

COMMONWEALTH OF PENNSYLVANIA

Legislative Journal

TUESDAY, MARCH 21, 1995

SESSION OF 1995

179TH OF THE GENERAL ASSEMBLY

No. 23

SENATE

TUESDAY, March 21, 1995

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

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

PRAYER

The Chaplain, Reverend JAMES GRUBB, Pastor of Grace United Methodist Church, Harrisburg, offered the following prayer:

Let us pray.

O God, Sovereign of the universe and great Governor of all the world, we pray for all who hold public office and power in this Senate and for the welfare of all the people whom they serve, even as they are represented this morning in the gallery of this Senate.

Grant that the Members of this body may grow in their sense of cooperation and commitment to address the pressing issues which confront us. Breathe Your spirit into our lives. Give the Members of this Senate vision. Raise them up with the faith and daring of the kingdom of God in their hearts. God, equip and sustain them in their servant/leadership role. We pray this in the name of our Creator, Redeemer, Sustainer. Amen.

The PRESIDENT. The Chair thanks Reverend Grubb, who is the guest today of Senator Shumaker.

LEGISLATIVE LEAVES

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

Senator LOEPER. Mr. President, I request a temporary Capitol leave on behalf of Senator Helfrick.

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

The Chair recognizes the gentleman from Lackawanna, Senator Mellow.

Senator MELLOW. Mr. President, I request temporary Capitol leaves for Senator Fumo, Senator Kasunic, Senator O'Pake, and Senator Musto.

The PRESIDENT. Senator Mellow requests temporary Capitol leaves for Senator Fumo, Senator Kasunic, Senator O'Pake, and Senator Musto. Without objection, those leaves will be granted.

LEAVE OF ABSENCE

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

JOURNAL APPROVED

The PRESIDENT. A quorum of the Senate being present, the Clerk will read the Journal of the preceding Session of March 20, 1995.

The Clerk proceeded to read the Journal of the preceding Session.

Senator LOEPER. Mr. President, I move that further reading of the Journal be dispensed with and that the Journal be approved.

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

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

YEAS-49

Table listing names of Senators who voted 'yea': Afflerbach, Andrezeski, Armstrong, Baker, Belan, Bell, Bodack, Brightbill, Corman, Dawida, Delp, Fisher, Fumo, Gerlach, Greenleaf, Hart, Heckler, Helfrick, Holl, Hughes, Jones, Jubelirer, Kasunic, LaValle, Lemmond, Loeper, Madigan, Mellow, Mowery, Musto, O'Pake, Porterfield, Punt, Rhoades, Robbins, Salvatore, Schwartz, Shaffer, Shumaker, Stapleton, Stewart, Stout, Tartaglione, Tilghman, Tomlinson, Uliana, Wagner, Wenger, Williams.

NAYS-0

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

The PRESIDENT. The Journal is approved.

**SPECIAL ORDER OF BUSINESS  
CEREMONY IN COMMEMORATION  
OF ST. PATRICK'S DAY**

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

Senator LOEPER. Mr. President, last Friday was the traditional celebration of St. Patrick's Day on March 17. Last Wednesday in our Regular Session of the Senate, after we had concluded our day's business, I had a number of Members approach me and say that it just did not seem the same the last Session day before St. Patrick's Day, that there had always been a tradition in the Senate of Pennsylvania that we would hear, in a bipartisan fashion, a celebration of that holiday. And traditionally in recent years it had always been the gentleman from Allegheny County, Senator Scanlon, singing some of those Irish tunes, and he was accompanied by the very able skills of the trumpet of the gentleman from Montgomery, Senator Ed Holl.

I think, Mr. President, we are very fortunate here in the Senate of Pennsylvania that many of our Members possess talents much beyond their legislative skills and their political abilities that sometimes get them here to the Senate. And for many years the voice of Gene Scanlon was as much a part of St. Patrick's Day in this Chamber as shamrocks or corned beef and cabbage or the almost-St.-Patrick's-Day gathering of the gentleman from Bradford, Senator Madigan. And I thought another part of that tradition has also been the accompaniment by Senator Ed Holl on his trumpet, and I think that as many of us are suspected of being quite capable of sometimes sounding our own horns, Senator Holl's ability is what we call the real McCoy, and it is band-quality caliber.

And I thought, Mr. President, today it might be appropriate, following the celebration of St. Patrick's Day on Friday, that St. Patrick's Day is really a wonderful celebration of culture and friendship, and we in the Senate of Pennsylvania are very grateful to people such as Gene Scanlon and Ed Holl who have made it even more special for each and every one of us. We thought it would be appropriate today, Mr. President, that in memory of Senator Scanlon, and with the help of Senator Holl in providing the tape, that we would like to play for the Members of the Senate a tape of the last St. Patrick's Day program conducted by Senator Scanlon and Senator Holl.

At this time I would ask the indulgence of the Members of the Senate in order that we may be able to hear that tape and reflect on our good friend Gene Scanlon, as well as the accomplishments of Ed Holl.

Thank you, Mr. President.

The PRESIDENT. The Chair recognizes the unique contributions of Senator Scanlon and Senator Holl, and we will now have an audio program in recognition of their talents and last Friday's St. Patrick's Day celebration.

(Whereupon, an audio presentation was made of the March 17, 1992 celebration, reference page 1770 of said Journal.)

(Applause.)

**LEGISLATIVE LEAVE CANCELLED**

The PRESIDENT. The Chair recognizes the presence on the floor of Senator O'Pake, and his temporary Capitol leave is hereby cancelled.

**SPECIAL ORDER OF BUSINESS  
GUEST OF SENATOR ROBERT D. ROBBINS  
PRESENTED TO THE SENATE**

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

Senator ROBBINS. Mr. President, I would like to introduce a guest I have with me today from Grove City, Pennsylvania, who is visiting the Capitol this week to view government at work. He is Romin Currier, a senior at Penn State University, Main Campus, and he is majoring in political science and psychology, and they are certainly two appropriate subjects.

The PRESIDENT. Will the guest of Senator Robbins please rise so that the Senate may give you its usual warm welcome. (Applause.)

**HOUSE MESSAGES**

**HOUSE BILLS FOR CONCURRENCE**

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

March 20, 1995

**HB 397 and 600** -- Committee on Agriculture and Rural Affairs.

**HB 800** -- Committee on Judiciary.

**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:

March 20, 1995

Senator FISHER presented to the Chair **SB 789**, entitled:

An Act amending the act of April 12, 1951 (P. L. 90, No. 21), entitled, as reenacted, "Liquor Code," further providing for the transfer of certain restaurant liquor licenses.

Which was committed to the Committee on LAW AND JUSTICE, March 20, 1995.

Senators O'PAKE, BRIGHTBILL, BELAN, MUSTO, WAGNER, RHOADES, ANDREZESKI and KASUNIC presented to the Chair **SB 790**, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for collection of restitution, reparation, fees, costs, fines and penalties and for payment of court costs and fines.

Which was committed to the Committee on JUDICIARY, March 20, 1995.

Senator GERLACH presented to the Chair **SB 791**, entitled:

An Act authorizing the Department of General Services, with the approval of the Governor, to grant and convey tracts of land situate in East Brandywine Township, Chester County, Pennsylvania, to the Downingtown Industrial and Agricultural School.

Which was committed to the Committee on STATE GOVERNMENT, March 20, 1995.

Senators O'PAKE, RHOADES, MELLOW, BELAN, KASUNIC, MUSTO, STAPLETON, AFFLERBACH and HUGHES presented to the Chair **SB 792**, entitled:

An Act requiring the superintendent of every public school district to make available, upon request, lists of junior or senior students to the Pennsylvania Higher Education Assistance Agency; and providing a penalty for the misuse of any such lists.

Which was committed to the Committee on EDUCATION, March 20, 1995.

Senators GREENLEAF, AFFLERBACH, ANDREZESKI, PORTERFIELD and WAGNER presented to the Chair **SB 793**, entitled:

An Act relating to cemeteries; requiring cemetery companies to disclose financial and other information; providing for powers and duties of the Real Estate Commission and for abandoned cemeteries; and making repeals.

Which was committed to the Committee on CONSUMER PROTECTION AND PROFESSIONAL LICENSURE, March 20, 1995.

Senators FISHER, HELFRICK, STOUT, WAGNER, BELAN and KASUNIC presented to the Chair **SB 794**, entitled:

An Act amending the act of August 23, 1961 (P. L. 1068, No. 484), entitled, as reenacted and amended, "An act to provide for the creation and administration of a Coal and Clay Mine Subsidence Insurance Fund within the Department of Environmental Resources for the insurance of compensation for damages to subscribers thereto;....," extending application of the act of landslides; adding and amending certain definitions; and further providing for premiums and for claims against the fund.

Which was committed to the Committee on ENVIRONMENTAL RESOURCES AND ENERGY, March 20, 1995.

### LEGISLATIVE LEAVE CANCELLED

The PRESIDENT. The Chair recognizes the presence on the floor of Senator Fumo, and his temporary Capitol leave is cancelled.

### RESOLUTIONS INTRODUCED AND REFERRED

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

March 20, 1995

#### URGING THE PENNSYLVANIA TURNPIKE COMMISSION AND THE PENNSYLVANIA DEPARTMENT OF TRANSPORTATION TO CONSIDER PROVIDING PARKING AREAS AT INTERCHANGES OF THE TURNPIKE AND NORTHEAST EXTENSION AND AT INTERCHANGES OF OTHER MAJOR HIGHWAYS IN THIS COMMONWEALTH

Senator HOLL offered the following resolution (**Senate Resolution No. 25**), which was read and referred to the Committee on Transportation:

In the Senate, March 20, 1995

#### A RESOLUTION

Urging the Pennsylvania Turnpike Commission and the Pennsylvania Department of Transportation to consider providing parking areas at interchanges of the turnpike and Northeast Extension and at interchanges of other major highways in this Commonwealth.

WHEREAS, It is the public policy of this Commonwealth to encourage conservation of our natural resources; and

WHEREAS, The use of car pools by the motoring public of this Commonwealth is a worthwhile conservation endeavor to conserve natural resources such as oil and natural gas; and

WHEREAS, There is currently very little short-term or long-term parking space available to the general public at the interchanges of the Pennsylvania Turnpike and the Northeast Extension and at interchanges of other major highways in this Commonwealth; and

WHEREAS, Additional short-term and long-term parking for the general public at the interchanges of the Pennsylvania Turnpike and the Northeast Extension and at interchanges of other major highways in this Commonwealth would facilitate and encourage carpooling by the citizens of this Commonwealth; therefore be it

RESOLVED, That the Senate of Pennsylvania urge the Pennsylvania Turnpike Commission and the Department of Transportation to consider providing parking areas for use by the general public at the tolled interchanges of the Pennsylvania Turnpike and the Northeast Extension and at interchanges of other major highways in this Commonwealth.

#### DIRECTING THE JOINT STATE GOVERNMENT COMMISSION TO CREATE A BIPARTISAN TASK FORCE TO STUDY ANY NECESSARY AND APPROPRIATE CHANGES TO THE LAWS OF THIS COMMONWEALTH IN RESPONSE TO THE ADOPTION AND IMPLEMENTATION OF NAFTA AND GATT

Senators GERLACH, LEMMOND, MUSTO, MOWERY, RHOADES, PETERSON, STOUT, AFFLERBACH, WENGER, ANDREZESKI, DELP, BELL and SALVATORE offered the following resolution (**Senate Concurrent Resolution No. 26**), which was read and referred to the Committee on Intergovernmental Affairs:

In the Senate, March 20, 1995

A CONCURRENT RESOLUTION

Directing the Joint State Government Commission to create a bipartisan task force to study any necessary and appropriate changes to the laws of this Commonwealth in response to the adoption and implementation of NAFTA and GATT.

