

COMMONWEALTH OF PENNSYLVANIA

Legislative Journal

WEDNESDAY, MARCH 18, 1998

SESSION OF 1998

182ND OF THE GENERAL ASSEMBLY

No. 18

SENATE

WEDNESDAY, March 18, 1998

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

The PRESIDING OFFICER (David J. Brightbill) in the Chair.

PRAYER

The Chaplain, Reverend MICHAEL MAZER, of First Baptist Church, Washington, offered the following prayer:

Let us go to the Lord in prayer.

We begin our prayer today with a brief word from the Prophet Isaiah, when he wrote that God will keep us in perfect peace because if we keep our minds fixed on him, we know that we can trust in him.

Almighty and most gracious God, we know that faith, hope, and love abide to these three. Why is it then that these virtues seem to be robbed from us each and every day? There are times, O Lord, when we cannot escape the treadmill of our daily lives. We seem to be in over our heads even before we get started. We have to tend to those matters which appear to be urgent to others when they are not really all that important to You. We find ourselves having to put out fires when we cannot even ignite ourselves to be on fire for the good work that You have given to us. Lord, we seek Your prayers and Your blessings today.

Today, O God, I pray for the Senators and their staff and the aides and all of those who work in this Chamber, that You would guide them to the more excellent way. I pray that You keep us all from being tempted, in being spread so thin that we find ourselves doing more than we should and never getting the work done that You have called us to do.

Keep us from being impatient and always looking for the expedient route. Thus we would protect ourselves from frail tempers and saying harsh things to one another and holding feelings that we will regret later this evening. Let us not be robbed by worry, but give to us Your perfect peace so that through this day we can find a song in the corridors of our heart and those who look upon us will see a smile on our face.

I pray, O God, that You would grant to each of the people gathered in this room today Your divine mercy, that they may know forgiveness, that they may know Your strength so that they can do Your will, that you would give to them grace that they may be considerate and kind to one another, and that You

give them a measure of patience knowing that all is in Your care.

We offer this prayer in Your holy and perfect name. Amen.

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

The PRESIDENT. The Chair thanks Reverend Mazer, who is the guest today of Senator Stout.

JOURNAL APPROVED

The PRESIDENT. A quorum of the Senate being present, the Clerk will read the Journal of the preceding Session of March 17, 1998.

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

HOUSE MESSAGES

HOUSE BILL FOR CONCURRENCE

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

March 18, 1998

HB 1994 -- Committee on Game and Fisheries.

HOUSE RESOLUTION FOR CONCURRENCE

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

March 18, 1998

HR 376 -- Committee on Environmental Resources and Energy.

BILLS INTRODUCED AND REFERRED

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

March 18, 1998

Senator TILGHMAN presented to the Chair SB 1375, entitled:

An Act making appropriations from a restricted revenue account within the General Fund and from Federal augmentation funds to the Pennsylvania Public Utility Commission.

Which was committed to the Committee on APPROPRIATIONS, March 18, 1998.

Senators WAGNER, TOMLINSON, TARTAGLIONE, BELAN, COSTA, AFFLERBACH, EARLL, BODACK, WILLIAMS, STAPLETON, MELLOW, FUMO, MOWERY, KITCHEN, SCHWARTZ, STOUT, KASUNIC, RHOADES, MUSTO and HUGHES presented to the Chair SB 1377, entitled:

An Act amending the act of April 12, 1951 (P.L.90, No.21), entitled, as reenacted, Liquor Code, providing for enhanced alcohol enforcement and education.

Which was committed to the Committee on LAW AND JUSTICE, March 18, 1998.

Senators WAGNER, BELL, LAVALLE, TARTAGLIONE, BELAN, COSTA, AFFLERBACH, KUKOVICH, BODACK, WILLIAMS, STAPLETON, MELLOW, FUMO, O'PAKE, SCHWARTZ, STOUT, MUSTO and HUGHES presented to the Chair SB 1378, entitled:

An Act amending the act of August 26, 1971 (P.L.351, No.91), entitled State Lottery Law, amending certain definitions and deleting provisions relating to PACENET.

Which was committed to the Committee on AGING AND YOUTH, March 18, 1998.

Senators WAGNER, HELFRICK, LAVALLE, STAPLETON, STOUT, AFFLERBACH, WHITE, BELAN, GERLACH, BODACK, WOZNIAK, O'PAKE, TOMLINSON, SLOCUM, TARTAGLIONE, MELLOW, KASUNIC, MUSTO and RHOADES presented to the Chair SB 1379, entitled:

An Act providing for a Higher Education Tuition Assistance Program for volunteer emergency services personnel.

Which was committed to the Committee on EDUCATION, March 18, 1998.

Senators GERLACH, HELFRICK, PUNT, ROBBINS, WHITE, CONTI, THOMPSON, O'PAKE, STAPLETON and SLOCUM presented to the Chair SB 1380, entitled:

A Joint Resolution proposing an amendment to the Constitution of the Commonwealth of Pennsylvania, further providing for the Supreme Court and for the election of justices, judges and justices of the peace.

Which was committed to the Committee on JUDICIARY, March 18, 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:

March 18, 1998

Senators AFFLERBACH, STAPLETON, WAGNER, THOMPSON, WILLIAMS, BODACK, STOUT, KUKOVICH,

CORMAN, COSTA, EARLL, BRIGHTBILL, TOMLINSON, KASUNIC, O'PAKE, MUSTO, TARTAGLIONE, LAVALLE, HART, MELLOW, BELAN, SLOCUM and SCHWARTZ presented to the Chair SR 148, entitled:

A Resolution designating April 19 through 25, 1998, as "Week of the Young Child."

Which was committed to the Committee on RULES AND EXECUTIVE NOMINATIONS, March 18, 1998.

Senators MELLOW, BODACK, KITCHEN, SCHWARTZ and O'PAKE presented to the Chair SR 149, entitled:

A Resolution to establish a special committee to investigate the Department of Health and Department of Public Welfare's administration of Pennsylvania's Medical Assistance Long-Term Care as Provided in Nursing Facilities.

Which was committed to the Committee on RULES AND EXECUTIVE NOMINATIONS, March 18, 1998.

Senators WOZNIAK, COSTA, HELFRICK, WHITE, KASUNIC, MUSTO, HART and SLOCUM presented to the Chair SR 150, entitled:

A Resolution requesting the Attorney General to exercise his authority to grant reciprocity to carry firearms.

Which was committed to the Committee on JUDICIARY, March 18, 1998.

REPORTS FROM COMMITTEES

Senator PICCOLA, from the Committee on Aging and Youth, reported the following bills:

SB 1043 (Pr. No. 1805) (Amended)

An Act amending Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, prohibiting persons with a history of certain criminal offenses from being employed with the Statewide toll-free ChildLine.

