection, the bill was passed over in its order at the request of Senator BRIGHTBILL.

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

**SB 5 (Pr. No. 1661)** -- The Senate proceeded to consideration of the bill, entitled:

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

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?

LEGISLATIVE LEAVES

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

Senator BRIGHTBILL. Mr. President, I request temporary Capitol leaves for Senator Loeper, Senator Lemmond, and Senator Delp.

The PRESIDENT. Without objection, those leaves are granted.

And the question recurring,  
Shall the bill pass finally?

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

Senator MELLOW. Mr. President, Senate Bill No. 5 is a very important proposal that we are dealing with today and perhaps it should have been dealt with on a number of other occasions, but since we did not have the opportunity of doing that, I guess we have to do the best to deal with the proposal today.

Mr. President, the way Senate Bill No. 5 was originally proposed to the Members of the General Assembly, I believe under the sponsorship of Senator Greenleaf, the proposal potentially could have cost the steelworkers and other Pennsylvanians many, many jobs because of some of the problems that were in the bill. It was a controversial provision, Mr. President, in the bill that we were able to remove that would have allowed the use of foreign steel in public projects costing less than \$250,000.

Mr. President, these changes and the way we were able to remove those changes are a significant victory for Pennsylvania working men and women, because without these changes contractors working on public works projects would be free to replace American steel made by American men and women working in American plants, and hopefully Pennsylvania men and women working in Pennsylvania plants. Without this amendment they would have been replaced with foreign steel, steel that would be manufactured in eastern Europe, in Africa, in Asia, or anywhere else but in the United States.

So I am very happy that one of the amendments that we were able to offer ended up with bipartisan support, but initially it was being very strongly pushed by the Democratic Members of the Senate, to eliminate that very controversial provision of the pro-

posal. Mr. President, now there is no threshold of \$250,000 for projects, and there will be a better opportunity for men and women working in the steel industry, manufacturing steel in Pennsylvania and in the great United States of ours. It will give them a greater opportunity to have their steel used in public works projects that are paid for by the taxpayer because of amendments that I am very proud we were able to insert into the proposal. I ask for a positive vote on the bill, Mr. President.

The PRESIDENT. The Chair recognizes the gentleman from Chester, Senator Thompson.

Senator THOMPSON. Mr. President, from time to time the Members of this body have been asked to vote on legislation that can indeed be called historic, and I think today can be that kind of a day. This is a victory for all Pennsylvanians with Senate Bill No. 5. It is something that will have a tremendously positive effect on the citizens of this Commonwealth for many years to come. Today is one of those days, Mr. President. We have the opportunity today to vote in favor of Senate Bill No. 5, which would, for the first time in decades, change the way the Commonwealth of Pennsylvania buys goods and services from its countless vendors and contractors.

Mr. President, we are all well aware, and the Chair particularly, as a leader of Pennsylvania's efforts to reengineer State government, that our current procurement system, there is no question about it, is chaotic, perplexing, and a maze of bureaucracy. It was created many, many years ago when this Commonwealth was a very different place, and at that time in our State government quality, value, and customer service were not a priority when it came to obtaining the needed items or performing the necessary functions that it had to do. The deal was just to get the job done. The result is that over the years, too much taxpayer money that should have gone toward goods and services has been lost instead in wasted time, piles of paperwork, and squandered public assets. Obviously, the administrative practices that caused these problems are not appropriate for the 1990s, and therefore we are in great need of changing the way we do business.

Mr. President, not very long ago Pennsylvania's IMPACCT Commission made the recommendation for many of these changes. The result is Senate Bill No. 5, which would consolidate a confusing array of procurement laws into a single comprehensive code and would save State taxpayers literally hundreds of millions of dollars just in the next several years. Moreover, hopefully it will open the door to scores of small and disadvantaged firms that will be able to do business with the Commonwealth, and for the first time we can give our State agencies more latitude and flexibility in their purchasing practices, while simultaneously demanding better accountability. By centralizing the vast majority of our State procurement policies and services within the Department of General Services and by creating a single procurement manual with one set of guidelines for all our departments and vendors, we can establish a modernized, streamlined purchasing system that will reduce bureaucracy and help to create a more efficient and more customer-friendly State government. With this legislation, we are bringing Pennsylvania into the 20th century, and since it is 1998, I do not think we can be accused of acting too precipitously.