WHEREAS, On November 20, 1993, the Congress of the United States ratified the North American Free Trade Agreement (NAFTA), which phases out tariffs, quotas and investment restrictions between the United States, Canada and Mexico; and

WHEREAS, The NAFTA treaty affects state laws in such areas as government procurement, banking and insurance regulation, foreign investments, unemployment compensation and transportation; and

WHEREAS, On December 1, 1994, Congress ratified the General Agreement on Tariffs and Trade (GATT), which mandated reductions of tariffs and international trade restrictions worldwide; and

WHEREAS, The GATT treaty may impact state laws in such areas as government procurement, taxation, agriculture and regulation of service industries; and

WHEREAS, Both of these agreements may render state laws that are inconsistent with them subject to legal challenge; and

WHEREAS, These agreements promise to increase business opportunities in manufacturing, service industries and agriculture by lowering foreign trade barriers that inhibit Pennsylvania exports; therefore be it

RESOLVED (the House of Representatives concurring), That the General Assembly direct the Joint State Government Commission to create a bipartisan task force consisting of four members of the Senate and six members of the House of Representatives to consider how the laws of this Commonwealth should be changed to respond to NAFTA and GATT; and be it further

RESOLVED, That the task force report as soon as possible its findings and recommendations, as well as any proposed legislation, to the General Assembly.

GENERAL COMMUNICATION

PENNSYLVANIA TURNPIKE COMMISSION  
1993-1994 ANNUAL REPORT

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

COMMONWEALTH OF PENNSYLVANIA  
Pennsylvania Turnpike Commission  
Post Office Box 67676  
Harrisburg, PA 17106-7676

March 15, 1995

Honorable Mark R. Corrigan  
Senate Box 203053  
462 Capitol Building  
Harrisburg, PA 17120

Dear Senator Corrigan:

The Pennsylvania Turnpike Commission is pleased to forward its 1993-1994 Annual Report detailing financial activities for the Fiscal Year ending May 31, 1994.

Traffic volume increased 10 percent, while gross fare revenue increased 4.1 percent. Fiscal Year 1993-1994 winter season operations and maintenance is pictured throughout this Report, a difficult and certainly challenging year. The Commission budgeted over \$4 million for winter maintenance, and at Fiscal Year-end actual expenditures increased almost 100 percent.

The Pennsylvania Turnpike Commission investment portfolio totaled \$691.8 million. It is the sixth consecutive year the Commission was awarded the Government Finance Officers Association's Certificate of Achievement for Excellence in Financial Reporting. With the Commission's bond ratings among the highest for toll agencies in the United States, we continue to maintain a "AAA" bond rating from Standard and Poor's, and an "Aaa" from Moody's.

If you would like additional information, please do not hesitate to contact me.

Sincerely,

J. D. FOGARTY  
Deputy Executive Director  
Finance And Administration

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

APPOINTMENTS BY  
PRESIDENT PRO TEMPORE

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

Senator Robert T. Tomlinson as a member of the Children's Trust Fund Board.

Senator John Peterson as a member of the Pennsylvania Heritage Affairs Commission, and the Health Committee of the Eastern Regional Conference of the Council of State Governments.

REPORTS FROM COMMITTEE

Senator BELL, from the Committee on Consumer Protection and Professional Licensure, reported the following bills:

SB 150 (Pr. No. 151)

An Act regulating and requiring the licensure of electrical contractors; establishing the State Board of Electrical Contractors and providing for its powers and duties; making an appropriation; and providing penalties.

SB 433 (Pr. No. 452)

An Act requiring that, when motor vehicles are serviced or repaired, any parts replaced must be returned upon request, and providing penalties for noncompliance.

SB 725 (Pr. No. 761)

An Act amending the act of June 18, 1984 (P. L. 384, No. 81), entitled "Amusement Ride Inspection Act," further providing for accident records and reports.

REGULATIONS REPORTED

Senator BELL, from the Committee on Consumer Protection and Professional Licensure, reported that the following final form regulations were reported to IRRC with objections: Dental Board 16A-461; Chiropractic Board 16A-431; Real Estate Appraisers Board 16A-701; and Veterans Board 16A-571.

Final form regulations reported to IRRC without objections were as follows: PUC 57-127; and Professional Engineers Board 16A-471.

**LEGISLATIVE LEAVE CANCELLED**

The PRESIDENT. The record shall reflect that Senator Kasunic is back, and his temporary Capitol leave is hereby cancelled.

**CALENDAR**

**THIRD CONSIDERATION CALENDAR**

**BILLS ON THIRD CONSIDERATION AND FINAL PASSAGE**

**SB 223 (Pr. No. 229)** -- 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 criminal trespass.

Considered the third time and agreed to,

On the question,  
Shall the bill pass finally?

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

The PRESIDENT pro tempore. Mr. President and Members of the Senate, the bill before us is a bill that has been here before. I believe it is a very significant piece of legislation, and I want to make sure that the significance of this bill is indeed not lost.

Mr. President, this bill is intended to make sure that individuals can be prosecuted for cross burning, an ugly, repugnant act of intolerance and hatred that absolutely has no place in society. The problem became apparent when a case in Blair County did not result in a conviction because existing law was determined to be insufficient and flawed. This was not an isolated incident, Mr. President, for other cases have either not been prosecuted or the charges have been for a lesser offense. Crosses have been burned in Allegheny County, in Chester County, in Indiana County, and in other areas of Pennsylvania. With a single act, a cross burner sends a message that combines generations of malice, intimidation, racism, and, yes, hatred.

The Senate last Session passed legislation similar to Senate Bill No. 223. Unfortunately, the House of Representatives did not move that bill through the process. The management over there that held things up has been changed, and I am, therefore, hopeful that we can achieve success this year and put this very important piece of legislation on Governor Ridge's desk.

In the past the General Assembly has, in separate legislation, taken steps to combat the ethnic intimidation and the hate crimes which blot our society. Unfortunately, with cross burning, there are those who with impunity now engage in acts of intolerance who escape sanction because of flaws in the current legislation.

Mr. President, today we have an opportunity to close the loophole, to promote tolerance, and to go firmly on the record denouncing a hateful crime that should never have been a part of our past, cannot be a part of our present, and certainly must

never be a part of our future.

Thank you, Mr. President. I urge all Members of the Senate to cast an affirmative vote for this important piece of legislation and send that message very clearly.

**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, Senator Dawida, Senator Williams, and Senator LaValle.

The PRESIDENT. Senator Mellow requests temporary Capitol leaves for Senator Afflerbach, Senator Dawida, Senator Williams, and Senator LaValle. Without objection, those leaves will be 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:

**YEAS—49**

Afflerbach	Gerlach	Loeper	Shaffer
Andrezeski	Greenleaf	Madigan	Shumaker
Armstrong	Hart	Mellow	Stapleton
Baker	Heckler	Mowery	Stewart
Belan	Helfrick	Musto	Stout
Bell	Holl	O'Pake	Tartaglione
Bodack	Hughes	Porterfield	Tilghman
Brightbill	Jones	Punt	Tomlinson
Corman	Jubelirer	Rhoades	Uliana
Dawida	Kasunic	Robbins	Wagner
Delp	LaValle	Salvatore	Wenger
Fisher	Lemmond	Schwartz	Williams
Fumo			

**NAYS—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 655 (Pr. No. 687)** -- 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 manufacture, distribution or possession of devices for theft of telecommunications services.

Considered the third time and agreed to,

On the question,  
Shall the bill pass finally?

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

Senator ARMSTRONG. Mr. President, I would like to talk on Senate Bill No. 655. Senate Bill No. 655 deals with cellular fraud, which is becoming a billion dollar industry based on the high profits and perceived low risk of stealing the airwaves of

cellular telephones. This legislation addresses the low risk part of the equation by increasing penalties and broadening definitions to help law enforcement officials build cellular fraud cases. I am not naive enough to believe that this legislation will put all the criminals in jail, but it does take a first step and sends a signal that we are addressing the problem and we are going after the crooks.

Ultimately, this is a problem that requires technology-driven solutions, and believe me, cellular phone companies are working very hard to address this problem. But the combination of spending resources on new technology and eating the cost of fraudulent calls is taking its toll. Senate Bill No. 655 is a logical step in addressing this situation. Pennsylvania is now on the cutting edge of trying to prosecute these criminals, criminals who often have ties with drugs, racketeering, and other insidious crimes. We are at the forefront of bringing these individuals to justice, and Senate Bill No. 655 will provide the framework for getting this job done.

What is happening, Mr. President is we are seeing criminals stand on busy intersections, and when you use a cellular phone, about every 15 minutes a pulse is sent out, and when you are in a high traffic area, you can capture some of these pulses. What they do is pick it up with a scanner and then they burn these pulses onto a chip. It used to be that they just stole the telephones and then they got the telephone and would put a chip in it. Now they are actually just selling the chips by the thousands. They will sell the chips and they will sell overseas calls for about one-third the price to unsuspecting individuals. In some cases we have bills of well over \$100,000 run up in as little time as one month. In fact, we have had elected officials in the State of Pennsylvania to whom this has happened. Senate Bill No. 655 will be a positive step in trying to crack down on these criminals. I urge a positive vote.

Thank you, Mr. President.

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:

YEAS—49

Afflerbach	Gerlach	Loeper	Shaffer
Andrezeski	Greenleaf	Madigan	Shumaker
Armstrong	Hart	Mellow	Stapleton
Baker	Heckler	Mowery	Stewart
Belan	Helfrick	Musto	Stout
Bell	Holl	O'Pake	Tartaglione
Bodack	Hughes	Porterfield	Tilghman
Brightbill	Jones	Punt	Tomlinson
Corman	Jubelirer	Rhoades	Uliana
Dawida	Kasunic	Robbins	Wagner
Delp	LaValle	Salvatore	Wenger
Fisher	Lemmond	Schwartz	Williams
Fumo			

NAYS—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 729 (Pr. No. 766)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for the offense of possessing instruments of crime.

Considered the third time and agreed to,

On the question,  
Shall the bill pass finally?

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

Senator GREENLEAF. Mr. President, I rise to request the Senate to favorably consider this legislation. This legislation was initiated because some years ago we passed a bill that would provide for a mandatory sentence for anyone who commits a crime with a firearm, and that individual who does so would face a 5-year mandatory sentence in the State penitentiary.

Well, what has happened since then is that those people who are involved in violent crimes have decided that they do not want to be subject to that 5-year mandatory sentence, so instead of using guns now in their commission of crimes, they use baseball bats. These baseball bats have been used in a lethal way in the Philadelphia area and Pittsburgh and other parts of the State where individuals have been killed by them, and what happens is that the attacker can be charged with assault or aggravated assault, but they cannot be charged with another section of the Crimes Code called an instrument of crime.

And as a result, a recent Pennsylvania Supreme Court decision has found that to be the case, and one of the Justices, Justice Castille, issued a concurring opinion in which he urged that the legislature change the law so that it is clear that an individual cannot only be charged with the main offense but also to alter or modify the statute of possession of an instrument of crime to allow them to be also charged with this offense which would carry, as I said, a 5-year sentence. This legislation does that, and for the first time then will allow the prosecution to charge them with both the initial offense and also this offense as well. It will increase their potential jail time. I think it is important for us to get tough with violent criminals, and this legislation would do that.

I urge a favorable vote. Thank you.

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:

YEAS—49

Afflerbach	Gerlach	Loeper	Shaffer
Andrezeski	Greenleaf	Madigan	Shumaker
Armstrong	Hart	Mellow	Stapleton
Baker	Heckler	Mowery	Stewart

Belan	Helfrick	Musto	Stout
Bell	Holl	O'Pake	Tartaglione
Bodack	Hughes	Porterfield	Tilghman
Brightbill	Jones	Punt	Tomlinson
Corman	Jubelirer	Rhoades	Uliana
Dawida	Kasunic	Robbins	Wagner
Delp	LaValle	Salvatore	Wenger
Fisher	Lemmond	Schwartz	Williams
Fumo			

NAYS—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.

