

Legislative Journal

WEDNESDAY, APRIL 30, 1997

SESSION OF 1997

181ST OF THE GENERAL ASSEMBLY

No. 27

SENATE

WEDNESDAY, April 30, 1997

The Senate met at 11 a.m., Eastern Daylight Saving Time.

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

PRAYER

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

Let us pray.

O God, the psalmist of old declared that the Heavens are telling the glory of Your presence and the earth displays Your handiwork. Without words, the created order speaks of Your power and Your goodness.

In these days of spring, we witness new life bursting forth from the earth. That which was dormant is renewed. Freshness and beauty spring forth from the ground. Your creation speaks.

As Your daughters and sons, we take heart in the realization that if You can do such wonders in the earth, so Your life-giving spirit moves to renew humankind. And so we pray that You would renew us.

Grant us the sense of vision that sees beyond the winter of that which was to the budding of new possibilities for our life together. As spring has unwrapped the flowers and set the fields dancing with beauty, energize us, and infuse us with a spirit of cooperation that enhances the work of this body to the end that our constituents may be served well.

Grant us Your presence, Your purpose, Your power, and Your peace. Amen.

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

JOURNAL APPROVED

The PRESIDENT. A quorum of the Senate being present, the Clerk will read the Journal of the preceding Session of April 29, 1997.

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

HOUSE MESSAGES

HOUSE CONCURS IN SENATE AMENDMENTS TO HOUSE BILL

The Clerk of the House of Representatives informed the Senate that the House has concurred in amendments made by the Senate to **HB 152**.

SENATE BILL RETURNED WITH AMENDMENTS

The Clerk of the House of Representatives returned to the Senate **SB 45**, with the information the House has passed the same with amendments in which the concurrence of the Senate is requested.

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

HOUSE BILL FOR CONCURRENCE

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

April 29, 1997

HB 329 -- Committee on Urban Affairs and Housing.

BILL SIGNED

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

HB 152.

SPECIAL ORDER OF BUSINESS ANNOUNCEMENT BY THE SECRETARY

The SECRETARY. Consent has been given for the Committee on Rules and Executive Nominations to meet during today's Session to consider certain nominations.

REPORTS FROM COMMITTEES

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

SB 105 (Pr. No. 102)

An Act amending the act of June 11, 1968 (P.L.149, No.84), entitled, as amended, Volunteer Firefighters' Relief Association Act, further providing for the use of funds.

SB 672 (Pr. No. 714)

An Act amending the act of April 9, 1929 (P.L.343, No.176), entitled, as amended, The Fiscal Code, further providing for reports to the Secretary of Revenue.

SB 755 (Pr. No. 810)

An Act amending the act of April 9, 1929 (P.L.343, No.176), entitled, as amended, The Fiscal Code, further providing for redevelopment assistance capital projects; providing limitations on redevelopment assistance capital projects; and making editorial changes.

Senator ULIANA, from the Committee on Urban Affairs and Housing, reported the following bill:

HB 329 (Pr. No. 1590)

An Act amending the act of July 28, 1953 (P.L.723, No.230), known as the Second Class County Code, requiring a jointly appointed tax collector for a certain home rule municipality and school district in counties of the second class; and further providing for the membership of boards of managers for monuments and memorials to war veterans.

LEGISLATIVE LEAVES

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

Senator LOEPPER. Mr. President, I request legislative leaves for today's Session on behalf of Senator Greenleaf and Senator Helfrick.

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

The Chair recognizes the gentleman from Lackawanna, Senator Mellow.

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

The PRESIDENT. Senator Mellow requests a temporary Capitol leave for Senator Hughes, and a legislative leave for Senator Stout. Without objection, those leaves are granted.

SPECIAL ORDER OF BUSINESS**GUESTS OF SENATOR JOSEPH M. ULIANA
PRESENTED TO THE SENATE**

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

Senator ULIANA. Mr. President, I am happy to welcome students from Broughal Middle School, who traveled all the way from beautiful south Bethlehem to come and observe the proceedings here today. We had a group yesterday from Broughal Middle School. This is the second group, and I would appreciate it if the Senate would extend to them its full and customary courtesy.

The PRESIDENT. Would the guests of Senator Uliana please rise so that the Senate may give you its usual warm welcome.
(Applause.)

**GUESTS OF SENATOR SHIRLEY M.
KITCHEN PRESENTED TO THE SENATE**

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

Senator KITCHEN. Mr. President, we have visiting with us today in the Senate a group of eighth graders from the Roberto Clemente Middle School. This is their first visit here in the gallery, and they are having a wonderful time, along with their teachers and their principal.

The PRESIDENT. Would the guests from the Roberto Clemente Middle School please rise so that the Senate may give you its usual warm welcome.

(Applause.)

**GUESTS OF SENATOR ROGER A. MADIGAN
PRESENTED TO THE SENATE**

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

Senator MADIGAN. Mr. President, it is a real honor and privilege today to have a group of students from the North Rome Christian School and their chaperones in the gallery. They are visiting the Capitol, and as always, it is tough to leave beautiful Bradford County on a day like this, but it has been a pleasure for them to see Harrisburg. I would like the Senate to give them its usual warm welcome.

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

(Applause.)

REQUEST FOR RECESS

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

Senator MELLOW. Mr. President, I request that we have a recess of the Senate for probably 10 or 15 minutes so the Democratic Members could caucus at the rear of the Chamber.

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

Senator LOEPPER. Mr. President, the Republicans have no need to caucus, and we will wait for the Democrats.

Senator MELLOW. Mr. President, may we be at ease for just a moment.

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

(The Senate was at ease.)

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

Senator SCHWARTZ. Mr. President, on behalf of the Minority Leader, I ask all Democrats to go to caucus immediately upon the recess.

LEGISLATIVE LEAVE

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

Senator SCHWARTZ. Mr. President, on behalf of myself, I request a legislative leave for the rest of today's Session.

The PRESIDENT. Senator Schwartz requests a legislative leave for herself. Without objection, that leave is granted.

LEGISLATIVE LEAVE CANCELLED

The PRESIDENT. The Chair notes that Senator Hughes has returned, so his temporary Capitol leave is cancelled.

RECESS

The PRESIDENT. For the purpose of a Democratic caucus to be held in the rear of the Chamber, the Senate stands in recess.

AFTER RECESS

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

CALENDAR

THIRD CONSIDERATION CALENDAR

BILL OVER IN ORDER TEMPORARILY

SB 7 -- Without objection, the bill was passed over in its order temporarily at the request of Senator LOEPER.

BILLS OVER IN ORDER

HB 148, SB 212 and SB 219 -- Without objection, the bills were passed over in their order at the request of Senator LOEPER.

BILL OVER IN ORDER TEMPORARILY

SB 251 -- Without objection, the bill was passed over in its order temporarily at the request of Senator LOEPER.

BILL ON THIRD CONSIDERATION
AND FINAL PASSAGE

HB 844 (Pr. No. 1199) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of May 26, 1947 (P.L.318, No.140), known as The C.P.A. Law, further providing for education requirements and for reinstatement.

