

COMMONWEALTH OF PENNSYLVANIA

Legislative Journal

TUESDAY, MARCH 24, 1998

SESSION OF 1998

182ND OF THE GENERAL ASSEMBLY

No. 20

SENATE

TUESDAY, March 24, 1998

The Senate met at 1 p.m., Eastern Standard Time.

The PRESIDENT pro tempore (Robert C. Jubelirer) in the Chair.

PRAYER

The Chaplain, Pastor PAUL RANDOLPH, of Memorial Baptist Church, Huntingdon Valley, offered the following prayer:

Good afternoon. It is a pleasure to be with you today. As you prepare to take on the legislative dragons of our State to better our communities and our Commonwealth, I would like to encourage you with a word from the Scriptures.

Jesus said, in this world you will have tribulation. Be of good cheer, for I have overcome the world.

Let us pray.

Lord God, we thank You for this opportunity to come before You and to seek Your blessing and Your guidance on this Session of our Senate. We pray, Lord God, that You would bless the men and women who represent us, the citizens of this Commonwealth.

Lord, grant them wisdom in their deliberations, and, Lord, may they take courage because You have overcome the world. We thank You, Lord, for their work, and we pray these things in Jesus' name. Amen.

I would like to dedicate this prayer to the memory of Pastors Buddy Stride and Don Saunders, who were killed recently in our community by a drunk driver with a suspended driver's license, and I thank Senator Greenleaf for his sponsorship of legislation to make a stronger stand on those kinds of concerns.

Thank you, ladies and gentlemen. God bless you.

The PRESIDENT pro tempore. The Chair thanks Reverend Randolph, who is the guest today of Senator Salvatore.

JOURNAL APPROVED

The PRESIDENT pro tempore. A quorum of the Senate being present, the Clerk will read the Journal of the preceding Session of March 23, 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

APPROVAL OF SENATE BILLS

The PRESIDENT pro tempore laid before the Senate communications in writing from His Excellency, the Governor of the Commonwealth, advising that the following Senate Bills had been approved and signed by the Governor:

SB 769, SB 1087 and SB 1175.

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 23, 1998

HB 1660 -- Committee on Transportation.

HOUSE CONCURS IN SENATE  
CONCURRENT RESOLUTION

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

Weekly adjournment.

BILLS INTRODUCED AND REFERRED

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

March 24, 1998

Senators HOLL, GREENLEAF, SLOCUM, COSTA and MUSTO presented to the Chair SB 1385, entitled:

An Act amending the act of December 5, 1972 (PL1280, No.284), entitled Pennsylvania Securities Act of 1972, further providing for definitions; further providing, in the securities area, for registration, for exemptions, for registration by coordination, for registration in general, for registration sanctions, for records and for retroactive registration; providing for Federally covered securities; further providing, in the area of broker-dealers, agents and investment advisers, for registration, for exemptions, for registration procedure, for postregistration procedure, for registration sanctions; further providing for prohibitions, for contract requirements and for misrepresentations; providing for school district prohibitions; further providing for civil liability, for enforcement, for investigations and for criminal penalties;

providing for barring activities and for rescission; further providing for fees, for assessments, for administrative files, for powers of the Pennsylvania Securities Commission and for regulations and orders; and canceling Federal preemption.

Which was committed to the Committee on BANKING AND INSURANCE, March 24, 1998.

Senators KUKOVICH, PUNT, LAVALLE, AFFLERBACH, BELAN, BELL, COSTA, HART, MELLOW, MUSTO, O'PAKE, RHOADES, SCHWARTZ, STAPLETON, STOUT, TARTAGLIONE and WILLIAMS presented to the Chair **SB 1386**, entitled:

An Act providing for a program to promote economic development in downtown areas; establishing the Discover Pennsylvania's Downtowns program; further providing for duties of the Department of Community and Economic Development; and making an appropriation.

Which was committed to the Committee on COMMUNITY AND ECONOMIC DEVELOPMENT, March 24, 1998.

Senators GREENLEAF, LEMMOND, TOMLINSON, STAPLETON, HART, HELFRICK, HOLL, SALVATORE, SLOCUM, WOZNIAC and CONTI presented to the Chair **SB 1387**, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, providing for an offense relating to habitual offenders.

Which was committed to the Committee on JUDICIARY, March 24, 1998.

Senators CONTI, MOWERY, SCHWARTZ, TOMLINSON, SALVATORE and THOMPSON presented to the Chair **SB 1388**, entitled:

An Act amending the act of March 10, 1949 (PL.30, No.14), entitled Public School Code of 1949, further providing for continuing professional development and a program for continuing professional education.

Which was committed to the Committee on EDUCATION, March 24, 1998.

Senators O'PAKE, AFFLERBACH, TARTAGLIONE, HART, STAPLETON, KUKOVICH, COSTA, STOUT, KASUNIC, HUGHES, MUSTO, WOZNIAC, GREENLEAF, MELLOW, BELAN, KITCHEN, BELL and SCHWARTZ presented to the Chair **SB 1389**, entitled:

An Act amending the act of June 13, 1967 (PL.31, No.21), entitled Public Welfare Code, prohibiting use of Federal or Commonwealth funds for child care unless certain information is submitted to the Department of Public Welfare.

Which was committed to the Committee on AGING AND YOUTH, March 24, 1998.

## RESOLUTION INTRODUCED AND REFERRED

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

March 23, 1998

Senators ROBBINS, HELFRICK, BELL, BELAN, LEMMOND, MUSTO, SLOCUM, BRIGHTBILL, STAPLETON, TOMLINSON, LOEPER, O'PAKE, TILGHMAN, EARLL, TARTAGLIONE, FUMO, WILLIAMS, HART, GREENLEAF, CONTI, WOZNIAC, LAVALLE, SALVATORE, MELLOW, WAGNER, AFFLERBACH, THOMPSON, COSTA, SCHWARTZ, GERLACH, WENGER, STOUT, RHOADES, KASUNIC and WHITE presented to the Chair **SR 155**, entitled:

A Resolution recognizing and congratulating Vietnam Veterans of America, Inc., on the celebration of its 20th anniversary.

Which was committed to the Committee on MILITARY AND VETERANS AFFAIRS, March 23, 1998.

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

## GENERAL COMMUNICATIONS

### RESOLUTION OF THE STATE OF MICHIGAN

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

MICHIGAN SENATE  
P.O. Box 30036  
Lansing, Michigan 48909-7536

March 18, 1998

Mark Corrigan  
Secretary of the Senate  
Main Capitol Building, Room 462  
Harrisburg, PA 17120

Dear Mr. Corrigan:

On March 17, 1998, the Michigan State Senate adopted Senate Resolution No. 147, a resolution to memorialize the Congress of the United States to provide full funding for harbor maintenance and lamprey control in the Great Lakes and to urge other Great Lake states to join in this effort.

In compliance with the provisions contained therein, I am forwarding to you a copy of Senate Resolution No. 147.

Sincerely,

CAROL MOREY VIVENTI  
Secretary of the Senate

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STATE OF MICHIGAN  
MICHIGAN SENATE

Senate Resolution No. 147

Offered by Senators North, McManus, Koivisto, Young and Stille

A RESOLUTION TO MEMORIALIZE THE CONGRESS OF THE UNITED STATES TO PROVIDE FULL FUNDING FOR HARBOR MAINTENANCE AND LAMPREY CONTROL IN THE GREAT LAKES AND TO URGE OTHER GREAT LAKE STATES TO JOIN IN THIS EFFORT.