SB 1051 (Pr. No. 1806) (Amended)

An Act amending Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, providing for standby guardians for minors.

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

SB 803 (Pr. No. 1807) (Amended)

An Act amending Title 24 (Education) of the Pennsylvania Consolidated Statutes, providing for a new period of eligibility for special early retirement; and further providing for standards of compensation for employees of the board.

SB 1376 (Pr. No. 1785)

An Act amending Title 71 (State Government) of the Pennsylvania Consolidated Statutes, providing for eligibility for special early retirement; and further providing for standards of compensation for employees of the board.

LEGISLATIVE LEAVES

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

Senator LOEPER. Mr. President, I request legislative leaves for today's Session on behalf of Senator Armstrong, Senator Delp, and Senator Helfrick.

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

The Chair recognizes the gentleman from Indiana, Senator Stapleton.

Senator STAPLETON. Mr. President, I request legislative leaves for Senator Kitchen, Senator Tartaglione, and Senator Williams.

The PRESIDENT. Senator Stapleton requests legislative leaves for Senator Kitchen, Senator Tartaglione, and Senator Williams. Without objection, those leaves are granted.

LEAVES OF ABSENCE

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

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

CALENDAR

BILLS ON CONCURRENCE IN HOUSE AMENDMENTS AS AMENDED

BILL OVER IN ORDER TEMPORARILY

SB 640 (Pr. No. 1812) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Titles 18 (Crimes and Offenses) and 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for restitution for injuries to person or property; and 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 presence reports.

On the question,

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

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

On the question,

Will the Senate agree to the motion?

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

Senator GREENLEAF. Mr. President, I rise to urge an affirmative vote on this legislation. It would put a stop to frivolous lawsuits that are being filed by prisoners against State agencies that have no basis. It would not stop legitimate litigation that is filed by a prisoner, but a large percentage of these petitions that are filed have no basis at all in either law or in fact. They

are based on a prisoner suing the State, indicating that he feels his underwear is too tight, or the prisoner who filed a lawsuit against the State based on the fact that the State should not have released him because he was a violent offender and he committed crimes after he was released.

These are the types of things that are costing the Commonwealth millions of dollars every year. Over 30 assistant attorneys general are spending part of their time every year dealing with these lawsuits, and it is important for us to set up a procedure in which these frivolous lawsuits can be dismissed in an expeditious manner, and that is what this legislation will do.

Thank you, Mr. President.

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

Senator FUMO. Mr. President, I rise to oppose concurrence in the amendments. Mr. President, I know it is very easy to beat up on, quote, "criminals," it is very easy to pick on people who we know have done something wrong in society, therefore they are incarcerated. However, Mr. President, some of this litigation results because of poor management. When Senator Greenleaf talks about a prisoner whose underwear does not fit, and whatever else, my answer to that is why do we not just give him a dollar pair of underwear rather than get into litigation in the first place?

Mr. President, it is difficult to stand here today and defend the rights of people who are incarcerated in Pennsylvania, but when we have a prison population that is growing exponentially, we have to understand that even those people might be able to bring to the attention of society things that are wrong in those institutions. And while one person classifies something as frivolous, someone else may say it is not. The answer to this is not to deny people rights no matter where they are situated, but rather to run the systems effectively so as to avoid the litigation in the first place. Again, we come back to our mantra, if you will, that what Pennsylvania needs is not a Commonwealth that is just tough on crime but one that is smart on crime.

While the current administration and the current Republicans in the House and the Senate have clearly demonstrated that they can be, quote, "tough on criminals," they have yet to demonstrate that they can prevent crime in the first place. This is just another example of that, Mr. President, and regrettably I will have to vote "no" and urge my colleagues to do likewise.

Thank you, Mr. President.

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

Senator GREENLEAF. Mr. President, in regard to the clothing situation, the underwear situation, it was a 15-day period in which they corrected that situation. They still filed the lawsuit. And as I say, this legislation will not prevent prisoners from bringing legitimate lawsuits. It does not do that.

Thank you.

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

Senator FUMO. Mr. President, legitimacy, like beauty, is in the eyes of the beholder, and I am fearful that given the cur-

rent attitude of what is going on around here, what Senator Greenleaf might consider to be legitimate and frivolous would probably clearly conflict with what I would say would be legitimate and frivolous. Mr. President, it is not our role to determine those things in advance on the subject of fashion, but let the courts deal with it.

And I really feel sorry, it is such a shame that our poor Attorney General might have to defend some of these things. I know he is overworked, but the last time I saw him, Mr. President, he was doing quite well, enjoying his job, and these nuisances were really not deterring him from performing the functions of an Attorney General.

Thank you, Mr. President.

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

Senator KUKOVICH. Mr. President, as fascinated as I am to hear the debate between Senator Greenleaf and Senator Fumo about underwear, I would ask the prime sponsor of the bill to stand for interrogation on one question, and that is what were the changes made by the House on this bill on which we are actually concurring?

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

The Senate will be at ease for a moment.

(The Senate was at ease.)

Senator LOEPER. Mr. President, if I may, I request that Senate Bill No. 640 go over temporarily.

The PRESIDENT. Senate Bill No. 640 will go over in its order temporarily.

BILL OVER IN ORDER

SB 1204 -- Without objection, the bill was passed over in its order at the request of Senator LOEPER.

THIRD CONSIDERATION CALENDAR

PREFERRED APPROPRIATION BILL OVER IN ORDER

SB 1304 -- Without objection, the bill was passed over in its order at the request of Senator LOEPER.

SB 508 CALLED UP OUT OF ORDER

SB 508 (Pr. No. 1792) -- Without objection, the bill was called up out of order, from page 2 of the Third Consideration Calendar, by Senator LOEPER, as a Special Order of Business.

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

SB 508 (Pr. No. 1792) -- The Senate proceeded to consideration of the bill, entitled:

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

Considered the third time and agreed to,

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

On the question,
Shall the bill pass finally?

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

YEA-48

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

NAY-0

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

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

BILLS LAID ON THE TABLE

SB 105 (Pr. No. 102) -- The Senate proceeded to consideration of the bill, entitled:

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.

Upon motion of Senator LOEPER, and agreed to, the bill was laid on the table.

SB 114 (Pr. No. 111) -- The Senate proceeded to consideration of the bill, entitled:

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.

Upon motion of Senator LOEPER, and agreed to, the bill was laid on the table.

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

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

Senator THOMPSON. Mr. President, it is my pleasure today to recognize two seniors from Coatesville Area Senior High School from the 19th District. One is Jeffrey Chidester, who is actually a constituent of Senator Gerlach's. Jeffrey is a student representative of the school board, member of the Interact Club, which is affiliated with Rotary International, member of the National Honor Society, and active in sports. He plans to go to Grove City College upon graduation.