Considered the third time and agreed to,

On the question,
Shall the bill pass finally?

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

YEA-50

Afflerbach	Hart	Mellow	Stout
Armstrong	Heckler	Mowery	Tartaglione

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

NAY-0

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

Ordered, That the Secretary of the Senate return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

SPECIAL ORDER OF BUSINESS
GUESTS OF SENATOR JOSEPH M. ULIANA
PRESENTED TO THE SENATE

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

Senator ULIANA. Mr. President, I have another group of school children from the Hamilton Elementary School in Hamilton Township, Monroe County. They are being led today by one of the fourth grade teachers, Mrs. Beck.

Also again for the second Session week in a row, Linda Womer, from my staff, who runs my Stroudsburg office, is here with them and her daughter, Braiden, as well as the entire 110 students in the fourth grade class from Hamilton Elementary School and their chaperones. I would appreciate it if the Senate would extend to them all courtesies and honor.

The PRESIDENT. Would our guests please rise so that the Senate may extend to you its usual warm welcome.

(Applause.)

THIRD CONSIDERATION CALENDAR RESUMED

SB 251 CALLED UP

SB 251 (Pr. No. 252) -- Without objection, the bill, which previously went over in its order temporarily, was called up, from page 2 of the Third Consideration Calendar, by Senator LOEPER.

BILL AMENDED

SB 251 (Pr. No. 252) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of December 1, 1977 (P.L.249, No.83), entitled, as amended, "An act prohibiting employers from firing employees who lose time from employment in the line of duty as volunteer firemen, fire police and volunteer members of ambulance services and rescue squads;....," prohibiting the termination or discipline of volunteers responding to calls in the line of duty during working hours.

On the question,

Will the Senate agree to the bill on third consideration?

Senator LOEPER offered the following amendment No. A1783:

Amend Sec. 1 (Sec. 1.2), page 1, line 18, by striking out "fireman" and inserting: firefighter

Amend Sec. 1 (Sec. 1.2), page 1, line 20, by inserting a period after "hours"

Amend Sec. 1 (Sec. 1.2), page 1, line 20; page 2, lines 1 and 2, by striking out "if the employer" in line 20, page 1, and all of line 1 and "employee to respond" in line 2, page 2, and inserting: The ability to respond to such an emergency call shall be granted to every employee of an employer where any employee of the employer is permitted to respond by the employer or pursuant to any existing collective bargaining agreement. This section shall apply

Amend Sec. 1 (Sec. 1.2), page 2, line 4, by striking out "fireman" and inserting: firefighter

On the question,

Will the Senate agree to the amendment?

It was agreed to.

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

SB 7 CALLED UP

SB 7 (Pr. No. 1031) -- Without objection, the bill, which previously went over in its order temporarily, was called up, from page 1 of the Third Consideration Calendar, by Senator LOEPER.

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

SB 7 (Pr. No. 1031) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of June 25, 1982 (P.L.633, No.181), entitled, as reenacted, Regulatory Review Act, further providing for legislative intent, for definitions, for the Independent Regulatory Review Commission, for review criteria, for commission and agency review procedure, for statutory compliance, for subsequent review, for classification of documents, for modifying regulations, for existing regulations, for staff, for subpoena power, for administrative functions and for termination.

Considered the third time and agreed to,

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

On the question,

Shall the bill pass finally?

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

Senator WENGER. Mr. President, today we are about to vote Senate Bill No. 7, which will provide a much-needed update to the Regulatory Review Act. Since 1982, the Independent Regulatory Review Commission has provided an avenue of oversight and review of the regulatory process. Now here we are 15 years later, recognizing the tremendous effort of both present and past commissioners and staff of the Independent Regulatory Review Commission. However, as with any program, agency, or commission which has provided a valu-

able service to the Commonwealth, a continual effort of positive enhancement is sometimes needed and welcomed.

As prime sponsor of this legislation, I feel this is precisely what Senate Bill No. 7 will do for the Independent Regulatory Review Commission. Within the legislation before us, we have attempted to enhance a number of technical and definitional changes, as well as providing for a uniform procedure for dealing with regulations during sine die. However, the importance of this bill does not only rest on the needed changes and updates to some of the unclear or problematic areas within existing law.

The process of getting this bill to the point where it is today also deserves great praise and commendation. This bill represents many months of hard work by all four legislative Caucuses, the Ridge administration, and the staff at IRRC. In Senate Bill No. 7 we see a great example of how all four Caucuses can work together with the administration and provide valuable input in making a good commission even better. I want to publicly acknowledge the work and outstanding effort which the staff of both Caucuses here in the Senate put into the drafting and moving of this bill.

Mr. President, I ask for a positive vote from all of my colleagues for Senate Bill No. 7.

LEGISLATIVE LEAVES

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

Senator MELLOW. Mr. President, I request temporary Capitol leaves for Senator FUMO, Senator STAPLETON, and Senator WILLIAMS, who have been called to their offices.

The PRESIDENT. Senator Mellow requests temporary Capitol leaves for Senator Fumo, Senator Stapleton, and Senator Williams. Without objection, those leaves are granted.

And the question recurring,

Shall the bill pass finally?

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

YEA-50

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

NAY-0

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

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

BILL OVER IN ORDER

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

RECESS

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

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

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

AFTER RECESS

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

REPORT FROM COMMITTEE ON RULES AND EXECUTIVE NOMINATIONS

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

DISTRICT JUSTICE

January 23, 1997

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Thomas G. Miller, Jr., 1226 Clark Street, White Oak 15131, Allegheny County, Forty-fifth Senatorial District, for appointment as District Justice, in and for the County of Allegheny, Magisterial District 5-3-05, to serve until the first Monday of January 1998, vice Arthur P. Conn, mandatory retirement.

THOMAS J. RIDGE
Governor

NOMINATION LAID ON THE TABLE

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

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

EXECUTIVE NOMINATIONS

EXECUTIVE SESSION

Motion was made by Senator LOEPER,

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

Senator LOEPER. Mr. President, I call from the table certain nominations and ask for their consideration.

The Clerk read the nominations as follows:

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

March 25, 1997

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Robert W. Buehner, Jr., Esquire, 100 Charlene Drive, Danville 17821, Montour County, Twenty-seventh Senatorial District, for reappointment as a member of the Council of Trustees of Bloomsburg University of Pennsylvania of the State System of Higher Education, to serve until the third Tuesday of January 2003, and until his successor is appointed and qualified.

THOMAS J. RIDGE
Governor

MEMBER OF THE PENNSYLVANIA CANCER CONTROL, PREVENTION AND RESEARCH ADVISORY BOARD

March 26, 1997

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Judith F. Baillis, 103 Blackberry Hill, Fort Matilda 16870, Centre County, Thirty-fourth Senatorial District, for appointment as a member of the Pennsylvania Cancer Control, Prevention and Research Advisory Board, to serve for a term of four years and until her successor is appointed and qualified, vice Patricia M. Morley, Merion, whose term expired.