Mr. President, Senate Bill No. 5 will allow us to meet one of the Governor's top priorities in his administration - making government less burdensome and more cost-effective, with an ultimate aim toward better serving the citizens of Pennsylvania. It is long overdue and it simply makes good sense.

Mr. President, I would like to say that Senate Bill No. 5 was years in the making. If I say that, it is not a gross understatement by any means. What we are doing today was first suggested more than 20 years ago. Since then there have been hearings, task forces, and commissions all making meaningful suggestions, most recently, of course, the IMPACCT Commission.

Mr. President, I want to express my appreciation to my colleagues on both sides of the aisle, the Committee on State Government, the legal staffs of the Republican and Democratic leadership, members of the IMPACCT Commission, the Ridge administration, as well as professional trade and labor organizations for their hard work and cooperation in working out many differences and coming to the agreement that makes this bill possible. I urge my colleagues in the Senate to vote in favor of Senate Bill No. 5 and to take advantage of this opportunity to do something meaningful and monumental for the citizens of Pennsylvania.

Thank you.

The PRESIDENT. The Chair recognizes the gentleman from Chester, Senator Gerlach.

Senator GERLACH. Mr. President, I also rise in support of this legislation. As was just mentioned by Senator Thompson from Chester County, this legislation is the product of a lot of hard work through the process known as IMPACCT, which was set up and established after we passed House Resolution No. 2 in the last Session. And in that House resolution, we specifically authorized the formation of the commission to specifically cut costs, increase efficiency, increase effectiveness, consolidate functions, and bring greater efficiency to the governmental process, and that is exactly what Senate Bill No. 5 does. It brings efficiencies and cost-cutting efforts together in reforming the way State government purchases its supplies, its equipment, and its services. There has been a lot of hard work, as was just mentioned, by staff and representatives from the administration and representatives of the General Assembly to get us to this point today, but through all that hard work, we are going to realize on behalf of the taxpayers hundreds of millions of dollars of savings over the next 5 years.

Too often we in the General Assembly seem to hone in on whether we should increase taxes or decrease taxes, and we do not hone in enough, I believe, on how to make the existing tax dollars that are spent on behalf of our constituents stretch further and bring about more government efficiency and productivity. This legislation will allow us to do that, and we should salute the efforts of the Committee on State Government, under Senator Lemmond, and all the hard work of Senator Thompson and his staff, as well as the administration, for bringing home one of the most important aspects of the IMPACCT Commission report that is bringing about more government efficiency and more produc-

tivity. I salute Senator Thompson and the committee and the staff and the administration for pushing this legislative effort forward to ultimately realize hundreds of millions of dollars of savings for Pennsylvania taxpayers.

Thank you.

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

Senator ARMSTRONG. Mr. President, would the prime sponsor stand for brief interrogation?

The PRESIDENT. Senator Thompson, would you stand?

Senator THOMPSON. Yes, Mr. President.

Senator ARMSTRONG. Mr. President, under page 41, section 515, line 28, it says, "It is in the best interest of the Commonwealth. The written determination authorizing sole source procurement shall be included in the contract file." I just want to make sure we do not get caught up in some legalese, that this does not override the lowest responsible contractor, whether it be union or nonunion. I just want to make sure it is always the lowest responsible contractor in any major contract that would receive that bid.

Senator THOMPSON. Mr. President, it would not and these would be for small, very small contracts as well, and there will be printed regulations, as there will be printed regulations throughout the bill which would govern those provisions.

Senator ARMSTRONG. Mr. President, so the gentleman sees no threat that they could pick and choose anybody at all? The gentleman sees no threat that someone over in the department could pick and choose who would get the bid? These contracts have to go to the lowest responsible contractor?

Senator THOMPSON. Mr. President, the lowest responsible proposal at this time, yes.

Senator ARMSTRONG. All right, Mr. President. I have no further questions.