Also here is Matthew Fesak, a member of the National Honor Society, member of the academic team, editor of the yearbook, and he is not sure whether it is going to be Dartmouth or Grove City College.

In any event, we want to welcome both of them who are here today as Pages for the day.

The PRESIDENT. Would the Senate extend its usual warm welcome to our guests.

(Applause.)

The PRESIDENT. And hopefully that college decision will be a Pennsylvania location.

THIRD CONSIDERATION CALENDAR RESUMED

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.

BILL LAID ON THE TABLE

SB 268 (Pr. No. 268) -- The Senate proceeded to consideration of the bill, entitled:

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.

Upon motion of Senator LOEPER, and agreed to, the bill was laid on the table.

BILLS OVER IN ORDER

SB 668, HB 961, SB 962 and HB 964 -- Without objection, the bills were passed over in their order at the request of Senator LOEPER.

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

SB 1013 (Pr. No. 1736) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of December 20, 1985 (P.L.483, No.113), entitled Tax-Exempt Bond Allocation Act, further providing for purposes of the act, for definitions, for selection of projects, for allocation of tax-exempt bond authority and for Federal law change; and providing for powers and duties of the Department of Community and Economic Development.

Considered the third time and agreed to,

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

On the question,
Shall the bill pass finally?

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

YEA-48

Afflerbach	Hart	Mellow	Stapleton
Armstrong	Helfrick	Mowery	Stout

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

NAY-0

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

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

BILL OVER IN ORDER

SB 1203 -- Without objection, the bill was passed over in its order at the request of Senator LOEPER.

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

SB 1239 (Pr. No. 1793) -- The Senate proceeded to consideration of the bill, entitled:

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.

Considered the third time and agreed to,

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

On the question,
Shall the bill pass finally?

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

YEA-48

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

NAY-0

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

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

SECOND CONSIDERATION CALENDAR**BILL REREPORTED FROM COMMITTEE
AS AMENDED OVER IN ORDER**

HB 1561 -- Without objection, the bill was passed over in its order at the request of Senator LOEPER.

BILLS OVER IN ORDER

SB 491, SB 664, SB 665, SB 666, SB 670 and SB 674 -- Without objection, the bills were passed over in their order at the request of Senator LOEPER.

**BILL ON SECOND CONSIDERATION
AND REREFERRED**

SB 677 (Pr. No. 721) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of March 4, 1971 (P.L.6, No.2), entitled Tax Reform Code of 1971, further providing for evidence of real estate tax payment for purposes of inheritance and estate tax.

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

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

BILL OVER IN ORDER

SB 698 -- Without objection, the bill was passed over in its order at the request of Senator LOEPER.

BILLS ON SECOND CONSIDERATION

SB 1192 (Pr. No. 1460) -- The Senate proceeded to consideration of the bill, entitled:

An Act providing for victims' rights; imposing penalties; establishing remedies; establishing the Office of Victim Advocate, the Bureau of Victims' Services, the Victims' Services Advisory Committee, the State Offender Supervision Fund and other funds; and making repeals.

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

SB 1262 (Pr. No. 1603) -- 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 actions that must be commenced within six months and for deficiency judgments.

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

**BILL ON SECOND CONSIDERATION
AND REREFERRED**

SB 1289 (Pr. No. 1787) -- The Senate proceeded to consideration of the bill, entitled:

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

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

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

BILL REREFERRED

SB 1292 (Pr. No. 1672) -- 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 certain expenses and fees relating to the minor judiciary.

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

**BILLS ON SECOND CONSIDERATION
AND REREFERRED**

SB 1301 (Pr. No. 1720) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of March 4, 1971 (P.L.6, No.2), entitled Tax Reform Code of 1971, further defining "family farm corporation" and "family farm partnership" for purposes of the realty transfer tax.

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

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

SB 1353 (Pr. No. 1757) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of March 4, 1971 (P.L.6, No.2), entitled Tax Reform Code of 1971, providing for reinvestment deduction.

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

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

SB 1362 (Pr. No. 1766) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of March 4, 1971 (P.L.6, No.2), entitled Tax Reform Code of 1971, further providing for special income tax provisions for poverty.

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

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

SB 1363 (Pr. No. 1788) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of March 4, 1971 (PL.6, No.2), entitled Tax Reform Code of 1971, further providing for net loss carryover; and providing for net operating loss 1997 tax credit.

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

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

SB 1364 (Pr. No. 1769) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of June 29, 1996 (PL.434, No.67), entitled Job Enhancement Act, further providing for credits.

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

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

SB 1365 (Pr. No. 1770) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of March 4, 1971 (PL.6, No.2), entitled Tax Reform Code of 1971, further providing for capital stock franchise tax.

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

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

BILLS ON SECOND CONSIDERATION

HB 1520 (Pr. No. 1842) -- The Senate proceeded to consideration of the bill, entitled:

A Joint Resolution proposing an amendment to the Constitution of the Commonwealth of Pennsylvania, further providing for bail.

Considered the second time and agreed to,

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

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.

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

BILL OVER IN ORDER

HB 1755 -- Without objection, the bill was passed over in its order at the request of Senator LOEPER.

BILL ON SECOND CONSIDERATION

HB 1766 (Pr. No. 3197) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of March 4, 1971 (PL.6, No.2), known as the Tax Reform Code of 1971, further providing for imposition and exclusions from sales tax and for imposition of utilities gross receipts tax; providing for additional credits for investments by private companies in enterprise zones and for a tax credit for business creation; and making a repeal.

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

BILLS OVER IN ORDER

HB 1778 and **HB 1828** -- Without objection, the bills were passed over in their order at the request of Senator LOEPER.

SENATE RESOLUTION No. 147, ADOPTED

Senator LOEPER, without objection, called up from page 7 of the Calendar, **Senate Resolution No. 147**, entitled:

A Resolution designating March 20, 1998, as "Volunteer Forest Firefighter Day" in Pennsylvania.

On the question,

Will the Senate adopt the resolution?

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

HB 1766 CALLED UP AND REREFERRED

HB 1766 (Pr. No. 3197) -- Without objection, the bill, which previously was agreed to on second consideration, was called up, from page 7 of the Second Consideration Calendar, and, on motion of Senator LOEPER, rereferred to the Committee on Appropriations.

SB 640 CALLED UP

SB 640 (Pr. No. 1812) -- 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.

SENATE CONCURS IN HOUSE AMENDMENTS

SB 640 (Pr. No. 1812) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Titles 18 (Crimes and Offenses) and 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for restitution for injuries to person or property; and 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.

The PRESIDENT. On the motion to concur, the Chair recognizes the gentleman from Delaware, Senator Loeper.

Senator LOEPER. Mr. President, Senate Bill No. 640, a bill that we went over temporarily, which I had already placed a motion to concur in House amendments as amended by the Senate, if we could continue the consideration of that bill at this time.