**SECOND CONSIDERATION CALENDAR**

**BILL RECOMMITTED**

**SB 47 (Pr. No. 675)** -- The Senate proceeded to consideration of the bill entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, requiring reflective apparel or a light when riding an animal between sunset and sunrise.

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

**BILL ON SECOND CONSIDERATION**

**HB 276 (Pr. No. 573)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of April 21, 1949 (P.L.665, No.155), known as the First Class City Home Rule Act, further providing for limitations on the powers of cities of the first class.

Considered the second time and agreed to,

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

**BILL OVER IN ORDER**

**SB 355** -- Without objection, the bill was passed over in its order at the request of Senator LOEPER.

**BILL REREFERRED**

**HB 544 (Pr. No. 926)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of August 26, 1971 (P.L.351, No.91), known as the State Lottery Law, further providing for the powers and duties of the Secretary of Revenue.

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

**HOUSE CONCURRENT RESOLUTION NO. 52, CALLED UP**

Senator LOEPER, without objection, called up from page 2 of the Calendar, **House Concurrent Resolution No. 52**, entitled:

A Concurrent Resolution directing the Public Employee Retirement Commission to study the long-term financial ramifications of Act 186 of 1992 and Act 29 of 1994.

On the question,

Will the Senate adopt the resolution?

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

Senator LOEPER. Mr. President, I urge adoption of the resolution.

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

Senator MELLOW. Mr. President, House Resolution No. 52, a concurrent resolution that started over in the House of Representatives, directs the Public Employee Retirement Commission to study the financial ramifications of Act 186 of 1992 and Act 29 of 1994, two pieces of legislation about which I have a little bit of knowledge.

I have no problem with the passage of House Resolution No. 52, with one exception, Mr. President. The resolution gives the Public Employee Retirement Commission until March 30, 1996, or a little better than 1 year, in which they can make their financial projections to the General Assembly as a result of the study based on the two acts. I asked for consideration to be given to reduce the time from 1 year to 6 months and we were told that that would not be acceptable by the Majority, and I guess I can understand that because the sponsor of the resolution is a Member of the Majority on the House side.

However, Mr. President, a 6-month period of time is more than enough time to come up with this study. It is my understanding that one study has been completed and that the other study is, in part, being worked on, and I would think that this commission can make their report back to the General Assembly within a 6-month period of time. So although the resolution does call for no later than March 30, 1996, which is 1 year, it is my hope, Mr. President, that it would be done in less than 6 months because it is a commission of great importance and its findings will, I think, be extremely informative for Members of the General Assembly, plus there is at least some interest in trying to do again what big business does in this country all the time, and that is provide for early incentives for individuals to leave employment if they would so choose.

So, Mr. President, I do support House Resolution No. 52. I believe that in the last sentence it says the report must be no later than March 30, 1996. This is entirely too long of a period of time. There is no question in my mind, having worked on this for a number of years, that 6 months is more than an adequate period, and I would hope that those individuals who are responsible for making the commission's report back to the General Assembly would at least read the Journal of today, March 21, so they will understand exactly what the intent is of the individual who is the sponsor of the bills on which they are going to conduct their study.

I ask for an affirmative vote, Mr. President, but I do also ask that the report come back to the General Assembly in a 6-month period of time, or shorter, if possible.

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

Senator LOEPER. Mr. President, in light of the gentleman's comments, I would simply point out that the sponsorship of the resolution has absolutely nothing to do as far as the timetable is concerned. I would think that the prime sponsor of the original bills might have more interest in a shorter time period of reporting this study than the sponsor of the resolution.

Regardless of that issue, Mr. President, I think it is important to let you know that this morning I contacted the Public Employee Retirement Commission to get their assessment as to what their timeframe or timeline would be in conducting this analysis, and I received a letter dated today from Mr. Anthony Salomone, the executive director of that commission, indicating that a 6-month time limitation would be unreasonable, that the commission, because of the data that is necessary in order to study and to receive from all 501 school districts in this State, that it is necessary to allow ample time as well for school districts to pull together the information as to the effect and impact it has had on their employees, and the Public Employee Retirement Commission has indicated that it would be unable to complete an analysis with the staff and resources currently available in that kind of a timeframe.

I believe, Mr. President, the resolution indicates the year date as a final date, but if, in fact, the commission is able to complete its work prior to that time, then the report would be submitted at that time. I also, Mr. President, would ask for an affirmative vote on 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, and the resolution was adopted.

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

## EXECUTIVE NOMINATIONS

### EXECUTIVE SESSION

Motion was made by Senator SALVATORE,

That the Senate do now resolve itself into Executive Session for the purpose of considering certain nominations made by the Governor.

Which was agreed to.

### NOMINATIONS TAKEN FROM THE TABLE

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

Senator SALVATORE. Mr. President, I would like to call from the table the names of Charles C. Brosius for Secretary of Agriculture, the name of Yvette Kane for Secretary of the Commonwealth, and the name of Major Paul J. Evanko for Commissioner of the Pennsylvania State Police, and I ask that the three of them be considered at one time.

The Clerk read the nominations as follows:

## SECRETARY OF AGRICULTURE

February 27, 1995

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, Charles C. Brosius, 233 Wilson Road, West Grove 19390, Chester County, Nineteenth Senatorial District, for appointment as Secretary of Agriculture, to serve until the third Tuesday of January 1999 and until his successor shall have been appointed and qualified, vice The Honorable Boyd E. Wolff, Harrisburg, whose term expired.

THOMAS J. RIDGE  
Governor

## SECRETARY OF THE COMMONWEALTH

January 17, 1995

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, Yvette Kane, 506 Partridge Court, Mechanicsburg 17055, Cumberland County, Thirty-first Senatorial District, for appointment as Secretary of the Commonwealth, to serve until superseded, vice The Honorable Robert N. Grant, Mechanicsburg, whose term expired.

THOMAS J. RIDGE  
Governor

## COMMISSIONER OF THE PENNSYLVANIA STATE POLICE

February 27, 1995

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, Major Paul J. Evanko, 1131 Elizabeth Court, Harrisburg 17112, Dauphin County, Fifteenth Senatorial District, for appointment as Commissioner of the Pennsylvania State Police, to serve until the third Tuesday of January 1999 and until his successor shall have been appointed and qualified, vice The Honorable Glenn A. Walp, Hershey, whose term expired.

THOMAS J. RIDGE  
Governor

On the question,

Will the Senate advise and consent to the nominations?

The PRESIDENT. The Chair recognizes the gentleman from Bradford, Senator Madigan.

Senator MADIGAN. Mr. President, I rise to request an affirmative vote for the confirmation of Mr. Charles C. Brosius as Secretary of Agriculture. Mr. Brosius is a farmer operating a fresh mushroom growing and marketing operation in Chester County with his sons. He is a man of unquestioned honesty and integrity. I commend Governor Ridge in his selection of this individual to lead the Department of Agriculture and, indeed, production of agriculture and agribusiness into the 21st century.



He will not be just a caretaker of present programs. He has a vision of what can be done to increase the net income of farmers as well as making our number one industry in this Commonwealth a partner in the job-creating economy this administration plans to build. He will be a leader in expanding agricultural exports outside of our State boundaries as well as globally.

Mr. Brosius was approved unanimously after a thorough hearing before my committee in which he responded frankly to all of the questions posed to him. I believe one of the comments made to me after the hearing was by one of the onlookers who said, "It is refreshing to hear an individual respond as he actually felt without regard to the political consequences." This exemplifies Charles Brosius.

As we celebrate Pennsylvania Agriculture Week this week, we must remember that 100 percent of our consumers' food is produced by farmers who make up only 1.6 percent of our population. Indeed, one of five Pennsylvanians is employed in the agribusiness of our Commonwealth. I believe it is fitting that we confirm our new Secretary of Agriculture during Pennsylvania Agriculture Week. I urge an affirmative vote.

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

Senator WENGER. Mr. President, I would like to add my endorsement and support along with the chairman of the Senate Committee on Agriculture and Rural Affairs, the gentleman from Bradford, Senator Madigan, for the confirmation of Charles Brosius for the position of Secretary of Agriculture. I have known Charlie and his family for many years, and I would simply say, in the interest of brevity, that he is a quality person who is well-qualified for the position, and I urge his confirmation.

Thank you, Mr. President.

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

Senator GERLACH. Mr. President, I, likewise, rise to request an affirmative vote on the confirmation of Acting Secretary Charles Brosius. I had the pleasure of working with Charlie for a number of years on the Chester County Agricultural Development Council, and I found Charlie to be an honest, respected, hardworking, and knowledgeable public servant. That is precisely the kind of individual we need, not only in public service but also to lead our Pennsylvania Department of Agriculture, so I would appreciate your affirmative vote on his nomination.

Thank you.

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

Senator BELL. Mr. President, the nominee lives within a very short distance of my district, and I am overjoyed that he is going to be the Secretary of Agriculture for a reason not heretofore mentioned: This man looks forward to the future. He is sold on the fact that agriculture in Pennsylvania, this great industry, needs university research. In our caucus I asked him if university research was important to the development of agriculture. He said, absolutely, yes. And this gentleman also pointed out that Penn State is the center of agricultural re-

search. This is a man looking to the future.

Now, my committee has jurisdiction over carnival rides, weights and measures, and unfortunately, I have not seen too much work done to my satisfaction in these fields. I have introduced legislation to put them into the Department of Community Affairs. Now that is going to die. But I am convinced that this gentleman will do a good job for all the people of Pennsylvania, not just for the farming community, but in the safety of our amusement rides and also in the field of weights and measures.

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

Senator STAPLETON. Mr. President, first of all, I want to commend the gentleman from Bradford, Senator Madigan, for moving with the hearing that we had this week, and I also want to state for the record that I certainly was very impressed with Mr. Brosius in front of our committee. I was pleased to spend some time in my office with him. I know that Members on our side of the aisle are looking forward to working with the new Secretary, and I am pleased that we are acting on this matter today. We will be out of Session for the next couple of weeks, and I would rather see him as the permanent Secretary than just an Acting Secretary. His background is outstanding, and again, I am looking forward to working with the new Secretary.

Thank you.

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

Senator BAKER. Mr. President, one of the great things about Charlie Brosius is that so many people have risen to claim him, and I think it is a good indication of the strong support that he has engendered in being appointed and confirmed to the position of Secretary of Agriculture. This is an extremely important position, and I would just point to the fact that as a resident of West Grove, I am very proud of the fact that the 19th district in Chester County can claim Charlie Brosius as one of our own, but he also is someone who transcends the boundaries of a particular district or of a particular county or of a particular industry, because he is a very successful mushroom farmer who also is very familiar with and whose family farm for years was involved with dairy products as well.

In both of those categories Chester County is a leader in the State, primarily in mushrooms, but we are not far behind in dairy, and we also have a number of other agricultural products such as cut flowers, fruits and vegetables, and other types of agricultural products, which makes us the second largest agricultural county in the Commonwealth, a fact that is unknown by many throughout the rest of the State. I will defer to Lancaster County, our neighbor, as number one, but I guess that we will say Charlie is emblematic of the fact that since we are number two we try a little harder in agriculture.

That brings me to my concluding point, which is that there are two cabinet Secretaries who come from the 19th district. One of them was just sworn in this morning, Jim Seif, as Secretary of DER, and Charlie Brosius, who hopefully will become the Secretary of Agriculture upon confirmation, and the

two of them together represent something that is very important for the future of Pennsylvania - the conservation of our resources. One of our most important resources is our agricultural land, our agricultural economy, and the fact that in many areas of this State, including the areas of the southeast and through the great valley onward to the west, agricultural land and agriculture as an enterprise is under the threat of development and nonagricultural use. I think it is very important and very symbolic that we have these two Secretaries, and particularly Charlie, who was able to lead the effort to retain agricultural land and continue its very strong place in our Chester County and southeastern Pennsylvania culture.

I urge an affirmative vote. There is not a better person for this job at this time than Charlie Brosius.