I congratulate the prime sponsor for the hard work and urge a "yes" 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	Gerlach	Mellow	Stapleton
Armstrong	Greenleaf	Mowery	Stout
Belan	Hart	Murphy	Tartaglione
Bell	Holl	Musto	Thompson
Bodack	Hughes	O'Pake	Tilghman
Brightbill	Jubelirer	Piccola	Tomlinson
Conti	Kasunic	Punt	Uliana
Corman	Kitchen	Rhoades	Wagner
Costa	Kukovich	Robbins	Wenger
Delp	LaValle	Salvatore	White
Earll	Lemmond	Schwartz	Williams
Fumo	Loeper	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 OVER IN ORDER

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

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

**HB 985 (Pr. No. 2892)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of April 12, 1951 (P.L.90, No.21), known as the Liquor Code, reenacted and amended June 29, 1987 (P.L.32, No.14), further providing for sales by liquor licensees, for special occasion permits, for certain performing arts facilities, for stadium or arena permits, for breweries, for local options, for unlawful acts relative to malt or brewed beverages, for unlawful acts relative to liquor, malt and brewed beverages and licensees and for nuisances and injunctions.

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

On the question,  
Shall the bill pass finally?

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

YEA-48

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

**SB 1013** -- Without objection, the bill was passed over in its order at the request of Senator BRIGHTBILL.

BILLS ON THIRD CONSIDERATION  
AND FINAL PASSAGE

**SB 1163 (Pr. No. 1631)** -- The Senate proceeded to consideration of the bill, entitled:

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

Considered the third time and agreed to,

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

On the question,

Shall the bill pass finally?

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

YEA-48

Afflerbach	Gerlach	Mellow	Stapleton
Armstrong	Greenleaf	Mowery	Stout
Belan	Hart	Murphy	Tartaglione
Bell	Holl	Musto	Thompson
Bodack	Hughes	O'Pake	Tilghman
Brightbill	Jubelirer	Piccola	Tomlinson
Conti	Kasunic	Punt	Uliana
Corman	Kitchen	Rhoades	Wagner
Costa	Kukovich	Robbins	Wenger
Delp	LaValle	Salvatore	White
Earll	Lemmond	Schwartz	Williams
Fumo	Loeper	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 1261 (Pr. No. 1602)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for sentencing procedure for murder of the first degree.

Considered the third time and agreed to,

On the question,

Shall the bill pass finally?

LEGISLATIVE LEAVES

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

Senator MELLOW. Mr. President, I request temporary Capitol leaves for Senator Fumo and Senator Hughes.

The PRESIDENT. Without objection, those leaves are granted.

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-41

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

NAY-7

Fumo	Kitchen	Schwartz	Williams
Hughes	Kukovich	Tartaglione	

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.

SECOND CONSIDERATION CALENDAR

BILLS OVER IN ORDER

**SB 100, SB 252, HB 1189** and **SB 1239** -- Without objection, the bills were passed over in their order at the request of Senator BRIGHTBILL.

BILL ON SECOND CONSIDERATION

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

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

Considered the second time and agreed to,

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

SENATE RESOLUTION No. 125, ADOPTED

Senator BRIGHTBILL, without objection, called up from page 4 of the Calendar, **Senate Resolution No. 125**, entitled:

A Resolution designating March 1 as "St. David's Day"; and honoring the many Pennsylvanians of Welsh heritage.

On the question,

Will the Senate adopt the resolution?

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

SENATE RESOLUTION No. 126, ADOPTED

Senator BRIGHTBILL, without objection, called up from page 5 of the Calendar, **Senate Resolution No. 126**, entitled:



A Resolution adopting a temporary rule of the Senate relating solely to amendments to the general appropriation bill and other appropriation bills for the fiscal year beginning July 1, 1998, including any amendments offered to or for supplemental appropriations for prior fiscal years.

On the question,  
Will the Senate adopt the resolution?

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

YEA-48

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

NAY-0

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

**SENATE RESOLUTION No. 127,  
AMENDED AND ADOPTED**

Senator BRIGHTBILL, without objection, called up from page 5 of the Calendar, **Senate Resolution No. 127**, entitled:

A Resolution creating a special Senate Committee on Interscholastic Athletics to examine the system of interscholastic athletics in Pennsylvania and to make recommendations to ensure that the organization of athletic competitions in this Commonwealth is in the interests of Pennsylvania's student athletes and citizens.

