

COMMONWEALTH OF PENNSYLVANIA

Legislative Journal

MONDAY, FEBRUARY 9, 1998

SESSION OF 1998

182ND OF THE GENERAL ASSEMBLY

No. 10

SENATE

MONDAY, February 9, 1998

The Senate met at 2 p.m., Eastern Standard Time.

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

PRAYER

The Chaplain, Reverend CARL E. DENSON, of Mt. Zion Baptist Church, Bethel Park, offered the following prayer:

Let us bow our heads.

Lord, accept the good I have done this day and forgive the wrong. The Scriptures start with, "In the beginning, God created the heavens and the earth." I ask You, Father God, to bless this world and especially our government leaders, those in authority who will continue to obey Your laws and the laws of this land. Guide, protect, and perfect them for common good and the promoting of godliness and the suppression of sin.

Bless all churches and synagogues with able, godly, faithful bishops, pastors, priests, rabbis, and ministers who are zealous lovers of God and godliness. Save the nations and churches from oppressing tyrants and deceivers and from enigmatic enemies. Lead them to serious piety, and also cause subjects to live in just obedience and in love and peace.

Bless families with wise, religious fathers and mothers who will carefully instruct their children to refrain from evil-doing, such as drugs and alcohol and violent crime. Keep them from temptation, and teach children and servants to fear God.

Father, I thank You for all who are here in attendance this afternoon in the Main Capitol. Bless them and keep their families from any hurt, harm, or danger. And now, Lord, let the words of my mouth and the meditation of my heart be acceptable in Thy sight, O Lord, my strength and my redeemer. Amen.

The PRESIDENT. The Chair thanks Reverend Denson, who is the guest today of Senator Murphy.

JOURNAL APPROVED

The PRESIDENT. A quorum of the Senate being present, the Clerk will read the Journal of the preceding Session of February 4, 1998.

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

COMMUNICATIONS FROM THE GOVERNOR

NOMINATIONS REFERRED TO COMMITTEE

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

MEMBER OF THE STATE BOARD OF EXAMINERS OF NURSING HOME ADMINISTRATORS

February 5, 1998

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Daron Smith, 755 Kruetz Creek Road, York 17406, York County, Twenty-eighth Senatorial District, for appointment as a member of the State Board of Examiners of Nursing Home Administrators, to serve until November 13, 2000 or until his successor is appointed and qualified, but not longer than six months beyond that period, vice Lawrence J. Tabas, Esquire, resigned.

THOMAS J. RIDGE
Governor

MEMBER OF THE HEALTH POLICY BOARD

February 6, 1998

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Dr. Robert Lange, 1522 Sumner Drive, Erie 16505, Forty-ninth Senatorial District, for appointment as a member of the Health Policy Board, to serve for a term of three years and until his successor is appointed and qualified, vice Barbara A. Afflerbach, Catasauqua, resigned.

THOMAS J. RIDGE
Governor

MEMBER OF THE MUNICIPAL POLICE OFFICERS' EDUCATION AND TRAINING COMMISSION

February 6, 1998

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, The Honorable Tom Stanton, 16 Beechwood Avenue, Wheatland 16161, Mercer County, Fiftieth Senatorial District, for appointment as a member of the Municipal Police

Officers' Education and Training Commission, to serve until February 21, 1999 and until his successor is appointed and qualified, vice The Honorable Tim J. Murray, Conneaut Lake, resigned.

THOMAS J. RIDGE  
Governor

**MEMBER OF THE BOARD OF GOVERNORS OF  
THE STATE SYSTEM OF HIGHER EDUCATION**

February 6, 1998

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Jason B. Bozzone, 1086 Knollwood Drive, Tobyhanna 18466, Monroe County, Twenty-second Senatorial District, for appointment as a member of the Board of Governors of the State System of Higher Education, to serve until graduated or separated from the University, vice Richard A. Fino, Shippensburg, whose term expired.

THOMAS J. RIDGE  
Governor

**MEMBER OF THE BOARD OF GOVERNORS OF  
THE STATE SYSTEM OF HIGHER EDUCATION**

February 6, 1998

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Lawrence J. Flint, R. R. 2, Box 2562, Hallstead 18822, Susquehanna County, Twentieth Senatorial District, for appointment as a member of the Board of Governors of the State System of Higher Education, to serve until graduated or separated from the University, vice Christopher J. Cerski, Wilkes-Barre, whose term expired.

THOMAS J. RIDGE  
Governor

**RECALL COMMUNICATIONS  
REFERRED TO COMMITTEE**

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

**MEMBER OF THE HEALTH POLICY BOARD**

February 6, 1998

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated January 12, 1998 for the appointment of Paula Vitz, 265 Brookview Drive, Red Lion 17356, York County, Twenty-eighth Senatorial District, as a member of the Health Policy Board, to serve for a term of three years and until her successor is appointed and qualified, vice Barbara A. Afflerbach, Catasauqua, resigned.

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

THOMAS J. RIDGE  
Governor

**MEMBER OF THE POTTER COUNTY  
BOARD OF ASSISTANCE**

February 6, 1998

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated January 14, 1998 for the appointment of Helene K. Nawrocki (Republican), 2512 Hilcox-Ulysses Road, Genesee 16923, Potter County, Twenty-fifth Senatorial District, as a member of the Potter County Board of Assistance, to serve until December 31, 2000, and until her successor is appointed and qualified, to add to complement.

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

THOMAS J. RIDGE  
Governor

**RECALL COMMUNICATION  
LAID ON THE TABLE**

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

**CORONER, PIKE COUNTY**

February 6, 1998

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated October 20, 1997 for the appointment of Kevin T. Stroyan, 119 Stroyan Lane, Milford 18337, Pike County, Twentieth Senatorial District, as Coroner, in and for the County of Pike, to serve until the first Monday of January 2000, vice James J. Martin, deceased.

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

THOMAS J. RIDGE  
Governor

**BILLS INTRODUCED AND REFERRED**

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

February 6, 1998

Senators KITCHEN, WILLIAMS, COSTA, TOMLINSON, MELLOW, SLOCUM, HUGHES, MUSTO, STOUT and TAGLIONE presented to the Chair **SB 1281**, entitled:

An Act amending Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, adding a definition of "parent."

Which was committed to the Committee on JUDICIARY, February 6, 1998.

Senators HART, HELFRICK and SLOCUM presented to the Chair SB 1282, entitled:

An Act amending the act of March 10, 1949 (P.L.30, No.14), entitled Public School Code of 1949, setting forth public policy relating to strikes; and providing for assessments.

Which was committed to the Committee on EDUCATION, February 6, 1998.

Senators ROBBINS, BRIGHTBILL, PUNT, BELL, HUGHES, MUSTO, LEMMOND, BELAN, HELFRICK, FUMO, WAGNER, HART, SALVATORE, LAVALLE, CORMAN, KASUNIC, STAPLETON, MURPHY, SLOCUM, SCHWARTZ, GERLACH, KITCHEN, TARTAGLIONE, AFFLERBACH, WILLIAMS, GREENLEAF, O'PAKE, RHOADES, STOUT, COSTA, TOMLINSON, EARLL and THOMPSON presented to the Chair SB 1283, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, providing for special license plates for Vietnam War veterans.

Which was committed to the Committee on TRANSPORTATION, February 6, 1998.

Senators GREENLEAF and SLOCUM presented to the Chair SB 1284, entitled:

An Act amending the act of July 7, 1980 (P.L.380, No.97), entitled Solid Waste Management Act, exempting municipalities and municipal authorities from bond requirements.

Which was committed to the Committee on ENVIRONMENTAL RESOURCES AND ENERGY, February 6, 1998.

Senators GREENLEAF, AFFLERBACH, ARMSTRONG, MELLOW, O'PAKE, SALVATORE and TOMLINSON presented to the Chair SB 1285, entitled:

An Act establishing a moratorium on cloning human beings; prohibiting the use of State funds for cloning human beings; requiring the Department of Health to conduct a study; and imposing penalties.

Which was committed to the Committee on PUBLIC HEALTH AND WELFARE, February 6, 1998.

#### February 9, 1998

Senators GREENLEAF, O'PAKE, HART, LEMMOND, SALVATORE and SCHWARTZ presented to the Chair SB 1286, entitled:

An Act amending Title 20 (Decedents, Estates and Fiduciaries) of the Pennsylvania Consolidated Statutes, further providing for mandatory jurisdiction of the court over guardianship support agencies and attorneys-in-fact; further providing for incapacitated persons with regard to notice of petition, hearings, appointment of guardians, emergency guardians, evidence of incapacity, reports of guardians, powers of guardians to enter into leases and accountings; and making technical changes.

Which was committed to the Committee on JUDICIARY, February 9, 1998.

Senators GERLACH, WILLIAMS, KITCHEN, KUKOVICH, STOUT, COSTA, TOMLINSON, MELLOW, SCHWARTZ and GREENLEAF presented to the Chair SB 1287, entitled:

An Act amending the act of March 4, 1971 (P.L.6, No.2), entitled Tax Reform Code of 1971, excluding payments, other benefits and expenses for ridesharing arrangements from taxable income.

Which was committed to the Committee on FINANCE, February 9, 1998.

Senators GERLACH, WILLIAMS, KITCHEN, KUKOVICH, STOUT, COSTA, TOMLINSON, MELLOW, SCHWARTZ and GREENLEAF presented to the Chair SB 1288, entitled:

An Act amending the act of December 14, 1982 (P.L.1211, No.279), entitled "An act providing for ridesharing arrangements and providing that certain laws shall be inapplicable to ridesharing arrangements," adding and amending definitions.

Which was committed to the Committee on TRANSPORTATION, February 9, 1998.

### 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:

#### February 4, 1998

Senators GREENLEAF, O'PAKE, LEMMOND, AFFLERBACH, ROBBINS, SALVATORE, TOMLINSON, SCHWARTZ, SLOCUM and HART presented to the Chair SR 122, entitled:

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

Which was committed to the Committee on RULES AND EXECUTIVE NOMINATIONS, February 4, 1998.

#### February 9, 1998

Senators LEMMOND, AFFLERBACH, BRIGHTBILL, COSTA, WENGER, WAGNER, STOUT, BELAN, ULIANA, TOMLINSON, BODACK, TILGHMAN, O'PAKE, MELLOW, WHITE, BELL, GERLACH, SLOCUM, SCHWARTZ, RHOADES, ROBBINS, GREENLEAF, EARLL and MADIGAN presented to the Chair SR 125, entitled:

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

Which was committed to the Committee on RULES AND EXECUTIVE NOMINATIONS, February 9, 1998.

Senator LOEPER presented to the Chair SR 126, entitled:

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

Which was committed to the Committee on RULES AND EXECUTIVE NOMINATIONS, February 9, 1998.

Senators RHOADES, ROBBINS, O'PAKE, LAVALLE, MOWERY, AFFLERBACH, MADIGAN, JUBELIRER, GREENLEAF, ARMSTRONG, LOEPER, MURPHY, HART, HELFRICK, WHITE, GERLACH, BELL, TOMLINSON, THOMPSON, BELAN, KUKOVICH, CONTI, MELLOW, BODACK, COSTA, KASUNIC, EARLL, SLOCUM, LEMMOND, WENGER, ULIANA, DELP, CORMAN and SCHWARTZ presented to the Chair SR 127, entitled:

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

Which was committed to the Committee on RULES AND EXECUTIVE NOMINATIONS, February 9, 1998.

### 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:

February 4, 1998

**HB 728 and 1828** -- Committee on Judiciary.

**HB 1827 and 1829** -- Committee on Local Government.

### GENERAL COMMUNICATIONS

#### PROCLAMATIONS BY THE GOVERNOR CERTIFYING VOTE ON CONSTITUTIONAL AMENDMENTS

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

COMMONWEALTH OF PENNSYLVANIA  
Department of State  
Harrisburg, PA 17120

February 3, 1998

Honorable Robert C. Jubelirer  
President Pro Tempore  
Senate of Pennsylvania  
Senate Box 203030  
Harrisburg, PA 17120

Dear Senator Jubelirer:

I am pleased to provide you with the enclosed copies of the Proclamations signed by Governor Ridge and me on February 2, certifying the vote on the three constitutional amendments approved by the voters of the Commonwealth on November 4, 1997.

These amendments include the homestead tax exemption; absentee voting; and changing provisions relating to pardons, commutations and the Board of Pardons.

If you have any questions regarding the Proclamations, please do not hesitate to contact me or David Williams at 787-6458.

Very truly yours,

YVETTE KANE  
Secretary of the Commonwealth

-----  
COMMONWEALTH OF PENNSYLVANIA  
GOVERNOR'S OFFICE

#### PROCLAMATION

#### CONSTITUTIONAL AMENDMENT - ARTICLE VIII

WHEREAS, Joint Resolution No. 3 of 1996 proposed to amend Article VIII, Section 2(b) of the Constitution of Pennsylvania, relating to taxation, by adding a clause that reads as follows:

"§ 2. Exemptions and special provisions.