The PRESIDENT. Senator Kukovich, do you wish to proceed with the interrogation?

Senator KUKOVICH. Mr. President, I got the answer on the House changes. I do not need the interrogation on the record at this point.

Thank you.

The PRESIDENT. Senator Greenleaf, do you have anything to add?

Senator GREENLEAF. Mr. President, yes, I would like to state that there were technical changes that were added by the House at the suggestion of the Attorney General. They were the only changes in the bill that is before us now other than a change in the wording or the requirement of the presentencing investigation and reports.

I would just conclude by saying I think it is something that we should pass, it is necessary, and it will save the State money and avoid unnecessary litigation.

Thank you.

LEGISLATIVE LEAVES

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

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

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

The Chair recognizes the gentleman from Delaware, Senator Loeper.

Senator LOEPER. Mr. President, Senator Hart has been called to her office, and I request a temporary Capitol leave on her behalf.

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

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

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

YEA-42

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

NAY-6

Fumo	Kitchen	Tartaglione
Hughes	Kukovich	Williams

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

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

UNFINISHED BUSINESS REPORTS FROM COMMITTEE

Senator RHOADES, from the Committee on Education, reported the following bills:

SB 216 (Pr. No. 208)

An Act amending the act of March 10, 1949 (P.L.30, No.14), entitled Public School Code of 1949, providing for school breakfast and lunch programs, for nutrition education and for technical support services.

SB 358 (Pr. No. 1809) (Amended)

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

SB 1049 (Pr. No. 1810) (Amended)

An Act amending the act of March 10, 1949 (P.L.30, No.14), entitled Public School Code of 1949, providing for the establishment, membership and powers and duties of the Community College Coordinating Board; and further providing for payments to community colleges.

SB 1134 (Pr. No. 1811) (Amended)

An Act requiring the Department of Health to implement a State-wide policy regarding the disposition of complaints pertaining to the indoor air quality of school buildings in this Commonwealth.

RESOLUTION REPORTED FROM COMMITTEE

Senator RHOADES, from the Committee on Education, reported the following resolution:

SR 136 (Pr. No. 1730)

A Resolution designating the month of March 1998 as "Community College Month" in Pennsylvania.

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

CONGRATULATORY RESOLUTIONS

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

Congratulations of the Senate were extended to Mr. and Mrs. Harry Williams by Senator Armstrong.

Congratulations of the Senate were extended to Earle Witpenn, Churchill Fire Department, Eastern Area Ambulance Services, Forest Hills/Chalfont Rescue 8, Forest Hills Fire Department, Forest Hills Police Department, Forest Hills Public Works Department, City of Pittsburgh Emergency Medical Service and to the Wilkins Township No. 3 Fire Department by Senator Costa.

Congratulations of the Senate were extended to Betty Nelson by Senator Loeper.

Congratulations of the Senate were extended to Mr. and Mrs. Curtis Copeland and to Aida Rizzo by Senator Murphy.

Congratulations of the Senate were extended to Todd A. Wilson by Senator Rhoades.

Congratulations of the Senate were extended to Brian Hills, Rich Hogue, Justin Nestor, Nevada Walker and to the Reynolds High School Wrestling Team by Senator Robbins.

Congratulations of the Senate were extended to Mr. and Mrs. Clyde McMullen, Matthew Biffen and to Michael A. Hammond by Senator Thompson.

Congratulations of the Senate were extended to William J. Carlin by Senators Tomlinson and Conti.

Congratulations of the Senate were extended to Brother Thomas W. Bright by Senator Uliana.

Congratulations of the Senate were extended to Butler County Federated Library System by Senator White.

BILLS ON FIRST CONSIDERATION

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

The motion was agreed to.

The bills were as follows:

SB 216, SB 358, SB 803, SB 1043, SB 1049, SB 1051, SB 1134 and SB 1376.

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

BILLS REREFERRED

Upon motion of Senator LOEPER, and agreed to, the following bills just considered were rereferred to the Committee on Appropriations:

SB 803 and SB 1376.

PETITIONS AND REMONSTRANCES

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

Senator GREENLEAF. Mr. President, I rise also to indicate that the Senate has just passed Senate Bill No. 1239, which was also on our Calendar. This is legislation that the Committee on Judiciary developed after an unfortunate situation involving a parolee from Nevada. This bill, if passed by the House, will provide that no longer will Pennsylvania have to accept violent criminals, murderers, robbers, rapists into Pennsylvania to serve their parole from another State.

Up to this point, under the interstate compact, Pennsylvania, as well as other States, assumed that they had to accept individuals, violent offenders, from another State, in this case it was from Nevada, as long as they could show that they had a residence and employment. Now after this legislation is adopted by the House and signed by the Governor, the parole authorities in Pennsylvania can and will evaluate an individual to make sure that if they are a violent offender, that they can reject them, and if they do decide to accept them, they will have extensive background material, psychological material, and all their records, both prior and during their incarceration, so we know what they are about. And if they are in this State, we will have the ability to monitor them very closely and return them to their home State should they commit any infraction of their parole.

If we had had this in place several years ago, hopefully this individual who had been convicted of murder and other violent offenses in Nevada, then paroled and allowed to serve his parole in Pennsylvania, and then while he was here committed various acts of violence and is now under arrest and being prosecuted for the murder of a young lady in the southeastern part of Pennsylvania, is under the active investigation of at least one if not more other murders, would not have been allowed into Pennsylvania. We hope that with this legislation passing we can avoid these situations in the future.

Thank you.

The PRESIDENT. The Chair recognizes the gentleman from Berks, Senator O'Pake.

Senator O'PAKE. Mr. President, on the same subject, I want to commend the chairman of the Senate Committee on Judiciary, Senator Greenleaf, and all the Members of the committee. I think this bill is very good proof of the legislative process as it should work. We had public hearings on this issue, and I know my eyes were opened, because apparently for years there had been a gentleman's agreement, if you will, an interstate compact where one State said to the other, yeah, we will take your parolees if you take ours, and there was this exchange. And unfortunately, in that interstate compact, there was a total disregard for the safety of the receiving State, in this case Pennsylvania.

We were all shocked and upset by the tragedy involving a parolee from Nevada who came into Pennsylvania. He wanted

to serve his parole here, he should have been serving a longer sentence because Nevada apparently was very easy on murderers, but he wound up here because his mother had moved here, and that was the only connection to Pennsylvania. Unfortunately, we know what happened since he got here.

This legislation, if enacted by the House, will say that for the safety and security of the people of Pennsylvania, that Pennsylvania will set its own conditions and requirements before accepting out-of-State violent parolees. This interstate compact, I think, is rethinking and reconsidering its premise and the understandings that they have operated under for years, but at least Pennsylvania will be saying, as a few other States have said, that before we accept your violent offenders, we are going to decide under our own law, under our own conditions, under our own criteria, whether to accept them, and then, once here, we will set the requirements as to the supervision and follow-up. Hopefully, we can avert future tragedies and protect the security and safety of the people of Pennsylvania.