THOMAS J. RIDGE
Governor

MEMBER OF THE PENNSYLVANIA CANCER CONTROL, PREVENTION AND RESEARCH ADVISORY BOARD

March 26, 1997

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Rodrigue Mortel, M.D., P. O. Box 532, Hershey 17033, Dauphin County, Fifteenth Senatorial District, for appointment as a member of the Pennsylvania Cancer Control, Prevention and Research Advisory Board, to serve for a term of four years and until his successor is appointed and qualified, vice Luther W. Brady, Jr., M.D., Philadelphia, whose term expired.

THOMAS J. RIDGE
Governor

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

February 28, 1997

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, John P. Mays, Ph.D., Lehnenberg Road, R. R. #1, Box 125, Reigelsville 18077, Bucks County, Tenth Senatorial District, for appointment as a member of the Pennsylvania Drug, Device and Cosmetic Board, to serve for a term of four years or until his successor is appointed and qualified, but not longer than six months beyond that period, vice Michael Mokotoff, Ph.D., Mount Lebanon, whose term expired.

THOMAS J. RIDGE
Governor

**MEMBER OF THE STATE BOARD
OF EDUCATION**

January 28, 1997

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, James R. Agras, 73 Lebanon Hills Drive, Pittsburgh 15228, Allegheny County, Thirty-seventh Senatorial District, for reappointment as a member of the State Board of Education, to serve until October 1, 2002 or until his successor is appointed and qualified.

THOMAS J. RIDGE
Governor

**MEMBER OF THE COUNCIL OF TRUSTEES OF
KUTZTOWN UNIVERSITY OF PENNSYLVANIA
OF THE STATE SYSTEM OF HIGHER EDUCATION**

March 25, 1997

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, John P. Wabby, 980 Horseman Drive, R. D. #1, Auburn 17922, Schuylkill County, Twenty-ninth Senatorial District, for reappointment as a member of the Council of Trustees of Kutztown University of Pennsylvania of the State System of Higher Education, to serve until the third Tuesday of January 2003, and until his successor is appointed and qualified.

THOMAS J. RIDGE
Governor

**MEMBER OF THE MUNICIPAL POLICE OFFICERS'
EDUCATION AND TRAINING COMMISSION**

March 26, 1997

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Edward J. Connor, 299 Ravendale Road, Pennsylvania Furnace 16865, Centre County, Thirty-fourth Senatorial District, for reappointment as a member of the Municipal Police Officers' Education and Training Commission, to serve

until February 21, 2000, and until his successor is appointed and qualified.

THOMAS J. RIDGE
Governor

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

March 25, 1997

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, George D. Sinclair, 1028 Lindale Avenue, Drexel Hill 19026, Delaware County, Twenty-sixth Senatorial District, for appointment as a member of the State Board of Certified Real Estate Appraisers, to serve for a term of four years and until his successor is appointed and qualified, but not longer than six months beyond that period, vice Joseph A. O'Donnell, Media, whose term expired.

THOMAS J. RIDGE
Governor

**MEMBER OF THE COUNCIL OF TRUSTEES OF
SHIPPENSBURG UNIVERSITY OF PENNSYLVANIA
OF THE STATE SYSTEM OF HIGHER EDUCATION**

March 25, 1997

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Stephen F. Luhrs, 9328 Possum Hollow Road, Shippensburg 17257, Franklin County, Thirty-third Senatorial District, for reappointment as a member of the Council of Trustees of Shippensburg University of Pennsylvania of the State System of Higher Education, to serve until the third Tuesday of January 2003, and until his successor is appointed and qualified.

THOMAS J. RIDGE
Governor

**MEMBER OF THE COUNCIL OF TRUSTEES OF
SHIPPENSBURG UNIVERSITY OF PENNSYLVANIA
OF THE STATE SYSTEM OF HIGHER EDUCATION**

March 26, 1997

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, W. Mickey Nye, 750 East King Street, Shippensburg 17257, Cumberland County, Thirty-first Senatorial District, for appointment as a member of the Council of Trustees of Shippensburg University of Pennsylvania of the State System of Higher Education, to serve until the third Tuesday of January 2003, and until his successor is appointed and qualified, vice Floyd M. Mains, Shippensburg, whose term expired.

THOMAS J. RIDGE
Governor

**MEMBER OF THE STATE BOARD OF
SOCIAL WORK EXAMINERS**

March 25, 1997

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Karen A. Hickernell, 2068 Meadow Road, Mount Joy 17552, Lancaster County, Thirty-sixth Senatorial District, for appointment as a member of the State Board of Social Work Examiners, to serve for a term of four years and until her successor is appointed and qualified, but not longer than six months beyond that period, vice Benjamin R. Sprafkin, Philadelphia, whose term expired.

THOMAS J. RIDGE
Governor

**MEMBER OF THE LYCOMING COUNTY
BOARD OF ASSISTANCE**

March 26, 1997

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, John L. Losch (Republican), 2710 Blair Street, Montoursville 17754, Lycoming County, Twenty-third Senatorial District, for appointment as a member of the Lycoming County Board of Assistance, to serve until December 31, 1997, and until his successor is appointed and qualified, vice Sherman C. Mittel, South Williamsport, 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 Delaware, Senator LOEPER.

Senator LOEPER. Mr. President, I would also at this time ask for unanimous consent in order to call up the nomination of Thomas G. Miller, Jr., for District Justice, Allegheny County and ask that his name also be read at this time.

The PRESIDENT. The Chair hears no objection. The Clerk will proceed in offering Mr. Miller's name for approval.

The Clerk read the nomination as follows:

DISTRICT JUSTICE

January 23, 1997

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Thomas G. Miller, Jr., 1226 Clark Street, White Oak 15131, Allegheny County, Forty-fifth Senatorial District, for appointment as District Justice, in and for the County of Allegheny, Magisterial District 5-3-05, to serve until the first Monday of January 1998, vice Arthur P. Conn, mandatory retirement.

THOMAS J. RIDGE
Governor

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

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

YEA-50

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

NAY-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

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

Senator LOEPER. Mr. President, at this time I call up the nomination of Nora Mead Brownell as a member of the Pennsylvania Public Utility Commission and ask for its consideration.

The Clerk read the nomination as follows:

**MEMBER OF THE PENNSYLVANIA
PUBLIC UTILITY COMMISSION**

March 21, 1997

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Nora Mead Brownell, Woodbridge Meadow, 4 Timber Fare Place, Spring House 19477, Montgomery County, Twelfth Senatorial District, for appointment as a member of the Pennsylvania Public Utility Commission, to serve until April 1, 2002, or until her successor is appointed and qualified, but not longer than six months beyond that period, vice Lisa Crutchfield, Philadelphia, whose term expired.

THOMAS J. RIDGE
Governor

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

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

Senator LOEPER. Mr. President, today we have before us the nomination of Nora Mead Brownell to serve as the next member of the State Public Utility Commission. Mr. President, I believe that we all realize in this Chamber that this is a very

important nomination and one that we should not take lightly, because it will have a far-reaching impact on all Pennsylvanians.

