

COMMONWEALTH OF PENNSYLVANIA
Legislative Journal

MONDAY, JUNE 1, 1998

SESSION OF 1998

182ND OF THE GENERAL ASSEMBLY

No. 33

SENATE

MONDAY, June 1, 1998

The Senate met at 2 p.m., Eastern Daylight Saving Time.

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

PRAYER

The Chaplain, Reverend DAVID ALLEN, of Calvary Church, Lancaster, offered the following prayer:

Almighty God, holy gracious Father in heaven, You have established human government and each of these men and women occupy their positions of authority by Your grace and for Your purposes. You have instructed us to pray for all of those in authority that we may lead peaceful and quiet lives in all godliness and holiness. So we open this Session of the Senate in prayer.

Father, I thank You for these Senators and their families, and I pray for Your care and protection for them. We pray for our Governor Ridge that You would bring him home safely from Ireland today. We also remember Senator Specter in the hospital and thank You for the reality that he is recovering. We pray for Your continued care for him.

And I pray that you will give these Senators Your wisdom in all of the issues that face them in this Session. O God, may they understand that the fear of the Lord is the beginning of wisdom. Master, You have told us that righteousness exalts a nation or a State but sin is a disgrace to any people, and so I pray that they would govern their personal lives and our State affairs with integrity, honesty, and justice.

Lord, You have given us the privilege of living in this Commonwealth and we thank you. Guide these Your servants now as they seek to lead with Your blessing and help. I ask this in the name of Your dear son, Jesus Christ, the Lord. Amen.

The PRESIDENT. The Chair thanks Reverend Allen, who is the guest today of Senator Armstrong.

JOURNAL APPROVED

The PRESIDENT. A quorum of the Senate being present, the Clerk will read the Journal of the preceding Session of May 27, 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

**RECALL COMMUNICATION
REFERRED TO COMMITTEE**

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

**MEMBER OF THE STATE BOARD
OF ACCOUNTANCY**

June 1, 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 May 22, 1998 for the appointment of Fred Douglass (Public Member), 79 Octagon Avenue, Sinking Spring 19608, Berks County, Forty-eighth Senatorial District, as a member of the State Board of Accountancy, to serve until June 4, 2000 and until his successor is appointed and qualified, but not longer than six months beyond that period, vice Austin R. Morris, Huntingdon, resigned.

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

THOMAS J. RIDGE
Governor

**RECALL COMMUNICATIONS
LAID ON THE TABLE**

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

MEMBER OF THE HEALTH POLICY BOARD

June 1, 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 February 6, 1998 for the appointment of Dr. Robert Lange, 1522

Sumner Drive, Erie 16505, Forty-ninth Senatorial District, as a member of the Health Policy Board, to serve for a term of three years and until his successor is appointed and qualified, vice Barbara A. Aflerbach, Catasauqua, resigned.

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

THOMAS J. RIDGE
Governor

MEMBER OF THE STATE BOARD OF EXAMINERS
OF NURSING HOME ADMINISTRATORS

June 1, 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 February 5, 1998 for the appointment of Daron Smith, 755 Kruetz Creek Road, York 17406, York County, Twenty-eighth Senatorial District, as a member of the State Board of Examiners of Nursing Home Administrators, to serve until November 13, 2000 or until his successor is appointed and qualified, but not longer than six months beyond that period, vice Lawrence J. Tabas, Esquire, resigned.

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 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 WARREN COUNTY
BOARD OF ASSISTANCE

June 1, 1998

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

Please note the nomination dated May 1, 1998 for the appointment of Nora Doyle (Republican), 2727 Penn Avenue, West, Warren 16365, Warren County, Twenty-fifth Senatorial District, as a member of the Warren County Board of Assistance, to serve until December 31, 2000, and until her successor is appointed and qualified, vice Bettie A. Ford, Warren, whose term expired, should be corrected to read:

Nora Doyle Mahan (Republican), 2727 Penn Avenue, West, Warren 16365, Warren County, Twenty-fifth Senatorial District, as a member of the Warren County Board of Assistance, to serve until December 31, 2000, and until her successor is appointed and qualified, vice Bettie A. Ford, Warren, whose term expired.