\* \* \*

(b) The General Assembly may, by law:

\* \* \*

(vi) Authorize local taxing authorities to exclude from taxation an amount based on the assessed value of homestead property. The exclusions authorized by this clause shall not exceed one-half of the median assessed value of all homestead property within a local taxing jurisdiction. A local taxing authority may not increase the millage rate of its tax on real property to pay for these exclusions;" and

WHEREAS, Joint Resolution No. 3 of 1996 was agreed to by a majority of the members elected to each House of the General Assembly and published pursuant to Article XI, Section 1 of the Constitution of Pennsylvania; and

WHEREAS, in the General Assembly next afterwards chosen, the aforesaid amendment to Article VIII, Section 2(b) of the Constitution of Pennsylvania was proposed in Joint Resolution No. 1 of 1997, which was agreed to by a majority of the members elected to each House of the General Assembly and published pursuant to Article XI, Section 1 of the Constitution of Pennsylvania; and

WHEREAS, the aforesaid proposed amendment to Article VIII, Section 2(b) of the Constitution of Pennsylvania was submitted for approval to the qualified electors of the Commonwealth of Pennsylvania pursuant to Article XI, Section 1 of the Constitution of Pennsylvania at an election held on November 4, 1997; and

WHEREAS, the Secretary of the Commonwealth, pursuant to law, has certified to me that the aforesaid proposed amendment to Article VIII, Section 2(b) of the Constitution of Pennsylvania was approved by a majority of those voting thereon on the aforesaid day; and

WHEREAS, Section 903 of Title 1 of the Pennsylvania Consolidated Statutes requires the Governor, upon receiving the aforesaid certification of the Secretary of the Commonwealth, to issue his proclamation indicating whether or not the proposed amendment to Article VIII, Section 2(b) of the Constitution of Pennsylvania has been adopted by a majority of the electors voting thereon.

NOW THEREFORE, I, Thomas J. Ridge, Governor of the Commonwealth of Pennsylvania, do hereby proclaim that the aforesaid amendment to Article VIII, Section 2(b) of the Constitution of Pennsylvania was adopted by a majority of the electors voting thereon on November 4, 1997.

GIVEN under my hand and the Great Seal of of the Commonwealth, at the City of Harrisburg, this second day of February in the year of our Lord one thousand nine hundred and ninety-eight, and of the Commonwealth the two hundred and twenty-second.

THOMAS J. RIDGE  
Governor

(SEAL)

Attest:

YVETTE KANE  
Secretary of the Commonwealth

-----  
COMMONWEALTH OF PENNSYLVANIA  
GOVERNOR'S OFFICE

PROCLAMATION

CONSTITUTIONAL AMENDMENT - ARTICLE VII

WHEREAS, Joint Resolution No. 2 of 1996 proposed to amend Article VII, Section 14 of the Constitution of Pennsylvania, relating to absentee voting, by changing provisions and adding a clause to read as follows:

"§ 14. Absentee voting.

(a) The Legislature shall, by general law, provide a manner in which, and the time and place at which, qualified electors who may, on the occurrence of any election, be absent from the municipality of their residence, because their duties, occupation or business require them to be elsewhere or who, on the occurrence of any election, are unable to attend at their proper polling places because of illness or physical disability or who will not attend a polling place because of the observance of a religious holiday or who cannot vote because of election day duties, in the case of a county employee, may vote, and for the return and canvass of their votes in the election district in which they respectively reside.

(b) For purposes of this section, "municipality" means a city, borough, incorporated town, township or any similar general purpose unit of government which may be created by the General Assembly;" and

WHEREAS, Joint Resolution No. 2 of 1996 was agreed to by a majority of the members elected to each House of the General Assembly and published pursuant to Article XI, Section 1 of the Constitution of Pennsylvania; and

WHEREAS, in the General Assembly next afterwards chosen, the aforesaid amendment to Article VII, Section 14 of the Constitution of Pennsylvania was proposed in Joint Resolution No. 3 of 1997, which was agreed to by a majority of the members elected to each House of the General Assembly and published pursuant to Article XI, Section 1 of the Constitution of Pennsylvania; and

WHEREAS, the aforesaid proposed amendment to Article VII, Section 14 of the Constitution of Pennsylvania was submitted for approval to the qualified electors of the Commonwealth of Pennsylvania pursuant to Article XI, Section 1 of the Constitution of Pennsylvania at an election held on November 4, 1997; and

WHEREAS, the Secretary of the Commonwealth, pursuant to law, has certified to me that the aforesaid proposed amendment to Article VII, Section 14 of the Constitution of Pennsylvania was approved by a majority of those voting thereon on the aforesaid day; and

WHEREAS, Section 903 of Title 1 of the Pennsylvania Consolidated Statutes requires the Governor, upon receiving the aforesaid certification of the Secretary of the Commonwealth, to issue his proclamation indicating whether or not the proposed amendment to Article VII, Section 14 of the Constitution of Pennsylvania has been adopted by a majority of the electors voting thereon.

NOW THEREFORE, I, Thomas J. Ridge, Governor of the Commonwealth of Pennsylvania, do hereby proclaim that the aforesaid amendment to Article VII, Section 14 of the Constitution of Pennsylvania was adopted by a majority of the electors voting thereon on November 4, 1997.

GIVEN under my hand and the Great Seal of the Commonwealth, at the City of Harrisburg, this second day of February in the year of our Lord one thousand nine hundred and ninety-eight, and of the Com-

monwealth the two hundred and twenty-second.

THOMAS J. RIDGE  
Governor

(SEAL)

Attest:

YVETTE KANE  
Secretary of the Commonwealth

-----  
COMMONWEALTH OF PENNSYLVANIA  
GOVERNOR'S OFFICE

PROCLAMATION

CONSTITUTIONAL AMENDMENT - ARTICLE IV

WHEREAS, Joint Resolution No. 2 of Special Session No. 1 of 1995 proposed to amend Article IV, Section 9 of the Constitution of Pennsylvania, changing provisions relating to pardons, commutations and the Board of Pardons to read as follows:

"§ 9. Pardoning power; Board of Pardons.

(a) In all criminal cases except impeachment the Governor shall have power to remit fines and forfeitures, to grant reprieves, commutation of sentences and pardons; but no pardon shall be granted, nor sentence commuted, except on the recommendation in writing of a majority of the Board of Pardons, and in the case of a sentence of death or life imprisonment, on the unanimous recommendation in writing of the Board of Pardons, after full hearing in open session, upon due public notice. The recommendation, with the reasons therefor at length, shall be delivered to the Governor and a copy thereof shall be kept on file in the office of the Lieutenant Governor in a docket kept for that purpose.

(b) The Board of Pardons shall consist of the Lieutenant Governor who shall be chairman, the Attorney General and three members appointed by the Governor with the consent of a majority of the members elected to the Senate for terms of six years. The three members appointed by the Governor shall be residents of Pennsylvania. One shall be a crime victim; one a corrections expert; and the third a doctor of medicine, psychiatrist or psychologist. The board shall keep records of its actions, which shall at all times be open for public inspection;" and

WHEREAS, Joint Resolution No. 2 of Special Session No. 1 of 1995 was agreed to by a majority of the members elected to each House of the General Assembly and published pursuant to Article XI, Section 1 of the Constitution of Pennsylvania; and

WHEREAS, in the General Assembly next afterwards chosen, the aforesaid amendment to Article IV, Section 9 of the Constitution of Pennsylvania was proposed in Joint Resolution No. 2 of 1997, which was agreed to by a majority of the members elected to each House of the General Assembly and published pursuant to Article XI, Section 1 of the Constitution of Pennsylvania; and

WHEREAS, the aforesaid proposed amendment to Article IV, Section 9 of the Constitution of Pennsylvania was submitted for approval to the qualified electors of the Commonwealth of Pennsylvania pursuant to Article XI, Section 1 of the Constitution of Pennsylvania at an election held on November 4, 1997; and

WHEREAS, the Secretary of the Commonwealth, pursuant to law, has certified to me that the aforesaid proposed amendment to Article IV, Section 9 of the Constitution of Pennsylvania was approved by a majority of those voting thereon on the aforesaid day; and

WHEREAS, Section 903 of Title 1 of the Pennsylvania Consolidated Statutes requires the Governor, upon receiving the aforesaid certification of the Secretary of the Commonwealth, to issue his proclamation indicating whether or not the proposed amendment to Article IV, Section 9 of the Constitution of Pennsylvania has been adopted by a majority of the electors voting thereon.

NOW THEREFORE, I, Thomas J. Ridge, Governor of the Commonwealth of Pennsylvania, do hereby proclaim that the aforesaid amendment to Article IV, Section 9 of the Constitution of Pennsylvania was adopted by a majority of the electors voting thereon on November 4, 1997.

GIVEN under my hand and the Great Seal of of the Commonwealth, at the City of Harrisburg, this second day of February in the year of our Lord one thousand nine hundred and ninety-eight, and of the Commonwealth the two hundred and twenty-second.

THOMAS J. RIDGE  
Governor

(SEAL)

Attest:

YVETTE KANE  
Secretary of the Commonwealth

### APPOINTMENT BY PRESIDENT PRO TEMPORE

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

Mr. Leroy Vatter as a member of the Conservation and Natural Resources Advisory Council.

### APPOINTMENT BY MINORITY LEADER

The PRESIDENT. The Chair wishes to announce the Minority Leader has made the following appointment:

Senator Allyson Y. Schwartz to serve on the Education Commission of the States.

### BILL SIGNED

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

**HB 1764.**

### REPORTS FROM COMMITTEE

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

**SB 100 (Pr. No. 1550) (Rereported)**

An Act providing for access by enrollees of managed care health benefits plans to health care services; specifying certain standards relating to financial incentive programs of managed care plans; prohibiting managed care plans from restricting providers from disclosing appropriate health care information to enrollees; specifying certain standards of managed care plans relating to emergency services, termination of contracts and confidentiality; requiring certain disclosures to enrollees of managed care plans; and imposing penalties.

**SB 508 (Pr. No. 1655) (Amended) (Rereported)**

An Act requiring the Department of Community and Economic Development to require a certification that a developer has no overdue municipal debts within the municipal jurisdiction as part of a grant or loan from the department.

### SB 1239 (Pr. No. 1580) (Rereported)

An Act amending the act of August 6, 1941 (P.L.861, No.323), entitled, as amended, Pennsylvania Board of Probation and Parole Law, further providing for supervision of persons paroled or on probation in other states; providing for proceedings subsequent to parole; and imposing a penalty.

### LEGISLATIVE LEAVES

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

Senator LOEPER. Mr. President, I request a legislative leave on behalf of Senator Earll.

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

The Chair recognizes the gentleman from Indiana, Senator Stapleton.

Senator STAPLETON. Mr. President, I request temporary Capitol leaves for Senator Hughes, Senator Schwartz, and Senator Williams.

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

### LEAVES OF ABSENCE

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

### DISCHARGE PETITION

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

In the Senate, February 9, 1998

#### A PETITION

To place before the Senate the nomination of Robert J. Gilford, as a member of the Pennsylvania Game Commission.

TO: The President Officer of the Senate:

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

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

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

**SENATE CONCURRENT RESOLUTION****RECESS ADJOURNMENT**

Senator LOEPER offered the following resolution, which was read as follows:

In the Senate, February 9, 1998

RESOLVED, (the House of Representatives concurring), That when the Senate adjourns this week it reconvene on Monday, March 9, 1998, unless sooner recalled by the President Pro Tempore of the Senate; and be it further

RESOLVED, That when the House of Representatives adjourns this week it reconvene on Tuesday, February 17, 1998, unless sooner recalled by the Speaker of the House of Representatives; and be it further

RESOLVED, That when the House of Representatives adjourns the week of February 17, 1998, it reconvene on Monday, March 9, 1998, unless sooner recalled by the Speaker of the House of Representatives.

On the question,  
Will the Senate adopt the resolution?

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

**YEA-48**

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

**NAY-0**

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

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

**SPECIAL ORDER OF BUSINESS****GUESTS OF SENATOR JEFFREY E. PICCOLA  
PRESENTED TO THE SENATE**

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

Senator PICCOLA. Mr. President, today I am very pleased to welcome to the hall of the Senate the Middletown Area High School varsity cheerleaders. Last year, in 1997, this cheerleading squad from Middletown Area High School captured the 1997 PIAA Class AAA State Cheerleading Championship and placed fifth in the small coed division at the national competition, which was held in Dallas, Texas, on December 28 and 29, 1997.

The squad is here today under the watchful eye and direction of their coaches who brought them this success: Mr. Scott

Braasch, Kim Braasch, and Kathy Wetmer. I would be most grateful, Mr. President, if the Senate would extend a warm welcome to these great champions from Middletown.

The PRESIDENT. Would our Middletown Area cheerleaders and champions please rise, along with Coach Braasch, so the Senate may acknowledge you.

(Applause.)

**GUESTS OF SENATOR JOE CONTI  
PRESENTED TO THE SENATE**

The PRESIDENT. The Chair recognizes the gentleman from Bucks, Senator Conti, for some introductions of special guests who hail from my hometown in Bucks County, the 1997 Class AAAA Football Champions from Central Bucks West.

The Chair would also add that the team is escorted by its storied and successful coach, Coach Mike Pettine, as well as the staff and trainers, along with the accomplished football players that they are, and as I have already mentioned, the Class AAAA Football Champions.

Senator CONTI. Mr. President, this is a very special moment for me. We are here today to recognize the State Class AAAA Football Champions, who are from my alma mater, Central Bucks West High School.

Mr. President, this is a very special moment for a lot of reasons. This is an outstanding football program in the current format that has been utilized for the last 10 years for the Class AAAA football championship. Central Bucks West has made it to the finals three times and has been victorious twice, so it is quite an achievement. In fact, the third time when they did not, they were ahead until the final seconds, so they have a program we are very proud of. It is an outstanding program.

I am going to ask the Members to allow me to introduce some folks and hold your applause until the end, if you might, so I can get through this. With the team today are principal Rod Stone and Coach Mike Pettine. Coach Pettine has been with the team for 35 years, and this is where it really gets special for me. Some 30 years ago, Coach Pettine was my homeroom teacher and my first period civics teacher. Coach Pettine requested me to come out for the football team to play quarterback, as I did in junior high. I explained to him that I was not quite up to it and did not enjoy all those summer practices in full pads, as we did in our day, and I decided to play basketball, but it was the beginning of the wonderful relationship I have had with Coach Pettine, and I am very proud of my association with him. We are very proud to have him in our county and in our school.