Whereas, The Great Lakes are unique and priceless resources. In addition to their importance as the world's most accessible source of

fresh water, this network of inland seas plays pivotal roles in transportation and in the economies of the bordering states and Ontario; and

Whereas, A key component of Michigan's maritime infrastructure is our system of small harbors. These harbors are in jeopardy of losing the federal funding that provides for maintenance through the U.S. Army Corps of Engineers. The Corps of Engineers has reportedly informed the Michigan Department of Natural Resources that it plans to eliminate funds for small harbor dredging and maintaining seawalls and docks. For many years, the federal government and the state have operated a partnership in keeping the small harbors. While these are not major contributors to commercial interests, the nearly fifty small harbors presently in jeopardy are very important to boating and fishing activities in this state. Boating and fishing represent as much as one fifth of the state's tourism industry, a fundamental part of our economy; and

Whereas, Another federal program in danger of being eliminated or inadequately funded is the work of combating the sea lamprey in the Great Lakes. This species is a persistent threat to fishing. Individual states should not be required to bear this economic burden alone. The federal government has underfunded the lamprey control program to an extent that forces Michigan to spend much more than it should to deal with a problem facing several states and our neighbors in Canada; and

Whereas, If the federal government abandons its commitments in the areas of small harbor maintenance and lamprey control, the ultimate result will be higher costs and more difficulties for the region's economy and countless communities. To eliminate or seriously cut federal investment in the Great Lakes is a short-sighted approach to take; now, therefore, be it

Resolved by the Senate, That we memorialize the Congress of the United States to provide full funding for harbor maintenance and lamprey control in the Great Lakes and to urge other Great Lake states to join in this effort; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, the members of the Michigan congressional delegation, and the legislatures and governors of the other states bordering the Great Lakes.

Adopted by the Senate, March 17, 1998.

### ANNUAL REPORT OF LIQUOR CONTROL BOARD

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

COMMONWEALTH OF PENNSYLVANIA  
Pennsylvania Liquor Control Board  
Harrisburg, Pennsylvania 17124-0001

March 16, 1998

Honorable Robert C. Jubelirer  
President Pro Tempore  
Senate of Pennsylvania  
Room 292 - Main Capitol  
Harrisburg, Pennsylvania

Dear Senator Jubelirer:

Pursuant to the provisions of Act 196-1997, the initial annual report for the period February 18, 1997 to December 31, 1997 is respectfully submitted. The report contains a summary of the filings and applications deriving from Section 447(d), Pa. Liquor Code, which requires the Board to provide this information to the General Assembly.

February 18, 1997 - Effective date of Act 196 of 1996  
February 20, 1997 - Initial notification to Importing Distributors (ID), Distributors (D), and in-state manufacturers

April 1, 1997 - Initial notification to out-of-state manufacturers

As a result of the above notifications and subsequent follow-up requests, the Malt Beverage Compliance Unit achieved total compliance from the industry in reporting wholesale prices or notification that the licensee only sold at retail. (ID - 287) (D - 1081) (Mfgs. - 226)

<u>Fees Collected</u>	<u>Pro-Rated for Calendar Year 1997</u>
Surcharges	\$ 88,187.50
Brand Registration	<u>161,290.50</u>
Total	\$249,478.00

Total transactions (Brand Registration, Renewals, Label Revisions, Territorial Agreements, etc.)	4105
Price Decrease Notification	851
Price Increase Notification	213
Request from Manufacturers, Importing Distributors, or Distributors to increase price within 120 days of a reduction in price	0

The following information was procured from the Department of Revenue reflecting the total taxable malt or brewed beverage units sold and the Malt Beverage Tax due for 1996 and 1997:

	<u>1996</u>	<u>1997</u>	<u>Difference</u>
Total Taxable Units	2,048,645,919	2,018,989,802	- 29,656,717
Tax Due	\$25,743,550.85	\$25,390,223.31	-\$353,327.54

It is our opinion that the Commonwealth's policy of temperance and responsible conduct with respect to alcoholic beverages is being effected and promoted by Act 196 of 1996.

Sincerely,

JOHN D. W. REILEY  
Board Secretary

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

### ANNUAL REPORT OF THE HUMAN RELATIONS COMMISSION

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

COMMONWEALTH OF PENNSYLVANIA  
Human Relations Commission  
101 South Second Street, Suite 300  
P.O. Box 3145  
Harrisburg, PA 17105-3145

#### MESSAGE FROM THE CHAIRPERSON

The Honorable Tom Ridge  
Governor, Commonwealth of Pennsylvania

The Honorable Members of the General Assembly  
Commonwealth of Pennsylvania

Dear Governor Ridge and  
Members of the General Assembly:

We are pleased to submit to you the Annual Report of the Pennsylvania Human Relations Commission for Fiscal Year 1996-1997, pursuant to Section 7(k) of the Pennsylvania Human Relations Act. Unlawful discrimination remains a serious problem in Pennsylvania. As this report shows, the Commission is seeing large increases

in the number of complaints filed, as well as increases in civil tension, hate crimes and activity of organized hate groups.

During the past year, the Commission has witnessed some outstanding examples of business, government agencies and private organizations in developing programs to provide equal opportunity and promoting diversity. At the same time, we are seeing a disturbing trend toward public denial of the extent and impact of discrimination, restricted resources for enforcement and reduction in the availability of effective remedies for victims of discrimination.

In establishing the PA Human Relations Commission in 1955, the Legislature declared that discrimination threatens "the peace, health, safety and general welfare of the Commonwealth and its inhabitants." This finding remains true today.

The Commission and its staff remain dedicated and steadfast in achieving our mandated mission to prevent and eliminate unlawful discrimination and to promote goodwill among the people of the Commonwealth. The information in this annual report demonstrates the Commission's achievements in carrying out this mandate, including securing over \$13 million in remedies for victims of discrimination.

We earnestly solicit your continued support and leadership in this effort, including the provision of necessary funding and support of appropriate remedies for victims of discrimination.

Very truly yours,

DR. ROBERT JOHNSON SMITH  
Chairperson

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

## REPORTS FROM COMMITTEES

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

### SB 1188 (Pr. No. 1828) (Amended) (Rereported)

An Act amending the act of June 29, 1996 (P.L.434, No.67), entitled Job Enhancement Act, increasing the maximum annual amount of job creation tax credits; and further providing for prohibitions on job creation tax credits.

### HB 1766 (Pr. No. 3283) (Amended) (Rereported)

An Act amending the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, further providing for imposition and exclusions from sales tax, for special income tax provisions for poverty, for net loss carryover, for the capital stock and franchise tax and for imposition of utilities gross receipts tax; providing for additional credits for investments by private companies in enterprise zones; and making a repeal.

### HB 2355 (Pr. No. 3284) (Amended)

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

### HB 2356 (Pr. No. 3285) (Amended)

An Act making an appropriation from a restricted revenue account within the General Fund to the Office of Consumer Advocate in the Office of Attorney General.

### HB 2357 (Pr. No. 3080)

An Act making an appropriation from a restricted revenue account within the General Fund to the Office of Small Business Advocate in the Department of Community and Economic Development.