On the question,  
Will the Senate adopt the resolution?

Senator RHOADES offered the following amendment No. A0619:

Amend Third Resolve Clause, page 3, line 14, by inserting after "ex-officio": and a voting

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

On the question,  
Will the Senate adopt the resolution, as amended?

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

Senator RHOADES. Mr. President, Senate Resolution No. 127, with its 33 sponsors, proposes to establish a special Senate Committee on Interscholastic Athletics. This committee of 10 Senators, with provisions for an advisory board of interested Pennsylvanians, will work to study and report on the organization

of interscholastic athletics in Pennsylvania by November 30 of this year. The purpose of this special committee is to gather facts.

I think we all know and admit, because we have all talked to each other over the past several months, that many of us have been asked questions about interscholastic athletics and how the PIAA organizes a system of interscholastic athletics for many of Pennsylvania's schools. We have been contacted by constituents, we have talked with principals and coaches, we have read press reports, but we still do not have all the facts, and the questions remain.

The special Committee on Interscholastic Athletics that Senate Resolution No. 127 establishes will give the Senate a mechanism to gather the facts that we need to make a well-reasoned assessment of the situation. Questions have been raised about what action to take on interscholastic athletics and about whether to place this responsibility under a State department, an agency, or subject it to executive or legislative review. Today we do not know the answers to these questions. However, after the special committee submits its report in November, I feel assured that we will have these answers or we will at least know the reasons why, and then we will be prepared to act.

So I ask the Members of the Senate to join me today in support of this resolution to authorize the special Senate Committee on Interscholastic Athletics to gather the facts so that the Senate can decide whether the present organization of interscholastic athletics truly benefits the boys and girls of our great Commonwealth.

Thank you, Mr. President.

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

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

The PRESIDENT pro tempore. Mr. President, I want to congratulate Senator Rhoades for introducing a resolution that is somewhat overdue. Although we have done investigations in the past of the PIAA, I think Senator Rhoades has seized the moment when there is so much discontent with this organization, an organization that I believe is operating totally in the dark from the public and the school districts which support it. Senator Rhoades has been working on this for some time and certainly deserves credit for the strong leadership that he has exerted in bringing this resolution to the forefront.

Mr. President, this is a time when people are demanding greater accountability, not less. The organizations and agencies that choose to act without regard or respect for the public interest or for public concern will soon find themselves under a great deal of scrutiny. When something goes wrong, people look to elected officials for answers and action, irrespective of the assumed independence or autonomy of the offending organization.

There is a rapidly mounting displeasure over the PIAA, and I was amazed, although perhaps I have been the most vocal in my criticism, at the length and the depth of the criticism in this body and in the other House across the Rotunda for this organization. The problems and controversies surrounding the PIAA have been

building for a long, long time. The need to investigate the organization can be found in complaints and reports going back to well before the unfortunate decision on the site of future football championships, which is a very small portion of the allegations against this organization. Media accounts have documented a long list of questionable decisions and unexplained money maneuvers. This step has a precedent, for there have been other times over the years when the General Assembly has been compelled to investigate the PIAA.

I want to be clear, Mr. President, on what is driving this investigation. What the PIAA has done on matters such as eligibility questions and financial practices are the primary issues. We would be voting this resolution and undertaking this investigation irrespective of the decision on the site of various playoffs, whether they be football or other playoffs. There are questions there to be sure, but it is in no way the motivation or the focus of this investigation.

The effort described in Senator Rhoades' resolution is a very, very serious one. It is more than just holding a meeting to exchange unpleasanties and then picking up the action with nothing changed. I think that PIAA officials have a lot to defend and to explain. The public believes, and many here are convinced, that changes are definitely in order. Decisions the PIAA makes affect the lives of students and affect the financial situations of every school district. When they are wrong, these decisions have consequences well beyond the trophy shelf.

Mr. President, there are problems here, and it is time for us as a body to take a hard look at this organization, determine the extent of the problems, and develop necessary solutions. We will do it right, we will do it thoroughly. Under the leadership of Senator Rhoades, I have no doubt that it will be a very comprehensive, forthright, and very compelling investigation that will likely bring about future legislation.