We have talked a lot about getting tough on crime. This, I think, is a very, very important crime prevention measure, because by wisely carrying out the mandates in this law, hopefully we can prevent another victim or another victim's family from having to suffer through a violent crime committed by an out-of-State parolee who wants to serve his parole in Pennsylvania.

Thank you, Mr. President.

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

Senator MELLOW. Mr. President, I would like to speak briefly today about two incidents that took place in this Senate during the past week. Both of them occurred when debate was taking place, and both of them, as far as I am concerned as the Democratic Leader and speaking for the other Democratic Members of this Senate, are areas that we have great concern with.

Mr. President, I would like to begin my remarks by first going back, if you will, several years ago to the date of January 17, 1995. And, Mr. President, the remarks that I am going to read into the record are remarks that were made by you when you took your oath of office as Lieutenant Governor, and I am only going to read one paragraph of those well delivered remarks on that particular afternoon. Mr. President, you said, and I quote, "For my part, I promise you that partisanship and politics will not be a part of my agenda in this Chamber. I will not view the business before this body to be a Republican issue or a Democrat issue but a Pennsylvania issue, and I will ask that you do the same."

Mr. President, those of us on this side of the aisle on that particular day took what you said for granted, and we believed that you, to the best of your God-given ability, would run this Senate in as much of a nonpartisan way as possible. But, Mr. President, I would like to express my displeasure and the displeasure of the entire 20 Members of the Democratic Senate to a response made by the Lieutenant Governor to a request for order from a Member of the Democratic Caucus just last week. While she was speaking on our recent resolution honoring Dr. Wanda Filer for 15 months of public service, Senator Schwartz

asked the Presiding Officer for order in the Senate on Tuesday, March 10, 1998. A very simple request, Mr. President, nothing out of the ordinary, something that happens every day in this Chamber.

Unfortunately, Mr. President, the Chair's response to Senator Schwartz was anything but typical. The typical response when an individual asks for order in the Senate, Mr. President, would be for the Presiding Officer to hit the gavel and ask Members to take their conversations to another part of the building or to take their seats. It happened three times today, Mr. President, in a period of 1 minute when Senator Greenleaf was speaking on Senate Bill No. 640, and when no one asked that you bring the Senate to order, you, on your own and rightfully so, hit the gavel on three different occasions in a 1-minute period of time and asked for the body to come to order.

In short, Mr. President, you, the Lieutenant Governor, informed Senator Schwartz that there is often a lack of order during the introduction of original resolutions. But, Mr. President, Senator Schwartz did not introduce the resolution, I did. She was speaking on the merits of the resolution. Therefore, Mr. President, you decided the Chair would not call the Senate to order so that her comments could be heard. They were the comments that were being delivered by Senator Schwartz, a Member of this Democratic Caucus, Mr. President. And Senator Schwartz at that point said to you that these were very important comments that she was making and that perhaps people, Members of the Senate, and I am paraphrasing, should pay attention to what she was saying.

Now, Mr. President, I do not dispute what you said that day and the claim that during the introduction of resolutions there is often a lack of decorum in the Senate. But, Mr. President, this was a special order, not a special order of business but a special congratulatory resolution. It dealt with the first Physician General in Pennsylvania, Dr. Wanda Filer, and what an excellent job she did and what an excellent job she tried to do during the brief 15-month period of time that she had the opportunity of serving in that position. And, Mr. President, it may be true that during the introduction of a resolution or of an original resolution sometimes there is some noise in the Senate, but it does not excuse the fact that you refused a Senator on this side of the aisle her request to bring some order to the Senate.

Mr. President, I have had the opportunity of serving in this Senate for over 25 years, and in my recollection during that 25-year period of time, this was the first time a Member of the Senate was ever summarily denied a request for order in the Chamber when a Member, regardless of their political registration, regardless of their philosophy or ideology, was making a speech on a very important matter.

Further, Mr. President, I was informed by Members of this Caucus that more disrespect was shown to another Member of this Senate yesterday, and that Member of the Senate was Senator Kitchen, from Philadelphia. This occurred, Mr. President, when Senator Kitchen rose to address the Ridge administration's plan to charge Pennsylvania's poorest people, its disabled people, its aged people, and its blind people an additional \$2.60 per month to process their modest Federal Sup-

plemental Security Income checks, known as SSI, and we are asking these very poor people, indigent, if you will, to pay \$2.60 per month from their check, at the same time that here in Harrisburg we are sitting on a \$400-plus million surplus and we once again are going to give a reduction in taxes to the largest of large corporations. We are once again telling Joe Six-pack that the Ridge administration will not address your issues, they are more interested in addressing the issues of big business in Pennsylvania. And I am told, Mr. President, that the Presiding Officer said to the Majority, I assume, that, quote, he did not have to stand here and take this, and walked out of the Senate Chamber in the middle of Senator Kitchen's speech.

Mr. President, a great President who will celebrate his birthday on May 8, the same day that Senator Fumo will celebrate his birthday, President Harry Truman, said that if you cannot take the heat, then you should get out of the kitchen. Senator Kitchen was deeply offended by the Lieutenant Governor's lack of respect for another Member of this body, and so am I, Mr. President.

I remind the Senate that each of these situations occurred within days after the Republican Majority effectively shut down the Senate by forbidding all Members of the Senate of Pennsylvania from debating a very important bill of lobbyist reform, Senate Bill No. 1, either in debate or in offering an amendment. And then further, Mr. President, recall how shortly thereafter they moved to adjourn the Senate so that under Petitions and Remonstrances we could not discuss what in fact did take place.

Not asking the Senate to provide a Member the courtesy of decorum and walking out of the Senate during a Member's speech simply because the topic of discussion may be politically uncomfortable is, in my opinion, a callous abuse of the power which the citizens of Pennsylvania have entrusted to their Lieutenant Governor. In my opinion, Mr. President, this was entirely unacceptable. Although I am disappointed in what you did and your inability to put your constitutional responsibilities ahead of your political concerns, I remain hopeful, Mr. President, that it will not occur again in the future, especially as we discuss the budget issue of 1998-99.

And finally, Mr. President, I believe that it is incumbent on your part that these two Members of the Senate are owed an apology by you, the President. Whether that occurs in a public forum or in private discussion, I believe it is warranted.

I thank you very much, Mr. President.

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

Senator LOEPER. Mr. President, I am offended by the remarks of the Minority Leader regarding the President of this body, because I believe that they are totally out of order and without merit as far as a personal attack on the President of this body. Mr. President, in the gentleman's remarks, I believe if he wanted to go somewhat afield to talk about various issues, which is certainly a latitude that he should have under the subject of Petitions and Remonstrances, but to bring a personal attack upon the President I believe is unwarranted.