### HB 2362 (Pr. No. 3085)

An Act making an appropriation from the State Employees' Retirement Fund to provide for expenses of the State Employees' Retirement Board for the fiscal year July 1, 1998, to June 30, 1999, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 1998.

### HB 2363 (Pr. No. 3086)

An Act making an appropriation from the Public School Employees' Retirement Fund to provide for expenses of the Public School Employees' Retirement Board for the fiscal year July 1, 1998, to June 30, 1999, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 1998.

### HB 2364 (Pr. No. 3087)

An Act making appropriations from the Professional Licensure Augmentation Account and from restricted revenue accounts within the General Fund to the Department of State for use by the Bureau of Professional and Occupational Affairs in support of the professional licensure boards assigned thereto.

### HB 2365 (Pr. No. 3088)

An Act making appropriations from the Workmen's Compensation Administration Fund to the Department of Labor and Industry and the Department of Community and Economic Development to provide for the expenses of administering the Workers' Compensation Act, The Pennsylvania Occupational Disease Act and the Office of Small Business Advocate for the fiscal year July 1, 1998, to June 30, 1999, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 1998.

Senator GREENLEAF, from the Committee on Judiciary, reported the following bills:

### HB 728 (Pr. No. 3282) (Amended)

An Act amending Titles 18 (Crimes and Offenses) and 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for unlawful restraint, for false imprisonment and for obscenity; and further providing for sex offender treatment.

### SB 1205 (Pr. No. 1826) (Amended)

An Act amending Title 20 (Decedents, Estates and Fiduciaries) of the Pennsylvania Consolidated Statutes, imposing limits on the exercise of certain trustee powers and the ability of beneficiaries to appoint trustees under certain circumstances.

### SB 1271 (Pr. No. 1827) (Amended)

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for the right of action regarding profits received as a result of the commission of a crime.

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

### SB 391 (Pr. No. 1823) (Amended)

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, defining "numbered traffic route"; and further providing for maximum speed limits, for alteration of maximum limits and for specific powers of the Department of Transportation and local authorities.

**SB 925 (Pr. No. 1824) (Amended)**

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for duty of driver on approach of emergency vehicle.

**SB 1193 (Pr. No. 1461)**

An Act designating a section of Allegheny Avenue (SR 1013) in Philadelphia County, Pennsylvania, as Roxanne H. Jones Avenue.

**SB 1200 (Pr. No. 1825) (Amended)**

An Act designating Route 581 in Cumberland County, Pennsylvania, as the American Ex-Prisoners of War Highway.

**SB 1236 (Pr. No. 1569)**

An Act empowering and authorizing the Department of Transportation to establish and administer a grant program for the establishment of a three-year pilot program to provide shared-ride public transportation service for persons with certain disabilities throughout this Commonwealth; and making an appropriation.

**SB 1372 (Pr. No. 1782)**

An Act relating to the unlawful disposition of motor vehicles; and providing penalties.

**SB 1373 (Pr. No. 1783)**

An Act amending Titles 18 (Crimes and Offenses) and 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, making revisions and repeals relating to the Motor Vehicle Chop Shop and Illegally Obtained and Altered Property Act.

Senator LEMMOND, from the Committee on State Government, reported the following bills:

**SB 671 (Pr. No. 713)**

An Act amending Title 45 (Legal Notices) of the Pennsylvania Consolidated Statutes, further providing for additional publication in legal journals.

**SB 1159 (Pr. No. 1394)**

An Act designating April 6 as "Tartan Day" in Pennsylvania.

**SB 1218 (Pr. No. 1546)**

An Act authorizing and directing the Department of Military and Veterans Affairs and the Department of General Services, with the approval of the Governor, to grant and convey to Joseph Pintola a tract of land and building situate at 78 West Maiden Street, City of Washington, Washington County, Pennsylvania, known as the Washington Armory.

### RESOLUTIONS REPORTED FROM COMMITTEE

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

**SR 146 (Pr. No. 1776)**

A Resolution recognizing the week of May 3 through 9, 1998, as "Tourism Promotion Week" in Pennsylvania.

**SR 148 (Pr. No. 1802)**

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

**SR 156 (Pr. No. 1829) (Amended)**

A Resolution adopting a temporary rule of the Senate relating to amendments to bills implementing the Commonwealth's tax reduction strategy for fiscal year 1998-1999.

Senator SALVATORE, from the Committee on Intergovernmental Affairs, reported the following resolutions:

**SR 97 (Pr. No. 1455)**

A Resolution memorializing Congress to authorize a ten-year extension of the Delaware and Lehigh Navigation Canal National Heritage Corridor Act of 1988 and to authorize continued Federal support for cultural, historical and natural resource policies that will preserve the Delaware and Lehigh Navigation Canal National Heritage Corridor's unique contributions to our national heritage.

**SR 113 (Pr. No. 1608)**

A Concurrent Resolution memorializing the Congress of the United States to enact legislation prohibiting sports agents from influencing college athletes.

**SR 134 (Pr. No. 1678)**

A Concurrent Resolution memorializing the President and Congress of the United States not to approve the Kyoto Protocol on Global Climate Change.

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

### LEGISLATIVE LEAVE

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

Senator FUMO. Mr. President, I request a legislative leave for Senator Stout.

The PRESIDENT. Senator Fumo requests a legislative leave for Senator Stout. Without objection, that leave will be granted.

### LEAVES OF ABSENCE

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

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

### CALENDAR

#### HB 1828 CALLED UP OUT OF ORDER

HB 1828 (Pr. No. 2300) -- Without objection, the bill was called up out of order, from page 3 of the Third Consideration Calendar, by Senator LOEPER.

#### BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

HB 1828 (Pr. No. 2300) -- The Senate proceeded to consideration of the bill, entitled:

An Act repealing the act of April 8, 1851 (P.L.353, No.227), entitled "An act relating to County Prisons, to the Foster Home Association, and Cawanesque Plank Road Company, to apportion the rent of wharves and docks in the port of Philadelphia, and relative to the service of process on foreign insurance companies and other corporations."

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-48

Afflerbach	Greenleaf	Mellow	Stapleton
Armstrong	Hart	Mowery	Stout
Belan	Helfrick	Murphy	Tartaglione
Bodack	Holl	Musto	Thompson
Brightbill	Hughes	O'Pake	Tilghman
Conti	Jubelirer	Piccola	Tomlinson
Corman	Kasunic	Punt	Uliana
Costa	Kitchen	Rhoades	Wagner
Delp	Kukovich	Robbins	Wenger
Earl	Lemmond	Salvatore	White
Fumo	Loeper	Schwartz	Williams
Gerlach	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 return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

### SPECIAL ORDER OF BUSINESS GUESTS OF SENATOR VINCENT J. HUGHES PRESENTED TO THE SENATE

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

Senator HUGHES. Mr. President, I would like to take this time to acknowledge a number of special guests, and please excuse me if I stand here with my new sweatshirt from Cabrini College. Does this count, Senator Jubelirer? This was a gift to me. Do I have to declare this? It is okay? Is it all right? Okay, it is all right. I just wanted to make sure now. I do not want to get anybody in trouble.