Nora Mead Brownell, Mr. President, is a competent and qualified candidate for this extremely important position, a person who has the proven ability to listen and learn quickly, to balance different points of view, to analyze complex issues, and to get results. Mr. President, she has been described by those who have worked closely with her as smart, hardworking, fair, and evenhanded. She is an independent thinker. In short, Mr. President, she is just the kind of person that our Public Utility Commission needs as it moves ahead on a myriad of complex and controversial issues.

Nora Mead Brownell, Mr. President, served as a former deputy executive assistant to Governor Dick Thornburgh and as a senior vice president at Meridian Bank. Mr. President, it is my view that in those responsibilities she gained experience in the highly regulated field of banking as well as government. She broke through the corporate glass ceiling in a field dominated by men, drawing praise and respect for her integrity, professionalism, and community involvement. I think it is important to note that in addition she oversaw Meridian's community reinvestment program and drew praise from community activists and minority groups for her commitment to serving the diverse needs of eastern Pennsylvania. She currently oversees the Regional Performing Arts Center, a \$200 million arts and economic development project in Philadelphia, a large undertaking and complex project, one that requires bringing together the diverse interests of the Philadelphia community.

Mr. President, in every step of her career, Ms. Brownell has been a path-breaking individual. Some people, Mr. President, in the course of deliberations on this nomination have questioned Ms. Brownell's qualifications for this demanding job. I think it is important, for the record, to take a minute and look at what people who served on the Public Utility Commission feel are the most important qualifications of a PUC Commissioner.

David Rolka, a current PUC Commissioner, said, quote, "The assets I think are important are an open mind, and a willingness to apply whatever analytical skills the person has and to give the parties a fair chance to make their case.

"It's a liability to have preconceived notions. It's a very rapidly changing environment."

Susan Shanaman, a former PUC member, said this about the job, quote, "Basically you have to be bright, intelligent and willing to work hard." Nora Brownell, Mr. President, meets and surpasses these qualifications. She certainly has proven that her skills are transferable across many different careers and projects, and she has demonstrated a capacity for critical thinking, problem solving, and openness.

I would point out, Mr. President, that during Ms. Brownell's appearance before the Senate Committee on Consumer Protection and Professional Licensure, many of her detractors repeatedly attacked the new electric competition law rather than focusing on the nominee's qualifications and the performance that she would carry out with her responsibilities. I believe, Mr. President, that these critics failed to grasp the crucial point

that electric competition is only one of many areas that the next PUC Commissioner will have to address. We must remember that the PUC has jurisdiction over a wide range of highly regulated industries, not just the electric regulation and distribution industry. The next Pennsylvania Public Utility Commissioner, Mr. President, will be called on to make decisions on deregulation of the natural gas industry, compliance with Act 67 and Chapter 30 of the Telecommunications Act, and the move to consolidate many of our State's small water companies, not to mention the myriad of regulations that the PUC is responsible for enforcing.

Ms. Brownell understands this point and has the intelligence to fairly regulate all of these industries. It is my understanding, Mr. President, that in her presentation to the Senate Committee on Consumer Protection and Professional Licensure she made that clear when she said, "I understand the importance of fairness and balance, which I believe I can bring to bear on major decisions that will have to be made as we move into these changing times."

The Public Utility Commission, Mr. President, is more than numbers, balance sheets, and rates. The PUC must be concerned about the people who pay the bills and the communities that it serves. I think it fitting that we are considering Nora's nomination during the same week that the nation has focused its eyes on the Presidents' Summit on volunteerism and community involvement. Ms. Brownell exemplifies the spirit of helping others. She has served on the board of Harmony House, a start-up housing co-op for low-income families in north Philadelphia. She is involved on the board of the Philadelphia Free Library and works at Need Indeed, an organization that empowers children and teaches self-esteem. In addition, Mr. President, she has raised three children, an accomplishment that she says she is most proud of.

Nora Brownell, Mr. President, has spent her life taking on new challenges, breaking barriers, helping others, and proving herself to be more than capable of mastering any new task at hand. She will be an exemplary Public Utility Commissioner and can handle the task of the job with distinction. She has the expertise, enthusiasm, and integrity to take on this very important responsibility, and, Mr. President, I believe that she deserves the support of every Member of this Senate.

Thank you, Mr. President.

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

Senator BRIGHTBILL. Mr. President, I have had the good fortune of knowing Nora Mead Brownell as a Member of the Pennsylvania General Assembly for something better than a decade. I first got to know her when I was the newly appointed Caucus Secretary and had the honor to represent this Caucus in its dealings with the Governor's Office on appointments by the Thornburgh administration. Ms. Brownell was the deputy executive assistant for that administration, and I worked with her on a day-to-day, week-to-week basis concerning executive nominations. I quickly learned that Nora was bright, competent, but most of all that she was a fair-minded person. I learned that she was very hardworking, she would be prepared, and she would understand what was going on before she spoke

out. These are the very kinds of qualifications that I believe that she will need as a member of our Public Utility Commission.

After the Thornburgh administration, I again got to meet Nora then as a Meridian Bank vice president. She began in 1987 as vice president for community relations and ended up as a senior vice president for corporate affairs at the time of the merger of Meridian and CoreStates. Once again, I had the good fortune to be able to work with her, this time in moving some community reinvestment programs that were occurring within the 48th Senatorial District. Once again, I learned that Ms. Brownell was someone who was quite capable and someone who was able to get through the red tape and to make things happen, and once again I learned that she was hardworking and fair-minded.

Now, Mr. President, Ms. Brownell is the acting director of the Regional Performing Arts Center in the Philadelphia area. She is coordinating the start-up development of a \$200 million performing arts center, and is in the process of overseeing a \$200 million economic development project that includes architecture, acoustics, construction management, financing, dealing with multiple shareholders and stakeholders, and learning again the economic consequences, but this time of a nonprofit organization which was involved in the very difficult area of the performing arts. And once again, if you know Nora, you would expect, and she is doing, an outstanding job.

Mr. President, Ms. Brownell is a first-rate woman who is capable of doing a first-rate job of balancing the interests that need to be balanced as a member of our Public Utility Commission. She knows there are many sides to many issues, and I believe she is the kind of person who will be able to honestly and fairly look at the different sides and be able to strike the kinds of balances that are necessary for Pennsylvania to move forward.

Thank you.

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

Senator BELAN. Mr. President, I wanted to rise today to speak briefly about the confirmation of Nora Mead Brownell to the PUC. During this confirmation process I had the opportunity to speak at length with Ms. Brownell. I learned a great deal about her as a person, not as a prospective PUC member, but also about what she has accomplished in her professional life. I think she is an outstanding individual who deserves a place in public service, but just not as a member of the PUC. For the era of deregulation, I believe we need a more consumer-oriented individual with experience in both utility issues and consumerism to serve on the PUC, and I told Ms. Brownell this during our conversation about her nomination.