And I would like to say, aside from the recognitions today that are athletic in nature, I think it is very important that I share with all of you today and with all the good folks throughout the Commonwealth of Pennsylvania that Mike Pettine was the finest teacher I ever had, an excellent Pennsylvania teacher, which is just as important, if not more important, than the athletic recognition we are going to go into.

Joining Coach Pettine also is Dave Armstrong, who is the AP Player of the Year, so we have quite an accomplished crew of folks here with us today. I have for the team a resolution, of course, from the Senate. I also have a resolution from the

Governor. I have the same resolution for Coach Pettine, because he is Coach of the Year this year in Pennsylvania, and also a resolution from the Governor, and the same resolutions for Dave Armstrong, Player of the Year, from our Senate body and from the Governor.

Before I move on to my final guest, let me also say that over the weekend we had quite another recognition. On the back of the Team Cheerios box is the Central Bucks West Football Team. So as you all go buy your cereal this weekend, I think it would only be fitting that you start your day with the Breakfast of Champions, the Central Bucks West Champions. So we are very proud of this accomplishment also.

(Applause.)

The PRESIDENT. I do not know if Senate rules permit that commercial, Senator Conti, but carry on.

Senator CONTI. The Central Bucks football team had a wonderful play-off situation that began by beating the Plymouth-Whitemarsh Colonials. They moved on to beat the Wyoming Valley West Spartans, the Central Dauphin Rams, and finally the Upper Saint Clair Panthers. May I also say to Senator Jubelirer that at the conclusion of that wonderful game, Coach Pettine expressed how happy he was with Altoona and the fine reception he received in Altoona.

(Applause.)

The PRESIDENT. And for our guests, I should point out that the gentleman who is clapping is not only the President pro tempore of this august body, but he also represents the great county of Blair, which is home to Altoona where you won the Class AAAA Championship, so that explains the applause.

Senator CONTI. So I think you can see that this has been a wonderful year for our school and a wonderful year for our community. When the team arrived back at 1:30 in the morning from that snowy night in Altoona, the whole town was out with the fire equipment, they had a police escort, and it was a wonderful moment.

I have one other guest here today, and that is Nicole Flego, the 8-year-old Punt, Pass, and Kick Champion of the United States. Nicole played quarterback and linebacker for the Lenape Valley Indians this year, and from what I understand, this is a wonderful recruiting opportunity for Coach Pettine as he is looking to the future, and perhaps Nicole will be a member of the Central Bucks West team in the future.

In closing, I would just like to share a story about Nicole that I think is almost unbelievable. When asked prior to her competition what she enjoyed about football, Nicole expressed that she liked to hurt people. Now, after she won the national competition in Kansas City, a reporter asked her how she felt about the competition, because with Punt, Pass, and Kick you cannot hurt someone, and she said this was even better because I got to hurt their feelings. Nothing more needs to be said. So I wish the Senate would join me with a warm welcome to my guests, Nicole Flego, and the Central Bucks West High School Football Team.

(Applause.)

The PRESIDENT. The Chair would add, in addition to the fine insights offered by Senator Conti, that Coach Pettine has

been engaged in the profession of teaching, and as we all now know has been an accomplished football coach for over 35 years and has accumulated 296 wins, so he is an accomplished and storied Pennsylvania teacher and football coach.

The Chair recognizes the gentleman from Allegheny, Senator Murphy.

Senator MURPHY. Mr. President, as part of an agreement I had with Senator Conti before the State championship was played, I felt very strongly that my hometown team, the Upper Saint Clair Panthers, would be the victor, and we felt that whatever team won, the opposing team's Senator would wear some of the school colors on that day, hence my gold tie. I did wear Bucks' colors today; Senator Conti apparently forgot his team colors. I did want to say a few things as part of this, and rather than eat crow I would much rather be eating venison right now, but as fate would have it, that is not the case.

But I do want to say to all friends and Pennsylvanians and countrymen, I come not to bury Central Bucks West but to praise them. For indeed, they are an honorable team filled with honorable accomplishments, made all the more honorable by the team that they beat. The team of Upper Saint Clair, coached by Jim Render, has had a tremendous record of wins over his years with Upper Saint Clair, 180 wins and 47 losses since 1979, nine conference championships, four western Pennsylvania championships, one Pennsylvania State championship. They have won 68 consecutive conference games dating back to the tenth game of 1988. The football team has played in Three Rivers Stadium for the WPIAL championship in 8 of the past 10 years. It has been a tremendous record that Coach Render and the team and quarterback Mac McArdle have been able to accomplish.

And so to the honorable team from Bucks County, I must add my congratulations from Upper Saint Clair. And knowing that you could not have beaten a better team, with this both the victor and the vanquished can each hold their heads high in knowing it was a job well done.

Thank you, Mr. President.

(Applause.)

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

The PRESIDENT pro tempore. Mr. President, I want to thank Senator Conti for those kind words and Coach Pettine and Central Bucks West. We in Altoona have been very proud to have hosted those PIAA championship games for the last 5 years, and certainly believe that the city of Altoona and the county of Blair have rolled out the red carpet and earned the right, I think, to continue the games, but that is for another day.

Mr. President, I want to congratulate the team, and particularly the great All-American Dave Armstrong, who I gather is going to some school in the midwest, and I noted that he gave as the reason that the coach in Happy Valley was going to be 71 years old and the coach in Ann Arbor, Michigan, was 52. Mr. President, this happens to be my natal day, and as someone who is in between Lloyd Carr and Joe Paterno in age, I have to tell you, we will see you in October, young man, and you better be prepared.



Thank you very much.

(Applause.)

The PRESIDENT. I do not think in this Pennsylvania Senate we are obligated to give equal time to the Wolverines.

The Chair recognizes the gentleman from Montgomery, Senator Greenleaf.

Senator GREENLEAF. Mr. President, I also rise to offer congratulations to Central Bucks West for their winning of the State championship, in which I represent part of that school district. This is the second time they have done that, and I think it demonstrates that there are some very good high school football teams in the southeast. There is a saying in college football that if you are a scout looking for future college players in football, the first thing that you need is a road map of the State of Pennsylvania, and certainly winning the State championship in a State such as this is a particular honor.

I would like to congratulate Central Bucks West on their 15-0 season, and of course the second time of winning this championship, to their coach, Mike Pettine, who has been there for over 30 years and has been named as the Associated Press Coach of the Year, and of course to Dave Armstrong and his future at the University of Michigan and his recognition of being the fullback and linebacker who was named Associated Press Big School Player of the Year. Congratulations to you all.

The PRESIDENT. Thank you, Senator Greenleaf. And with that, I will ask the Senate to one more time acknowledge the presence of the Middletown Area High School cheerleading champions and the Central Bucks West Class AAAA Football Champions of Pennsylvania.

(Applause.)

#### GUESTS OF SENATOR ROBERT J. MELLOW PRESENTED TO THE SENATE

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

Senator MELLOW. Mr. President, I also would like to make an introduction of two people who are seated in the gallery. The one person was introduced as a member of a team, and I would like to introduce her individually and ask her if she would stand up. She is a junior at Middletown Area High School, a member of the National Honor Society, and she happens to be the grandniece of one of our employees whom I will talk about later. Amber Holton, will you kindly stand.

The PRESIDENT. If you will stand so the Senate may acknowledge you.

(Applause.)

Senator MELLOW. Mr. President, Amber's grandmother is also in the gallery with us. I also ask if she would stand. Her name is Emma Pettis. Emma happens to be the sister of one of our employees. Emma, would you kindly stand.

(Applause.)

Senator MELLOW. Mr. President, the reason why I wanted both of these individuals to stand is, first of all, because Amber has done a tremendous job in working and being a member of the squad, and, secondly, to also introduce her grandmother, but I was told by Gladys Brown, who is our deputy chief

counsel and also the great-aunt of Amber and the sister of Emma, that this is the second best cheerleading squad they have ever had at Middletown Area High School and that when Gladys was in school they had the best squad, and she said if you would like, maybe they would like to do a display for us right here.

Thank you, Mr. President.

(Applause.)

#### LEGISLATIVE LEAVES CANCELLED

The PRESIDENT. I believe the record should reflect that Senator Schwartz and Senator Earll have returned to the floor, and their leaves should be cancelled.

#### RECONSIDERATION OF HB 1765

##### BILL OVER IN ORDER ON FINAL PASSAGE

**HB 1765 (Pr. No. 2190)** -- Senator LOEPER. Mr. President, I move to reconsider the vote by which House Bill No. 1765 passed finally on February 4, and move that the bill go over in its order and appear on the Final Passage Calendar.

The motion was agreed to.

The PRESIDENT. House Bill No. 1765 will appear on the Calendar.

#### RECESS

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

Senator LOEPER. Mr. President, at this time I request a recess of the Senate for the purpose of a Republican caucus to begin immediately in the first floor caucus room, trying to return to the floor at 4 p.m.

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

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

The PRESIDENT. For purposes of Republican and Democratic caucuses to begin immediately following this announcement, with the intention of returning at approximately 4 p.m., this Senate stands in recess.

#### AFTER RECESS

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

#### LEGISLATIVE LEAVE CANCELLED

The PRESIDENT. Senator Hughes has returned to the floor, and his temporary Capitol leave is cancelled.

#### LEGISLATIVE LEAVES

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

Senator LOEPER. Mr. President, Senator Greenleaf has been called from the floor, and I request a legislative leave for the remainder of today's Session on his behalf.

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

The Chair recognizes the gentleman from Lackawanna, Senator Mellow.

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

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

### LEAVE OF ABSENCE

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

### CALENDAR

Without objection, the following bills on page 3 of the Third Consideration Calendar were called up out of order by Senator LOEPER, as Special Orders of Business.

### BILLS AMENDED

**HB 1111 (Pr. No. 2690)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 53 (Municipalities Generally) of the Pennsylvania Consolidated Statutes, further regulating public records.

On the question,

Will the Senate agree to the bill on third consideration?

Senator LOEPER offered the following amendment No. A0523:

Amend Sec. 1 (Sec. 1385), page 3, line 7, by striking out the bracket before "commission"

Amend Sec. 1 (Sec. 1385), page 3, lines 7 and 8, by striking out "] PENNSYLVANIA HISTORICAL AND MUSEUM COMMISSION"

Amend Sec. 1 (Sec. 1385), page 3, lines 29 and 30, by striking out "PENNSYLVANIA HISTORICAL AND MUSEUM COMMISSION" and inserting: commission

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.

**HB 1113 (Pr. No. 2828)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of May 9, 1949 (P.L.908, No.250), entitled "An act relating to public records of political subdivisions other than cities and counties of the first class; authorizing the recording and copying of documents, plats, papers and instruments of writing by photostatic, photographic, microfilm or other mechanical process, and the admissibility thereof and enlargements thereof in evidence; providing for the storage of duplicates and sale of microfilm copies of official records and for the destruction of other records deemed valueless; and providing for the services of the Department

of Property and Supplies to political subdivisions," further providing for methods for the copying of certain records, for identification of records, for duplicates of records, for the sale of certain records, for the destruction or disposal of certain records, for records requiring special care and for Pennsylvania Historical and Museum Commission services to political subdivisions.

On the question,

Will the Senate agree to the bill on third consideration?

Senator LOEPER offered the following amendment No. A0516:

Amend Sec. 1 (Sec. 1), page 3, line 15, by striking out "and" and inserting: or

Amend Sec. 1 (Sec. 1), page 3, line 16, by inserting after "Committees": as applicable.

Amend Sec. 1 (Sec. 3), page 4, line 7, by striking out "and" where it appears the second time and inserting: or

Amend Sec. 1 (Sec. 3), page 4, line 8, by inserting after "Committees": as applicable

Amend Sec. 3 (Sec. 6), page 5, line 1, by striking out "and" and inserting: or

Amend Sec. 3 (Sec. 6), page 5, line 2, by inserting after "Committees": as applicable

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.

**HB 1116 (Pr. No. 2879)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of May 11, 1949 (P.L.1076, No.311), entitled "An act authorizing the recording, copying and recopying, of documents, plats, papers, written instruments, records and books on file or of record, and the replacement and certification of originals previously filed and of record, by officers of counties of the first class and of cities of the first class, by photostatic, photographic, microphotographic, microfilm, or other mechanical process; relating to the effect and use of such copies, records, reproductions, replacements and transcripts, or certified copies thereof, and providing for additional methods for revision of and entries to be made on originals and copies so produced or replaced," further providing for additional methods for the recording, copying and maintenance of records; and providing for an additional fee.

On the question,

Will the Senate agree to the bill on third consideration?

Senator LOEPER offered the following amendment No. A0544:

Amend Title, page 1, line 13, by inserting after "replaced,"": changing the title;

Amend Sec. 1, page 1, line 18, by striking out "Section" where it appears the second time and inserting: The title and section

Amend Sec. 1, page 2, line 6, by striking out "is" and inserting: are

Amend Sec. 1, page 2, by inserting between lines 6 and 7:

#### AN ACT

Authorizing the recording, copying and recopying, of documents, plats, papers, written instruments, records and books on file or of record, and the replacement and certification of originals previously filed and of record, by officers of counties of the first class and of cities of the first class, by photostatic, photographic, microphotographic, microfilm, or other mechanical process; relating to the effect and use of such copies, records, reproductions, re-

placements and transcripts, or certified copies thereof[.]; providing for a recording fee and its use; and providing for revision of and entries to be made on originals and copies so produced or replaced.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

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

**BILL ON CONCURRENCE IN HOUSE AMENDMENTS**

**BILL OVER IN ORDER**

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

**THIRD CONSIDERATION CALENDAR**

**BILL OVER IN ORDER TEMPORARILY**

**SB 5** -- Without objection, the bill was passed over in its order temporarily at the request of Senator LOEPER.

**BILLS OVER IN ORDER**

**SB 157** and **SB 212** -- Without objection, the bills were passed over in their order at the request of Senator LOEPER.