We have in our gallery today, Mr. President, students from Cabrini College who are here as a part of student lobby day, specifically on the issue of increased support for higher education in the Commonwealth. And if I could, I would like to read off the name of the head of that program and the names of I guess about seven young people here with us. First, the coordinator of the Office of Diversity Initiatives, student liaison for service learning, Ms. Shirley Dixon, who is a longtime friend of mine and of my family. The students are Tia Starkes, Joanne Morrone, Stephanie Vuotto, Jennifer Peterson, Brenda Cruzado, Vivianna Benitez, and Nidia Batista. They are here and will have to leave shortly to head back to southeast

Pennsylvania to do some more community service work, I believe working with homeless families, and I just think that it would be very appropriate if I can do this and hope that this Chamber would give a warm round of applause for them.

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

(Applause.)

The PRESIDENT. We thank the Cabrini College contingent for being with us today.

### 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 privilege to introduce two members of the senior class of Conestoga High School in Berwyn, Pennsylvania. They are Ellen M. Gustafson and Teresa Weber, who are members of the National Honor Society, student council, and the International Club. Ellen is the field hockey goalie, worked on the model United Nations Project, and has been active in school plays and musicals. Teresa is involved in Peer Helpers, World Affairs Club, and the French Club. Ellen plans to attend Columbia University next fall with a double major in political science and economics, and Teresa will be attending Georgetown's Foreign Service School. I ask these two young ladies who are our guests today to rise and be recognized.

The PRESIDENT. Would our guests please rise and be recognized.

(Applause.)

### GUESTS OF SENATOR CHARLES D. LEMMOND PRESENTED TO THE SENATE

The PRESIDENT. The Chair recognizes the gentleman from Luzerne, Senator Lemmond, for the introduction of some guests.

Senator LEMMOND. Mr. President, I am delighted to present to the Members of the Senate a friend from Pennsylvania, one of the outstanding travel agents in northeastern Pennsylvania. He has taken many of us in many directions, and today he came to see, as a part of Leadership Wilkes-Barre, how the Senate operates, and was privileged to see us unanimously adopt a resolution in the Committee on Rules and Executive Nominations for Tourism Week in May.

I am delighted to present to you Barry "Trip" Tenenbaum, and with him is the lady who makes it all happen, Victoria "Mac" McGeehan. I present them to you and would appreciate your welcome.

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

(Applause.)

### GUEST OF SENATOR JAY COSTA PRESENTED TO THE SENATE

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

Senator COSTA. Mr. President, I, too, rise today to welcome here to Harrisburg a student who actually lives in my senatorial district but is a student here today as part of the student lobbying day on behalf of increased support for higher education. Her name is Allison Engelhart, and she is a student at Muhlenberg College. Although I did not receive a sweat-shirt, I am very happy to welcome her here to the Pennsylvania State Senate and ask that all my colleagues give her a warm welcome.

The PRESIDENT. Would our special guest please rise so the Senate may acknowledge you.

(Applause.)

#### **GUESTS OF SENATOR MICHAEL A. O'PAKE AND SENATOR JAMES W. GERLACH PRESENTED TO THE SENATE**

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

Senator O'PAKE. Mr. President, most of us have Optimist Clubs in our district, and many, many years ago I was fortunate enough to be sponsored by the Reading Optimist Club in their oratorical contests.

Each year the Daniel Boone Optimist Club brings a group of seniors and other students from Daniel Boone High School. They are visiting the Capitol today, they are not lobbying for anything, they are just trying to understand how this venerable institution works. Senator Gerlach represents some of these students, and I represent some of them. The Daniel Boone district is in two senatorial districts. So I ask the Senate to extend on behalf of myself and Senator Gerlach the usual warm welcome to Mr. Tom Kirchner, who is the chairman of the Youth Appreciation Week of the Daniel Boone Optimist Club, as well as about 11 students and their parents from Berks County.

The PRESIDENT. Would the Optimist Club members and guests please rise so that the Senate may give you its usual warm welcome.

(Applause.)

#### **GUESTS OF SENATOR ALLYSON Y. SCHWARTZ PRESENTED TO THE SENATE**

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

Senator SCHWARTZ. Mr. President, I, too, have visitors here who are part of the private independent colleges lobbying day. I hope they made it to the gallery. I know they were in my office a few minutes ago, but there is a professor and a student from Chestnut Hill College, which is in my district, and I do not know if those who are visiting from LaSalle College, which is also in my district, or Beaver College, are also in the gallery. If any of them are, I hope they would stand and be recognized.

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

(Applause.)

#### **GUESTS OF SENATOR MICHAEL A. O'PAKE PRESENTED TO THE SENATE**

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

Senator O'PAKE. Mr. President, also entering the gallery at the present time are a group of students and they are lobbying, I know that, and I did not get a T-shirt either. But Mr. Chris Drumm, vice president of St. Joseph's University in Philadelphia, my alma mater, and several students are here. They just came in, and I would like the Senate to welcome them.

The PRESIDENT. Will the representatives of St. Joe's University please stand and we will give you a warm welcome.

(Applause.)

#### **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, with an expectation of returning to the floor at approximately 3:45 p.m.

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

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

The PRESIDENT. For purposes of Republican and Democratic caucuses, each to begin immediately following this announcement, with the intention of returning at approximately 3:45, this Senate stands in recess.

#### **AFTER RECESS**

The PRESIDENT pro tempore (Robert C. Jubelirer) in the Chair.

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

#### **LEGISLATIVE LEAVES**

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

Senator FUMO. Mr. President, Senator Costa has been called to his office, as has Senator Mellow, and I request temporary Capitol leaves for them.

The PRESIDENT pro tempore. Senator Fumo requests temporary Capitol leaves for Senator Costa and Senator Mellow. Without objection, those leaves will be granted.

#### **CONSIDERATION OF CALENDAR RESUMED**

##### **THIRD CONSIDERATION CALENDAR**

##### **BILL REREPORTED FROM COMMITTEE AS AMENDED OVER IN ORDER**

SB 94 -- Without objection, the bill was passed over in its order at the request of Senator LOEPER.

**BILL REREPORTED FROM COMMITTEE  
AS AMENDED OVER IN ORDER TEMPORARILY**

**SB 803** -- Without objection, the bill was passed over in its order temporarily at the request of Senator LOEPER.

**PREFERRED APPROPRIATION BILL  
OVER IN ORDER**

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

**BILL OVER IN ORDER AND RECOMMITTED**

**SB 157 (Pr. No. 152)** -- The Senate proceeded to consideration of the bill, entitled:

An Act providing for administration of oaths of office to legislators.

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

Pursuant to Senate Rule X, the bill was recommitted to the Committee on Rules and Executive Nominations.

**BILL OVER IN ORDER**

**SB 668** -- Without objection, the bill was passed over in its order at the request of Senator LOEPER.

**BILL LAID ON THE TABLE**

**SB 962 (Pr. No. 1609)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of November 17, 1982 (PL.676, No.192), entitled Manufactured Housing Construction and Safety Standards Authorization Act, adding definitions; providing for installation of manufactured homes; establishing additional fees; and establishing the Industrialized Housing Account.

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

**BILLS OVER IN ORDER**

**HB 964 and SB 1192** -- Without objection, the bills were passed over in their order at the request of Senator LOEPER.

**BILL AMENDED**

**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.

On the question,

Will the Senate agree to the bill on third consideration?