I have no doubt, Mr. President, that the Majority has the votes to confirm this nominee. So I hope that Ms. Brownell as a member of the PUC will prove me wrong and that she will be an advocate for the consumer, for the little people, and not forget the little people, especially from southwestern Pennsylvania, where I come from. Mr. President, the consumers need someone to stand up to the big utility companies who will look out for both the working men and women of Pennsylvania.

After all, Mr. President, the working men and women of this Commonwealth are paying the bills, and we need someone in the PUC to protect them.

Thank you, Mr. President, for your time.

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

The PRESIDENT pro tempore. Mr. President, when the PUC vacancy occurred, many of us who represent the central part of this State had a distinct concern about the choice of a new commissioner. Would the nominee have an understanding of rural Pennsylvania? Would he or she appreciate the worries outside the urban and suburban areas about the direction utility regulators will be taking our State? With this person potentially being the tie-breaking vote, the stakes, Mr. President, are indeed huge, and the confirmation process certainly has moved to a point where we are about to make that decision.

People living in rural areas and small communities want their interests to be part of the landmark decisions pending, whether it be with respect to telephone deregulation, or electric competition, or the other major areas. They want someone sitting on the commission who understands the dollar-and-cents consequences for consumers as well as the billion-dollar implications for corporations in the decisions coming up.

I think the person whom the Governor nominates should not be someone tilted to either side but rather someone who is knowledgeable and able to make decisions on a fair and impartial basis. While the headlines feature the fight for the title as the biggest and best utilities, most families are looking to find affordable, dependable service. Mr. President, in my discussions with the Governor's nominee, Nora Brownell, I was impressed with her sense of commitment and her determination to bring a fresh outlook to the responsibilities facing the commission.

I was particularly pleased to find out that she was a member of a rural electric cooperative for a period of years. She has a broader base of practical experience than the critics give her credit for. The people who are part of the rural electrics are not easily impressed, Mr. President. They questioned Nora Brownell carefully about her abilities and her judgment, and they were satisfied that she would bring the necessary balance and perspective to the job of commissioner. Mr. President, the Governor could make no perfect choice, because if he did there would be so many things that he would have to factor in, but I believe that the Governor made an excellent choice in Nora Brownell, and I regard that as a solid and important recommendation that the rural electrics have certainly said that she understands rural Pennsylvania, and with her background and geography and places where she has lived and the life experiences she has had, I frankly believe she brings a lot to the table and would be a fine commissioner, and certainly I am pleased to be able to be here today to vote for her confirmation; a vote, by the way, that I believe is significant for every Member of the Senate.

Thank you, Mr. President.

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

Senator KITCHEN. Mr. President, I rise in opposition to this nomination. Mr. President, I am deeply disappointed in the background of Ms. Brownell. Ms. Brownell's background as a banker and as an art executive does not qualify her to make intelligent choices on deregulating electric and phone monopolies in this State. I am further troubled by her professional association with PECO executives. Mr. President, we all know that PECO is looking to push off \$3.8 billion of money-losing investments to its ratepayers over the next 10 years. This is wrong. How can Ms. Brownell effectively decide this case when her associations appear to be a direct conflict of interest?

Also, I am concerned that I am here today as a woman representing women, and in any other situation than this one I would be happy for her, but I must say that the Governor has slapped the minority community in the face with this nomination. He broke a nearly 30-year tradition of appointing a minority to the commission, and I feel that this type of politics where we are playing people against people, groups against groups, can bring no good in this State, and I feel bad about not being able to be happy for her because she is a woman and that is my principle, but for the Governor to break a tradition, for no apparent reason other than to show the people in this State that he can bring one group under control, showing another group how he can manage. And I just hope in the future that the Governor understands that he is the Governor for all of us and that all of us only stand to gain when we can all get along and we can all work together.

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

Senator BELL. Mr. President, I thoroughly agree with the gentlewoman from Philadelphia, Senator Kitchen, that the PUC should have a minority member. I served as the Minority chairman of the committee with the responsibility to oversee the PUC for a number of years, and for many years we have always had an African-American as a member of this commission, and I regret that the Governor did not see fit to appoint an African-American to the commission.

However, right now the choice is on Ms. Brownell. I see it as imperative that there be five members of the PUC, and I see it as imperative right now, because the minute that this lady is confirmed, and I know she is going to be confirmed, she will have the full power of any other commissioner on that board. On May 22, just a few days from now, there is going to be a very critical vote on the PECO stranded investment situation. PECO's initial request was \$3.6 billion--not million dollars, billion dollars--of stranded investment. As of April 1, they put in their supplementary request of \$2.5 billion, or a total of \$6.1 billion of stranded investment costs. The decision of the PUC with respect to PECO is how much of that stranded investment will be put on the backs of the ratepayers and how much will be eaten by the shareholders, and this is a very, very critical vote.

I have stressed, and we ran the 4-hour hearing last week, the fact that any decision on stranded investments must be fair, and by fair I mean fair to the ratepayers. But I also pointed out, we must have reliable electric service for the 3 million people served by PECO. In other words, reliable. If I go out

and turn that switch, I want that light to go on. I served in the military in other countries where you pushed a switch and the light would not go on. And if we have a bankrupt PECO, I do not know what is going to happen.

I will recall memories for my colleagues from southeastern Pennsylvania of January 2 years ago. We had an ice storm, and that ice storm was bad. We had creeping brownouts. PECO brought in repair crews, I saw them myself, from Baltimore Electric, South Carolina Electric, and Long Island Electric. I also know that the Susquehanna nuclear plant was down, Baltimore Electric's nuclear plant went down, and the only thing that kept the grid of all of eastern Pennsylvania, the Delaware Valley area, on line was Limerick - the stranded investment, Limerick. They kept Limerick on line, although it was supposed to be pulled off to be refueled on February 1, and that provided the electricity that kept my lights going, that kept my heater going. Because electricity is a basic part of everybody's life, this is why we must have reliable electric service.

Now, I am not going to go too long. I believe if you cannot make your point in 5 minutes, you ought to sit down and shut up. No, I am not up to 6. I know some other people who have taken triple 6s.

The PRESIDENT. That is not my watch, but go ahead.

Senator BELL. Mr. President, you can run a watch on me.

But I want to talk to the Members just briefly on the experience, how much is required to be a PUC Commissioner. I think one of the best commissioners I have served with was Sue Shanaman. She was chairman of the PUC. Her previous experience was as attorney to the gentleman from Blair, Senator Jubelirer. But when she left, she served as counsel to the Committee on Consumer Protection and Professional Licensure and she rewrote the PUC Code. She was good.

I also would like to say this: Right now with the tremendous challenges faced by our PUC, the PUC Commissioners are putting in 60-plus hours a week, and they are demanding the same of their responsible staff. I asked Ms. Brownell, with all these commitments you have in the Philadelphia area, are you going to put in 60-plus hours a week at this job? She said, yes. Now, I know Ms. Brownell from years ago. She is a person with a strong personality, and as I said, she has a stainless steel backbone, and she will be in there and she will be making her decisions. All right, now what type of decisions? I see her as being fair, fair to all sides. I see her as knowing that my house and the homes of the people in Pennsylvania have reliable electric service. I am not going to say how she is going to vote. I do not know. But I am going to say this: I am convinced she will do a splendid job.