Thank you.

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

Senator SHUMAKER. Mr. President, I rise to speak on behalf of Major Paul J. Evanko, who has been nominated for Commissioner of the Pennsylvania State Police. Major Evanko is a resident of my district and is an outstanding candidate for Commissioner. He is well-qualified and has worked his way through the ranks of the State Police to the present position he holds today. I am pleased, very, very pleased, to urge the Senate's approval of the nomination of Major Paul J. Evanko for Pennsylvania State Police Commissioner.

The PRESIDENT. The Chair recognizes the gentleman from Luzerne, Senator Lemmond.

Senator LEMMOND. Mr. President, the Committee on State Government is unanimous in its recommendation of Yvette Kane to be the Secretary of our Commonwealth. All of us who have met her are unanimous in our opinion that Ms. Kane is exceptionally well-qualified by her education, by her experience, and by her temperament to be the Secretary of our Commonwealth. All of us know that she is one of the Governor's wonderful choices for this position. She is bright, efficient, energetic, qualities that all of us feel will make her one of the towers of strength in the administration of the important details of State government.

If it is, in fact, true that the business of government is government, and if much of that business is centered in the Office of the Secretary of the Commonwealth, all of us are unanimous in our recommendation to the other Members of the Senate that Ms. Yvette Kane is the person who will ably fill that job. I present to all of the Members the unanimous recommendation of our committee that Ms. Kane be unanimously endorsed to be the Secretary of the Commonwealth.

Thank you.

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

Senator SCHWARTZ. Mr. President, I, too, rise to support the nomination of Yvette Kane. She impressed all of us on the Committee on State Government, and I think individually when we met with her in our offices, as someone who is extremely bright and capable, and I think she will make a very good Secretary of the Commonwealth.

I do, Mr. President, want to just take a moment to encourage her as the new Secretary and to encourage the Governor's Office to move ahead on what I believe is the most critical issue facing the Department of State, and that is the implementation of the Federal motor voter law. We are now in this dispute with the Federal government, and I think many of us believe we should not be in a dispute, we should not be violating Federal law, we should not be in any way hesitant to implement the Federal motor voter law. We should be moving ahead to make our State laws consistent with the Federal laws and move ahead very aggressively and very immediately to make it easier for people to register to vote through their driver's license and be absolutely clear with our counties that they do not have to keep a dual list of registration of eligible voters, which we have discussed on this floor before as being extremely costly for the counties and potentially extremely confusing to the voters.

So I would encourage the new Secretary to take as one of her first priorities moving ahead on motor voter, and for us in the legislature to assist her in doing that. Certainly, Mr. President, we will be back to discuss this if the administration does not move ahead on this. But it is incredibly important, and I would hope that Secretary Kane would use her confidence and her intelligence and her abilities to move us forward on encouraging and enabling all Pennsylvanians who are eligible to vote to register to vote and then come to the polls. I hope that we will be able to do that, and I encourage the new Secretary to do so.

Thank you, Mr. President.

The PRESIDENT. The Chair recognizes the gentleman from Cumberland, Senator Mowery.

Senator MOWERY. Mr. President, I would also like to second everything that was said by the two previous speakers regarding Secretary Kane. We are very honored to have her from the 31st Senatorial District, and I believe that the challenges that lie ahead, as was presented just previously about the motor voter registration, are going to require the talents of a person like her in solving many of the future problems relating to the State and to these types of situations. So on that basis, I would like to also recommend her.

Thank you very much, Mr. President.

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

Senator BELL. Mr. President, I feel sorry for this lady. She is moving right into a horrible situation, and that is professional licensure, because after the disastrous fire of last June, the situation affecting the licensure of 800,000 Pennsylvanians is a very serious problem. This is a brave young lady. Immediately after being appointed, she went into the encapsulated floors of the Transportation and Safety Building that are permeated with PCB and asbestos. She saw the horrible mess, and she is willing to take on that job and do a tremendous job there.

Now, people in here may not pay any attention to me, but tomorrow morning the watchdog committee is coming in with a preliminary report that it is going to cost about \$150 million because of that fire, and a good part of that is professional licensure.

And the question recurring,  
Will the Senate advise and consent to the nominations?

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

YEAS—49

Afflerbach	Gerlach	Loeper	Shaffer
Andrezeski	Greenleaf	Madigan	Shumaker
Armstrong	Hart	Mellow	Stapleton
Baker	Heckler	Mowery	Stewart
Belan	Helfrick	Musto	Stout
Bell	Holl	O'Pake	Tartaglione
Bodack	Hughes	Porterfield	Tilghman
Brightbill	Jones	Punt	Tomlinson
Corman	Jubelirer	Rhoades	Uliana
Dawida	Kasunic	Robbins	Wagner
Delp	LaValle	Salvatore	Wenger
Fisher	Lemmond	Schwartz	Williams
Fumo			

NAYS—0

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

Ordered, That the Governor be informed accordingly.

**NOMINATION TAKEN FROM THE TABLE**

Senator SALVATORE. Mr. President, I call from the table a certain nomination and ask for its consideration.

The Clerk read the nomination as follows:

**SECRETARY OF COMMUNITY AFFAIRS**

February 3, 1995

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, William C. Bostic, 385 Valleybrook Drive, Lancaster 17601, Lancaster County, Thirteenth Senatorial District, for appointment as Secretary of Community Affairs, to serve until the third Tuesday of January 1999 and until his successor shall have been appointed and qualified, vice The Honorable Raymond S. Angeli, Peckville, resigned.

THOMAS J. RIDGE  
Governor

On the question,  
Will the Senate advise and consent to the nomination?

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

Senator ROBBINS. Mr. President, I rise to request an affirmative vote on the confirmation of William C. Bostic as Secretary of Community Affairs. Mr. Bostic's career makes him uniquely qualified to take on the task that he has been assigned by this administration. As a native of Chattanooga, Tennessee, and a graduate of Tennessee State University, he also holds a master's degree in urban and regional planning from the Graduate School of Public and International Affairs at the University of Pittsburgh.

Throughout his career, he had as first jobs 7 years of State government in Pennsylvania, working with the Department of Community Affairs and culminating with his being named Deputy Secretary for Administration of our Department of Community Affairs, and in this capacity he was responsible for all aspects of the operational and administrative management in this agency of 215 employees. Mr. Bostic has been the chief executive officer of the Urban Education Foundation of Philadelphia since 1990, and at the Federal level was appointed by the President of the United States as Deputy Assistant Secretary for Operations in the Department of Education Office for Civil Rights, as he moves into his appointment as Secretary of Community Affairs.

We all know that the Department of Community Affairs has been an extremely important department to our local governments, and, of course, as chairman of the Committee on Local Government we are very concerned about this transition, and Mr. Bostic is probably also the only person who is being appointed with the unique assignment of doing away with his job. Our concern, and I feel that has been alleviated in our committee hearings, of course, is that part of the Department of Community Affairs which has been extremely user friendly to our local governments is maintained and that as it is transferred to other departments in the government of Pennsylvania, that, in fact, it is first maintained, but secondly, that the lines of communication are such that our local government officials know where to go and that it remains as user friendly as it is today.

I believe probably the most pressing question in the committee hearing was, Secretary Bostic, how are you proposing to do this and are you going to keep the lines of communication open, clear, and are you, in fact, listening to those people who are concerned about that aspect of the department that is so very useful and important to the State of Pennsylvania? I believe, and with the vote in committee, a unanimous vote to report him out, that we are convinced that the Secretary will keep the lines of communication open not only to us in the legislature of Pennsylvania but to those local governments out there and their associations which use that part of the department which is so very, very important to them that the lines of communication will be open, that they are going to be listening, and that over the next year or so, as they make the transition from the present status of the Department of Community Affairs to what it will be, that they will be listening and learning and taking advice from those people so that this transformation will be done as expeditiously as possible and also to maintain those aspects that are so very important to Pennsylvania, and that not only will we reduce the size of government, which I think is what the mandate of the November election was, but we will also protect that which in government has functioned so well, particularly that within the Department of Community Affairs, that it will do the job that it has done in the past and we will continue to do so but at the same time reduce the administrative costs to the citizens of Pennsylvania. And that is a task that I think we have been sent here and assigned to do and that he will do so very well.

Thank you.

The PRESIDENT. The Chair recognizes the gentleman from Northampton, Senator Uliana.

Senator ULIANA. Mr. President, I, too, would like to add my support behind the nomination of William C. Bostic to be Secretary of Community Affairs. I first had a chance to talk to Secretary Bostic in the Philadelphia train station in early December when he was appointed to head the transition committee for the Department of Community Affairs for incoming Governor Ridge at the time. In a brief half-hour conversation, I realized that here was a man who had a supreme grasp for the direction of the agency and what its past functions were, but also a vision for what needs to be done in the future. And I am happy to see that Governor Ridge had the foresight to appoint him to this important position, important not only because the Department of Community Affairs now will, by the end of next year, according to Governor Ridge's plans and my plans, become a thing of the past, but important because it presents a new opportunity for all of us to have a government which is streamlined, to have a government which is more efficient and more effective.

Also, I think this gives us a unique opportunity to have a greater and higher profile for housing issues in the Commonwealth. To date, we have had, I think, a very low profile for housing issues in the Commonwealth. This change, when married with the changes happening at the Federal level being brought down by President Clinton and the Republican-controlled Congress, should give us a tremendous opportunity to finally start doing some really good things in Pennsylvania around the housing issues.

So I strongly support William Bostic's nomination. I would urge all the other Members of the Senate to support his nomination, because I think we have a tremendous opportunity to do what people across this State and across this country have been asking us - to make government more efficient and more relevant to the ordinary lives of regular Pennsylvanians across this Commonwealth.

Thank you, Mr. President.

The PRESIDENT. The Chair recognizes the gentleman from Westmoreland, Senator Porterfield.

Senator PORTERFIELD. Mr. President, over the past several weeks I have had many discussions with William Bostic, the nominee for Secretary of Community Affairs, and my concerns are not necessarily with Mr. Bostic and his qualifications. I think he is well-qualified. It is a shame to waste his expertise and talents to dismantle a department. My concerns are why are we in the legislature having an individual confirmed as Secretary of a department that is being dismantled? Are there not individuals either in the Governor's Office or individuals currently within that department who could handle that responsibility and save the taxpayers of Pennsylvania additional dollars? If we are going to cut down on big government, size it down, make it more responsive to the public, then why is it that we are creating two departments out of the Department of Environmental Resources and doing away with the Department of Community Affairs? It seems like an equal trade-off to me, Mr. President.

At a time when government needs to be more responsive to local government, and particularly in Pennsylvania since the Federal government continues to cut back on State government and State government continues to cut back on local government, one of the departments that has served the community well over the years has been the Department of Community Affairs. Local government is having a much more difficult time year in and year out raising revenues to operate and function, and the expertise that has been delivered by the Department of Community Affairs over the years has done much for those areas of Pennsylvania, especially rural Pennsylvania, that are in such desperate need of the expertise that was rendered by that department.

Not because of the gentleman's qualifications but because I think there is a savings to the community if we are definitely interested in downsizing government, and not because of the gentleman's qualifications but because of the service that the Department of Community Affairs has delivered and I think it should not be a dismantled agency of government, I ask for a negative vote.

Thank you, Mr. President.

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

Senator FUMO. Mr. President, I rise to echo the comments of the gentleman from Westmoreland, Senator Porterfield. You know, I find it quite ironic when politicians say one thing and do the other. It is the exact thing that the American public hates about our political system.

I have an excerpt from the publication of local governments back when Tom Ridge was running for Governor, quote: "Governor Ridge will appoint a Secretary of Community Affairs who has had significant experience in local government and who will be well-respected and recognized within the Administration. This individual will have the authority and clout to promptly respond to local government officials' requests for waivers of specific executive agency regulations, in order to facilitate local problem solving." Sounds pretty nifty.