Senator FUMO, on behalf of Senator O'PAKE, offered the following amendment No. A1205:

Amend Sec. 1 (Sec. 5522), page 1, line 16, by striking out "at" and inserting: on the day upon

Amend Sec. 1 (Sec. 8103), page 5, line 23, by striking out "(c)(4)" and inserting: (c)(5)

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 OVER IN ORDER TEMPORARILY**

**SB 1376** -- Without objection, the bill was passed over in its order temporarily at the request of Senator LOEPER.

**BILL OVER IN ORDER**

**HB 1520** -- Without objection, the bill was passed over in its order at the request of Senator LOEPER.

**BILL ON THIRD CONSIDERATION  
AND FINAL PASSAGE**

**HB 1633 (Pr. No. 3263)** -- The Senate proceeded to consideration of the bill, entitled:

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

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	Greenleaf	Mellow	Stapleton
Armstrong	Hart	Mowery	Stout
Belan	Helfrick	Murphy	Tartaglione
Bodack	Holl	Musto	Thompson
Brightbill	Hughes	O'Pake	Tilghman
Conti	Jubelirer	Piccola	Tomlinson
Corman	Kasunic	Punt	Uliana
Costa	Kitchen	Rhoades	Wagner
Delp	Kukovich	Robbins	Wenger
Earll	Lemmond	Salvatore	White
Fumo	Loeper	Schwartz	Williams
Gerlach	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 return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which concurrence of the House is requested.



## BILL OVER IN ORDER

**HB 1778** -- Without objection, the bill was passed over in its order at the request of Senator LOEPER.

## SECOND CONSIDERATION CALENDAR

PREFERRED APPROPRIATION BILL  
ON SECOND CONSIDERATION

**SB 1375 (Pr. No. 1797)** -- The Senate proceeded to consideration of the bill, 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.

Considered the second time and agreed to,

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

## BILLS OVER IN ORDER

**SB 101 and SB 491** -- Without objection, the bills were passed over in their order at the request of Senator LOEPER.

## BILLS ON SECOND CONSIDERATION

**SB 670 (Pr. No. 712)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of October 27, 1979 (P.L.241, No.78), entitled "An act authorizing political subdivisions, municipality authorities and transportation authorities to enter into contracts for the purchase of goods where no bids are received," providing for the sale of real and personal property.

Considered the second time and agreed to,

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

**SB 698 (Pr. No. 1663)** -- The Senate proceeded to consideration of the bill, entitled:

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

Considered the second time and agreed to,

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

## BILLS OVER IN ORDER

**SB 970, SB 1043, SB 1051, SB 1216, SB 1292 and HB 1561** -- Without objection, the bills were passed over in their order at the request of Senator LOEPER.

## SB 1376 CALLED UP

**SB 1376 (Pr. No. 1785)** -- Without objection, the bill, which previously went over in its order temporarily, was called up, from page 2 of the Third Consideration Calendar, by Senator LOEPER.

BILL ON THIRD CONSIDERATION  
AND FINAL PASSAGE

**SB 1376 (Pr. No. 1785)** -- The Senate proceeded to consideration of the bill, entitled:

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.

Considered the third time and agreed to,

On the question,

Shall the bill pass finally?

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

Senator FUMO. Mr. President, I rise to speak on this bill and also Senate Bill No. 803, because they are companion pieces of legislation.

I would like to run through a little of the history regarding the 30-and-out legislation, which is what these two bills that are before the Senate today comprise. The 30-and-out window goes back to July 1, 1985, when it first went into effect. This initial legislation was authorized by then Representative Max Pievsky, the Democratic chair of the House Appropriations Committee. In 1987, Representative Pievsky again sponsored the bill that extended the window. Since that time, the 30-and-out window has been renewed and extended in 1988, 1991, and 1994. In 1991, Mr. President, Senator Mellow commandeered the extension of the window by attaching to it what has become known as the "Mellow window." Among other things, this legislation, Act 23 of 1991, continued the window through-out 1993.

Democrats once again made a priority of this initiative in 1994 through an act sponsored by Senator Allyson Schwartz, Act 29 of 1994. In addition to extending the window up until July 1, 1997, the act provided a much needed cost-of-living increase to retired school and State employees, increased the availability of health benefits for school employees, and adjusted the Mellow window to include additional retirees.

However, Mr. President, something unusual happened in the spring of 1997. Although the House passed a bill, House Bill No. 161, which would have extended the 30-and-out window until the year 2000, the Senate Majority party tucked it into the Committee on Rules and Executive Nominations and did not report it to the floor for a vote. Thus, Mr. President, on July 1 of last year, the longstanding window expired because of the inaction of the Majority party. That is why, Mr. President, we Democrats filed a discharge resolution on this issue. We hoped to force the Majority party into going back and reinstating the window.

So, Mr. President, I stand here today and thank the Majority party for finally taking action on this issue, even though it came at the request and at the prodding of the Democrats on this side of the aisle. This issue has longstanding tradition and support of sponsorship from my Caucus and the Democratic Party. I am hopeful that these two bills will pass the House of

Representatives and be signed into law by the Governor as soon as possible, and I urge an affirmative vote on both of them.

Thank you, Mr. President.

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

Senator LOEPER. Mr. President, just very briefly again on both 30-and-out bills that appear on our Calendar today, I think that the history of the 30-and-out window has been quite clear, and I think that as Senator Fumo recited the history of the 30-and-out legislation, actually if there had not been the 1-year break as occurred last year, essentially what we were doing was putting an implied benefit into law. And my suggestion to the gentleman would be, if in fact he intends to make a permanent 30-and-out window for all employees, whether they be State employees or teachers, that legislation to do so would be in order.

However, what this is, Mr. President, is an incentive, a temporary incentive, not only for those employees but particularly for those in our local school districts in order to try to get some of those employees at the higher levels an early retirement opportunity in order to save some costs as far as bringing a new complement on board. I believe, Mr. President, that we are also going to see, following this bill, a COLA bill for annuitants, one that is much deserved and one that is very much supported by the Majority in this Chamber. Mr. President, I ask for an affirmative vote on both bills.

Thank you.

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

Senator FUMO. Mr. President, Senator Mellow has not yet decided whether or not he would want to introduce a bill in that would permanently give 30 and out, although it is certainly a consideration. However, I would submit that the reason why no such legislation has been introduced is because we know that having a Democratic sponsor, it would not see the light of day in this Chamber. That is one of the sad problems that you have in a Chamber like this that is so overwhelmingly Republican, that Democratic ideas do not get to the floor. We just want to make sure that the public understands that this concept originated with Democrats, that this concept was continued by Democrats, and quite frankly, Mr. President, we believe if it were not for us filing a discharge resolution, this would not be happening tonight either.

So, Mr. President, while we do talk in partisanship, sometimes it is necessary. If the public only understood that of all the bills we have just gone over on today's Calendar, I doubt if there are two that are Democratic sponsored. That is not to say that we do not have any ideas, that is not to say that sometimes our ideas are not stolen and put under Republican names and the bills come out, but, Mr. President, that is why there is no bill, because there is no reason to hope that it would come out.

But in any event, Mr. President, we are happy that at our prodding the Republicans have seen the light. We are also happy to hear that at our constant suggestion they are going to see the light on a COLA for these well-deserving annuitants,

and we will see these Democratic programs go forward, and we urge a unanimous vote then tonight, Mr. President.

Thank you, Mr. President.

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

Senator LOEPER. Mr. President, just very briefly, I did not intend to speak on this a second time; however, I think that we were talking about passing these bills in a bipartisan fashion without any partisan rhetoric about the bills in debate. I might just note for the record, however, that the only time that the 30-and-out window lapsed was when the Democrats were in the Majority in 1993, and it was restored in 1994 when the Republicans gained control of the Chamber once again.