Now this is not an ordinary Senate Session where we bring in 100 school kids from somebody's county. Right now the PUC of Pennsylvania is trailblazing the tremendous electric deregulation program. I did not vote for the bill, I did not think it was properly drawn. But today I am saying this: The eyes not only of Pennsylvania but of America are on this vote right here on this floor. The sole choice: do you want to operate with a four-member PUC or a five-member PUC? I vote for a five-member PUC.

Thank you.

LEGISLATIVE LEAVE CANCELLED

The PRESIDENT. Senator Fumo has returned, and his temporary Capitol leave is cancelled.

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

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

Senator FUMO. Mr. President, it was not my intention to speak on the nominee, but after having heard some of the comments that have been made, I feel obligated to at least perhaps send my personal message to the nominee because obviously, in this Chamber, with 30 votes on that side of the aisle, it is no mystery that she will be confirmed. I have met Ms. Brownell a few times. I think she is a very, very nice lady. I do not know, no one has convinced me yet that she has any qualifications whatsoever to be a member of the PUC. And I am at least a little bit troubled by her cozy relationship, if you will, with the business interests in this Commonwealth, particularly the utilities.

Mr. President, before the PUC, as Senator Bell said, very shortly will be probably the biggest case in the history of the PUC. It is rumored in the media--and we all know how credible they can be, some days they win, some days they lose. We like it when they lose, but we have to talk about some of their credibility--that right now the vote is 2 to 2. So Ms. Brownell, with no experience in PUC regulation and a cozy relationship with the people who are to be regulated, assumes the mantle of a PUC Commissioner. And as Senator Bell said, the decision is in excess of \$6 billion, maybe almost \$7 billion.

I hope that Ms. Brownell shocks her critics and surprises even the Governor, as so many Justices on the U.S. Supreme Court have surprised the Presidents who have appointed them, and becomes a true independent voice for consumers. The Public Utility Commission was not set up to protect utilities from consumers, it was set up to protect consumers from utilities and monopolies. It is the only way in our society that a monopoly can be constrained. This case will say much about the true character of Ms. Brownell. I have heard many, many wonderful things said about her, and from my short experience and knowledge of her, I have no reason to question the things that have been said about her integrity and independence, but all those words do not mean anything. As I like to say, my Irish mother always said to me, actions speak louder than words.

Ms. Brownell will now have the opportunity for the rest of her life to demonstrate to the people of this State whether or not the things that have been said about her in this Chamber today are in fact true. I hope she succeeds in that. I hope she does not fail, because if she does fail, it will bring discredit to her and certainly to the Governor, but no one worries about the Governor because he is in this business of doing favors for friends. She is supposed to maintain an independent role.

Mr. President, I am not going to vote for her because I am not happy about the fact that for the first time in 30 years there will not be a minority on the Public Utility Commission. That

means for the last 30 years, whether there were Democrats or Republicans, there was always that sensitivity expressed to that very large segment of our population that they would be represented on that commission. I do not expect Governor Ridge to be sensitive to the needs of minorities, because if you look at the election returns, they probably did not vote for him. I have never seen a more political Governor in my life. This, though, stretches it a little bit too far. I also cannot vote for her because I honestly do not believe, and I think she is honest enough to tell you, she has absolutely no experience in this area, no qualifications whatsoever. That troubles me. Someone should at least have the bare, minimal technical qualifications.

When I was down in my office, I heard the remarks of the gentleman from Delaware, Senator Loeper, where he talked about the comments, I believe it was Commissioner Rolka who said that all you really need is some independence and integrity, but Commissioner Rolka said that after having attained 20 years of experience in the area of public utility regulation. He obviously did not state the obvious, that you ought to know about the area of public utility law.

Mr. President, only Tom Ridge and a Republican Senate would do this to the citizens of the Commonwealth. But I understand that. I even understand that nobody cares. I remember Ted Kennedy once talked about a malaise in the Democratic Party. Mr. President, there is a malaise in the population of Pennsylvania. They do not know or care what is going on, and I am happy for them. Right now, while the economy is booming, they are all fat and happy. We do not care if you have a \$1 billion surplus, we do not care if you put somebody over there who does not do the best for us in utility rates.

The interesting thing that I find here is that in this day and age people are so used to the Public Utility Commission raising their rates, and when the rates do not get raised they think they have won. They do not have the sophistication to know what deregulation means and what free competition means. They do not have the sophistication to know that they could save 20 percent on their rates, 30 percent on their rates, and the big scam around here has been is not PECO a wonderful institution, they are going to save you 3 percent while they pocket 20 and put \$6 billion on your back. Those things are complicated, Mr. President, and regretfully our electorate does not understand them, and happily, though, they do not care because things are going so wonderfully out there.

But I have a responsibility because I do understand the issues, the same way we all have that responsibility. And that is even if I have to be the only vote in the negative, which I will gladly be on principle--I will not be, but if I had to be I would be--that is our sworn responsibility. I recognize the responsibility of the Republican Majority, they have to march in lockstep behind their Governor, and I admire the Governor for the great con job he has pulled off, and I do not even get upset with my colleagues on this side of the aisle who figure she is going to get confirmed anyway, why should I have an enemy at the PUC, I might have to call someday for a favor. But that kind of business-as-usual, Mr. President, eventually will come back to haunt us, and when it does, I want to at least be able to say I told you so.

I watched Dick Thornburgh with the best numbers in the world almost lose to Allen Ertel, who snuck up on him. I see the same pattern here. I watched George Bush come off the Gulf War with the biggest positive rating I think any President ever had to lose to an unknown by the name of Bill Clinton. So I will watch the progress, Mr. President, but the message today also is that after this confirmation, Governor Ridge will be in total control of the PUC. He will have appointed, and his Senate Majority will have confirmed, the majority of that commission. It is now the Republican responsibility to make sure that that commission does what it is supposed to do for ratepayers and not big political utility contributors. Only time will tell.

So I end, Mr. President, where I started. I hope that Ms. Brownell takes the challenge which has been foisted upon her, that she shocks the Governor, that she shocks her friends at PECO, and that she worries about consumers first. I do not know if that is going to happen. I will be watching very closely as I am an intervener. I am the only public official who decided to fight PECO, much to my chagrin as well, but there are times when I enjoy the role of Don Quixote. I do not enjoy losing like he did but I enjoy at least the spirit of the fight.

Mr. President, we shall see what will happen, and it could be Ms. Brownell's finest hour or her worst hour. In the end she will live with herself, and I regret that I cannot vote for her to give her that opportunity, but she will be getting it anyway.

Thank you, Mr. President.