**BILLS ON THIRD CONSIDERATION AND FINAL PASSAGE**

**SB 926 (Pr. No. 1630)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of April 12, 1951 (PL90, No.21), entitled, as reenacted, Liquor Code, providing for alcoholic cider; further providing for breweries and for limited wineries; providing for construction and applicability; and making repeals.

Considered the third time and agreed to,

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

On the question,

Shall the bill pass finally?

**LEGISLATIVE LEAVE**

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

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

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

**LEGISLATIVE LEAVE CANCELLED**

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

Senator WILLIAMS. Mr. President, I would like to report that I am present on the floor and wish to withdraw my temporary Capitol leave.

The PRESIDENT. That leave is cancelled.

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-32**

Brightbill	Holl	Piccola	Thompson
Conti	Jubelirer	Punt	Tilghman
Corman	Kukovich	Rhoades	Tomlinson
Delp	Lemmond	Robbins	Uliana
Earll	Loeper	Salvatore	Wagner
Gerlach	Murphy	Slocum	White
Greenleaf	Musto	Stapleton	Williams
Hart	O'Pake	Stout	Wozniak

**NAY-15**

Armstrong	Costa	Kitchen	Schwartz
Belan	Fumo	LaValle	Tartaglione
Bell	Hughes	Mellow	Wenger
Bodack	Kasunic	Mowery	

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 950 (Pr. No. 1614)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, further providing for protection from abuse; providing for appointing guardians for care-dependent persons; and providing for release of information in confidential reports.

Considered the third time and agreed to,

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

On the question,

Shall the bill pass finally?

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

**YEA-47**

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

**BILLS OVER IN ORDER**

**SB 962 and SB 1013** -- Without objection, the bills were passed over in their order at the request of Senator LOEPER.

**BILL ON THIRD CONSIDERATION AND FINAL PASSAGE**

**HB 1048 (Pr. No. 2878)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for subpoena of medical records; providing for a limit on charges for reproducing medical charts or records; and further providing for rights of patients, for obtaining personal appearance of custodian of original charts, for obtaining production of original medical records and for exemption from attachment of retirement funds and accounts.

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

**MOTION TO REVERT TO PRIOR PRINTER'S NUMBER**

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

Senator TOMLINSON. Mr. President, I move to revert to prior Printer's No. 1170 on House Bill No. 1048.

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

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

Senator MELLOW. Mr. President, I request a negative vote on the motion, but I see the gentleman wants to speak first. I request a negative vote on the motion to revert.

The PRESIDENT. Senator Mellow has made his feelings known.

The Chair recognizes the gentleman from Bucks, Senator Tomlinson.

Senator TOMLINSON. Mr. President, what I am attempting to do is to move this bill back to its original form. Representative Taylor, from Philadelphia, had initially introduced this bill. It has since been amended, and what has been amended into it are some provisions to cap the fees for copying medical records.

Mr. President, I would like that to be studied a little further. I would like a chance to debate that and I would like a chance for it to go through the committee process, for what it is doing is setting a cap on fees to copy these records. Now, we have not set a cap on the lawyer's fees, or a cap on the fees that the lawyers can charge for copying these records, so lawyers can still mark this fee up and they can charge whatever they want. The only thing we have done is capped what the medical copying companies can charge the lawyers, and I think the lawyers do have a point here. Many of these fees are rather high, and

it is somewhat of a cost shifting. It has shifted some of the costs.

But let us be clear here. The people who are going to be hurt by this are those people who want their medical records transferred to another hospital for a continuum of care. It is the people who are not litigating or are not having an argument with the insurance companies. It is not the insurance companies that want to require more records and have more backup. This is about transferring some costs, but the increased costs are going to be borne by the hospitals and those people who just want their records processed in a normal way. The people who are paying high costs now are the litigants, the trial lawyers, and some of the insurance companies, but make no mistake about it, this is going to increase the costs to your hospital.

What I am trying to do is get this bill, if there is a bill and not just an amendment, back into a committee where we can discuss this and talk about this, because I have a company in my district that employs about 150 people, and there are a couple of other Pennsylvania companies out there now who were not involved in this process, who were pulled out of this process and were not consulted when they set this cap. So, Mr. President, I would like some time to address this issue in committee or in bill form, and I ask that we revert to prior Printer's No. 1170 so that we can go through that legislative process.

Thank you.

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

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

**YEA-9**

Conti	Jubelirer	Mowery	Salvatore
Delp	Loeper	Punt	Tomlinson
Hart			

**NAY-38**

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

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

And the question recurring,  
Will the Senate agree to the bill on third consideration?  
It was agreed to.

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

On the question,  
Shall the bill pass finally?

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

**YEA-46**

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

**NAY-1**

Tomlinson

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

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

**BILL REVERTED TO PRIOR PRINTER'S NUMBER, LAID ON THE TABLE**

**HB 1272 (Pr. No. 2774)** -- 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 possession of weapons on school property and for restitution for injuries to person or property.

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

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

Senator MELLOW. Mr. President, I move to revert to prior Printer's No. 2680 on House Bill No. 1272.

On the question,  
Will the Senate agree to the motion?  
The motion was agreed to.

The PRESIDENT. The Senate now has before it House Bill No. 1272, Printer's No. 2680.

The Chair recognizes the gentleman from Delaware, Senator Loeper.

Senator LOEPER. Mr. President, I move that House Bill No. 1272, Printer's No. 2680, be laid on the table.

The motion was agreed to.  
The PRESIDENT. The bill will be tabled.

**BILL ON THIRD CONSIDERATION AND FINAL PASSAGE**

**HB 1291 (Pr. No. 2407)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of December 14, 1982 (PL.1227, No.281), known as the Architects Licensure Law, adding definitions; further providing for firm practice, for permitted practices and for unauthorized practice; and making editorial changes.

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-46**

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

**NAY-1**

Bodack

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.

**SECOND CONSIDERATION CALENDAR**

**BILL OVER IN ORDER**

**SB 252** -- Without objection, the bill was passed over in its order at the request of Senator LOEPER.

**BILLS ON SECOND CONSIDERATION**

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

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

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

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

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

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

#### BILL OVER IN ORDER

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

#### BILLS REREFERRED

**SB 1195 (Pr. No. 1463)** -- 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 expungement of criminal history record information.

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

**SB 1259 (Pr. No. 1600)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of December 27, 1994 (P.L.1354, No.158), entitled County Probation and Parole Officers' Firearm Education and Training Law, extending the applicability of the act to intermediate punishment department officers in counties of the fifth and sixth classes.

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

#### BILL ON SECOND CONSIDERATION

**SB 1261 (Pr. No. 1602)** -- The Senate proceeded to consideration of the bill, entitled:

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

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

#### BILLS REREFERRED

**HB 1561 (Pr. No. 2880)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 51 (Military Affairs) of the Pennsylvania Consolidated Statutes, authorizing the department to arrange for burial details in the Indiantown Gap National Cemetery.

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

**HB 1633 (Pr. No. 2035)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 51 (Military Affairs) of the Pennsylvania Consolidated Statutes, providing for the powers and duties of the Deputy Adjutant General for Veterans Affairs; and making a repeal.

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

#### BILL OVER IN ORDER

**HB 1757** -- Without objection, the bill was passed over in its order at the request of Senator LOEPER.

#### SENATE RESOLUTION No. 114, ADOPTED

Senator LOEPER, without objection, called up from page 5 of the Calendar, **Senate Resolution No. 114**, entitled:

A Resolution declaring February 15 through 21, 1998, as "Patriotism Week" in Pennsylvania.

On the question,

Will the Senate adopt the resolution?

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

#### SPECIAL ORDER OF BUSINESS ANNOUNCEMENT BY THE SECRETARY

The SECRETARY. Consent has been given for the Committee on Rules and Executive Nominations to meet imminently in the Rules room to consider Senate Bills No. 105, 114, 268, 635, 640, and Senate Resolutions No. 122, 125, 126, 127, and certain nominations.

#### RECESS

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

Senator LOEPER. Mr. President, it is my understanding that there are still some amendments being drafted in the Legislative Reference Bureau to Senate Bill No. 5, the procurement bill.

Therefore, at this time I ask for a recess of the Senate for the purpose of a meeting of the Committee on Rules and Executive Nominations to begin 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, this Senate stands in recess.

#### AFTER RECESS

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

#### RECONSIDERATION OF SB 926

#### BILL ON FINAL PASSAGE

**SB 926 (Pr. No. 1630)** -- The PRESIDENT. The Chair recognizes the gentleman from Lackawanna, Senator Mellow.

Senator MELLOW. Mr. President, I move that the vote by which Senate Bill No. 926 passed finally be reconsidered.

The PRESIDENT. Senator Mellow moves that the vote by which Senate Bill No. 926 passed finally be reconsidered.

The motion was agreed to.

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-35**

Belan	Hart	O'Pake	Thompson
Brightbill	Holl	Piccola	Tilghman
Conti	Jubelirer	Punt	Tomlinson
Corman	Kitchen	Rhoades	Uliana
Costa	Kukovich	Robbins	Wagner
Delp	Lemmond	Salvatore	White
Earll	Loeper	Slocum	Williams
Gerlach	Murphy	Stapleton	Wozniak
Greenleaf	Musto	Stout	

**NAY-12**

Armstrong	Fumo	LaValle	Schwartz
Bell	Hughes	Mellow	Tartaglione
Bodack	Kasunic	Mowery	Wenger

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.

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

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

**CORONER, PIKE COUNTY**

February 6, 1998

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated October 20, 1997 for the appointment of Kevin T. Stroyan, 119 Stroyan Lane, Milford 18337, Pike County, Twentieth Senatorial District, as Coroner, in and for the County of Pike, to serve until the first Monday of January 2000, vice James J. Martin, deceased.

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

THOMAS J. RIDGE  
Governor

**MEMBER OF THE HEALTH POLICY BOARD**

February 6, 1998

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated January 12, 1998 for the appointment of Paula Vitz, 265 Brookview Drive, Red Lion 17356, York County, Twenty-eighth Senatorial Dis-

trict, as a member of the Health Policy Board, to serve for a term of three years and until her successor is appointed and qualified, vice Barbara A. Afflerbach, Catasauqua, resigned.

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

THOMAS J. RIDGE  
Governor

**MEMBER OF THE POTTER COUNTY  
BOARD OF ASSISTANCE**

February 6, 1998

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated January 14, 1998 for the appointment of Helene K. Nawrocki (Republican), 2512 Hilcox-Ulysses Road, Genesee 16923, Potter County, Twenty-fifth Senatorial District, as a member of the Potter County Board of Assistance, to serve until December 31, 2000, and until her successor is appointed and qualified, to add to complement.

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

THOMAS J. RIDGE  
Governor

**NOMINATIONS RETURNED TO THE GOVERNOR**

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

The motion was agreed to.

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

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

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

**JUDGE, TRAFFIC COURT  
OF PHILADELPHIA**

January 30, 1998

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Willie J. Adams, 1431 West Girard Avenue, Philadelphia 19130, Philadelphia County, Third Senatorial District, for appointment as Judge of the Traffic Court of Philadelphia, to serve until the first Monday of January 2000, pursuant to Act 2, approved February 14, 1997.

THOMAS J. RIDGE  
Governor

**MEMBER OF THE BOARD OF TRUSTEES OF  
SCOTLAND SCHOOL FOR VETERANS' CHILDREN**

January 14, 1998

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, John E. Titus, Box 174, Washington Street, Jefferson 15344, Greene County, Forty-sixth Senatorial District, for reappointment as a member of the Board of Trustees of Scotland School for Veterans' Children, to serve until the third Tuesday of January 2003, and until his successor is appointed and qualified.

THOMAS J. RIDGE  
Governor

**MEMBER OF THE POTTER COUNTY  
BOARD OF ASSISTANCE**

January 14, 1998

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Anne L. Nelson (Democrat), R. D. #1, Box 270, Roulette 16746, Potter County, Twenty-fifth Senatorial District, for appointment as a member of the Potter County Board of Assistance, to serve until December 31, 2000, and until her successor is appointed and qualified, to add to complement.

THOMAS J. RIDGE  
Governor

**MEMBER OF THE UNION COUNTY  
BOARD OF ASSISTANCE**

January 9, 1998

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Betty J. Mincemoyer (Democrat), R. R. 5, Box 83, Mifflinburg 17844, Union County, Twenty-third Senatorial District, for appointment as a member of the Union County Board of Assistance, to serve until December 31, 2000, and until her successor is appointed and qualified, to add to complement.

THOMAS J. RIDGE  
Governor

**MEMBER OF THE STATE BOARD  
OF CHIROPRACTIC**

January 15, 1998

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Dennis G. Ridenour, D.C., 24 North Juniata Street, Hollidaysburg 16648, Blair County, Thirtieth Senatorial District, for appointment as a member of the State Board of Chiropractic, 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 Mary Ann Crawford, D.C., Red Lion, whose term expired.

THOMAS J. RIDGE  
Governor

**MEMBER OF THE PENNSYLVANIA  
FISH AND BOAT COMMISSION**

January 20, 1998

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Paul J. Mahon (At-large), 211 Harvard Avenue, Clarks Green 18411, Lackawanna County, Twenty-second Senatorial District, for reappointment as a member of the Pennsylvania Fish and Boat Commission, to serve for a term of eight years or until his successor is appointed and qualified, but not longer than six months beyond that period.