Thank you, Mr. President.

#### POINT OF ORDER

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

Senator FUMO. Point of order, Mr. President.

The PRESIDENT pro tempore. The Senator has spoken twice on this matter.

Senator FUMO. Mr. President, that is why I have raised a point of order.

The PRESIDENT pro tempore. State your point.

Senator FUMO. Mr. President, I just want the public to know that because of our rules I cannot respond to that last remark, or else I would.

The PRESIDENT pro tempore. I think the public has gotten that message, Senator Fumo.

And the question recurring,  
Shall the bill pass finally?

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

#### YEA-48

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

#### SB 803 CALLED UP

SB 803 (Pr. No. 1819) -- 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 REREPORTED FROM COMMITTEE AS  
AMENDED ON THIRD CONSIDERATION  
AND FINAL PASSAGE**

**SB 803 (Pr. No. 1819)** -- The Senate proceeded to consideration of the bill, entitled:

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.

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

On the question,  
Shall the bill pass finally?

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

Senator FUMO. Mr. President, because of all the reasons I stated before, I urge my Caucus to support this in the bipartisan fashion that its companion bill received.

Thank you, Mr. President.

And the question recurring,  
Shall the bill pass finally?

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

**YEA-48**

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

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

**BILLS REREPORTED FROM COMMITTEE  
AS AMENDED OVER IN ORDER**

**SB 1188 and HB 1766** -- Without objection, the bills were passed over in their order at the request of Senator

LOEPER.

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

**SENATE RESOLUTION No. 156, ADOPTED**

Senator LOEPER, without objection, called up from page 1 of Supplemental Calendar No. 1, **Senate Resolution No. 156**, entitled:

A Resolution adopting a temporary rule of the Senate relating to amendments to bills implementing the Commonwealth's tax reduction strategy for fiscal year 1998-1999.

On the question,  
Will the Senate adopt the resolution?

Senator FUMO, on behalf of Senator MELLOW, offered the following amendment No. A1551:

Amend Sec. 1, page 3, by inserting between lines 15 and 16:

(g) Notwithstanding Rule XIV of the Rules of the Senate, amendments to bills comprising the Commonwealth Tax Reduction Strategy shall be in order when the bill or bills return to the Senate floor on concurrence in amendments inserted by the House of Representatives.

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

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

Senator FUMO. Mr. President, what this amendment does, and this is different than the amendment offered in committee earlier today by Senator Mellow, what this amendment says is that we should be aware that we are dealing with a temporary rule which will only deal with appropriation tax bills in this budgetary process that we are about to begin this evening. Mr. President, what this says is that when a bill comes back from the House, the way we do things now is that only Members of the Committee on Rules and Executive Nominations are permitted to amend that bill in the Committee on Rules and Executive Nominations. That is not the way it always used to be around here. It is a recent change in the rules I would say in the last 6 or 8 years, I have forgotten how long--1989, I am advised--that Members can no longer offer amendments to those types of bills.

Mr. President, what this says is that for this budget process only, when a bill comes back in that fashion it can still be amended in the Committee on Rules and Executive Nominations, but in addition, when the bill hits the floor, all Members of the Senate would be afforded the same rights, as well they should be, as every Member of the Committee on Rules and Executive Nominations in being permitted to offer amendments to those bills. We ask for this amendment to be adopted to the temporary rule.

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

Senator LOEPER. Mr. President, I would simply indicate that any Member who wishes to offer amendments on the floor simply has to make a motion to suspend the rules in order to accomplish that. This is a departure from the standard Rules of

the Senate, and therefore, Mr. President, I ask for a negative vote on the amendment.

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

Senator FUMO. Mr. President, in response to Senator Loeper, and basically for the information of the people of Pennsylvania, because we all know what goes on in this Chamber but I do not think the public understands, it is very simple to say, oh, gee, if a Member wants to offer an amendment, all he has to do is suspend the rules. No big deal. We can do that. That is easy to say when you sit there with a Majority of 30 that votes consistently down party lines 30 to 20, and in fact I would expect and I would ask the public to watch this roll call. This will probably be 30 to 20 as well.

What the gentleman is telling me, Mr. President, is that Republicans, if they want to offer amendments, are allowed to do so because they have the Majority to suspend the rules. But Democrats on this side of the aisle, who represent the same number of people in their districts as individual Republicans do, do not have that right. And if we are going to be about fairness, and if we are going to be about equality, and if we are going to be about the rights of all Pennsylvanians to have input into the process, the rules should not be so swayed. What we have here is absolute rule of the Majority and forget about the Minority. That is not the basis of democracy in this country, Mr. President.

So I do not want the public to think that there is a very easy way to do this, just offer something to suspend the rules, because that in fact is misleading the public. It is very easy for Republicans to do that, Mr. President, but for all those people in Pennsylvania who are registered Democrat, it is not easy for Democrats to do that, in fact it is impossible. And the only thing we are asking is for fairness in this process, Mr. President. We do not expect that we are going to get it, but we do want the people of Pennsylvania to note the vote to show how consistently the Republicans deny the rights of Democrats in this Commonwealth.

Thank you, Mr. President.

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

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

#### YEA-19

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

#### NAY-29

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

Greenleaf

Mowery

Thompson

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

#### LEGISLATIVE LEAVES

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

Senator FUMO. Mr. President, I request temporary Capitol leaves on behalf of Senator O'Pake, Senator Schwartz, and Senator Williams, who have been called to their offices.

The PRESIDENT pro tempore. Senator Fumo requests temporary Capitol leaves on behalf of Senator O'Pake, Senator Schwartz, and Senator Williams. There being no objection, the leaves are granted.

And the question recurring,  
Will the Senate adopt the resolution?

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

Senator FUMO. Mr. President, I rise to oppose the Senate temporary rules. What these rules in essence do is they emasculate this Chamber and give the power to the Executive Branch to write the budget, and that is bad from an institutional standpoint, Mr. President. Granted, it makes it a lot easier for management and leadership to run things through, but it is not our role in this Chamber to do whatever the Governor wants us to do. That is why there is a legislature, that is why there is a Senate. We are supposed to be a check and balance on the Governor, not his rubber stamp. I recognize that in a Chamber of 30 Republicans and 20 Democrats, that you would rather be a rubber stamp for the Governor than independent voices.

However, Mr. President, we will not participate in that sham, particularly in light of the fact that we on this side of the aisle will not be afforded the opportunity to offer amendments to these bills on final passage after they come back from the House because of the vote on the last amendment that I offered, which I was correct in predicting it went right down party lines, although not 30 to 20 because we have two Members out on personal leave, 29 to 19 is pretty close.

Mr. President, for those reasons we would oppose this rule. It does not really do anything for the citizens of the Commonwealth of Pennsylvania. In fact, it actually makes a mockery of the budget process.

Thank you, Mr. President.

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

Senator LOEPER. Mr. President, very briefly, I believe that the provisions contained in Senate Resolution No. 156 are very responsible in managing a budget process on the Senate floor. It affords Members opportunities to offer amendments that may deal with tax cuts in the Commonwealth and Commonwealth tax policies. But, Mr. President, what it does is to bring it in the rational sense, so that whatever those cuts may be meet the necessary tax cuts as outlined in the Governor's original proposal.