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

LEGISLATIVE LEAVES

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

Senator FUMO. Mr. President, I request temporary Capitol leaves for Senator Bodack, Senator Belan, Senator Mellow, and Senator O'Pake, who have been called to their offices.

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

The Chair recognizes the gentleman from Delaware, Senator Loeper.

Senator LOEPER. Mr. President, I also ask for temporary Capitol leaves for Senator Mowery, Senator Heckler, and Senator Holl, who have been called to their offices.

The PRESIDENT. Senator Loeper requests temporary Capitol leaves for Senator Mowery, Senator Heckler, and Senator Holl. Without objection, those leaves are granted.

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

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

YEA-34

Afflerbach	Hart	Murphy	Thompson
Armstrong	Heckler	Piccola	Tilghman
Bell	Helfrick	Punt	Tomlinson
Brightbill	Holl	Rhoades	Uliana
Corman	Jubelirer	Robbins	Wenger
Delp	Lemmond	Salvatore	White
Earll	Loeper	Schwartz	Williams
Gerlach	Madigan	Slocum	
Greenleaf	Mowery	Stapleton	

NAY-16

Belan	Hughes	LaValle	Stout
Bodack	Kasunic	Mellow	Tartaglione
Costa	Kitchen	Musto	Wagner
Fumo	Kukovich	O'Pake	Wozniak

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.

CONSIDERATION OF CALENDAR RESUMED

SECOND CONSIDERATION CALENDAR

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

HB 132 (Pr. No. 1589) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of November 6, 1987 (P.L.381, No.79), known as the Older Adults Protective Services Act, adding certain definitions; further providing for reporting, for investigations and for reporting suspected abuse by employees.

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

BILLS OVER IN ORDER

HB 77, HB 90, SB 91 and SB 114 -- Without objection, the bills were passed over in their order at the request of Senator LOEPER.

BILL ON SECOND CONSIDERATION

HB 133 (Pr. No. 948) -- The Senate proceeded to consideration of the bill, entitled:

An Act providing for Statewide nurse aide training programs relating to nursing facilities.

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

BILLS OVER IN ORDER

SB 182, SB 213 and SB 254 -- Without objection, the bills were passed over in their order at the request of Senator LOEPER.

LEGISLATIVE LEAVE CANCELLED

The PRESIDENT. Senator Heckler has returned, and his temporary Capitol leave is cancelled.

SECOND CONSIDERATION CALENDAR RESUMED

BILL ON SECOND CONSIDERATION

SB 301 (Pr. No. 295) -- 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 prostitution and related offenses.

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

BILLS OVER IN ORDER

SB 419, SB 425, SB 428, SB 529, SB 726 and SB 875 -- Without objection, the bills were passed over in their order at the request of Senator LOEPER.

SENATE RESOLUTION ADOPTED

Senators ULIANA, EARLL, TARTAGLIONE, MOWERY, HELFRICK, BELAN, FUMO, THOMPSON, SALVATORE, WENGER, MURPHY, O'PAKE, COSTA, WHITE, GERLACH, HART, TOMLINSON and KASUNIC, by unanimous consent, offered **Senate Resolution No. 43**, entitled:

A Resolution declaring the month of May 1997 as "Teenage Pregnancy Prevention Month" and designating Thursday, May 1, 1997, as kickoff date.

On the question,
Will the Senate adopt the resolution?

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

Senator ULIANA. Mr. President, I will hold my remarks on the resolution for Petitions and Remonstrances, and I would urge everybody's support and I thank the 16 other cosponsors of this very important resolution.

And the question recurring,
Will the Senate adopt the resolution?
A voice vote having been taken, the question was determined in the affirmative.

DISCHARGE PETITIONS

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

In the Senate, April 30, 1997

A PETITION

To place before the Senate the nomination of Jane McMullen, as Register of Wills, Allegheny County.

TO: The President Officer of the Senate:

WE, The undersigned members of the Senate, pursuant to section 8 (b) of Article IV of the Constitution of Pennsylvania, do hereby request that you place the nomination of Jane McMullen, as Register of Wills, Allegheny County, before the entire Senate body for a vote, the nomination not having been voted upon within 15 legislative days:

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

In the Senate, April 30, 1997

A PETITION

To place before the Senate the nomination of Ann S. Houston, as a member of the Architects Licensure Board.

TO: The President Officer of the Senate:

WE, The undersigned members of the Senate, pursuant to section 8 (b) of Article IV of the Constitution of Pennsylvania, do hereby request that you place the nomination of Ann S. Houston, as a member of the Architects Licensure Board, before the entire Senate body for a vote, the nomination not having been voted upon within 15 legislative days:

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

In the Senate, April 30, 1997

A PETITION

To place before the Senate the nomination of Jim D. Wright, as Sheriff, Bedford County.

TO: The President Officer of the Senate:

WE, The undersigned members of the Senate, pursuant to section 8 (b) of Article IV of the Constitution of Pennsylvania, do hereby request that you place the nomination of Jim D. Wright, as Sheriff, Bedford County, before the entire Senate body for a vote, the nomination not having been voted upon within 15 legislative days:

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

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

UNFINISHED BUSINESS CONGRATULATORY RESOLUTIONS

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

Congratulations of the Senate were extended to Mr. and Mrs. Daniel Denlinger by Senator Armstrong.

Congratulations of the Senate were extended to Brian D. Feldman and to the Lehigh Valley Chapter of Professional Secretaries International by Senator Gerlach.

Congratulations of the Senate were extended to James Gump, Dan Howard, Jr., Chris Verdini, Richard Fey Vidmer, Ray White, The Arnord Flower Shop, DeStefano Florist of Arnold and to the Lazarus' Tomb Coffeehouse of Arnold by Senator Hart.

Congratulations of the Senate were extended to Dr. Daniel N. DeLucca by Senator O'Pake.

Congratulations of the Senate were extended to Earl F. Roberts by Senator Rhoades.

Congratulations of the Senate were extended to the Child Care Department of Catholic Social Services of the Archdiocese of Philadelphia by Senator Salvatore.

Congratulations of the Senate were extended to the Columbia High School Girls Varsity Basketball Team by Senator Wenger.

Congratulations of the Senate were extended to George Henry Sargen by Senators Wenger and Armstrong.

BILLS ON FIRST CONSIDERATION

Senator THOMPSON. 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 105, SB 672, SB 755 and HB 329.

And said bills having been considered for the first time,

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

RECONSIDERATION OF SB 301

SB 301 (Pr. No. 295) -- Senator LOEPER. Mr. President, I move to reconsider the vote by which Senate Bill No. 301 was agreed to on second consideration.

The motion was agreed to.

And the question recurring,

Will the Senate agree to the bill on second consideration?

BILL LAID ON THE TABLE

Senator LOEPER. Mr. President, I move that Senate Bill No. 301 be laid on the table.

The motion was agreed to.