THOMAS J. RIDGE  
Governor

**MEMBER OF THE PENNSYLVANIA  
FISH AND BOAT COMMISSION**

January 20, 1998

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Enoch S. Moore, Jr. (District 6), 20 Bridgewater Road, Newville 17241, Cumberland County, Thirty-first Senatorial District, for reappointment as a member of the Pennsylvania Fish and Boat Commission, to serve for a term of eight years or until his successor is appointed and qualified, but not longer than six months beyond that period.

THOMAS J. RIDGE  
Governor

**JUDGE, MUNICIPAL COURT**

January 30, 1998

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Linda F. Anderson, Esquire, 1603 Yerkes Street, Philadelphia 19150, Philadelphia County, Fourth Senatorial District, for appointment as Judge of the Municipal Court of Philadelphia, to serve until the first Monday of January 2000, vice Hon. J. Earl Simmons, Jr., resigned.

THOMAS J. RIDGE  
Governor

**JUDGE, SUPERIOR COURT  
OF PENNSYLVANIA**

January 28, 1998

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Berle M. Schiller, Esquire, 331



Cherry Bend, Merion 19066, Montgomery County, Seventeenth Senatorial District, for appointment as Judge of the Superior Court of Pennsylvania, to serve until the first Monday of January 2000, vice The Honorable Thomas G. Saylor, resigned.

THOMAS J. RIDGE  
Governor

**NOMINATIONS LAID ON THE TABLE**

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

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

**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**

Senator SALVATORE. Mr. President, I ask unanimous consent to call from the table certain nominations and ask for their consideration.

The Clerk read the nominations as follows:

**JUDGE, MUNICIPAL COURT**

January 6, 1998

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, John J. O'Grady, Jr., 813 North 64th Street, Philadelphia 19151, Philadelphia County, Seventh Senatorial District, for appointment as Judge of the Municipal Court of Philadelphia, to serve until the first Monday of January 2000, pursuant to Act 2, approved February 14, 1997.

THOMAS J. RIDGE  
Governor

**JUDGE, MUNICIPAL COURT**

January 6, 1998

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Harry Schwartz, 461 Pinewood Road, Philadelphia 19116, Philadelphia County, Fifth Senatorial District, for appointment as Judge of the Municipal Court of Philadelphia, to serve until the first Monday of January 2000, pursuant to Act 2, approved February 14, 1997.

THOMAS J. RIDGE  
Governor

**JUDGE, SUPERIOR COURT  
OF PENNSYLVANIA**

January 28, 1998

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Berle M. Schiller, Esquire, 331 Cherry Bend, Merion 19066, Montgomery County, Seventeenth Senatorial District, for appointment as Judge of the Superior Court of Pennsylvania, to serve until the first Monday of January 2000, vice The Honorable Thomas G. Saylor, resigned.

THOMAS J. RIDGE  
Governor

**JUDGE, TRAFFIC COURT  
OF PHILADELPHIA**

January 30, 1998

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Willie J. Adams, 1431 West Girard Avenue, Philadelphia 19130, Philadelphia County, Third Senatorial District, for appointment as Judge of the Traffic Court of Philadelphia, to serve until the first Monday of January 2000, pursuant to Act 2, approved February 14, 1997.

THOMAS J. RIDGE  
Governor

**MEMBER OF THE PENNSYLVANIA  
FISH AND BOAT COMMISSION**

January 20, 1998

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Paul J. Mahon (At-large), 211 Harvard Avenue, Clarks Green 18411, Lackawanna County, Twenty-second Senatorial District, for reappointment as a member of the Pennsylvania Fish and Boat Commission, to serve for a term of eight years or until his successor is appointed and qualified, but not longer than six months beyond that period.

THOMAS J. RIDGE  
Governor

**MEMBER OF THE PENNSYLVANIA  
FISH AND BOAT COMMISSION**

January 20, 1998

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Enoch S. Moore, Jr. (District 6), 20 Bridgewater Road, Newville 17241, Cumberland County, Thirty-first Senatorial District, for reappointment as a member of the Pennsylvania Fish and Boat Commission, to serve for a term of eight years

or until his successor is appointed and qualified, but not longer than six months beyond that period.

THOMAS J. RIDGE  
Governor

JUDGE, MUNICIPAL COURT

January 30, 1998

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Linda F. Anderson, Esquire, 1603 Yerkes Street, Philadelphia 19150, Philadelphia County, Fourth Senatorial District, for appointment as Judge of the Municipal Court of Philadelphia, to serve until the first Monday of January 2000, vice Hon. J. Earl Simmons, Jr., resigned.

THOMAS J. RIDGE  
Governor

JUDGE, MUNICIPAL COURT

January 6, 1998

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Thomas F. Gehret, 2639 Bonaffon Street, Philadelphia 19142, Philadelphia County, Eighth Senatorial District, for appointment as Judge of the Municipal Court of Philadelphia, to serve until the first Monday of January 2000, pursuant to Act 2, approved February 14, 1997.

THOMAS J. RIDGE  
Governor

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

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

YEA-47

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

NAY-0

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

Ordered, That the Governor be informed accordingly.

NOMINATIONS TAKEN FROM THE TABLE

Senator SALVATORE. Mr. President, I ask unanimous consent to call from the table certain nominations and ask for their consideration.

The Clerk read the nominations as follows:

MEMBER OF THE STATE BOARD  
OF CHIROPRACTIC

January 15, 1998

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Dennis G. Ridenour, D.C., 24 North Juniata Street, Hollidaysburg 16648, Blair County, Thirtieth Senatorial District, for appointment as a member of the State Board of Chiropractic, 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 Mary Ann Crawford, D.C., Red Lion, whose term expired.

THOMAS J. RIDGE  
Governor

MEMBER OF THE BOARD OF TRUSTEES OF  
SCOTLAND SCHOOL FOR VETERANS' CHILDREN

January 14, 1998

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, John E. Titus, Box 174, Washington Street, Jefferson 15344, Greene County, Forty-sixth Senatorial District, for reappointment as a member of the Board of Trustees of Scotland School for Veterans' Children, to serve until the third Tuesday of January 2003, and until his successor is appointed and qualified.

THOMAS J. RIDGE  
Governor

MEMBER OF THE POTTER COUNTY  
BOARD OF ASSISTANCE

January 14, 1998

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Anne L. Nelson (Democrat), R. D. #1, Box 270, Roulette 16746, Potter County, Twenty-fifth Senatorial District, for appointment as a member of the Potter County Board of Assistance, to serve until December 31, 2000, and until her successor is appointed and qualified, to add to complement.

THOMAS J. RIDGE  
Governor

MEMBER OF THE UNION COUNTY  
BOARD OF ASSISTANCE

January 9, 1998

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Betty J. Mincemoyer (Democrat), R. R. 5, Box 83, Mifflinburg 17844, Union County, Twenty-third Senatorial District, for appointment as a member of the Union County Board of Assistance, to serve until December 31, 2000, and until her successor is appointed and qualified, to add to complement.

THOMAS J. RIDGE  
Governor

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

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

YEA-47

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

**EXECUTIVE SESSION RISES**

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

The motion was agreed to.

**SPECIAL ORDER OF BUSINESS  
ANNOUNCEMENT BY THE SECRETARY**

The SECRETARY. Consent has been given for the Committee on Transportation to meet in the Rules room during today's Session to consider Senate Resolution No. 128.

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

**RECONSIDERATION OF HB 1765**

**BILL LAID ON THE TABLE**

HB 1765 (Pr. No. 2190) -- The Senate proceeded to consideration of the bill, entitled:

An Act repealing certain acts as being supplemented or superseded by other acts or otherwise obsolete.

And the question recurring,  
Shall the bill pass finally?

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

Senator LOEPER. Mr. President, I move to reconsider the vote by which the bill was agreed to on third consideration. The motion was agreed to.

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

Senator LOEPER. Mr. President, I move that House Bill No. 1765 be laid on the table.

The motion was agreed to.

The PRESIDENT. House Bill No. 1765 will be laid on the table.

**SPECIAL ORDER OF BUSINESS  
SUPPLEMENTAL CALENDAR No. 3**

**BILLS ON THIRD CONSIDERATION  
AND FINAL PASSAGE**

HB 1111 (Pr. No. 2904) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 53 (Municipalities Generally) of the Pennsylvania Consolidated Statutes, further regulating public records.

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

On the question,  
Shall the bill pass finally?

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

YEA-47

Armstrong	Greenleaf	Mowery	Stout
Belan	Hart	Murphy	Tartaglione
Bell	Holl	Musto	Thompson
Bodack	Hughes	O'Pake	Tilghman
Brightbill	Jubelirer	Piccola	Tomlinson
Conti	Kasunic	Punt	Uliana
Corman	Kitchen	Rhoades	Wagner
Costa	Kukovich	Robbins	Wenger
Delp	LaValle	Salvatore	White
Earll	Lemmond	Schwartz	Williams
Fumo	Loeper	Slocum	Wozniak
Gerlach	Mellow	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 with amendments in which concurrence of the House is requested.

**HB 1113 (Pr. No. 2905)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of May 9, 1949 (P.L.908, No.250), entitled "An act relating to public records of political subdivisions other than cities and counties of the first class; authorizing the recording and copying of documents, plats, papers and instruments of writing by photostatic, photographic, microfilm or other mechanical process, and the admissibility thereof and enlargements thereof in evidence; providing for the storage of duplicates and sale of microfilm copies of official records and for the destruction of other records deemed valueless; and providing for the services of the Department of Property and Supplies to political subdivisions," further providing for methods for the copying of certain records, for identification of records, for duplicates of records, for the sale of certain records, for the destruction or disposal of certain records, for records requiring special care and for Pennsylvania Historical and Museum Commission services to political subdivisions.

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

On the question,  
Shall the bill pass finally?

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

**YEA-47**

Armstrong	Greenleaf	Mowery	Stout
Belan	Hart	Murphy	Tartaglione
Bell	Holl	Musto	Thompson
Bodack	Hughes	O'Pake	Tilghman
Brightbill	Jubelirer	Piccola	Tomlinson
Conti	Kasunic	Punt	Uliana
Corman	Kitchen	Rhoades	Wagner
Costa	Kukovich	Robbins	Wenger
Delp	LaValle	Salvatore	White
Earl	Lemmond	Schwartz	Williams
Fumo	Loeper	Slocum	Wozniak
Gerlach	Mellow	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 with amendments in which concurrence of the House is requested.

**HB 1116 (Pr. No. 2906)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of May 11, 1949 (P.L.1076, No.311), entitled "An act authorizing the recording, copying and recopying, of documents, plats, papers, written instruments, records and books on file or of record, and the replacement and certification of originals previously filed and of record, by officers of counties of the first class and of cities of the first class, by photostatic, photographic, microphotographic, microfilm, or other mechanical process; relating to the effect and use of such copies, records, reproductions, replacements and transcripts, or certified copies thereof, and providing for additional methods for revision of and entries to be made on originals and copies so produced or replaced," changing the title; further providing

for additional methods for the recording, copying and maintenance of records; and providing for an additional fee.

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

On the question,  
Shall the bill pass finally?

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

**YEA-47**

Armstrong	Greenleaf	Mowery	Stout
Belan	Hart	Murphy	Tartaglione
Bell	Holl	Musto	Thompson
Bodack	Hughes	O'Pake	Tilghman
Brightbill	Jubelirer	Piccola	Tomlinson
Conti	Kasunic	Punt	Uliana
Corman	Kitchen	Rhoades	Wagner
Costa	Kukovich	Robbins	Wenger
Delp	LaValle	Salvatore	White
Earl	Lemmond	Schwartz	Williams
Fumo	Loeper	Slocum	Wozniak
Gerlach	Mellow	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 with amendments in which concurrence of the House is requested.

**CONSIDERATION OF CALENDAR RESUMED**

**SB 5 CALLED UP**

**SB 5 (Pr. No. 1574)** -- 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 AMENDED**

**SB 5 (Pr. No. 1574)** -- The Senate proceeded to consideration of the bill, entitled:

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

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

**MELLOW AMENDMENT A0584**

Senator MELLOW, on behalf of himself and Senator THOMPSON, offered the following amendment No. A0584:

Amend Table of Contents, page 6, lines 15 through 30 and page 7, line 1, by striking out all of said lines on said pages and inserting: Subchapter B. Motor Vehicles

Amend Table of Contents, page 7, line 9, by striking out all of said line and inserting: Subchapter C. Used Oil Products

Amend Table of Contents, page 7, line 11, by striking out all of said line and inserting: Subchapter D. Guaranteed Energy Savings Contracts

Amend Sec. 1 (Sec. 102), page 11, by inserting between lines 6 and 7:

(f) Impact on existing acts.—Nothing in this part shall affect the scope, effect or applicability of the act of August 15, 1961 (P.L.987, No.442), known as the Pennsylvania Prevailing Wage Act, the act of March 3, 1978 (P.L.6, No.3), known as the Steel Products Procurement Act, and the act of July 23, 1968 (P.L.686, No.226), entitled "An act equalizing trade practices in public works procurement; authorizing the purchase by the Commonwealth, its political subdivisions, and all public agencies, of aluminum and steel products produced in a foreign country, provided the foreign country does not prohibit or discriminate against the importation to, sale or use in the foreign country of supplies, material or equipment manufactured in this Commonwealth; establishing procedures for determining whether foreign countries discriminate against supplies, materials or equipment manufactured in this Commonwealth; and imposing penalties and providing for relief for violation of this act."

Amend Subchapter Analysis, page 90, lines 1 through 5, by striking out all of said lines and inserting:

B. Motor Vehicles

C. Used Oil Products

D. Guaranteed Energy Savings Contracts

Amend Bill, pages 91 through 100, lines 1 through 30 and page 101, lines 1 through 16, by striking out all of said lines on said pages and inserting:

#### SUBCHAPTER B

Amend Subchapter Heading, page 105, line 2, by striking out all of said line and inserting:

#### SUBCHAPTER C

Amend Subchapter Heading, page 105, line 13, by striking out all of said line and inserting

#### SUBCHAPTER D

Amend Sec. 6, page 136, lines 21 through 30 and page 137, lines 1 and 2, by striking out all of said lines on said pages

Amend Sec. 6, page 137, lines 7 and 8, by striking out all of said lines

On the question,

Will the Senate agree to the amendment?