I would ask for an affirmative vote on the resolution.

And the question recurring,  
Will the Senate adopt the resolution?

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

#### YEA-29

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

#### NAY-19

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

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

The PRESIDENT pro tempore. The resolution is adopted.

### COMMUNICATIONS FROM THE GOVERNOR REPORTED FROM COMMITTEE ON RULES AND EXECUTIVE NOMINATIONS

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

#### MEMBER OF THE STATE BOARD OF COSMETOLOGY

March 23, 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 March 5, 1998 for the appointment of Bruce F. Capristo, 1349 Blue Jay Drive, Scott Township 15243, Allegheny County, Thirty-seventh Senatorial District, as a member of the State Board of Cosmetology, to serve for a term of three years and until his successor is appointed and qualified, but not longer than six months beyond that period, vice Malcolm W. Bonawits, Pocono Manor, whose term expired.

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

THOMAS J. RIDGE  
Governor

#### MEMBER OF THE PROFESSIONAL STANDARDS AND PRACTICES COMMISSION

March 19, 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 March 9, 1998 for the appointment of Domenick Argento, 910 Green Street, Harrisburg 17102, Dauphin County, Fifteenth Senatorial District, as a member of the Professional Standards and Practices Commission, to serve until the third Tuesday of January 1999 and until his successor is appointed and qualified, vice Robert B. Cornany, Ed.D., Carlisle, confirmed to another position.

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 pro tempore. 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:

#### MEMBER OF THE STATE BOARD OF DENTISTRY

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, Veasey B. Cullen, Jr., D.M.D., 311 Brookwood Drive, York 17403, York County, Twenty-eighth Senatorial District, for appointment as a member of the State Board of Dentistry, to serve until April 27, 1999 or until his successor is appointed and qualified, but not longer than six months beyond that period, vice James A. Coll, D.M.D., York, resigned.

THOMAS J. RIDGE  
Governor

#### MEMBER OF THE STATE BOARD OF DENTISTRY

February 13, 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, Richard C. Howells, D.D.S., R. D. #1, Box 313, Roaring Springs 16673, Blair County, Thirtieth Senatorial District, for appointment as a member of the State Board of Dentistry, to serve for a term of six years or until his successor is appointed and qualified, but not longer than six months beyond that period, vice Norman C. Clark, D.M.D., 7756 Green Valley Road, Wyncote, whose term expired.

THOMAS J. RIDGE  
Governor

MEMBER OF THE STATE BOARD  
OF DENTISTRY

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, Dr. John Reitz, 81 Flint Ridge Drive, Shillington 19607, Berks County, Eleventh Senatorial District, for appointment as a member of the State Board of Dentistry, to serve for a term of six years or until his successor is appointed and qualified, but not longer than six months beyond that period, vice Edwin F. Weaver, III, D.D.S., Hershey, whose term expired.

THOMAS J. RIDGE  
Governor

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

March 17, 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 Andrew Shoffner, West Chester, whose term expired.

THOMAS J. RIDGE  
Governor

MEMBER OF THE STATE BOARD OF  
OCCUPATIONAL THERAPY EDUCATION  
AND LICENSURE

February 13, 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, Patricia Kilgannon, 90 Providence Avenue, Doylestown 18901, Bucks County, Tenth Senatorial District, for reappointment as a member of the State Board of Occupational Therapy Education and Licensure, to serve for a term of three years and until her successor is appointed and qualified.

THOMAS J. RIDGE  
Governor

MEMBER OF THE STATE BOARD  
OF PHYSICAL THERAPY

January 29, 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, Kathleen A. Cegles, 1136 West 34th Street, Erie 16508, Erie County, Forty-ninth Senatorial District, for appointment as a member of the State Board of Physical Therapy, to serve for a term of four years and until her successor is appointed

and qualified, but not longer than six months beyond that period, vice Augustus Hatzas, Reading, whose term expired.

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 pro tempore. 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:

MEMBER OF THE STATE BOARD  
OF DENTISTRY

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, Veasey B. Cullen, Jr., D.M.D., 311 Brookwood Drive, York 17403, York County, Twenty-eighth Senatorial District, for appointment as a member of the State Board of Dentistry, to serve until April 27, 1999 or until his successor is appointed and qualified, but not longer than six months beyond that period, vice James A. Coll, D.M.D., York, resigned.

THOMAS J. RIDGE  
Governor

MEMBER OF THE STATE BOARD  
OF DENTISTRY

February 13, 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, Richard C. Howells, D.D.S., R. D. #1, Box 313, Roaring Springs 16673, Blair County, Thirtieth Senatorial District, for appointment as a member of the State Board of Dentistry, to serve for a term of six years or until his successor is appointed and qualified, but not longer than six months beyond that period, vice Norman C. Clark, D.M.D., 7756 Green Valley Road, Wyncote, whose term expired.

THOMAS J. RIDGE  
Governor

**MEMBER OF THE STATE BOARD  
OF DENTISTRY**

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, Dr. John Reitz, 81 Flint Ridge Drive, Shillington 19607, Berks County, Eleventh Senatorial District, for appointment as a member of the State Board of Dentistry, to serve for a term of six years or until his successor is appointed and qualified, but not longer than six months beyond that period, vice Edwin F. Weaver, III, D.D.S., Hershey, whose term expired.

THOMAS J. RIDGE  
Governor

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

March 17, 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 Andrew Shoffner, West Chester, whose term expired.

THOMAS J. RIDGE  
Governor

**MEMBER OF THE STATE BOARD OF  
OCCUPATIONAL THERAPY EDUCATION  
AND LICENSURE**

February 13, 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, Patricia Kilgannon, 90 Providence Avenue, Doylestown 18901, Bucks County, Tenth Senatorial District, for reappointment as a member of the State Board of Occupational Therapy Education and Licensure, to serve for a term of three years and until her successor is appointed and qualified.

THOMAS J. RIDGE  
Governor

**MEMBER OF THE STATE BOARD  
OF PHYSICAL THERAPY**

January 29, 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, Kathleen A. Cegles, 1136 West 34th Street, Erie 16508, Erie County, Forty-ninth Senatorial District, for appointment as a member of the State Board of Physical Therapy, to serve for a term of four years and until her successor is appointed

and qualified, but not longer than six months beyond that period, vice Augustus Hatzas, Reading, whose term expired.

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-48**

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

**EXECUTIVE SESSION RISES**

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

The motion was agreed to.

**UNFINISHED BUSINESS  
REPORT FROM COMMITTEE**

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

**SB 1288 (Pr. No. 1652)**

An Act amending the act of December 14, 1982 (PL.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.

**DISCHARGE PETITION**

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

In the Senate, March 24, 1998

**A PETITION**

To place before the Senate the nomination of Thomas B. Turner, as a member of the Montour County Board of Assistance.

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 Thomas B. Turner, as a

member of the Montour County Board of Assistance, 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 pro tempore. This communication will be laid on the table.

### CONGRATULATORY RESOLUTIONS

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

Congratulations of the Senate were extended to Alice Bentley, Susan Bertolet, Deborah Cepparulo, Ellen I. Croisette, Edna Donaghy and to Margaret A. Spoerl by Senator Conti.

Congratulations of the Senate were extended to Natalie Kunitsky and to Connie Bastek-Karasow by Senators Conti and Tomlinson.