REPORTS FROM COMMITTEES

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

SB 220 (Pr. No. 2020) (Amended) (Rereported) (*Concurrence*)

An Act amending the act of August 9, 1955 (P.L.323, No.130), entitled The County Code, providing for the abolition of jury commissioners in counties of the third class having a population under the Federal Decennial Census in excess of 337,000 residents, but less than 341,000 residents; further providing for the collection of county taxes during vacancies in the office of elected tax collectors in municipalities; and providing for an excise tax in certain counties and for appropriations for radio broadcasting companies.

SB 420 (Pr. No. 2021) (Amended) (Rereported) (*Concurrence*)

An Act amending Title 54 (Names) of the Pennsylvania Consolidated Statutes, providing further procedures prior to name change orders.

SB 770 (Pr. No. 2001) (Rereported) (*Concurrence*)

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, providing for audio-video arraignment.

HB 2356 (Pr. No. 3618) (Amended) (Rereported) (*Concurrence*)

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.

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

SB 674 (Pr. No. 716) (Rereported)

An Act amending the act of July 28, 1953 (P.L.723, No.230), entitled, as amended, Second Class County Code, creating an operating reserve fund.

SB 1157 (Pr. No. 2016) (Amended) (Rereported)

An Act amending Titles 15 (Corporations and Unincorporated Associations) and 54 (Names) of the Pennsylvania Consolidated Statutes, relating to associations; making revisions, corrections and additions; and making repeals.

SB 1221 (Pr. No. 2017) (Amended)

An Act amending the act of May 1, 1933 (P.L.103, No.69), entitled, as reenacted and amended, The Second Class Township Code, providing for compensation of auditors for attendance at conferences, institutes, schools, conventions and organizational meetings.

SB 1247 (Pr. No. 2018) (Amended) (Rereported)

An Act amending the act of May 2, 1929 (P.L.1518, No.452), entitled, as reenacted and amended, Elevator Regulation Law, providing for technical standards; further providing for regulations and fees; increasing penalties; and providing for accident reporting requirements.

SB 1296 (Pr. No. 1677) (Rereported)

An Act amending the act of July 28, 1953 (P.L.723, No.230), entitled, as amended, Second Class County Code, further providing for county employee retirement allowances.

SB 1372 (Pr. No. 2019) (Amended) (Rereported)

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

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

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.

HB 280 (Pr. No. 848) (Rereported)

An Act amending the act of February 1, 1974 (P.L.34, No.15), known as the Pennsylvania Municipal Retirement Law, further providing for administrative expenses.

HB 1502 (Pr. No. 3617) (Amended) (Rereported)

An Act amending Title 20 (Decedents, Estates and Fiduciaries) of the Pennsylvania Consolidated Statutes, further providing for persons who may execute anatomical gifts and for contributions to the Organ Donation Awareness Trust Fund.

HB 2541 (Pr. No. 3454)

An Act making an appropriation to the Department of Labor and Industry.

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

SB 1366 (Pr. No. 1771)

An Act amending the act of July 9, 1971 (P.L.206, No.34), entitled, as reenacted and amended, Improvement of Deteriorating Real Property or Areas Tax Exemption Act, removing certain maximum levels and providing additional schedules for exemptions.

HB 2328 (Pr. No. 3614) (Amended)

An Act providing for the creation of keystone opportunity zones to foster economic opportunities in this Commonwealth, to facilitate economic development, stimulate industrial, commercial and residential improvements and prevent physical and infrastructure deterioration of geographic areas within this Commonwealth; authorizing expenditures; providing tax exemptions, tax deductions, tax abatements and tax credits; creating additional obligations of the Commonwealth and local governmental units; and prescribing powers and duties of certain State and local departments, agencies and officials.

RESOLUTIONS REPORTED FROM COMMITTEES

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

SR 201 (Pr. No. 2014)

A Concurrent Resolution establishing a special committee to review and make recommendations on legislation affecting volunteer fire departments in Pennsylvania.

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

SR 174 (Pr. No. 1929) (Rereported)

A Resolution memorializing the Pennsylvania Historical and Museum Commission to establish an advisory committee to provide advice and guidance in the effort to restore Pennsylvania monuments at the Gettysburg National Military Park.