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

Senator MELLOW. Mr. President, first, I would like to thank staff and also Senator Thompson for his cooperation, and my Republican colleagues for working through some very difficult pieces of legislation in amended form to try to bring about what we consider at this point to be an amendment that is totally acceptable.

Mr. President, when we started on this road, we viewed this as a major concern of working men and women, so that we could guarantee families that they would have the types of jobs that would be paying and sustaining a family's lifestyle, so that in Pennsylvania we would be able to come up with a proposal and offer the proper type of amendments that would guarantee Pennsylvania families that they would have the opportunity of being able, through the work force, to sustain the needs of their families.

We believe through this particular proposal and through the amendments that have been offered, the way they address the issue with steel products, the way we talk about trade practic-

es, Mr. President, how they have been taken out of bill, how we have some great concerns about how they would be dealt with in current law, and especially the concern that we have had, as all Pennsylvania working families have, with regard to prevailing wage, we are now satisfied that through the series of amendments that the areas that we have of main concern with regard to Pennsylvania working men and women where we deal with steel products, where we deal with trade practices and prevailing wage, that the integrity of those proposals are now intact. Mr. President, I ask for an affirmative vote on all the amendments.

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

Senator THOMPSON. Mr. President, I appreciate the gentleman's comments with regard to these amendments. Certainly it was no intention of ours to do harm to either of the two issues, one being prevailing wage and the other the Steel Products Procurement Act, so we are very glad we were able to work out language which we are all agreed to and which I think will make for a stronger bill.

And the question recurring,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the bill on third consideration, as amended?

#### MELLOW AMENDMENT A0576

Senator MELLOW, on behalf of himself and Senator THOMPSON, offered the following amendment No. A0576:

Amend Sec. 1 (Sec. 102), page 10, lines 23 through 27, by striking out all of lines 23 through 26, "(d)" in line 27 and inserting: (c)

Amend Sec. 1 (Sec. 102), page 11, line 3, by striking out "(e)" and inserting: (d)

On the question,

Will the Senate agree to the amendment?

It was agreed to.

And the question recurring,

Will the Senate agree to the bill on third consideration, as amended?

#### MELLOW AMENDMENT A0566

Senator MELLOW, on behalf of himself and Senator THOMPSON, offered the following amendment No. A0566:

Amend Sec. 1 (Sec. 103), page 14, line 9, by inserting after "performance.": The term shall include the routine operation or maintenance of existing structures, buildings or real property.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

And the question recurring,

Will the Senate agree to the bill on third consideration, as amended?

## MELLOW AMENDMENT A0563

Senator MELLOW, on behalf of himself and Senator THOMPSON, offered the following amendment No. A0563:

Amend Sec. 1 (Sec. 531), page 50, line 17, by striking out "and any other party intervening." and inserting: , any other party intervening or any interested party that has provided written notice to the purchasing agency of that party's interest in the decision under subsection (c).

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

And the question recurring,  
Will the Senate agree to the bill on third consideration, as amended?

## MELLOW AMENDMENT A0561

Senator MELLOW, on behalf of himself and Senator THOMPSON, offered the following amendment No. A0561:

Amend Sec. 1 (Sec. 103), page 14, line 5, by inserting after "definitions)": This term shall include the amendment, revision or otherwise alteration of the terms and provisions of a regulation.

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

And the question recurring,  
Will the Senate agree to the bill on third consideration, as amended?

## MELLOW AMENDMENT A0480

Senator MELLOW, on behalf of himself and Senator THOMPSON, offered the following amendment No. A0480:

Amend Sec. 1 (Sec. 312), page 23, line 6, by inserting after "responsibility)": The regulations shall be subject to the act of June 25, 1982 (P.L.633, No.181), known as the Regulatory Review Act.

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

And the question recurring,  
Will the Senate agree to the bill on third consideration, as amended?

## MELLOW AMENDMENT A0613

Senator MELLOW, on behalf of himself and Senator THOMPSON, offered the following amendment No. A0613:

Amend Bill, page 105, lines 15 through 30; page 106, lines 1 through 30; page 107, lines 1 and 2, by striking out all of said lines on said pages and inserting:

Sec.  
3751. Short title of subchapter.  
3752. Definitions.  
3753. Contracting procedures.  
3754. Contract provisions.  
3755. Funding.

3756. Commonwealth contracts.

3757. Construction.

§ 3751. Short title of subchapter.

This subchapter shall be known and may be cited as the Guaranteed Energy Savings Act.

§ 3752. Definitions.

The following words and phrases when used in this subchapter shall have the meanings given to them in this section unless the context clearly indicates otherwise:

"Energy conservation measure." A training program or facility alteration designed to reduce energy consumption or operating costs. The term may include, without limitation:

(1) Insulation of the building structure or systems within the building.

(2) Storm windows or doors, caulking or weather stripping, multiglazed windows or doors, heat-absorbing or heat-reflective glazed and coated window or door systems, additional glazing, reductions in glass area or other window and door system modifications that reduce energy consumption.

(3) Automated or computerized energy control systems.

(4) Heating, ventilating or air-conditioning system modifications or replacements.

(5) Replacement or modification of lighting fixtures to increase the energy efficiency of the lighting system without increasing the overall illumination of a facility, unless an increase in illumination is necessary to conform to applicable State or local building codes for the lighting system after the proposed modifications are made.

(6) Energy recovery systems.

(7) Systems that produce steam or forms of energy such as heat, as well as electricity, for use within a building or complex of buildings.

(8) Energy conservation measures that provide operating cost reductions based on life-cycle cost analysis.

"Guaranteed energy savings contract." A contract for the evaluation and recommendation of energy conservation measures and for implementation of one or more such measures.

"Governmental unit." Any contracting body as defined in section 2 of the act of December 20, 1967 (P.L.869, No.385), known as the Public Works Contractors' Bond Law of 1967.

"Qualified provider." A person or business which is responsible and capable of evaluating, recommending, designing, implementing and installing energy conservation measures as determined by the governmental unit.

"Request for proposals (RFP)." A type of competitive procurement.

§ 3753. Contracting procedures.

(a) General rule.—Notwithstanding any other contrary or inconsistent provision of law, a governmental unit may enter into a guaranteed energy savings contract with a qualified provider in accordance with the provisions of this subchapter or in accordance with another statutorily authorized competitive process.

(b) Guaranteed contract.—If in accordance with applicable law the award of a contract by a governmental unit requires action at a public meeting, a governmental unit may award a guaranteed energy savings contract at a public meeting if it has provided public notice in the manner prescribed by the act of July 3, 1986 (P.L.388, No.84), known as the Sunshine Act, the notice including the names of the parties to the contract and the purpose of the contract. For governmental units that are not required to take actions on contracts at public meetings, the governmental unit may award a guaranteed energy savings contract in accordance with the protocol for action on contracts adopted by the governmental unit and the requirements of this subchapter.

(c) Request for proposals.—Before entering into a guaranteed energy savings contract under this section, a governmental unit shall issue a request for proposals. The governmental unit shall evaluate any proposal that meets the requirements of the governmental unit and is timely submitted by a qualified provider. The RFP shall be announced through a public notice from the governmental unit which

will administer the program. The request for proposal shall include all of the following:

- (1) The name and address of the governmental unit.
- (2) The name, address, title and telephone number of a contact person.
- (3) Notice indicating that the governmental unit is requesting qualified providers to propose energy conservation measures through a guaranteed energy savings contract.
- (4) The date, time and place where proposals must be received.
- (5) The information to be included in the proposal.
- (6) Any other stipulations and clarifications the governmental unit may require.

(d) Selection and notice.—The governmental unit shall select the qualified provider that best meets the needs of the governmental unit in accordance with criteria established by the governmental unit. For governmental units that are not required to take actions on contracts at public meetings, the governmental unit shall provide public notice of the award of the guaranteed energy savings contract within 30 days in the Pennsylvania Bulletin. The notice shall include the names of the parties to the contract and the purpose of the contract. For governmental units that are required to take actions on contracts at public meetings, the public notice shall be made at least ten days prior to the meeting. After reviewing the proposals pursuant to subsection (e), a governmental unit may enter into a guaranteed energy savings contract with a qualified provider if it finds that the amount it would spend on the energy conservation measures recommended in the proposal would not exceed the amount to be saved in both energy and operational costs within a ten-year period from the date of installation, if the recommendations in the proposal were followed and the qualified provider provides a written guarantee that the energy or operating cost savings will meet or exceed the cost of the contract.

(e) Report.—

(1) Before the award of a guaranteed energy savings contract, the qualified provider shall provide a report as part of its proposal which shall be available for public inspection summarizing estimates of all costs of installation, maintenance, repairs and debt service, and estimates of the amounts by which energy or operating costs will be reduced.

(2) The report shall contain a listing of contractors and sub-contractors to be used by the qualified provider with respect to the energy conservation measures.

(f) Bond.—A qualified provider to whom a contract is awarded shall give a sufficient bond to the governmental unit for its faithful performance in accordance with the act of December 20, 1967 (P.L.869, No.385), known as the Public Works Contractors' Bond Law of 1967.

(g) Award of contract.—Notwithstanding any other provision of law governing the letting of public contracts, a governmental unit may enter into a single guaranteed energy savings contract with each responsible provider selected through the request for proposals process in accordance with the provisions of this subchapter.

§ 3754. Contract provisions.

(a) General rule.—A guaranteed energy savings contract may provide that all payments, except obligations on termination of the contract before its scheduled expiration, shall be made over a period of time. Every guaranteed energy savings contract shall provide that the savings in any year are guaranteed to the extent necessary to make payments under the contract during that year.

(b) Written guarantee.—A guaranteed energy savings contract shall include a written guarantee that savings will meet or exceed the cost of the energy conservation measures to be evaluated, recommended, designed, implemented or installed under the contract.

(c) Payments.—A guaranteed energy savings contract may provide for payments over a period of time, not to exceed ten years, and for the evaluation, recommendation, design, implementation and installation of energy conservation measures on an installment payment or lease purchase basis.

§ 3755. Funding.

(a) General rule.—Guaranteed energy savings contracts which have terms which extend beyond one fiscal year of the governmental unit must include a provision which allows the governmental unit to terminate the contract if in any fiscal year during the term of the contract the governmental unit does not receive sufficient funds in its annual appropriations to make the payments required under the contract.

(b) Funds.—A governmental unit may use funds designated for operating, utilities or capital expenditures for any guaranteed energy savings contract, including, without limitation, for purchases on an installment payment or lease purchase basis.

(c) Grants, subsidies or other payments.—Grants, subsidies or other payments from the Commonwealth to a governmental unit shall not be reduced as a result of energy savings obtained as a result of a guaranteed energy savings contract during the life of the contract.

§ 3756. Commonwealth contracts.

In connection with the letting of any guaranteed energy savings contract for a governmental unit under this subchapter, the department shall have the power to waive the process for selection of architects or engineers otherwise prescribed under section 2401.1(19) of the act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929. In exercising its discretion under this section, the department shall consider the best interests of this Commonwealth and any relevant circumstances peculiar to the proposed contract.

§ 3757. Construction.

This subchapter shall not be construed to abrogate any duty to comply with prevailing wage or residency requirements contained in any other act or part thereof.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

And the question recurring,

Will the Senate agree to the bill on third consideration, as amended?

#### MELLOW AMENDMENT A0629

Senator MELLOW, on behalf of himself and Senator THOMPSON, offered the following amendment No. A0629:

Amend Sec. 6, page 139, by inserting between lines 27 and 28: Except as explicitly stated in the addition of 62 Pa.C.S. § 322(6), section 1 of the act of May 1, 1913 (P.L.155, No.104), entitled "An act regulating the letting of certain contracts for the erection, construction, and alteration of public buildings."

On the question,

Will the Senate agree to the amendment?

It was agreed to.

And the question recurring,

Will the Senate agree to the bill on third consideration, as amended?

#### MELLOW AMENDMENT A0623

Senator MELLOW, on behalf of himself and Senator THOMPSON, offered the following amendment No. A0623:

Amend Sec. 1 (Sec. 103), page 12, by inserting between lines 8 and 9:

"Design/Build contract." A construction contract in which the contractor is responsible for both the design and construction of any public structure or building or other public improvements of any kind to any public real property.

Amend Sec. 1 (Sec. 322), page 24, line 28, by inserting after "contract": Such design/build contracts shall be subject to the requirements of this act and the provisions of the act of August 15, 1961 (P.L.987, No.442), known as the Pennsylvania Prevailing Wage Act, and the act of May 1, 1913 (P.L.155, No. 104), entitled "An act regulating the letting of certain contracts for the erection, construction, and alteration of public buildings," to the extent provided in paragraph (6).

On the question,

Will the Senate agree to the amendment?

It was agreed to.

And the question recurring,

Will the Senate agree to the bill on third consideration, as amended?

#### WILLIAMS AMENDMENT A0395

Senator WILLIAMS offered the following amendment No. A0395:

Amend Sec. 1 (Sec. 2101), page 83, line 10, by inserting after "assist": and encourage

Amend Sec. 1 (Sec. 2101), page 83, lines 11 through 14, by striking out "in learning how to do business with" in line 11 and all of lines 12 through 14 and inserting: to participate in government business.