Quote: "The Department of Community Affairs will become a respected, influential advocate for local government, led by a Secretary with the clout to require cooperation from the other Cabinet officials whose departments regulate the activities of local governments. In particular, the Secretary of DCA will have a voice in the approval of any state agency regulations that affect local governments. The Secretary will have the authority to pursue prompt waivers of regulations that are tying the hands of local government officials in specific cases where the regulations are obstacles to local problem-solving."

I do not even think the gentleman from Allegheny, Senator Fisher, made such grandiose promises when he ran in that primary, but he lost. You have to learn from this technique.

Quote: "I want my Department of Community Affairs to be responsive and accountable to the customers it is suppose (*sic*) to serve—our local governments. Harrisburg doesn't know best and DCA must work more with our local communities to help them meet their unique needs. I also want a DCA that will be an advocate within my Administration for local governments."

Boy, that stuff is really heavy-duty stuff if you are a local township official. But what do we find after the election? After the election, we do not need a DCA. We do not need one of these cabinet level officials. We can do this in all these other departments. Do not worry about a thing. We will take care of everything. Mr. President, one of the reasons why problems get elevated to cabinet level status is because they are important problems. And one of the reasons why DCA was created was because local governments needed a voice within the State bureaucracy and within the administration to be their advocate, a cabinet member who sits down at cabinet meetings, who has access to other cabinet officials, to solve the problems of local government. That is why it was created, that is why it functions. We have a gubernatorial candidate who agrees with that, who goes further and says he is going to make it even better.

Mr. President, I have heard an awful lot about this Governor coming to Harrisburg to create change, that what the people of Pennsylvania wanted was change. No question about it. But what they thought they were going to get was positive change, not negative change. Any idiot can come up and blow up the place. They thought they were going to get something positive. He lied to these people. Lied. And when we talk about discipline, the place for discipline to start is at home. The place for discipline to start is with integrity. The place for discipline to start is keeping your word to the people he promised about his Department of Community Affairs.

Mr. President, Mr. Bostic is just a stooge for him. He is a nice guy, and I agree, why cannot they just send somebody--

#### POINT OF ORDER

Senator LOEPER. Point of order, Mr. President.

The PRESIDENT. For what purpose does the gentleman from Delaware, Senator Loeper, rise?

Senator LOEPER. Mr. President, I believe the gentleman's personal attack on the nominee is out of order.

Senator FUMO. Mr. President, if he does not like the word "stooge," I will say puppet. Is that acceptable?

Senator LOEPER. No, it is not, Mr. President. And I think the debate should be limited to the decorum of the Senate.

Senator FUMO. Mr. President, I will withdraw all references to him, okay? He is a wonderful individual, endowed with some inalienable right that no other individual in Pennsylvania possesses: He is the only man in the world who can come and dismantle this department.

Now, it might take some unique skills because he has a Governor who promised the opposite and maybe he has to find a way to make it look like the Governor did not lie, which he did. So maybe that is the unique skill he possesses. But, Mr. President, if we are truly concerned about saving money, bringing down the cost of government, making government more effective and efficient, all those pious things that I hear from the other side of the aisle, then why do we have to waste money hiring somebody to come in and take apart a department? There are at least 50 guys working over there in the Office of Administration and the Budget Office who could do the same job. We have somebody unique to do this job? I do not know what his experience is in dismantling departments.

He might be a hell of a nominee for Secretary of Community Affairs. If the Governor was going to keep his word, he might even fulfill the promises that the Governor made in these statements. But he works for a Governor who said we are not having a Department of Community Affairs anymore, and you are not going to have a job. So what we are doing today is wasting money by confirming somebody. You cannot have it both ways.

And then what happens? Tomorrow, fortuitously tomorrow, the Governor has scheduled a news conference to do what? To make government smaller? To make it more effective and efficient? No. To create another department. A bigger bureaucracy. So we supplant local government with parks. Tomorrow the announcement is for the Department of Conservation and Natural Resources. I submit to you that our local governments have more importance in having a cabinet level official at their disposal to assist them with the inner cooperation of governments than does conservation and natural resources, which is already being handled by DER.

Mr. President, this is part of the hypocrisy of the Ridge administration. Mr. Bostic--

#### POINT OF ORDER

Senator LOEPER. Point of order, Mr. President.

Senator FUMO. Why, Mr. President, because I am going to talk about the nominee?

The PRESIDENT. The gentleman will state his point.

Senator LOEPER. Mr. President, I believe the issue before the Senate is the qualifications of the gentleman to be the Secretary of Community Affairs. It is not a debate of legislation that may come before the Senate in the future.

The PRESIDENT. The gentleman's point is well-taken and--

Senator FUMO. Mr. President, I recognize the thin skin of the opposition, and I will now limit my remarks just to the nominee.

The PRESIDENT. The Chair would encourage the speaker to confine his remarks to the topic at hand.

Senator FUMO. Mr. President, the topic at hand, I think I have done that. Why should we confirm anyone to a job to destroy an agency? Where is the taxpayer going to make out on this? It is a waste of money. If we are going to abolish DCA by June 30, we do not have to confirm a new Secretary on March 21, unless there is something else afoot here that I do not know about. And Mr. Bostic may be a wonderful person, Mr. President, but I submit to you if we are going to go back on Governor Ridge's promise and if we are going to allow him to speak with forked tongue, then let us not waste money doing it. Let us just do it.

Mr. President, I repeat again, this Governor has broken his word to the citizens of this Commonwealth by his actions, and to confirm this nominee means that this Senate goes along with that big Republican lie, and I will not do that. I urge all of you, for the integrity of the process in this Senate, to reject this nominee, and it has nothing to do with the nominee himself.

Thank you, Mr. President.

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

Senator BAKER. Mr. President, I am not going to return the inflammatory rhetoric that we are customarily hearing from the other side. However, I do think that the question has been raised that does bear some comment.

#### POINT OF ORDER

Senator FUMO. Mr. President, point of order.

The PRESIDENT. The gentleman from Chester, Senator Baker, will yield.

For what purpose does the gentleman from Philadelphia, Senator Fumo, rise?

Senator FUMO. Mr. President, I believe the gentleman referred to my remarks as inflammatory. I take objection to that. I am not that technical, but if they are going to be technical, I am going to be technical. I got up and spoke what I believed. That is not inflammatory, it is the truth.

Senator BAKER. Mr. President, I would like to be able to continue my remarks.

The PRESIDENT. I believe the remarks were general in nature, and Senator Baker will continue.

Senator BAKER. Mr. President, I do not choose to be diverted by the tactic being employed by the gentleman on the other side of the aisle, Senator Fumo. I would like to continue my substantive comments on the question at hand.

The gentleman, Mr. Bostic, is eminently qualified, and one of his qualifications is that he has been asked to, in essence, study the functions of his department and have them assigned to the place where they can be done most efficiently. I think that you can argue a question about the establishment of a department both ways. You can say that it is better to have a new department, and in some cases that may be the answer to how a governmental function assigned by the General Assembly is to be performed. You can also take the other side of the question and say that there are instances where it means that functions can be performed better and more responsively if there is a disestablishment of a department.

And so we ought not to engage in the kind of symbolic argument over whether or not having the existence of a department means that a function is not being performed. In fact, the Governor's argument here, based on his campaign and drawing from the goals that he set before the people of Pennsylvania, was how to deliver services to local governments primarily but mainly to the people of Pennsylvania, in the most efficient way. So I think that we need to give the Governor that latitude, based not on the specific structural provisions of how you deliver a service but, rather, the commitment, the dedication, and the goals.

I have been impressed with the local government organizations of the State, which have taken the attitude that they will wait, along with Mr. Bostic, as he fulfills his function to go through the functions of the Department of Community Affairs, many of which are very disparate and unrelated, and find the best place in which they can be performed. Mr. Bostic has pledged that to the local government associations, the county commissioners, the township supervisors, the borough councils. I think they have shown much more patience, forbearance, and wisdom in the way they have reacted than we have just heard

expressed on the other side of the aisle. What they have said is we are going to work along with the administration and with Mr. Bostic, in whom the Governor has reposed his confidence, to find out the very best way and the most responsive way to provide these services.

That is why I think Mr. Bostic should be confirmed and why I think it is inappropriate to, in essence, argue about a matter of larger legislative significance in terms of the existence of a department around this particular gentleman whom I think all would agree is very well-qualified for the position for which the Governor has recommended him.

Thank you, Mr. President.

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

Senator HUGHES. Mr. President, I will do my best to be brief in these comments. I have known the nominee probably longer than any other Senator in this room, including his sponsoring Senator. We worked together for the last 6 years or so. He ran the Urban Education Foundation, which was where my office was located in west Philadelphia. On a personal level, he clearly is more than qualified to assume this position, and I urge support for that.

However, my colleague from Philadelphia, Senator Fumo, has raised some very salient points. You cannot make, as was pointed out, so many great, grand, significant, and in-depth commitments to the administration of an agency, the functions and the responsibilities of that agency, and then I guess less than probably 6 months or so later call for the dismantling of that agency. That sends mixed signals, Mr. President. It does not necessarily communicate to the constituencies of that agency that you are really committed to the efforts and the responsibilities that lie therein. I think we need to be clear about that. I think we need to focus. I think we need to be very conscious about how those responsibilities are carried out over the duration of its projected life.

But on a personal level, I can speak highly for Mr. Bostic and would urge support for his confirmation.

Thank you.

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

Senator ARMSTRONG. Mr. President, I will make it very quick because I know that the people want to get out of here today, but I think it is unfortunate that people who say Mr. Bostic is well-qualified are going to vote against him. If you have a problem with the Governor, that is one thing, but this gentleman is eminently qualified to be the Secretary of DCA. He has the experience, he has the education, he has the background, and he has the charisma.

To anybody who knows him, has spent any time with him, has talked to his friends and his neighbors, has talked to anyone who knows him, he is an outstanding individual. He happens to live in my district. I have talked to people about him, and they are all very, very positive, so I think it is unfortunate that a few people might want to vote against him. I do recommend a unanimous positive vote.

Thank you.

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

Senator BELL. Mr. President, I was not going to say anything on this subject, but after the remarks of the gentleman from Philadelphia, Senator Fumo, I wonder if the Governor can count. I heard Senator Fumo say that statement to us one time. I also heard Senator Fumo say, he will not object if I quote him now, "The Minority will have its say, the Majority will have its way." I do not know that there are 26 votes in this Chamber to abolish this Department of Community Affairs. Do not hatch your chickens before they are laid -- you know, the eggs are laid. I am not a good farmer. But I will tell you one thing, and you can make a book on it, you have almost even money.

Now I am going to tell you how I am going to vote. I am going to vote for Mr. Bostic because he is doing a darn good job in Chester. He went into a distressed situation and he is a real leader and we need people like him. And until such time when there are 26 votes in this Senate Chamber, he is going to be Secretary of Community Affairs, and I am not going to let anybody in this Chamber vote twice.

LEGISLATIVE LEAVES

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

Senator MELLOW. Mr. President, I request temporary Capitol leaves for Senator Belan and Senator O'Pake.

The PRESIDENT. Senator Mellow requests temporary Capitol leaves for Senator Belan and Senator O'Pake. Without objection, those leaves will be granted.

The Chair recognizes the gentleman from Delaware, Senator Loeper.

Senator LOEPER. Mr. President, Senator Corman and Senator Shaffer have been called from the floor, and I would request temporary Capitol leaves on their behalf.

The PRESIDENT. Senator Loeper requests temporary Capitol leaves for Senator Corman and Senator Shaffer. Without objection, those leaves will be granted.

And the question recurring,

Will the Senate advise and consent to the nomination?