I believe, Mr. President, that you have presided over this body in a very fair and bipartisan manner, and I think the record would reflect that there are occasions on this floor when Members are speaking that other duties may take you from this body. And if in fact that occurred while a Member was addressing the Senate, it was certainly not with any disrespect to that Member voicing their personal opinion on an issue. I think that to characterize it in such a way is very unfair.

I think that the gentleman's point is well-taken as far as decorum on the Senate floor, and I think we all share in the responsibility of that, whether it be 20 Democratic Members or whether it be 30 Republican Members. We all have our sidebar conversations, and I know that at the leader's desk many times we are distracted because of other conversations or other conversations of Members that take place on this floor. As a Presiding Officer, many times, any of us who have served in that role know, it is a very difficult job to try to preside over this body and understand what is being said by some of the speakers because of all the auxiliary noise that occurs. On many occasions as well, the Presiding Officer is consulted by various Members of the Senate, whether it be the leaders, whether it be individual Members, while in fact a Member is talking. I think that the Minority Leader makes a point that we all should work together to try to have better decorum on the Senate floor, curtail personal conversations, and I think we all share in that responsibility equally.

But, Mr. President, to point out that you were insensitive in presiding I think is far afield, I think it is malicious, I do not believe that it is a statement of fact. To the best of my knowledge, Mr. President, in all cases when any Member has asked for order, when any Member has been asked to be recognized, you have been fair and impartial in carrying out that responsibility. As to the gentleman's comments, whether in fact he wants to talk about political issues as the Members were on this floor, which is certainly their right, their responsibility, and their duty, that is an obligation, but I think to separate the issue of decorum and the way that the President presides over this body, I believe it is done in a very fair and effective manner.

Thank you, Mr. President.

The PRESIDENT. The Chair appreciates the gentleman's comments, and let me point out this morning as an example of the Lieutenant Governor carrying out executive responsibilities as it relates to Emergency Services Week, a proclamation that we all know is provided which places me in a position of meeting certain responsibilities. For example this morning, literally fighting a fire at the burn building at the Harrisburg Area Community College to highlight the importance of volunteers in Pennsylvania, which meant that I arrived later here for this Senate Session. It happens from time to time. And I assure you, Senator Mellow, that when I departed yesterday it was for executive responsibilities. It had nothing to do with the way it has been characterized by you. That is the furthest thing from the truth, and I do individually resent that.

The Chair recognizes the gentleman from Lackawanna, Senator Mellow.

Senator MELLOW. Mr. President, I think that we are trying to move away from what the real issue is here today, and the real issue is, number one, that Senator Schwartz did ask for the Senate to come to order on March 10. The issue was a very important issue, although very sensitive to the Ridge administration and to the Republican Party because it dealt with a congratulatory resolution to a member of the Governor's Cabinet who had just resigned in protest of what was taking place and policy that was being developed by the Ridge administration, and it was in the best interest of the Republican Party and the Ridge administration here in Harrisburg to have noise take place in the Senate so that perhaps people would not be paying attention to the issue that was at hand, and the issue at hand was the congratulatory resolution and the health issues of Pennsylvania. But more than Senator Schwartz talking about the health issues of Pennsylvania, when Senator Schwartz specifically asked if we could have some order in the Senate, that order was not given.

Now, Mr. President, with regard to what happened yesterday, the quote yesterday was, and unfortunately I do not believe it was transcribed, the quote was, you were not going to stand up here and take this, end of quote, and then you walked off the rostrum and out of the Senate. Mr. President, Senator Kitchen was talking about an issue that is very important to the people she represents. It is, quite frankly, very important to the people each and every one of us represent, because it deals with those individuals who are poor, those individuals who are disabled, those individuals who are aged, and those individuals who are blind who collect SSI and how an additional \$2.60 would be deducted from their modest check, at a time when we are sitting on a \$400 million surplus right here in State government, Mr. President.

So the real issue is what is taking place in this body, and, Senator Loeper, I can understand how you would want to defend and protect the Presiding Officer of the Senate, regardless of who that Presiding Officer may be, but what took place last week in this Senate when we did not have the opportunity, as you have stated before, of discussing issues right here in this body, well, this is exactly the place where we want to discuss issues. We want to discuss differences that we have. We want to discuss how we think we can make a bill better through the amended version, because, Lord knows, we will never get a bill out of committee, Mr. President. Lord knows, that if we have an original idea the Majority Members of the Senate would like to consider, that bill then would be reintroduced into the form where a Member of the Republican Party will offer it under their sponsorship. We have seen it over and over, and we have seen it just as recently as today.

So let us be absolutely clear what we are talking about. We are talking about two Members of this Senate, both on this side of the aisle, one who was speaking on a very important issue and asked if the Senate would come to order and the Senate did not come to order. The other one, Mr. President, was talking yesterday about an issue equally as important to her, and she was personally offended by what had taken place and by the statement that was made.

And, Mr. President, these things have happened in the past. They should not happen in the future. We should have the opportunity for an open and honest debate. You have 30 Republicans in the Senate, Senator Loeper, you can pass any piece of legislation that you want, you can report any bill out of committee that you want to report out of committee, but give the opportunity to the Minority to have its say, because on all occasions you will have your way.

Senator LOEPER. Mr. President, once again, I think it is just unfair for the Minority Leader to characterize the President of this body in a negative light. If he wants to make a personal attack upon the President, I guess that is his prerogative, but I do not believe it is warranted. I do not believe that that is an issue that deals with the politics of some of the issues that he related.

If you notice, in the same breath that we talk about decorum in the Senate, which to me is a very serious issue, we are also talking about issues of concern and debate that are currently going on in this body. I do not believe, Mr. President, that on either occasion there was any intention not to pay attention to the speaker. To even suggest the possibility that because maybe an issue was sensitive to a position of the administration that this body would generate noise in order that the speaker could not be heard is just ludicrous. And I think, Mr. President, that next time we all should be mindful when people are speaking and present the proper respect to those individuals so they may voice their opinion, whether the majority of this body agrees with them or not.

Thank you.

The PRESIDENT. The Chair would, while it is not often appropriate for the Chair to respond, assure each and every Member of this Senate that he has the utmost respect for each Member of this Senate, regardless of the point that they are trying to raise. And I do not think the Minority Leader wishes to be accused of circulating an untruth, but you, sir, have been gravely misled in the accounting that you have provided as it relates to Senator Kitchen. Gravely misled.

The Chair recognizes the gentlewoman from Philadelphia, Senator Schwartz.

Senator SCHWARTZ. Mr. President, given that I am the object of at least part of this discussion, I would like to make some comments. And I would say that we are talking here, I hope it was not about the issue that I was addressing, but we are talking about the way in which we are going to be respectful of each other and the way in which the Presiding Officer can be counted on by all of the Members, even the Minority Members, of the Senate to be responded to.