Amend Sec. 1 (Sec. 2102), page 83, lines 21 and 22, by striking out "not limited to members of minority groups" and inserting: to include women and minority-owned businesses

Amend Sec. 1 (Sec. 2104), page 84, line 14, by striking out "shall have the following duties:" and inserting: , through its Bureau of Contract Administration and Business Development, shall implement this policy by performing the following duties:

Amend Sec. 1 (Sec. 2104), page 84, line 15, by striking out "Where feasible, provide" and inserting: Provide

Amend Sec. 1 (Sec. 2104), page 85, by inserting between lines 5 and 6:

(7) Generate awareness and encourage State agencies to support the participation of women and minority-owned businesses in State contracting.

(8) Monitor levels of participation of women and minority-owned businesses in State contracting.

(9) Administer and enforce Commonwealth contract compliance requirements.

(10) Develop an appropriate and credible program for the certification of women and minority business enterprises.

(11) Establish guidelines for determining when a business had achieved success to such a degree that the benefits of a State-sponsored program are no longer necessary and the period of time after which the business should be removed, whether or not it has graduated from the program.

(12) Provide technical assistance and outreach to women and minority-owned businesses to increase their opportunities to compete successfully in the State procurement system.

(13) Develop, maintain and make available a list of certified women and minority-owned businesses for use by all executive and independent agencies, as well as by all firms doing business with the Commonwealth.

(14) Monitor awards and prepare statistical reports delineating the performance of the Commonwealth relative to participation of women and minority-owned businesses in State contracting.

(15) Provide analysis and development of legislation and key initiatives that affect women and minority business development through the department's legislative liaison.

(16) Develop standards for a Statewide contract compliance program for approval of the Secretary of General Services.

(17) Review agency contract compliance programs, plans, reports and procedures to ensure consistency with the Commonwealth's contract compliance policies.

(18) Develop and implement monitoring and reporting systems to measure the effectiveness of agency contract compliance programs.

(19) Evaluate agency contract procedures to ensure equal opportunity.

(20) Provide leadership to agencies and assist them in conducting formal and informal contract compliance program audits, including periodic onsite reviews.

(21) Investigate and make reports relating to the administration of contracting programs and operations.

(22) Ensure that contractors and grantees receiving Commonwealth funds have, as a condition of funding, a written sexual harassment policy and that the employees of the contractor or grantee are aware of the policy.

(23) Assist purchasing agencies in the development of written policies and regulations pursuant to section 512(c) (relating to competitive sealed bidding) to provide for public notices that are designed to reach small and disadvantaged businesses.

(24) Assist contacting officers to identify small and disadvantaged businesses that provide the types of services specified in section 518(a) (relating to competitive selection procedures for certain services) and inform those small and disadvantaged businesses about the opportunities and requirements under section 518.

On the question,

Will the Senate agree to the amendment?

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

Senator WILLIAMS. Mr. President, as we revamp our Procurement Code to make for a clear and comprehensive way to execute our business in the State, I invoke the leadership of Governor Ridge, who in an executive order dated December 20, 1996, very clearly specified a process by which women and small businesses should be both treated and situated within the program offered by the State of Pennsylvania when it comes to business. It states that the administration is firmly committed to the prosperity and economic growth of all business in the Commonwealth, and it states further that a substantial role in creating jobs and stimulating economic growth throughout Pennsylvania is in the area of women and minority-owned businesses, and fully recognizes the key effect to our economy and to jobs by the many small businesses throughout this country.

I offer in the amendment, Mr. President, a few areas in which there are general principles as opposed to the language which the Governor makes clear, and the amendment seeks to put in the Governor's language so that we can produce exactly what the program the Governor envisions says. And where it says that we are committed to helping small and disadvantaged businesses and women's businesses to learn how to do business with the State, the Governor says very clearly that this government and this administration have a goal to assist and encourage women and minority-owned businesses to participate in business, as opposed to learning, which is a contract for someone to teach but not to act.

Further, Mr. President, it makes clear language which says to include women and minority-owned businesses as opposed to language which says not limited to members of minority groups. It, therefore, once again makes more clear the an-



nounced policies of this Commonwealth by the Governor's executive order.

Further, it follows each and every item specified in the Governor's executive order by the letter which is already in the bill, but there are two other additions. One merely says to reach out and give notice to these disadvantaged and small businesses where they will probably read it more frequently than the general news, which generally reaches out to a larger grouping. Finally, the other provision also requires the offices here to identify businesses that do not get a shot in the professional services normally and puts in an affirmative requirement to reach out and make sure that they get the adequate kinds of notices and information that will further encourage their involvement.

Mr. President, I see no clearer example to get what our government, at the present time, wants than the Governor's executive order to be added to this significant piece of legislation where the legislation falls down. Here is an opportunity to put up or shut up. Here is an approach by this government and this Governor to say to all of us, Republicans and Democrats, yes, we value small business, yes, we value the growth of women and disadvantaged businesses, and, yes, this is a clear signal to the fact that we are serious about the words that we utter as opposed to what has been in the past, which are goals, intent, and words of generalities which never achieve those goals, and I ask for unanimous support for this amendment.

#### LEGISLATIVE LEAVES

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

Senator MELLOW. Mr. President, Senator Belan, Senator Fumo, Senator Kasunic, and Senator Wozniak have been called to their offices, and I would like to place them on temporary Capitol leave.

The PRESIDENT. Without objection, those leaves are granted.

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

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

Senator THOMPSON. Mr. President, the gentleman's point is well-taken. Actually, Senate Bill No. 5 goes beyond the executive order. It says that there is to be a policy to assist minority and small businesses, and there are statutory obligations that must be fulfilled. So this requires the administration to have these special policies.

I would refer to page 84, section 2100, which spells out some of those that the gentleman has mentioned, including compiling and maintaining and making available source lists of small and disadvantaged businesses for the purpose of encouraging procurement from them, and includes small and disadvantaged businesses on solicitation mailing lists, assuring that those businesses are solicited and that the business is well suited for them, develop specific training programs, as well as going over bonding requirements and making sure that there

are ways that payment methods can be derived which will allow for those businesses to have money sooner because of cash flow problems.

So we feel frankly that within the confines of Senate Bill No. 5, we have codified most of what the Governor, if not all of the provisions that the Governor has spelled out in his executive order, and I would urge my colleagues to give a "no" vote.

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

Senator WILLIAMS. Mr. President, would the gentleman stand for interrogation?

The PRESIDENT. Senator Thompson, will you stand for interrogation?

Senator THOMPSON. Yes, Mr. President.

The PRESIDENT. Proceed, Senator Williams.

Senator WILLIAMS. Mr. President, the gentleman said that the general intent is here, from what I heard. I am saying that is just the problem. There has always been a general intent, and the small businesses and disadvantaged businesses therefore never get the business.

So I am asking the gentleman if he can point to page 84, section 2100, but actually page 84 has sections 2103 and 2104, but to what language is he specifically referring which does what he says, because the amendment takes the general and makes it specific, I believe, but maybe I am missing something. Could he point specifically to exactly what he is talking about that is not just a generality?

Senator THOMPSON. Mr. President, I believe the gentleman might look at page 85.

Senator WILLIAMS. Mr. President, page 85?

Senator THOMPSON. Mr. President, page 85, line 3, where we are developing special training programs to assist small and disadvantaged businesses in learning how to do business with the Commonwealth. In addition, line 17, "The department shall establish, as it deems appropriate, business assistance offices throughout this Commonwealth to assist and carry out the provisions of this chapter." And I think probably the most important one is line 21 where it says, "The department shall annually, before October 1, report in writing to the General Assembly concerning the awarding of contracts to small and disadvantaged businesses...." So in addition to having to set up programs, they will have to report back with the success or failure rate of those programs.

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

Senator WILLIAMS. Mr. President, that is exactly and precisely what the amendment intends to address. I am ever so thankful that the gentleman did make clear himself, number one, that you develop special training programs to assist in learning how to do business with the Commonwealth. No one wants to learn how to do business with the Commonwealth who already can do the business. That person needs to have what the Governor asked for. The Governor asked for assistance and encouragement on doing business with the Commonwealth.

I congratulate the Governor for stepping to the plate, finally, to say it is like show me the money. People who can do and want to do get no invitation or assistance or encouragement, as general business always does. The Governor has moved the ball another 40 yards, as compared to the generality on page 85 where you are going to train somebody in learning how to do business. How backward in 1998. People are in business. They want access.

Number two, the gentleman points to line 17, where it says, "The department shall establish, as it deems appropriate, business assistance offices throughout this Commonwealth to assist and carry out the provisions of this chapter." Spend a lot of money to talk about the poor. Why do you not go directly to the source? That is what the amendment does. This is the same old wornout language that the poor businesses always get. Set up some offices, pay somebody else some money. That is a little bit backward in 1998.

Number three, the gentleman says, "The department shall annually, before October 1, report in writing to the General Assembly concerning the awarding of...." That is after the horse is out of the barn. So the gentleman clearly points out the need, if we are talking about any kind of access by women and disadvantaged businesses that fall in a category, what is wrong with making sure that we care about the small businesses that are to be the greatest job creator?

So I say to the gentleman, I really thank him for making my point. Whether you vote for it or you do not vote for it, this is a big, you know what, phony bill if it does not include the very provisions that our business-oriented conservative Governor supports. I mean, it is right there in clear writing. Now maybe there is some other agenda by the legislative branch of his party, but there is a big gap going on there, and I want to point out that the gentleman's recitation of the gap is ever so awesome, and that is why I called it a phony bill. These worn-out, empty repeated phrases of participation, democracy, all of that, concern about the poor, concern about small business, concern about women's businesses, give me a break.

What is wrong with clear inclusions by legal means? We are not talking about affirmative action, we are talking about rather than put all those offices around, spend all that money, why not go direct, why not require that the people in charge earn their buck for a change? They seem to be able to find other kinds of gold mines. What is wrong with finding some small businesses that do a damn good job?

So, Mr. President, I finalize my response to those remarks by just saying that disadvantaged people, poor people, people without access do have a right to participate, and if we are going to change the procurement thing, we are going to change the big and say we did a good job. You know, at the very least, let us be as clear as Governor Ridge has been in how we treat those who are in the trenches, those who when the economy is strong are struggling to be born and recognize that we either turn our backs upon our brethren or we get into the 21st century and let them have a piece of the rock, rather than having it all rest at the top.

LEGISLATIVE LEAVES

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

Senator LOEPER. Mr. President, Senator Conti has been called from the floor, and I request a temporary Capitol leave on his behalf.

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

The Chair recognizes the gentleman from Lackawanna, Senator Mellow.

Senator MELLOW. Mr. President, Senator Musto and Senator Stapleton have been called from the floor, and I ask for temporary Capitol leaves for them.

The PRESIDENT. Senator Mellow requests temporary Capitol leaves for Senator Musto and Senator Stapleton. Without objection, those leaves are cancelled.

LEGISLATIVE LEAVE CANCELLED

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

Senator MELLOW. Mr. President, Senator Wozniak has reported back to the floor, and I ask that his temporary Capitol leave be cancelled.

The PRESIDENT. Senator Wozniak has returned, so that temporary Capitol leave is cancelled.

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

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

YEA-19

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

NAY-28

Armstrong	Gerlach	Mowery	Slocum
Bell	Greenleaf	Murphy	Thompson
Brightbill	Hart	Piccola	Tilghman
Conti	Holl	Punt	Tomlinson
Corman	Jubelirer	Rhoades	Uliana
Delp	Lemmond	Robbins	Wenger
Earll	Loeper	Salvatore	White

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

LEGISLATIVE LEAVES

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

Senator LOEPER. Mr. President, Senator Uliana has been called from the floor, and I request a temporary Capitol leave on his behalf, as well as Senator Hart.

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

#### LEGISLATIVE LEAVE CANCELLED

The PRESIDENT. Senator Tartaglione has returned, and her temporary Capitol leave is cancelled.

And the question recurring,

Will the Senate agree to the bill on third consideration, as amended?

#### WILLIAMS AMENDMENT A0396

Senator WILLIAMS offered the following amendment No. A0396:

Amend Sec. 1 (Chapter Analysis), page 88, by inserting between lines 6 and 7:

§ 3103. Contract provision requiring economic development benefit strategy.

Amend Sec. 1, page 88, by inserting between lines 22 and 23:

§ 3103. Contract provision requiring economic development benefit strategy.

Each contract entered into by a government agency in or for the benefit of an empowerment zone or economically distressed municipality shall contain a provision that, to the greatest extent possible, the contract will provide employment and other economic opportunities to low-income and very low-income persons. Failure to comply with this section shall be sufficient legal reason to refuse payment of the contract price to the contractor. This section shall be construed so as to prohibit the displacement of already existing workers.

On the question,

Will the Senate agree to the amendment?

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

Senator WILLIAMS. Mr. President, in our further pursuit of including the disadvantaged entrepreneurs in jobs and economic opportunity within the confines of at least areas which have been designated as economically distressed or empowerment zones, I offer this amendment. This amendment is offered with the already determined notion officially by the government, recognized by the Federal government for great, great economic and tax advantages, the precise purpose of which is to stimulate the growth of business and industry within our distressed areas.

Pennsylvania had a similar parallel as well before the empowerment concept got into being, but if we would think about it, empowerment zone means precisely, for those of you who have studied the English language, to empower the people there in the areas to grow economically. And you cannot have power unless you have money, and you cannot have money unless you either have a job or run a business or you rob somebody. With those three choices, we are always talking about the third of those choices. Well, here is an opportunity to at least recognize that it is safe, it is conservative, it is already predetermined that our policy is to empower the folks in these distressed areas.

Question one again arises, here are the words, where is the money? And so a very simple thing, and this also I would think imitates the policy of the executive order of the Governor that the contract provisions where governments, agencies in these areas have contracted, they have a strategy that the people who live there benefit. This also is legal, it is appropriate, and it follows our aforementioned honored policy.