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

YEAS—39

Afflerbach	Greenleaf	Loeper	Stapleton
Armstrong	Hart	Madigan	Stewart
Baker	Heckler	Mowery	Stout
Bell	Helfrick	Punt	Tilghman
Bodack	Holl	Rhoades	Tomlinson
Brightbill	Hughes	Robbins	Uliana
Corman	Jones	Salvatore	Wagner
Delp	Jubelirer	Schwartz	Wenger
Fisher	Kasunic	Shaffer	Williams
Gerlach	Lemmond	Shumaker	

NAYS—10

Andrezeski	Fumo	Musto	Porterfield
Belan	LaValle	O'Pake	Tartaglione
Dawida	Mellow		

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

Ordered, That the Governor be informed accordingly.

EXECUTIVE SESSION RISES

Senator SALVATORE. Mr. President, I move that the Executive Session do now rise.

The motion was agreed to.

UNFINISHED BUSINESS  
SENATE RESOLUTIONS

RECOGNIZING MARCH 19 THROUGH 25,  
1995, AS "BUTANE AND INHALANTS  
AWARENESS WEEK" IN PENNSYLVANIA

Senators HECKLER, JUBELIRER, BAKER, TOMLINSON, FISHER, HART, SALVATORE, BELAN, AFFLERBACH, BELL, WENGER, KASUNIC, ROBBINS, PUNT, HELFRICK, HOLL, PETERSON, GERLACH, SHAFFER, TILGHMAN, SCHWARTZ, TARTAGLIONE, WAGNER, FUMO, LAVALLE, ANDREZESKI, ULIANA, SHUMAKER, and RHOADES, by unanimous consent, offered the following resolution (*Senate Resolution No. 29*), which was read, considered and adopted:

In the Senate, March 21, 1995

A RESOLUTION

Recognizing March 19 through 25, 1995, as "Butane and Inhalants Awareness Week" in Pennsylvania.

WHEREAS, All Pennsylvanians should be made aware that a multitude of common household products constitute a serious threat to our children when the toxic fumes from these products are intentionally inhaled; and

WHEREAS, Nationally 18% of high school seniors, 6% of eighth graders and 3.5% of sixth graders have intentionally inhaled or "huffed" the fumes of these products for the purpose of "getting high"; and

WHEREAS, The risks of inhalant abuse include permanent and severe brain damage, heart failure, loss of consciousness and sudden death, as well as irreversible damage to the liver, kidneys and bone marrow; and

WHEREAS, Children have died in this Commonwealth due to the inhalation of butane and inhalants; and

WHEREAS, Inhalant abuse can set the stage for the abuse of other illegal drugs; and

WHEREAS, The public is not generally aware of the health threat posed by inhalant abuse; therefore be it

RESOLVED, That the Senate of Pennsylvania urge retailers to be aware of the dangers of products like butane that can be abused by inhalation and to limit visibility and availability of such products to young people wherever practicable by placing them behind counters, and be it further

RESOLVED, That the Senate hereby recognize March 19 through 25, 1995, as "Butane and Inhalants Awareness Week"; and be it further

RESOLVED, That copies of this resolution be provided to "Pennsylvanians Aware," the Statewide coalition working for drug-free youths in this Commonwealth, as an expression of support from the Senate.

#### PERMISSION TO ADDRESS SENATE

Senator HECKLER asked and obtained unanimous consent to address the Senate.

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

Senator HECKLER. Mr. President, I thank the Members for the unanimous adoption of this resolution. I would just offer the thought to my colleagues that the abuse of butane and other inhalants is a very serious matter. It is killing children in southeast Pennsylvania, children all over the State. I spoke to a newspaper reporter from this part of Pennsylvania who was covering the story of the tragic death of a child who had inhaled an Airwick aerosol, or some brand of aerosol, deodorant and actually did himself to death.

It is an underrecognized problem, and I would simply urge my colleagues, not only during this week when Pennsylvanians Aware, an excellent drug-fighting organization, is meeting in Harrisburg, but throughout the year to avail themselves of some of the public education information that is available. My staff will be happy to make available to anyone some of the background material. This is the kind of thing that we should be making public service announcements about, really making parents understand that as unthinkable as it is, a tragic number of children are actually inhaling things like butane, propane, even gasoline fumes and, in some cases, killing themselves or harming themselves permanently as a consequence. We have the bully pulpit and the opportunity to spread the word, and I hope we will.

Thank you.

#### RECOGNIZING THE MONTH OF MARCH 1995, AS "PROFESSIONAL SOCIAL WORK MONTH"

Senators SCHWARTZ, BELAN, DAWIDA, BELL, RHOADES, MOWERY, O'PAKE, ANDREZESKI, BODACK, STAPLETON, TARTAGLIONE, FUMO, LAVALLE, STOUT, STEWART, KASUNIC, MUSTO, BRIGHTBILL, HELFRICK, SHUMAKER, TOMLINSON, PUNT, PORTERFIELD, WAGNER, JONES, MELLOW, HART, WILLIAMS, GERLACH, DELP, HUGHES and GREENLEAF, by unanimous consent, offered the following resolution (**Senate Resolution No. 30**), which was read, considered and adopted:

In the Senate, March 21, 1995

#### A RESOLUTION

Recognizing the month of March 1995, as "Professional Social Work Month."

WHEREAS, A productive and rewarding life for all of our citizens is a major goal of our Commonwealth; and

WHEREAS, For millions of people in our society adverse economic and social conditions create severe stresses and an inability to cope with life situations; and

WHEREAS, Countless numbers of Americans through accidents, birth or illness develop physical, emotional and mental impairments; and

WHEREAS, Professional social workers are advocates for sound and humane public policies and services; and

WHEREAS, Professional social workers are in the vanguard of the forces working to provide protection for children and the aged, the reduction of racism and sexism and the prevention of the social and emotional disintegration of individuals and families; and

WHEREAS, Professional social workers constitute the largest group of professionals engaged in the treatment and recovery of those individuals who have become emotionally and mentally ill; therefore be it

RESOLVED, That the Senate recognize the month of March 1995, as "Professional Social Work Month," in recognition of professional social workers' continuing efforts to provide the opportunities for a life of accomplishment, dignity and purpose for all people and call upon the people of this Commonwealth to join with the social work profession in support of appropriate programs, ceremonies and activities designed to achieve its goals.

#### CONGRATULATORY RESOLUTIONS

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

Congratulations of the Senate were extended to Salvatore A. Randazzo by Senator Andrezeski.

Congratulations of the Senate were extended to Mr. and Mrs. E. Raymond Ault by Senator Armstrong.

Congratulations of the Senate were extended to Albert P. Massey, Jr., by Senator Baker.

Congratulations of the Senate were extended to George L. Walter, Jr., Post 106, American Legion of Sharpsburg by Senator Bodack.

Congratulations of the Senate were extended to Captain Jon C. Bergner by Senator Fumo.

Congratulations of the Senate were extended to Jeffrey M. Glasheen, Matthew Wizeman, Damian Heinz and to Stephen Krall by Senator Heckler.

Congratulations of the Senate were extended to the Rho Chapter, Alpha Phi Alpha Fraternity, Inc., of Philadelphia by Senator Jones.

Congratulations of the Senate were extended to Reverend John J. Kelley and to Wilson Fire Company No. 1 by Senator Mellow.

Congratulations of the Senate were extended to James Cardillo by Senator Musto.

Congratulations of the Senate were extended to Reverend Donald Simmons by Senator O'Pake.

Congratulations of the Senate were extended to Edward P. Carroll, Sr., by Senator Salvatore.

Congratulations of the Senate were extended to Teresa Russo by Senator Shaffer.

Congratulations of the Senate were extended to Kenneth Clouser, Bessie Lefwing and to Gary E. Trowbridge by Senator Shumaker.

Congratulations of the Senate were extended to Mr. and Mrs. Patrick Greene by Senator Stewart.

Congratulations of the Senate were extended to Mr. and Mrs. Walter Knapp by Senator Stout.



Congratulations of the Senate were extended to Timothy Michael Krenitsky by Senators Uliana and Rhoades.

Congratulations of the Senate were extended to the citizens of the Borough of Akron by Senator Wenger.

### BILLS ON FIRST CONSIDERATION

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

The motion was agreed to.

The bills were as follows:

**SB 150, SB 433 and SB 725.**

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

### PETITIONS AND REMONSTRANCES

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

Senator MELLOW. Mr. President, earlier today in the Senate there was a news conference held by the Senate Majority to talk about the accomplishments of the first 75 days of this legislative Session. From a copy of the release that has been given to me by the news media, the news conference basically was held by the gentleman from Delaware, Senator Loeper, with very strong comments about the things that have taken place over the last several months.

Mr. President, I think, to Senator Loeper's credit, he did indicate in his news conference that, and I am quoting from his statement, "the Senate has harnessed the power of bipartisan cooperation and made significant headway on a good number of issues." And I think the gentleman is absolutely correct that we have done, in a bipartisan way, a tremendous deed for the people of Pennsylvania. He talked about the fact that through the Special Session over 20 bills have been passed with regard to helping communities and being tough on crime.

He further, Mr. President, in his remarks, quoted Harry Truman. And, to me, it is quite incredible that every time, or many times, when we hear a news conference held by the Republicans, they decide to quote a President who served and was elected as a Democrat, in this particular case, Harry Truman. And it is not unpopular for Republicans to start quoting things that have been said by President John F. Kennedy, but it is rare when you see news conferences held by Democrats where they start quoting the policies and the economics of former Presidents Reagan, Bush, or Nixon. However, the comment said, "It is amazing what you can accomplish if you don't care who gets the credit." This special session is proof that when legislators listen to what people want, focus efforts, and work together, a great deal can be accomplished."

Again, I think, Mr. President, to Senator Loeper's credit, he talked about not only the 75 days that have happened legislatively, but I think, more importantly, what has taken place in a nonpartisan or a bipartisan way. And he also said, "We moved quickly on a bipartisan package of bills that represents

a 'sound science' approach designed to encourage the clean-up and reuse of abandoned industrial sites."

It further goes on, Mr. President, to talk about the bipartisan spirit that the gentleman from Delaware, Senator Loeper, talked about in the news conference, and then the final part that I am going to deal with with regard to the quotes in his news conference, he said, "We also made further reforms to our workers' compensation laws, approving a measure that brings greater fairness and consistency to the processing of hearing loss claims." The new law means that we will have an overall savings in the workers' compensation system, which means we will improve the business environment in Pennsylvania, but also means that the meaningful claims with regard to hearing loss will be met.

Now, when I looked at the Senate accomplishments in the Regular Session, as Senator Loeper showed on charts and then handed out that way, the first one was the industrial site reuse, which basically was composed of Senate Bills No. 1, 11, and 12. And there was some very strong bipartisan support with both the Democratic and the Republican chairs of the Committee on Environmental Resources and Energy working very closely together with it.

And I think it is also very fair to point out that the first time that this proposal was advanced here in the Senate, it was done in the Session of 1991 in Senate Bills No. 1009 through 1012. The author of those bills at that time was the gentleman from Allegheny County, Senator Belan. Also, Mr. President, it is quite ironic that during the campaign for the United States Senate in the special election between former Governor Thornburgh and former United States Senator Harris Wofford, that former Governor Thornburgh made as part of his agenda, his political agenda, the industrial site reuse proposals that were introduced by Senator Belan. Unfortunately, we were not able to accomplish the final passage of those bills under his sponsorship but, thank God, we were able to get them passed with some very strong bipartisan support under Senate Bill No. 1, and I congratulate both Democrats and Republicans for that.

The second area of consideration here, Mr. President, is the workers' compensation hearing loss. Workers' compensation hearing loss, which will be known as Act 1 in the Ridge administration, was another bipartisan effort that we have worked on for years. It stems back to the first workmen's compensation insurance reform that we really started back in 1992 and then concluded in 1993 when I had the opportunity of serving as President pro tempore of the Senate. And last year in the Senate we basically took that same workers' compensation hearing loss under my sponsorship and were able to pass it in the Senate. Unfortunately, the House of Representatives did not pass that proposal.