And I can say that I was also, while one develops apparently thick skin in this business and it was a comment on a resolution, although I think all of us would say it was a fairly significant resolution, and I would also say before I go on that we become very accustomed to speaking with a great deal of noise and disruption going on on the floor of this Senate, and I think the Majority Leader is correct in saying that we all have some responsibility for being more respectful to each other when we speak.

A comment was made, in fact, by a young woman who was following me that day about how extraordinary it was that while I was speaking there was such a volume of noise, she was quite struck by that and felt somewhat that it showed a disrespect for the comments that I was making. Now that aside, because we do get accustomed to a buzz happening when we are talking, occasionally it is quiet but not always, I did actually ask for some quiet, and I believe that the Majority Leader will be incorrect when we can get ahold of the record, that the record showed that the President actually denied my request, which is very different, Mr. President, than being unable to get quiet in the Chamber. That happens frequently. There are times when the Presiding Officer asks for greater quiet and is not successful at that, that the Members are not respectful of the call for quiet. But in this case, I believe you even turned for some consultation about whether you were required to ask for quiet. You actually said you think it was not typical or necessary under the comments being made on a resolution.

The PRESIDENT. Very typical during congratulatory resolutions, yes.

Senator SCHWARTZ. Mr. President, I am sure when we get a copy of the record we will be able to get the exact wording, but I would say that given that it was that I was making comments, that I asked for some quiet, I do not know quite what typical means. I think that all of us are asking for some respect when we speak, some attention to what we have to say. We actually, as I say, develop the skill to speak when there is a great deal of buzz and feedback coming at us, and we do hope that some people are hearing us in any case, or they are at least being able to make out our point.

But I do think that the issue here is the manner in which we are going to proceed from here on, to have an understanding that I have and I hope an expectation as a Member that when I speak, if there is a great deal of noise, that if a request is made of the Presiding Officer, that there is at least an attempt on the part of the Presiding Officer to get some quiet in the Chamber. And there have been times when Presiding Officers had to call several times for that quiet. If in fact we do not have that understanding, I think it is important for us to understand times that you will choose not to ask for quiet. Is that congratulatory resolutions? Is it when certain Members stand up? Is it when you are distracted, as was suggested by the Majority Leader, by a phone call or other kinds of conversations at the front of the Chamber?

I think that is fairly unacceptable. I would hope that the Presiding Officer takes very seriously the responsibility to assure, one, that everyone who wants to speak is able to speak, that they are able to speak within the rules of the Senate and of the Chamber, and that if it is impossible to be heard, if it is impossible to have some real decorum on the floor of the Senate, that that is your chief responsibility, and this is not in any way necessarily a personal attack, unless it is taken that way. I would assume the response here from both the Majority Leader and the Minority Leader is a call to agree on what our expectations are of the Presiding Officer and that the Presiding Officer as well says, I agree, I will review the record, and if

in fact I behaved in a way that was not as attentive as it might have been to a particular Member, that you would hope that would not occur again.

If that is not the response, if it is that you acted appropriately in your judgment, I think that is very serious, because what it means is that when I get up to speak, I cannot rely on you to support me in the way you would support another Member of this body. And that is very serious, Mr. President. So I hope that is not your response.

I hope your response is that you will equally respect all of us, regardless of party, regardless of the issue we are debating, regardless of your own mood of the day, but that you will attempt to try to apply the same rules to all of us. And that really is what this is about. And I hope that the response is actually, the tenor of your response is somewhat different than has already been suggested by your comments to the Minority Leader. And I hope that all of us, Democrat or Republican, male or female, on an issue of controversy or not, are treated with the same degree of respect and are obliged with the same rules of the Senate as everyone else.

Thank you very much, Mr. President.

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

Senator FUMO. Mr. President, I think that, first of all, I do not think anyone here is making a personal attack on the President, Senator Loeper. I think what is being done today and what has been done by Senator Mellow in his responsibility in his role as the Leader of the Democratic Caucus was to bring to the attention of the Chair, to bring to the attention of the Members, and quite frankly, to bring to the attention of the people of Pennsylvania what occurred and what we felt was disrespectful to two Members of our Caucus. Ironically, they both happen to be women, and women are a distinct minority in this Senate, although their numbers are growing, and one of them, Senator Kitchen, happens to be a freshman Senator and happens to be a freshman female minority from Philadelphia. The status of those individuals, while it does not give them any special stature, does bring unique attention to what occurred.

Mr. President, I have the record before me now of what occurred on March 10, and it is clear that Senator Schwartz did ask and raised a concern to the Chair for order, and the Chair did not appropriately respond by calling for order. That is the concern, Mr. President. Not whether or not the Chamber is noisy, because it is, not whether or not people are paying attention, because they are not. As I look around this Chamber today, although the camera is on me, if it were to pan the Senate, the only Republican here is Senator Loeper, and there are few Democrats on this side of the aisle, so obviously nobody cares, and that may be a big problem in itself, Mr. President. It is not ludicrous to raise these issues.

Mr. President, my mother always taught me that it takes a much bigger person to admit when they are wrong and to stand up and apologize than to sit there and try to defend and cajole. Mr. President, Senator Kitchen, although she is not with us today, regrettably she could not be here, she is on business in Philadelphia, was the one who brought it to our attention that what she heard was the remark that, quote, "I do not have to

stand up here and take this," end of quote, when the Presiding Officer, the Lieutenant Governor, left the floor.

And I can see how she could be particularly sensitive and how that fact situation fits. She was criticizing what we believe to be a very cold and callous position that the Governor and the administration has taken on an issue, and the Lieutenant Governor ups and walks out. If there was an emergency that required that, I am sure that could have been explained to the speaker at the time. I do not think she spoke that long. I was not here, so I do not know exactly, but at some point in time, because that is a very unusual thing to happen in this Chamber, and when it happens to a freshman, they may be a little bit befuddled and confused, it seems to be incumbent upon either the Lieutenant Governor or his staff or the Republican Majority that filled in the seat after that happened to explain to the Senator from Philadelphia why that occurred, if in fact they are the accurate facts.

And I am not going to dispute the defense of the Lieutenant Governor, and I will say, okay, that may in fact have been what happened. And maybe in fact you did not say what she says she heard. But at some point in time yesterday, someone should have explained to her what had happened, because when you are, I think, and there are others here who can speak to this more effectively, when you are a member of a minority group in this country which has been discriminated against for centuries and decades, and you are a female who fought her way to this Chamber, you might be a little bit sensitive when someone walks out when you are trying to make a point. And someone should have straightened that out so we did not have to come here today and raise these issues that we think are important.