Congratulations of the Senate were extended to Fredye Jean Keys, Reverend Charles Edward Mock and to Gregory Lamont Myers by Senator Earll.

Congratulations of the Senate were extended to Cornelius R. Boyd by Senator Hughes.

Congratulations of the Senate were extended to Ethan Bancala and to Mark Hoover by Senator Lemmond.

Congratulations of the Senate were extended to Dr. Nicholas J. Ruggiero by Senators Lemmond and Musto.

Congratulations of the Senate were extended to Thelma Prosser Cooper and to Bertine Prosser by Senator Mellow.

Congratulations of the Senate were extended to the American Trauma Society, Pennsylvania Division, by Senator Mowery.

Congratulations of the Senate were extended to Sara L. Bench, Robert Sporter, Sonya Klein Vernau, Mount Lebanon High School Boys' Soccer Team and to the Upper St. Clair High School Girls' Tennis Team by Senator Murphy.

Congratulations of the Senate were extended to Father Spyridon and Presvitera Metaxia Papdemetriou, Head Coach Lloyd Wolf, assistant coach, and the Holy Name High School Boys' Basketball Team of Reading, Head Coach Ken Esterly, the assistant coaches, and the Reading Central Catholic Boys' Basketball Team, ARBOR, Incorporated of Berks County and to Sencit Towne House of Shillington by Senator O'Pake.

Congratulations of the Senate were extended to Milton Hershey School's Agricultural and Environmental Education Program by Senator Piccola.

Congratulations of the Senate were extended to Edward Wytovich by Senators Piccola and Rhoades.

Congratulations of the Senate were extended to John L. Faust by Senator Rhoades.

Congratulations of the Senate were extended to Pearl Sorensen by Senator Thompson.

Congratulations of the Senate were extended to Edward K. Gorton and to the Latino Leadership Alliance of Bucks County by Senator Tomlinson.

### BILLS ON FIRST CONSIDERATION

Senator WHITE. 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 391, SB 671, SB 925, SB 1159, SB 1193, SB 1200, SB 1205, SB 1218, SB 1236, SB 1271, SB 1288, SB 1372, SB 1373, HB 728, HB 2355, HB 2356, HB 2357, HB 2362, HB 2363, HB 2364 and HB 2365.**

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

### HOUSE MESSAGE

#### 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 24, 1998

**HR 352 -- Committee on Intergovernmental Affairs.**

### ANNOUNCEMENTS BY THE SECRETARY

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

#### SENATE OF PENNSYLVANIA

##### COMMITTEE MEETINGS

##### WEDNESDAY, MARCH 25, 1998

9:30 A.M.	FINANCE (to consider Senate Bills No. 1296 and 1384; and any other business that may come before the Committee)	Room 8E-A East Wing
10:20 A.M.	RULES AND EXECUTIVE NOMINATIONS (to consider Senate Resolutions No. 159 and 160; House Bill No. 162; and certain executive nominations)	Rules Cmte. Conf. Rm.
1:30 P.M.	AGING AND YOUTH (public hearing on Children's Trust Fund and performance audit by the Legislative Budget and Finance Committee)	Room 461 Main Capitol

##### MONDAY, MARCH 30, 1998

10:30 A.M.	ENVIRONMENTAL RESOURCES AND ENERGY (to consider Senate Bills No. 1248, 1249 and 1250; and any other business that may come before the Committee)	Room 461 Main Capitol
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TUESDAY, MARCH 31, 1998

10:30 A.M. URBAN AFFAIRS AND HOUSING Rules Cmte.  
(to consider House Bill No. 492) Conf. Rm.

FRIDAY, APRIL 3, 1998

9:00 A.M. AGRICULTURE AND RURAL Penn College  
AFFAIRS (informational hearing of Technology  
on Senate Bill No. 170 and the Professional  
Northeast Interstate Dairy Compact) Dylant Center  
Williamsport

TUESDAY, APRIL 14, 1998

9:30 A.M. CONSUMER PROTECTION AND Room 8E-B  
PROFESSIONAL LICENSURE East Wing  
(public hearing: Progress Report on  
Natural Gas Deregulation)

P O S T P O N E D**COMMUNICATIONS FROM THE GOVERNOR****NOMINATIONS REFERRED TO COMMITTEE**

The PRESIDENT pro tempore 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 COUNCIL OF TRUSTEES OF  
CHEYNEY UNIVERSITY OF PENNSYLVANIA  
OF THE STATE SYSTEM OF HIGHER EDUCATION

March 24, 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, Ronald A. White, 501 East Sedgwick Street, Philadelphia 19119, Philadelphia County, Fourth Senatorial District, for appointment as a member of the Council of Trustees of Cheyney University of Pennsylvania of the State System of Higher Education, to serve until the third Tuesday of January 2003, and until his successor is appointed and qualified, vice James A. Hughes, Philadelphia, deceased.

THOMAS J. RIDGE  
Governor

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

March 24, 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, Wendell R. Whitlock, 5903 Mount Eagle Drive, Alexandria, Virginia 22303-2528, for reappointment as a member of the Council of Trustees of Cheyney University of Pennsylvania of the State System of Higher Education, to serve until the third Tuesday of January 2003, and until his successor is appointed and qualified.

THOMAS J. RIDGE  
Governor

**RECALL COMMUNICATION  
REFERRED TO COMMITTEE**

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

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

March 24, 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 March 23, 1998 for the appointment of Michael N. Cooper, P. O. Box 9730, Philadelphia 19140, Philadelphia County, First Senatorial District, as a member of the Council of Trustees of Cheyney University of Pennsylvania of the State System of Higher Education, to serve until the third Tuesday of January 2003, and until his successor is appointed and qualified, vice James A. Hughes, Philadelphia, deceased.

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 pro tempore 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:

MEMBER OF THE STATE BOARD  
OF EDUCATION

March 24, 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 November 26, 1997 for the appointment of Donna Kriner, 6320 Darlington Drive, Harrisburg 17112, Dauphin County, Fifteenth Senatorial District, as a member of the State Board of Education, to serve until October 1, 2000 or until her successor is appointed and qualified, vice William E. Strickland, Jr., Pittsburgh, resigned.

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

THOMAS J. RIDGE  
Governor

**CORRECTION TO NOMINATION  
REFERRED TO COMMITTEE**

The PRESIDENT pro tempore laid before the Senate the following communication in writing from His Excellency, the

Governor of the Commonwealth, which was read as follows and referred to the Committee on Rules and Executive Nominations:

**DISTRICT JUSTICE**

March 24, 1998

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

Please note the nomination dated March 23, 1998 for the appointment of Sue E. Haggerty, 340 High Street, Saxonburg 16056, Butler County, Twenty-first Senatorial District, as District Justice, in and for the County of Buter, Magisterial District 50-3-03, to serve until the first Monday of January 2000, vice Frank C. Wise, resigned, should be corrected to read:

Sue E. Haggerty, 340 High Street, Saxonburg 16056, Butler County, Twenty-first Senatorial District, as District Justice, in and for the County of Butler, Magisterial District 50-3-03, to serve until the first Monday of January 2000, vice Frank C. Wise, resigned.

**ADJOURNMENT**

Senator LOEPER. Mr. President, I move that the Senate do now adjourn until Wednesday, March 25, 1998, at 10:30 a.m., Eastern Standard Time.

The motion was agreed to.

The Senate adjourned at 4:40 p.m., Eastern Standard Time.