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

PETITIONS AND REMONSTRANCES

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

Senator ULIANA. Mr. President, I rise today to bring attention to something which will be happening tomorrow in the city of Bethlehem, and that is that the Lehigh Valley Coalition to Prevent Teenage Pregnancy will be holding a rally. This is an important issue not only for those of us in this room but for all the 12 million people of the Commonwealth, as well as the 265 million Americans who make up this great country. Mr. President, there is no issue which is tied more closely to reforming our welfare system, to trying to move people from welfare to work and reduce our welfare rolls than preventing and stopping teen pregnancies.

A few facts, I think, are just very important in this whole debate. This year more than 1 million teenage girls will get pregnant. A family started by a teen birth will cost taxpayers an average of \$18,133 by the time that child is 20. About 53 percent of the Aid for Dependent Children funding goes to families formed by a teen birth. Teen pregnancies cost the U.S. taxpayers about \$6.9 billion per year. An average of one in three teen mothers drops out of school. Seventy percent of teen mothers never return.

Teen mothers are twice as likely to rely on public assistance. Their children, 50 percent are more likely to repeat at least one grade in school. They are twice as likely to be abused or neglected, and girls of teen moms are 83 percent more likely to become teenage moms. Teenage sons of adolescent moms are 2.7 times more likely to end up in prison. Those facts, Mr. President, are startling. They are startling because they point to a tremendous problem within our country and within our society. This year Pennsylvania will spend about \$2.5 million trying to prevent teen pregnancies. As you can see, everything we can do to prevent a teen pregnancy not only helps out the Commonwealth but helps out a young woman and helps out kids.

Mr. President, I hope that as we look into May and as spring sets upon all of us we will think to renew our efforts to try to ensure that every girl growing up in schools has the full opportunities of life that we would all like to have them enjoy. Unfortunately for many, the opportunities in life will be cut off because they have a teen pregnancy. Mr. President, it is an important issue. If we are ever going to reduce our welfare rolls in the State and move people from welfare to work, we are going to have to ensure that teen pregnancies go down.

Mr. President, tomorrow I will join with friends and individuals who are united in this cause in the city of Bethlehem to try to reduce the number of teenage pregnancies. I was happy to see that people from across the aisle, both liberal and conservative, joined me in cosponsoring this resolution. It shows that this is one issue that even across the partisan divides that sometimes separate the Members of this institution that we can all unite around. It is an issue which is fundamental toward the improvement of life in this State. Mr. President, I hope that all of us throughout this month of May will take

time out to become focused and interested in trying to reduce teen pregnancies in the Commonwealth of Pennsylvania.

Thank you, Mr. President.

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

Senator COSTA. Mr. President, this afternoon I rise to talk about an issue that for many years has been very important to me and one which I have been working on for some time now, and that is the issue of the Pennsylvania inheritance tax.

Mr. President, in my former capacity as Register of Wills in Allegheny County, it was my job and my responsibility to collect the Pennsylvania inheritance tax, and on average we collected in the 5 years or so that I was there, we averaged about \$80 million a year of money coming out of Allegheny County, hard-earned assets that individuals in our county earned by working very hard and were turned over to the State. And, Mr. President, over that period of time that I served as Register of Wills, I had the opportunity to speak to literally hundreds and hundreds of groups, citizen groups, senior groups, AARP groups, and the like, and I am here to say, without a doubt, that there is a tremendous amount of hostility toward the Pennsylvania inheritance tax. It is an unfair tax, an inequitable tax, and a confiscatory tax.

What I have done in response to that cry, Mr. President, is introduced legislation which would create a \$100,000 exemption to the Pennsylvania inheritance tax. Unfortunately, that particular piece of legislation has been referred to the Committee on Finance, and we have been unable to get that particular piece of legislation moved from the Committee on Finance either for a public hearing or for consideration for a vote. However, Mr. President, very recently I was successful in getting an amendment to House Bill No. 134, which was in the Committee on Finance and unanimously reported out of the Committee on Finance, which essentially would adopt the \$100,000 exemption that I have spoken about. It is my hope today that the Members who are here listen to the call of the people from the Commonwealth of Pennsylvania who are crying out about this particular tax, and I might add, Mr. President, that significant discussion is taking place in Washington, D.C., around this very issue, the estate tax issue and the inheritance tax issue.

Mr. President, I have taken this position and I feel this way for several reasons. First is the triple taxation nature of this particular tax. Mr. President, inheritance tax, three times it is taxed, and it is the third time that someone is paying taxes on their hard-earned assets. They first pay taxes when they earn this particular money or assets, when they accrue them. As money is being saved or there is an increase in the value of property, Mr. President, they are again paying tax on it. And the third time, Mr. President, they pay taxes when they want to leave this particular piece of property or the assets that they have worked very hard to accumulate to their family members. They must pay either a 6-percent or a 15-percent inheritance tax.

Further, Mr. President, this tax is an inequitable tax because, quite frankly, it injures and hurts the middle class and the low-income members of our society. Those folks are not in

a position to afford or have the opportunity to take the time nor do they have the resources to get a financial planner or an estate planner to try to avoid these types of taxes.

And finally, Mr. President, I think this particular tax sends a very counterproductive message to the citizens of the Commonwealth. Mr. President, all of us in this room preach the message that it is important for people to work hard, it is important that we work hard and save our money and accumulate our assets, and it is important that we work hard, save our money and also provide for our children. Quite frankly, Mr. President, when someone has done that, and historically throughout this Commonwealth people have done that, they are being penalized, because then they are being told after they have done all the things we have asked them to do, they are being told that before they can pass on their hard-earned assets, in some cases where they worked two or three jobs to provide these things, they are being told that they have to provide 6 percent of that back to the Commonwealth simply for the privilege of being able to pass it on.

Mr. President, I do not think it is appropriate, I do not think it is right, and I think we need to do something about it. I have seen many situations in my capacity as Register of Wills where people would come into our office and were told that they would have to come up with literally \$6,000, \$7,000, or \$8,000 within 9 months in order to pay for the home that their mom or dad has left them. Mr. President, not many people, myself included, have \$6,000 or \$7,000 in the bank to be able to put down to pay a Pennsylvania inheritance tax. So my hope is as we proceed through this budget season and we talk about tax cuts and tax increases that we do not forget to talk about one tax that cuts across all lives, Mr. President, and that is the Pennsylvania inheritance tax, and I think it is important that we take the lead from Washington in some regard as it relates to this very onerous tax.

Thank you for the opportunity to provide these comments.

ANNOUNCEMENT BY THE SECRETARY

The following announcement was read by the Secretary of the Senate:

SENATE OF PENNSYLVANIA

COMMITTEE MEETINGS

WEDNESDAY, MAY 28, 1997

9:30 A.M.

CONSUMER PROTECTION AND
PROFESSIONAL LICENSURE (public
hearing on the retail deregulation of
the natural gas industry)

Room 8E-B
East Wing

ADJOURNMENT

Senator LOEPER. Mr. President, I move that the Senate do now adjourn until Monday, May 5, 1997, at 2 p.m., Eastern Daylight Saving Time.

The motion was agreed to.

The Senate adjourned at 2:07 p.m., Eastern Daylight Saving Time.