Thank you, Mr. President, for the opportunity to speak on this very important resolution.

The PRESIDING OFFICER. The Chair recognizes the gentleman from Lackawanna, Senator Mellow.

Senator MELLOW. Mr. President, I do not want to prolong the morning part of our Session, because I know we have lunch and a caucus and some business this afternoon, but I can only add to what was said by both Senator Jubelirer and Senator Rhoades, that I just add my complete support. This is something that is long overdue. A total investigation has been necessary for a number of years, and I believe under the direction of Senator Rhoades that we will be in very capable hands. We will have four Members of the Democratic side who will be completely prepared and dedicated to this resolution to try to resolve the differences that may exist between the 501 public school districts and the PIAA.

So I say, congratulations. It is long overdue, and I look forward to serving on the committee myself.

Thank you.

The PRESIDING OFFICER. The Chair recognizes the gentleman from Mercer, Senator Robbins.

Senator ROBBINS. Mr. President, I would just like to also thank Senator Rhoades for putting this resolution in, and I just want to make a point that I think is very important. We are not

here today because of a single event. We are here today because of years of activities that have gone on and need to be looked into. We truly have to find out, as we look at the interscholastic sports system in Pennsylvania, what truly is best for our student athletes and go forward from here.

As a person who has been involved as an athlete, as a coach, as a teacher, as a person who worked with the USA Wrestling Association, the Olympic organization outside of the Pennsylvania Interscholastic Athletic Association, over the last 40 years that I have been involved there have been consistent complaints about the processes. I think we truly are to the point today, and again, not because of a specific event but because of years of things that have added up through the referees associations, the coaches, the schools, that we need in Pennsylvania a system that truly addresses the student athletes. So I commend all the people who have gotten involved in this, and I think this is a very necessary resolution.

And the question recurring,

Will the Senate adopt the resolution, as amended?

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

#### SENATE RESOLUTION No. 128, ADOPTED

Senator BRIGHTBILL, without objection, called up from page 5 of the Calendar, **Senate Resolution No. 128**, entitled:

A Resolution urging Congress to take action on comprehensive transportation funding legislation and supporting an increase in Federal funding of transportation projects.

On the question,

Will the Senate adopt the resolution?

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

The PRESIDENT pro tempore. Mr. President, I have a few remarks as the prime sponsor of Senate Resolution No. 128. Mr. President, for more than a year now, Congress has been debating the details of reauthorization for Federal transportation funding. The outcome of this debate has enormous consequences for Pennsylvania, determining how broad our State transportation effort will be and how quickly we can move on priority projects. In light of our extensive transportation needs, we cannot afford to have moneys steered to other States. In light of our priorities, we cannot afford to have money raised for transportation withheld from transportation.

Federal funding pays for the largest share on most of our major transportation projects and thus is absolutely indispensable to the program. Congressman Bud Shuster, the chairman of the Transportation and Infrastructure Committee of the United States Congress, and other transportation advocates have been working to commit more Federal transportation revenues to the distribution under a potential 6-year reauthorization.

I had an opportunity to spend some time in Washington this past week at a leader-to-leader conference, Mr. President. It clearly was the number one issue before legislators and legislative leaders all across these United States. We had the opportunity to meet with Congressman Gephart, Senator Kerry, Con-

gressman Shuster, Congressman Casey, and Senator Trent Lott, and the leaders across the country were crying out for this solution.

This resolution now puts the Senate on record as supporting the efforts of Congressman Shuster and others who have done a remarkable job in advocating for Pennsylvania's interest and delivering on projects throughout the State. Transportation is a vital part of our effort to hold jobs and to attract jobs, and many projects are necessary to improve safety.

My colleague, Senator Tomlinson of Bucks County, was the first to suggest that the Senate should go on record while this debate was taking place. Frankly, Mr. President, as he stands up to express his views, I look at him and tell him, Senator, you were right. We owe it to the people in the communities who are awaiting a favorable decision to demonstrate our support for Pennsylvania getting a fair share and a necessary share of Federal transportation funding.