I once again, Mr. President, challenge the other side to at least do something very conservative and very safe that will help also to stimulate and grow business, and that is at least in our empowerment areas, in our distressed areas, to make a requirement that our contracts benefit the area by providing, to the greatest extent possible, that the contract will provide employment and other economic opportunities to low-income and to very low-income persons. I urge support for this amendment.

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

Senator THOMPSON. Mr. President, I urge a "no" vote.

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

Senator HUGHES. Mr. President, I would just like to stand for a moment and encourage my colleagues to support Senator Williams' amendment. I would remind the Members that just this past Tuesday in Governor Ridge's Budget Address, he called for the creation of a new program in the Commonwealth, that being the Keystone Opportunity Zones, if I have my terminology correct, recognizing that there are portions of our Commonwealth both in rural and in urban communities that are significantly distressed, and that these areas require certain specific efforts that go, if you will, beyond the pale with respect to normal economic development initiatives.

We know that the State of Pennsylvania, with a State budget of over \$17 billion and a combined State and Federal budget of over \$33 billion, can be a significant economic engine and drive very positive outcomes in this Commonwealth, especially in those areas that have been neglected for far too long. The Governor has recognized this and created the Keystone Opportunity Zone concepts that have been discussed before by Members of this side, and I just hope that in the spirit of Governor Ridge's recognition of this problem, what Senator Williams' amendment does is call for improving on that and creating additional opportunities so that we can bring these devastated portions of our Commonwealth to, if you will, a level playing field with respect to the opportunities of fruition and that all those individuals living in those distressed communities can participate in this wonderful economy that we are living in right now.

I ask the Members to support Senator Williams' amendment. It is consistent with Governor Ridge's direction, and this is something that we should have done several years ago, Mr. President.

Thank you very much.

And the question recurring,

Will the Senate agree to the amendment?

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

**YEA-19**

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

**NAY-28**

Armstrong	Gerlach	Mowery	Slocum
Bell	Greenleaf	Murphy	Thompson
Brightbill	Hart	Piccola	Tilghman
Conti	Holl	Punt	Tomlinson
Corman	Jubelirer	Rhoades	Uliana
Delp	Lemmond	Robbins	Wenger
Earl	Loeper	Salvatore	White

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

The PRESIDENT. Senate Bill No. 5 will go over as amended.

**HOUSE MESSAGE**

**HOUSE NONCONCURS IN SENATE  
AMENDMENTS TO HOUSE BILL**

The Clerk of the House of Representatives informed the Senate that the House has nonconcurred in amendments made by the Senate to **HB 1760**.

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

**SPECIAL ORDER OF BUSINESS  
SUPPLEMENTAL CALENDAR No. 2**

**SENATE INSISTS UPON ITS AMENDMENTS  
NONCONCURRED IN BY THE HOUSE TO HB 1760**

**HB 1760 (Pr. No. 2813)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of June 30, 1995 (P.L.170, No.25) known as the Pennsylvania Voter Registration Act, further providing for reports; and making repeals.

Senator LOEPER. Mr. President, I move the Senate do insist upon its amendments to House Bill No. 1760, and that a Committee of Conference on the part of the Senate be appointed.

The motion was agreed to.

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

**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 an off-the-floor meeting of the Committee on Transportation, to be held in the Rules room at the rear of the Senate Chamber.

The PRESIDENT. For a meeting of the Committee on Transportation to begin immediately, the Senate stands in recess.

**AFTER RECESS**

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

**UNFINISHED BUSINESS**

**RESOLUTION INTRODUCED AND REFERRED**

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

February 9, 1998

Senators JUBELIRER, TOMLINSON, LOEPER, ROBBINS, MADIGAN, HELFRICK, GERLACH, MOWERY, CORMAN, SLOCUM, HOLL, TILGHMAN, SALVATORE, BRIGHTBILL, KUKOVICH, CONTI, PICCOLA, WENGER, O'PAKE, WHITE, RHOADES, STOUT, PUNT, KASUNIC and LEMMOND presented to the Chair **SR 128**, entitled:

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

Which was committed to the Committee on TRANSPORTATION, February 9, 1998.

**RESOLUTIONS REPORTED FROM  
COMMITTEES**

Senator CORMAN, from the Committee on Transportation, reported the following resolution:

**SR 128 (Pr. No. 1658)**

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

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

**SR 122 (Pr. No. 1644)**

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

**SR 125 (Pr. No. 1653)**

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

**SR 126 (Pr. No. 1654)**

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

**SR 127 (Pr. No. 1656)**

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

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

**REPORTS FROM COMMITTEE**

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

**SB 105 (Pr. No. 102) (Rereported)**

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 114 (Pr. No. 111) (Rereported)**

An Act amending the act of June 11, 1968 (P.L.149, No.84), entitled, as amended, Volunteer Firefighters' Relief Association Act, providing for volunteer firefighters' money purchase deferred benefit plans.

**SB 268 (Pr. No. 268) (Rereported)**

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 purposes for which funds of an association may be spent.

**SB 635 (Pr. No. 1659) (Amended) (Rereported) (Concurrence)**

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

**SB 640 (Pr. No. 1660) (Amended) (Rereported) (Concurrence)**

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

**SENATE RESOLUTION ADOPTED**

Senators ULIANA, BRIGHTBILL, WAGNER, WENGER, HELFRICK, TILGHMAN, MOWERY, CORMAN, AFFLERBACH, STOUT, TOMLINSON, COSTA, BODACK, O'PAKE, FUMO, MELLOW, MURPHY, GERLACH, WHITE, LEMMOND, RHOADES, SCHWARTZ, SLOCUM, GREENLEAF, HART, EARLL, ARMSTRONG and BELAN, by unanimous consent, offered Senate Resolution No. 129, entitled:

A Resolution designating the week of February 8 through 14, 1998, as "Child Passenger Safety Awareness Week" in Pennsylvania.

Which was read, considered and adopted.

**CONGRATULATORY RESOLUTIONS**

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

Congratulations of the Senate were extended to Jonathan David DeFrain, John V. Cooney, Frank Hyland, Good Shepherd of Allentown and to Lucent Technologies by Senator Afflerbach.

Congratulations of the Senate were extended to Donald B. Fisher by Senator Brightbill.

Congratulations of the Senate were extended to Christian M. Olson and to Spencer P. Smith by Senator Conti.

Congratulations of the Senate were extended to Jacob A. Marsh by Senator Earll.

Congratulations of the Senate were extended to Regina M. Cherneski by Senator Helfrick.

Congratulations of the Senate were extended to Pennsylvania Arts in Education Day and Education Month by Senator Holl.

Congratulations of the Senate were extended to Jeremy Hyatt and to Christina Zylka by Senator Kasunic.

Congratulations of the Senate were extended to Nathan Bell by Senator Lemmond.

Congratulations of the Senate were extended to Catherine Heffernan Isdell by Senator Loeper.

Congratulations of the Senate were extended to Sarah Riske, Lindsay Moore, Betsy Scheib, Jim Gregory, Martha R. Hefner, Diane Castelli Goldschmidt, Margaret Y. Morycz, Bonnie J. Doran, Melissa Harris, Ibie Adeyeye, Michael J. Anuskiewicz, Richard T. Minnotte, Hugh Joseph Murphy III and to John C. Sleighter by Senator Murphy.

Congratulations of the Senate were extended to the Russ Morgan Orchestra by Senator Musto.

Congratulations of the Senate were extended to Mr. and Mrs. Landis Witmer, Mr. and Mrs. Joseph Dragas and to Rhoda M. Wachtman by Senator Piccola.

Congratulations of the Senate were extended to Peggy Rock by Senator Punt.

Congratulations of the Senate were extended to the Saint George Lithuanian Roman Catholic Church of Shenandoah by Senator Rhoades.

Congratulations of the Senate were extended to Steven Michael Duda by Senator Robbins.

Congratulations of the Senate were extended to Jim Johnson by Senator Slocum.

Congratulations of the Senate were extended to Jerome J. Cartmell and to Jamie Becker by Senator Thompson.

Congratulations of the Senate were extended to Mr. and Mrs. John J. Diamond, Jr., Charles H. Kohler, Vincent C. Troisi, John F. Hughes, Jr., Gerald M. Saxton, George Nevel and to Making Musical Memories by Senator Tomlinson.

Congratulations of the Senate were extended to Don DeBias and to Dennis D. Miller by Senator Uliana.

Congratulations of the Senate were extended to Joseph C. Norris, Jr., by Senator Wenger.

Congratulations of the Senate were extended to Sylvester Johnson and to Stephen Thomas Johnson, Sr., by Senator Williams.

CONDOLENCE RESOLUTIONS

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

Condolences of the Senate were extended to the wife of the late Robert J. Leauber, Sr., and to the wife of the late Owen M. Roberts by Senator Afflerbach.

Condolences of the Senate were extended to the family of the late James Horsey by Senator Hughes.

Condolences of the Senate were extended to the family of the late John H. Jordan by Senator Jubelirer.

HOUSE MESSAGES

HOUSE CONCURS IN SENATE BILL

The Clerk of the House of Representatives returned to the Senate SB 1161, with the information the House has passed the same without amendments.

HOUSE CONCURS IN SENATE AMENDMENTS TO HOUSE BILLS

The Clerk of the House of Representatives informed the Senate that the House has concurred in amendments made by the Senate to HB 109, 595, 911 and 1495.

BILLS SIGNED

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

SB 1161, HB 109, HB 595, HB 911, HB 1114 and HB 1495.

ANNOUNCEMENTS BY THE SECRETARY

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

SENATE OF PENNSYLVANIA

COMMITTEE MEETINGS

TUESDAY, FEBRUARY 10, 1998

9:30 A.M. LABOR AND INDUSTRY (to consider Senate Bills No. 698 and 1247) Rules Cmte. Conf. Rm.

MONDAY, FEBRUARY 23, 1998

9:30 A.M. APPROPRIATIONS (Budget Hearing - Dept. of General Services) Majority Caucus Room

10:30 A.M. APPROPRIATIONS (Budget Hearing - Lincoln University) Majority Caucus Room

1:00 P.M. APPROPRIATIONS (Budget Hearing - Penn State University) Majority Caucus Room

3:00 P.M. APPROPRIATIONS (Budget Hearing - State System of Higher Education) Majority Caucus Room

TUESDAY, FEBRUARY 24, 1998

9:00 A.M. APPROPRIATIONS (Budget Hearing - University of Pittsburgh) Majority Caucus Room

10:30 A.M. APPROPRIATIONS (Budget Hearing - Temple University) Majority Caucus Room

1:00 P.M. APPROPRIATIONS (Budget Hearing - Dept. of Revenue) Majority Caucus Room

3:00 P.M. APPROPRIATIONS (Budget Hearing - Dept. of Community and Economic Development) Majority Caucus Room

WEDNESDAY, FEBRUARY 25, 1998

9:00 A.M. APPROPRIATIONS (Budget Hearing - Auditor General) Majority Caucus Room

10:00 A.M. APPROPRIATIONS (Budget Hearing - Dept. of Corrections) Majority Caucus Room

1:00 P.M. APPROPRIATIONS (Budget Hearing - State Police) Majority Caucus Room

3:00 P.M. APPROPRIATIONS (Budget Hearing - Governor's Office, Executive Offices, Overall Economic Outlook) Majority Caucus Room

THURSDAY, FEBRUARY 26, 1998

9:00 A.M. APPROPRIATIONS (Budget Hearing - Dept. of Conservation and Natural Resources) Majority Caucus Room

11:00 A.M. APPROPRIATIONS (Budget Hearing - Treasury) Majority Caucus Room

1:00 P.M. APPROPRIATIONS (Budget Hearing - Attorney General) Majority Caucus Room

2:30 P.M. APPROPRIATIONS (Budget Hearing - Insurance Department) Majority Caucus Room

MARCH 2, 1998

9:30 A.M. APPROPRIATIONS (Budget Hearing - Dept. of Labor and Industry) Majority Caucus Room

10:30 A.M. APPROPRIATIONS (Budget Hearing - Dept. of Aging) Majority Caucus Room

1:00 P.M. APPROPRIATIONS (Budget Hearing - Dept. of Public Welfare) Majority Caucus Room

TUESDAY, MARCH 3, 1998

9:00 A.M. APPROPRIATIONS (Budget Hearing - Dept. of Transportation) Majority Caucus Room

1:00 P.M. APPROPRIATIONS (Budget Hearing - Dept. of Education) Majority Caucus Room

WEDNESDAY, MARCH 4, 1998

9:00 A.M. APPROPRIATIONS (Budget Hearing - Dept. of Agriculture) Majority Caucus Room

---

10:30 A.M.	APPROPRIATIONS (Budget Hearing - Historical and Museum Commission)	Majority Caucus Room
1:00 P.M.	APPROPRIATIONS (Budget Hearing - Dept. of State)	Majority Caucus Room
2:00 P.M.	APPROPRIATIONS (Budget Hearing - Dept. of Environmental Protection)	Majority Caucus Room
<u>THURSDAY, MARCH 5, 1998</u>		
9:00 A.M.	APPROPRIATIONS (Budget Hearing - PA Emergency Management Agency)	Majority Caucus Room
10:00 A.M.	APPROPRIATIONS (Budget Hearing - Dept. of Health)	Majority Caucus Room
11:15 A.M.	APPROPRIATIONS (Budget Hearing - Dept. of Military and Veterans Affairs)	Majority Caucus Room

### ADJOURNMENT

Senator LOEPER. Mr. President, I move that the Senate do now adjourn until Tuesday, February 10, 1998, at 11 a.m., Eastern Standard Time.

The motion was agreed to.

The Senate adjourned at 6:40 p.m., Eastern Standard Time.