Mr. President, as I said before, my mother taught me that it takes a much bigger person to admit wrong and apologize. And I myself know how difficult that is. But when it happens, and when it is necessary, maybe that is what should occur. And while parliamentarily I cannot ask the Chair to do such a thing, in this particular debate the Chair has certainly taken much leniency in the rules of debate, and I think the Chair probably could take the latitude to make an appropriate apology, because I think if nothing else, the feelings of those Senators were hurt, and I think if they were hurt by me and if I thought I was right, I would think it would be my responsibility to apologize to them in order to not let their feelings be hurt and let us go on into the future and not let this happen again. But that choice is yours, Mr. President, whether or not you think an apology is appropriate, at least if nothing else to assuage the feelings of hurt that those two Senators felt. That is on your conscience, not mine.

Let us go forth, Mr. President, and hopefully with more respect for each other, and I know this Chamber is never going to be quiet and I know there is never going to be order, but I would hope the day never comes again when even the least among us stands up and asks for order that the Presiding Officer does not grant their request and at least bang that gavel, however fruitless it may be, but at least to give them the respect that the Chair is sensitive to their feelings and does want to see order come back to the Chamber.

Thank you, Mr. President.

The PRESIDENT. The Chair would appreciate Senator Fumo's remarks, had all of them been true. Senator Fumo, certainly a conversation is in order with the two Members, and that, I assure you, will happen. Let me point out, though, that the remark that is referenced is a complete fabrication. It is a complete fabrication, and that is, sir, why I made it clear to Senator Mellow that he has been gravely misled.

The Chair recognizes the gentleman from Delaware, Senator Loeper.

Senator LOEPER. Mr. President, I was just going to suggest in response to Senator Fumo that I believe it is inappropriate for the Chair at this time to make any sort of apology until we determine what matter of fact the facts of the situation were. It would certainly seem to me that if individual Members of this body are so offended and aggrieved by the actions of the Chair, that they certainly would approach the Chair on a personal basis and indicate to him their disappointment in order that any misapprehension or misinterpretation could be resolved.

And I would suggest in order that we avoid any more of this, Mr. President, that any Member who feels they have been wronged in any particular fashion by the Chair certainly would approach the Chair in order to try to resolve it before trying to make a public spectacle of it like we have here on the floor today.

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

Senator FUMO. Mr. President, in response to Senator Loeper, I have served in this Chamber now, next month will be my 20th anniversary, and I have been around this earth for 54 years, and never before have I ever heard the position taken that if someone offends me and hurts my feelings and they are in a position of power, and they do it to me publicly, it is my responsibility to go to them and ask for an apology.

Mr. President, that may be the response of the arrogant Majority in this Chamber, that they can do whatever they want to do and trample on people's feelings and rights as they see fit, and they can say not even apologies are necessary, but it will be up to the people of Pennsylvania to decide that issue. And what I asked for and what I thought was civil and proper was that the Chair at least apologize to the two Members involved for hurting their feelings.

That occurs often, Mr. President, and it has happened to me. When I think I am absolutely right and I have hurt someone's feelings and it has been brought to my attention, and not that I am any great paragon of virtue, but the least that I do is apologize to that individual for my own sake, not just for them. But maybe I am not as arrogant as you are, and maybe I am not sitting here with the arrogant attitude that you seem to have accumulated when you got the 30 votes. But that is not going to change me as an individual. I would hope and pray that somewhere in your character there are at least enough guts to do what is right and not hide behind a lot of silly platitudes, and I did not do this and I did not do that and I did not do this and that is not necessary. It is obviously necessary, due to the

mere fact that in the Senate of Pennsylvania we have spent a half hour discussing the issue.

Thank you, Mr. President.

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

Senator SCHWARTZ. Just briefly, Mr. President, I would like to say that it is really to me not about my feelings in this process, because as I say, I am not sure I was personally offended in any way. I did feel, however, I think that the other Member who was referred to was actually personally offended. It really is, as I said, much more to me about the way we are respected as Senators, as Members of this body, and whether we are treated fairly and equally. That is not about feelings. That is about proper decorum and meeting the rules.

In addition, I would say that the suggestion that this has been a spectacle is really, I believe, completely inappropriate. We have been very civil in our comments, we have been very calm, by and large, in our comments. We have tried to raise the issue publicly, and I do not think the Majority Leader knows this, but certainly the President knows this, that I have privately raised issues with you, Mr. President, about my not being called on on occasion and the way you have conducted yourself as a Presiding Officer, and in those cases you have responded fairly fairly in saying you would try to be more careful in the future. So I have actually on occasion privately, and I would not have suggested to bring it up publicly, done just what the Majority Leader has suggested when I thought that I was being treated unfairly and inappropriately.

But I raise this issue today, as did my Democratic Leader and some of the other leaders in the Democratic Caucus, because these were two fairly serious incidents in the same week, and the request that I made really was denied, so again, I think that that has to do with the way the Presiding Officer is going to behave in response to potentially the Democratic Members or any of the Members. And it had gotten to the point where occasionally you do need to speak up publicly, and if it is being suggested somehow that it is inappropriate, that we allow inappropriate behavior to go by the wayside and that we raise it privately, and if it is attended to, fine, and if it is not attended to, tough luck, is really not the case any longer. I believe that we needed to raise it within the Chamber. We did not hold a press conference, we did not go down and have press releases. We tried in a very civil way to raise this issue so that the Majority Leader would know about it, so that the Presiding Officer would know about it, and to do it in an honest attempt to get an appropriate response.

If the response is that to raise these issues of the way Members of the Chamber are treated is, quote, "a spectacle" or somehow inappropriate, I believe that that itself is very distressing to many of us. I would again, as I said before, hope that the leadership on both sides of the aisle would call on the Presiding Officer to be fair and even-handed and to abide by the rules for all of the Members, not just some of the Members, and if that is not the response, if the response is it is absolutely fine for you to be as uneven-handed as you want to be, I am really glad we have raised this issue because we ought to know that. We ought to know that we have to be

extremely alert to the fact that the Presiding Officer may not attend to our requests for order, may not call on us if he does not feel like it or does not happen to see us, and who knows what other kinds of rules he may choose to not apply to Minority Members of this Caucus.

I hope, Mr. President, that that is not the response. I hope the response is that if this happened, and I think the record shows that certainly in my case it is written in the record what happened, that both the Majority Leader and the Presiding Officer agree with me and with my leadership that we would attempt never to have that happen again. If that is not the response, Mr. President, I think we do need to have a very serious and potentially very public discussion about the way we conduct business in the Chamber of the Senate of Pennsylvania, and that the voters ought to know it.

Thank you, Mr. President.

ADJOURNMENT

Senator LOEPER. Mr. President, I move that the Senate do now adjourn until Monday, March 23, 1998, at 2 p.m., Eastern Standard Time.

The motion was agreed to.

The Senate adjourned at 12:50 p.m., Eastern Standard Time.