And number five on their agenda, Mr. President, preventing automobile fraud, or Senate Bill No. 37, was really an agenda that was first submitted to us by Senator Scanlon. The late Senator Scanlon, in his position on the Committee on Banking and Insurance, was very much interested with regard to automobile insurance, and he was interested in trying to do something with regard to insurance fraud, and he was the one who first proposed that initiative. Unfortunately, it was never passed

under Senator Scanlon's authorship, but I am sure he is watching over us and is very happy that now we have been able to bring about that accomplishment.

Mr. President, there were a number of things that Senator Loeper talked about with regard to the Special Session on crime, and in those things he talked about rape reform, he talked about Megan's Law, he talked about the pardons reform. Many of the things that he talked about have strong bipartisan support and have authorship of both Democrats and Republicans, so this is not a news conference that was only to give credit to Republicans, and I think Senator Loeper very appropriately pointed that out. Although he did not go out of his way to give credit to Democrats, he talked about the spirit of bipartisanship at least in his statement.

There are two proposals, Mr. President, Senate Bill No. 14, which is now Act 2, that was sponsored by the gentleman from Philadelphia, Senator Williams, and a Special Session bill, Senate Bill No. 34, which was sponsored by the gentleman from Berks, Senator O'Pake, which we believe are also very important. Although Senate Bill No. 14 has been signed into law, Senate Bill No. 34 has not. We also believe under a Democratic initiative there are other bills that should be considered that to this point have not been considered.

For example, we think that violent juvenile offenders in certain cases should appear in adult criminal court. That legislation is pending. We have not heard about it yet. Mr. President, we think that there should be a weapon-free zone created around schools. That is not a new piece of legislation, but unfortunately, as of yet we have not dealt with that issue. We think we should establish juvenile boot camps for nonviolent juveniles. These are areas where we can, hopefully, start to develop a program not only to be tough on crime but to eliminate the things that are happening in Pennsylvania with regard to crime.

I really do not find any fault with what the gentleman from Delaware, Senator Loeper, said today. In fact, I think Senator Loeper said some things that needed to be said. This is a political body, but it is also a body that is made up of Members who have a lot of very unique ideas and a lot of things that we have to take into consideration in a joint effort, and the only way that we can truly solve any of the problems that we have and find some good remedies is through very strong bipartisan support.

But, Mr. President, something did take place at the news conference that offends me rather dearly. I had a phone call at the conclusion of the news conference from a reporter, and the reporter asked me if I would like to respond to an answer to a question and how I felt about it. And the reporter said a question was asked to a Member of the Senate who was at that news conference, the reporter asked, how do you react to Senator Mellow's "dead on arrival" comment referring to the recent judicial merit selection of the two individuals who had a public hearing today for the purpose of serving on the Pennsylvania Supreme Court?

Well, the first statement that is not appropriate with regard to that is this was not a judicial merit selection, because for some reason, although merit selection served Governor

Thornburgh well and served Governor Casey well, for some reason Governor Ridge does not want to have a committee to come up with merit selection for the purpose of selecting judges. I guess he feels more comfortable with doing it the old political way of having people make some kind of a back-room deal to select who should be a member of the judiciary, or perhaps it should be a political payback to someone who did a favor for a politician and they are the ones who should serve on the highest court or on any particular court. But in any event, the two individuals whose names were submitted never did come through any form of a judicial merit selection commission or committee.

But Mr. President, it was stated by a Member of this Senate that my reaction, saying "dead on arrival," which, incidentally, I did not say and I will show later who did say that, that my reaction to the nominations are, and this is a quote, "an arrogant and irresponsible reaction to two excellent appointments." That was a statement, Mr. President, made by a Member of the Pennsylvania State Senate. And, to me, to make that type of statement about another Member at a news conference is quite offensive, and it is quite offensive because the individual who made the statement is in a position where he should not be trying to divide the Senate, he should be the individual who is trying to bring the Members of the Senate closer together, because basically he has been elected to a constitutional office.

And to continue, I would like to read a few quotes into the record, Mr. President, quotes from the March 15, 1994, Journal by the same gentleman who referred to me as being arrogant and irresponsible. In a swearing-in ceremony, he said, "...it is imperative to rebuild respect, to reopen communication, to reestablish cooperation, and to recapture the spirit of progress for the good of the people. Ultimately, we all know there are not purely Republican or Democratic solutions. The best legislation will indeed be bipartisan. Significant change, real reform, will depend on bipartisanship."

They are part of the comments, Mr. President, of the individual who today referred to me as being arrogant and irresponsible.

The other part of the comments of the individual, and I quote again from the Journal of January 3, 1995, said, "I have taken two oaths today. They are contracts with my constituents, with the Members of this body, and with the people of Pennsylvania to be faithful to the responsibilities of Senator and President pro tempore, to employ reason and demonstrate leadership, to seek to unite rather than divide, to keep the push for progress ahead of political advantage. Nearly everything proposed is advertised as reform."

And the final quote, Mr. President is, "The Senate will never be entirely free of political competition nor the passions of conflicting philosophies, but it is well that we not lose sight of the substantial accomplishments that have resulted from the bipartisan effort that we seem to be able to do often enough. The Senate has generally, Session after Session, seen ambitious, aggressive advocacy by its Members, and that is a record we shall add to in this year 1995." This means that when we have aggressive advocacy by Members, regardless of their

political affiliation, that we, Mr. President, should consider advancing those particular proposals.

And, Mr. President, for a short, although quite productive, I must add, period of time, I had the opportunity of serving as the President pro tempore of the Senate and the Members of my Caucus had the opportunity of serving in a Majority capacity in the flow of legislation for a period of about 16 months. Never once did I refer to the Republican Leader at the time as being arrogant and irresponsible, because I knew that was my job and I knew that it was not appropriate for me to do that, nor do I consider the man to be arrogant and irresponsible.

But the gentleman did refer to me in that way today, Mr. President, and I can only ask a rhetorical question: Was I arrogant and irresponsible when as the first activity that we did and the first accomplishment legislatively that we were able to bring about back in November of 1992 was to get the Members of the Senate to vote on the Children's Health Insurance Plan, which in this Senate was bottled up in committee for the better part of 20 months and the Republican leadership in the Senate at that point in time would not bring it out of committee? Was I irresponsible for the hundreds of thousands of children, and the Members of our Democratic Caucus for bringing that out as our first order of business, to help the children of Pennsylvania? And the children of Pennsylvania, Mr. President, are not registered voters, they do not establish political philosophy, but they are the greatest natural resource that we have in this great State of ours.

Or, Mr. President, was I arrogant and irresponsible when I introduced and asked for bipartisan support to open up this Senate Chamber to TV coverage so that what would be said here in Harrisburg is the same that would be said back in the district, so we could not get away with saying one thing here and something else back there? Or, Mr. President, were we arrogant and irresponsible when we insisted on the PACE program becoming solvent? It was a Democratic initiative in the budget of 1994 when we had to bring a Member from Philadelphia up on his deathbed to get the final vote to pass the budget that made it possible to stabilize the PACE program from which our senior citizens today reap such a tremendous benefit.

Mr. President, just in a very short period of time we took care of people at both spectrums of life. We took care of the children under the age of 6 who were in need of medical help and medical coverage and their families could not afford it, and we took care of the senior citizens who have done so much to make this Commonwealth the keystone of this nation.

And Mr. President, was I arrogant and irresponsible when I joined with the gentleman from Blair, Senator Jubelirer, in asking that we open up meetings, not here but back in the local governments, when we sponsored a bill and we both spoke about it to a number of different groups, including the Pennsylvania Newspaper Publishers, when we said we think it is important that we pass this legislation? Although under Republican leadership, the same as the resolution for the opening of the Senate to television had been around for a long time, so was the bill around for a long time to open up local govern-

ment meetings to public input during the agenda of the meeting.

Or, Mr. President, was I irresponsible when, in a bipartisan way, I offered my hand out to the Republicans to say we have a major problem dealing with workers' compensation, and the gentleman from Bradford, Senator Madigan, for whom I have a tremendous amount of respect and admiration, was prepared to stand with me to get a meaningful reform package passed on workers' compensation, was I arrogant and irresponsible when I did that? Or, Mr. President, was I arrogant and irresponsible when we completely stabilized, through the hearing loss proposal, workers' compensation and opened up the market to new businesses in Pennsylvania and also to making it cheaper to do business here in Pennsylvania?

Mr. President, were we irresponsible when we reduced the personal income tax? Were we irresponsible last year when in a spirit of bipartisanship we reduced the corporate net income tax? Were we irresponsible last year when in a bipartisan way we passed the loss carryforward provision and we reenacted it so that corporations in Pennsylvania would have a better opportunity of being more competitive? I do not know what the definitions are of "irresponsibility" and "arrogance," but I can assure you I am not arrogant and I am not irresponsible. But I do know where it came from, Mr. President, and it is unfortunate.

Mr. President, it came from the fact of what took place just a week ago, or maybe 2 weeks ago, here in this Chamber when Governor Ridge announced and then submitted for confirmation the names of two individuals to serve on the Pennsylvania Supreme Court for the remainder of the term of office, which is approximately 7 or 8 months in duration. And the one individual comes from Philadelphia and serves as the Republican chairperson of the city committee in Philadelphia, and the other individual comes from Erie, which happens to be Governor Ridge's home county, and I have no problem with that, and he has some excellent State experience serving as an appointed Attorney General under a previous Republican Governor. I did not know that either name was being submitted to the Senate because I did not receive a communication, with the exception of you, because you have been very gracious, Mr. President, and anytime that you have had the opportunity of calling me and giving me some information, you have done that. I sincerely appreciate that, and I say to you, thank you.

Shortly after I was told the names of the two gentlemen would be submitted to the Senate, I had a deluge of newspaper individuals call me. One came to my office and said to me, what do you think about these two individuals? And I said, I really do not know much about either one except I was just given a brief indication that they would be sent over. We have no merit selection committee in Pennsylvania and they did not clear any merit selection panel. He said, will you support them? I said, "No way. No way." I did not say, "dead on arrival."

That was said by the Republicans, Mr. President, back in the fall of 1994. I said, "No way. No way." If the Governor of Pennsylvania wants support from the Democratic Caucus for people who are qualified, then I think it is important that the

Governor of Pennsylvania talk to us before he submits a name to the Senate for such a very important position to be appointed on the Pennsylvania Supreme Court.

And, Mr. President, we stand here today and we really do not have two vacancies on the Pennsylvania Supreme Court, we have one vacancy. Contrary to what was said when I was referred to as being arrogant and irresponsible, there is a gentleman who happens to be a Republican, Justice Montemuro, who is serving on the Pennsylvania Supreme Court. So if in a far stretch of the imagination somehow the Republicans would be able to infiltrate the Democratic Caucus and pick up five votes, which I do not believe they can do, and confirm Mr. Jamieson and Mr. Sennett, then we would have to remove a man who has been serving as a Supreme Court Justice, confirmed by the Senate, and who is doing an outstanding job. He would have to be removed. And, Mr. President, having nothing to do with the fact that if we would make that confirmation it would cost the taxpayers of Pennsylvania somewhere between \$800,000 and \$1,000,000 of money that we do not have to spend, because under questioning today it was indicated to us that they may deal with no more than 5 cases over the next 8 months, and an absolute maximum of 10. Yet we might spend up to a million dollars to make those two political appointments, one who happens to serve as the Republican chairman in Philadelphia.

Mr. President, I was criticized in an editorial, and the criticism was in the Harrisburg Patriot editorial dated March 10, and the headline is, "One For One or Nothing at All." And it closes by saying, "For Senator Mellow and Democrats to be blocking their appointment for no other reason than party affiliation is irresponsible and petty." Perhaps the gentleman did not author the coin of being irresponsible. Maybe he read that editorial and took my irresponsibility from that editorial article. However, I do not know where the comment came from that I am arrogant.