Thank you, Mr. President. I urge all Members to support Senate Resolution No. 128.

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

Senator TOMLINSON. Mr. President, I want to congratulate and thank Senator Jubelirer for his efforts in traveling to Washington to talk to the different leaders. One of the things that struck me when this debate first began that I think is most important, if you turn to page 2, line 15, in this resolution, and I will read it to you, "Whereas, Money raised through Federal transportation taxes should be used to pay for transportation projects and enhanced motor vehicle and truck safety measures, not to cover deficits in other areas of Federal endeavor."

I think that is one of the most important points we have to make in this resolution, that money raised for transportation and motor and truck safety should be spent on transportation. And as someone who comes from a district whose transportation infrastructure has been neglected for many, many years and who has worked very, very hard to turn that situation around, I want to thank the Senate for passing this resolution. I want to thank the President pro tempore for sponsoring it, and I ask for everyone's support.

#### LEGISLATIVE LEAVES CANCELLED

The PRESIDING OFFICER. Senator Kukovich and Senator Hughes have returned, and their temporary Capitol leaves will be cancelled.

The Chair recognizes the gentleman from Lebanon, Senator Brightbill.

Senator BRIGHTBILL. Mr. President, Senator Loeper and Senator Lemmond have returned, and I request that their temporary Capitol leaves be cancelled.

The PRESIDING OFFICER. Senator Loeper and Senator Lemmond have returned, and their temporary Capitol leaves will be cancelled.

And the question recurring,

Will the Senate adopt the resolution?

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

## UNFINISHED BUSINESS SENATE RESOLUTIONS ADOPTED

Senators WENGER, STAPLETON, JUBELIRER, EARLL, BRIGHTBILL, CORMAN, STOUT, BELAN, HELFRICK, ROBBINS, KASUNIC, WAGNER, MOWERY, O'PAKE, MUSTO, TOMLINSON, AFFLERBACH, GREENLEAF, SALVATORE, COSTA, THOMPSON, ARMSTRONG, PUNT, SLOCUM, RHOADES, PICCOLA, LEMMOND, GERLACH, SCHWARTZ and HART, by unanimous consent, offered **Senate Resolution No. 130**, entitled:

A Resolution proclaiming the week of February 21 through 28, 1998, as "Future Farmers of America Week" in Pennsylvania.

Which was read, considered and adopted.

Senators BRIGHTBILL, JUBELIRER, LOEPER, ROBBINS, EARLL, GERLACH, WENGER, WAGNER, GREENLEAF, ULIANA, HECKLER, MOWERY, BELAN, KITCHEN, SALVATORE, COSTA, TOMLINSON, WHITE, FUMO, AFFLERBACH, MADIGAN, CORMAN, SLOCUM, STOUT, O'PAKE, MUSTO, ARMSTRONG, RHOADES and SCHWARTZ, by unanimous consent, offered **Senate Resolution No. 131**, entitled:

A Resolution designating Saturday, February 14, 1998, as "Read to Your Child Day" in Pennsylvania.

Which was read, considered and adopted.

## HOUSE MESSAGE

### HOUSE INSISTS UPON ITS NONCONCURRENCE IN SENATE AMENDMENTS TO HB 1760, AND APPOINTS COMMITTEE OF CONFERENCE

The Clerk of the House of Representatives informed the Senate that the House insists upon its nonconcurrence in Senate amendments to **HB 1760**, and has appointed Representatives CLYMER, RAYMOND and M. COHEN as a Committee of Conference to confer with a similar committee of the Senate, already appointed, to consider the differences existing between the two houses in relation to said bill.

## PETITIONS AND REMONSTRANCES

Senator KUKOVICH. Mr. President, can I respectfully request Petitions and Remonstrances at this time?

Senator LOEPER. Mr. President, in order to deal with the timeframe that we are dealing with today, I would be willing to let the gentleman proceed in that order of business.

The PRESIDING OFFICER. We will go to Petitions and Remonstrances, and the Chair recognizes the gentleman from Westmoreland, Senator Kukovich.

Senator KUKOVICH. Mr. President, I would like to thank Senator Loeper, but I would like to turn the microphone over to Senator Schwartz for Petitions and Remonstrances.

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