But we did send a letter, also dated March 10, back to the newspaper and they did run it. It said, "Dear Editor, 'Dead on arrival.' That's how Senate Republicans greeted Gov. Robert P. Casey's nomination of Westmoreland County Common Pleas Judge Bernard F. Scherer last September to complete" the unexpired term of Justice Rolf Larsen "on the Supreme Court."

"Senate Republicans" then, Mr. President, "were angry that Casey had not consulted them about the nomination and condemned Scherer for having a political background. Stephen MacNett, counsel for Senate Republicans, declared there was 'doubt someone with a political background is what the Supreme Court needs.'" That was in September of 1994. Judge Scherer is a former Westmoreland County Democratic chairman and everybody knew that.

But the difference between Judge Scherer, Mr. President, and the two names that were submitted is that he came through a merit selection commission. He was one of the five individuals whose names were submitted for the Governor to try to make the selection the best that he could based on the information that was given to him by that merit selection commission, much different than the blatant political move by the Governor of Pennsylvania to appoint two people, one who currently

serves as the Republican chairman in Philadelphia and one who served as Attorney General of the State of Pennsylvania many years ago.

And I must tell you, I have been heavily lobbied for these two gentlemen. I have been heavily lobbied in many ways as to, Mellow, what does it take to try to get you to get your Caucus to support one or the other, and it depended for whom I was being lobbied. If I am being lobbied for the gentleman from Philadelphia, it is, vote for our man from Philadelphia and do not worry about the gentleman from Erie. If I am being lobbied from people who want Sennett, they say, vote for Sennett and do not worry about Jamieson. Mr. President, I do not think we are in a position of voting for either one. However, a public hearing did take place today and I think maybe the other Members should wait until the findings of that hearing are made public.

But the part that bothers me today and am I overly sensitive about it? I guess maybe you can say that I am. Do I feel that I have been offended by it? Oh, I definitely think you can say that I am, because if those words were used on the floor of this Senate by a Democrat, the first person who would stand up would be the gentleman from Delaware, Senator Loeper, and he would interrupt the speaker and say that the individual who used those words was defaming the character of a Member of the Senate. Yet, today in a public hearing I was referred to as being arrogant and irresponsible. And, Mr. President, I do not know why that happened. I know that we have a difference in opinion. I do not know why it was made personal because I never made anything personal when I said, "No way. No way." I do not know why it was made partisan because I am not the author of making it partisan. It was made partisan back in September by the Republicans when they said it was dead on arrival. And I do not know why it was made nasty. When you are being referred to in a personal statement as being arrogant and irresponsible, basically you are being referred to as a nasty type of individual.

I do not know, Mr. President, what has happened to this spirit of cooperation of working together, and I do not know why these inflammatory remarks have to be made at the time when staff people and Members are trying to get the job done legislatively, regardless of what the political affiliation may be. I have no idea why the gentleman stepped in and interfered and added into the ingredients some friction that potentially could develop between the two Caucuses.

Mr. President, as far as I am concerned, it is a mockery of the Governor's goal to have the Senate at work in a cooperative spirit during this very, very important legislative Session. To me, it is a sham, it is a sham on what has been said before, it is a sham on speeches that have been given on the floor of this Senate. They are right here, one dated March 15, and I will repeat it because I think it bears being repeated, and you know what is nice about Petitions and Remonstrances? I cannot be shut off because I know if I were now speaking under the agenda of the Calendar, someone on the other side would have, at this point in time, tried to shut me off.

Mr. President, when you talk about that "it is imperative to rebuild respect, to reopen communication, to reestablish coop-

eration, and to recapture the spirit of progress for the good of the people," I take that to heart. And when we talk about in this one that we have taken oaths today, some of us have taken two oaths--this was back on the swearing-in day--and that we have contracts with both our constituency and with the Members of this body and it is important to lead and not to divide. Mr. President, those are words of division. Those are words of insult. Those, to me, are words of little or no regard for the people with whom you work. And I, Mr. President, have a lot of regard for the people with whom I work. I, for one, do not want to refer to anyone as arrogant and I do not want to refer to anyone as being irresponsible.

I may say that we have a difference in our political philosophy. I may say that you believe in reducing corporate net income tax beyond what we have done last year and I believe in giving the real taxpayer who made that surplus available a reduction in taxes through a reduction of personal income tax. I may say that it is unfortunate, as we look at the budget, that we have a budget presented by the Governor who turns his back on higher education, and I just read in the paper yesterday that the president of Penn State University--incidentally, there is a reference in the remarks of January 3 to Penn State University--is very upset about the fact that higher education has been shut out by the Republican Ridge budget.

But that is a philosophical difference, Mr. President. That is not a difference of irresponsibility. That is not a difference of arrogance. That is a philosophical difference of how we should spend the taxpayer dollars, because each one of us are invested with a trust. This is not my office and this is not your office, this is the people's office, and we are only to serve them long enough until we do their job, and if we do not do the job that they want us to do, then they should have us replaced.

Mr. President, the spirit of cooperation that has been here from the Senate Democrats hopefully will continue because I am going to ask our Members who have left the floor because they know what took place, and a number of them are very upset about those statements, they are very upset about their leadership being referred to as arrogant and irresponsible. But I guess that is what happens, Mr. President, when perhaps you are caught unprepared by an unexpected question from a reporter and you happen to let your guard down and you reveal the true spirit of what your rhetoric is made.

Thank you very much.

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

The PRESIDENT pro tempore. Mr. President, I am delighted to be here and certainly always appreciate the lecture on bipartisanship from the gentleman from Lackawanna, Senator Mellow. And certainly I believe that the gentleman doth protest too much. Perhaps if he listened to the tape of the news conference he would find that the response that I made, stand by, and would repeat again, that the statement that there ought to be a one-on-one because that is the way things are done or that do you not know how to do math, that the statement was arrogant and irresponsible. If the gentleman would listen to the tape, he would find that that was what was said, not that any-

one referred to him as arrogant and irresponsible, because that is just not the case. But Senator Mellow chose to come to the floor today and deliver his tirade against me and others who believe that the statement, indeed, was arrogant and irresponsible, and that statement was made and quoted in the paper. Who said it, the reporter, you have to ask the reporter. The reporter is the one who asked the question.

Mr. President, the fact is this Governor has campaigned and continues to stand on merit selection for appellate court judges. Let the record be very clear that Tom Ridge supports that. For some reason, I do not remember the previous speaker as being supportive of merit selection to be embodied in our Constitution and to be a supporter of that concept. Yet he comes to this floor and quickly criticizes the Governor for not using the same merit selection panel or the process that the previous Governor used.

Mr. President, I think that is Governor Ridge's prerogative on how he handles these things, but the fact is that this Governor has stood up, stood forward, and stood tall on the issue of merit selection. If Senator Mellow is prepared to support my constitutional amendment, and I am the prime sponsor of that constitutional amendment as I have been in previous Sessions of the General Assembly, perhaps this time we will pass merit selection. I invite the gentleman to support the bill, to cosponsor it, if he would like to, and to pass it two times in this General Assembly and send it to the people and let the people decide if they want merit selection.

I refer to no Member as arrogant and irresponsible. Mr. President, I think that we clearly need to make a distinction between the appointment of Judge Scherer at the end of Governor Casey's administration in December of 1994 as the previous Governor was leaving office. Clearly, it was the responsibility of a new Governor to make the appointment, and that was just not true on that appointment but that was pretty much the way things were, as within a month, or less than a month, Governor Ridge would be sworn in, and we felt clearly that it was up to a new General Assembly and a new Governor to deal with that nomination.

Mr. President, I believe there are two vacancies on the court. As much as I respect, admire, and support a very dear friend and a trusted judicial person, Justice Montemuro, there is absolutely no constitutional authority of any kind for Justice Montemuro to be on that court.

Mr. President, I listened to a rehash of the entire several years, and perhaps the gentleman from Allegheny, Senator Fisher, may want to respond to that, I do not. I think that in Senator Loeper's statement today about quoting Harry Truman about imagining what we could do if we did not have to worry about the credit, as I look at the Children's Health Insurance Program and many other programs that were on the agenda to be passed by a Republican Senate, when a previous Member of the Senate walked across the aisle and became a Democrat and changed the makeup of this Senate, you know, history was there. The record is there for all to see about all of us who would have supported that, passed it, and had been in favor of it, and we were, and I see no reason, frankly, to rehash that anymore.

But let me just state, Mr. President, that I do not intend to match the gentleman's lecture one for one, one minute for one minute. If he is insulted, if he is affronted, if his feelings are running rough, then perhaps he protest a little too much because if he listens to what the response to that question was, it clearly was that the statement was an arrogant and irresponsible statement. It is a 4-1 Democratic court right now, Mr. President, 4-2 with Justice Montemuro serving. We do not believe and I do not think anybody can find constitutional authority for Justice Montemuro to serve.

Mr. President, I believe this Governor came to Harrisburg to try to make some changes. He nominated two outstanding Pennsylvanians, not for a full term on the court, and I might point out that Judge Scherer is a candidate for a full term on the Supreme Court on the Democratic ticket, but this Governor wanted to change things. Whom did he nominate? A former distinguished jurist from Philadelphia and a former Attorney General under Governor Shaffer, 65 years of age, and I believe Judge Jamieson is 67 or 68 years of age, neither of whom was going to be a candidate for a full term. The people of Pennsylvania will decide whom they want to serve in a full 10-year term, and that will happen this November, and let the people decide and we will go on from there. All this Governor tried to do was his constitutional duty. And yes, maybe he does come from Washington and maybe he does not know Harrisburg inside, but I frankly believe that the people of Pennsylvania elected him to try to make a few changes around here, and so what did he do? As an elected Republican Governor of this State he named two distinguished members of the bar, both with outstanding records who can stand up against any kind of scrutiny to be interim Justices of the Pennsylvania Supreme Court, not only to give them that honor that they deserve but to have them as working Justices for the next 7 or 8 months.

And the statement was made, one on one, can you not count your math? Ridge better find out he is in Harrisburg, not in Washington. Those are the kinds of statements that were responded to. Whether the gentleman from Lackawanna, Senator Mellow, made them or not, I do not know. Mr. President, I will stand by the statement I made this morning. I believe that kind of statement, and I do not know if he made it or somebody else made it, but I think it is arrogant and I think it is irresponsible. I think Governor Ridge has performed admirably. I think he did his constitutional duty. He named two distinguished people. This Senate should confirm them not with 34 votes but with 50 votes, because they deserve that kind of consideration.

If Senator Mellow wants to talk about bipartisanship, let that be the first step, and if Senator Mellow has the passion for merit selection, and Members of the Democratic side of the aisle have the passion for merit selection, I have to tell you, I have the bill. It is a constitutional amendment, we are going to be dealing with that at some point during this Session, and I would look forward to his cooperation. It is unfortunate that Senator Mellow took this statement personally, but all I can tell you is that I stand by the statement that whomever made such remarks I believe to be arrogant and irresponsible, and I believe, Mr. President, that this Governor, like Dick

Thornburgh before him, and late in his second term, Bob Casey, have all stood for merit selection, and let us put it in the Constitution. Let us put it in the Constitution and we will have merit selection of appellate court judges, and we will not have to worry about little panels that everybody has some questions about anyhow. I think this Governor had every right to do it the way he did.

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

Senator FISHER. Mr. President, this side of the aisle will stand on the statements made by the gentleman from Blair, Senator Jubelirer, and we will also stand on the statement made by the people of Pennsylvania on November 8 when they elected Republicans to lead this Commonwealth not only in the Governor's Mansion and the Governor's Office but also in the House and in the Senate. I think that is the best judgment of where the people stand. I think that is the best judgment of how the people perceive the respective parties have done their job, and I know that I, for one, stand behind that. Our Caucus stands behind that.

#### ADJOURNMENT

Senator FISHER. Mr. President, I move that the Senate do now adjourn until Tuesday, April 18, 1995, at 2 p.m., Eastern Daylight Saving Time.

The motion was agreed to.

The Senate adjourned at 2:12 p.m., Eastern Standard Time.