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

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:

June 1, 1998

Senators SALVATORE, WOZNIAK, FUMO, TARTAGLIONE, LEMMOND, KUKOVICH, SLOCUM, MUSTO and O'PAKE presented to the Chair **SB 1459**, entitled:

An Act regulating activity around overhead high voltage lines; and providing for violation and enforcement.

Which was committed to the Committee on CONSUMER PROTECTION AND PROFESSIONAL LICENSURE, June 1, 1998.

Senators TARTAGLIONE, FUMO, AFFLERBACH, HUGHES, KITCHEN, WILLIAMS, SCHWARTZ, TOMLINSON, BELAN, KUKOVICH, BELL and BODACK presented to the Chair **SB 1460**, entitled:

An Act amending the act of March 10, 1949 (P.L.30, No.14), entitled Public School Code of 1949, further providing for distressed school districts of the first class and for certain funding of intermediate units.

Which was committed to the Committee on EDUCATION, June 1, 1998.

LEGISLATIVE LEAVES

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

Senator LOEPER. Mr. President, I request temporary Capitol leaves on behalf of Senator Piccola, Senator Tomlinson, and Senator White.

The PRESIDENT. Senator Loeper requests temporary Capitol leaves for Senator Piccola, Senator Tomlinson, and Senator White. Without objection, those leaves are granted.

The Chair recognizes the gentleman from Lackawanna, Senator Mellow.

Senator MELLOW. Mr. President, I request legislative leaves for Senator Bodack and Senator Musto.

The PRESIDENT. Senator Mellow requests legislative leaves for Senator Bodack and Senator Musto. Without objection, those leaves are granted.

SENATE CONCURRENT RESOLUTION

WEEKLY ADJOURNMENT

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

In the Senate, June 1, 1998

RESOLVED, (the House of Representatives concurring), That when the Senate adjourns this week it reconvene on Monday, June 8, 1998, unless sooner recalled by the President Pro Tempore of the Senate; and be it further

RESOLVED, That when the House of Representatives adjourns this week it reconvene on Monday, June 8, 1998, unless sooner recalled by the Speaker of the House of Representatives.

On the question,
Will the Senate adopt the resolution?

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

YEA-50

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

NAY-0

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

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

LEGISLATIVE LEAVE CANCELLED

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

**SPECIAL ORDER OF BUSINESS
GUESTS OF SENATOR EDWIN G. HOLL
PRESENTED TO THE SENATE**

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

Senator HOLL. Mr. President, each year 61 contestants from across the Commonwealth compete in the Miss Pennsylvania USA contest for the honor of representing our State in the Miss USA pageant. This year the winner, Melissa Godshall, hails from my district. She and her mother are joining us in the Senate, and I would like to take this opportunity to tell you more about this talented young woman.

Melissa is a 1992 graduate of Upper Perkiomen High School, where she served as class president. Melissa is currently a junior at Temple University and is studying risk management and insurance. In addition to her duties as the new 1998 Miss Pennsylvania USA, she will represent our State in the Miss USA pageant, which will be held in Shreveport, Louisiana, in February 1999. It is interesting to note that the 1998 Miss Pennsylvania USA pageant was the first contest that Melissa ever participated in, making her victory even more impressive. I am confident she will serve as an excellent role model for women throughout Pennsylvania.

Mr. President, I would appreciate if you, along with my Senate colleagues, would join in welcoming Melissa and her mother, Ms. Ruth Dale, to the Senate of Pennsylvania.

Thank you.

The PRESIDENT. Would Melissa please stand, as well as her mother, Ms. Dale, so the Senate may give you its usual warm welcome.

(Applause.)

The PRESIDENT. We wish you only the best in the future competition. Thank you for being with us.

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 4:15 p.m.

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

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

The PRESIDENT. For purposes of Republican and Democratic caucus meetings, with the intention of returning in approximately 1 hour at approximately 4:15 p.m., the Senate stands in recess.

AFTER RECESS

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

LEGISLATIVE LEAVES

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

Senator LOEPER. Mr. President, Senator Jubelirer, Senator Robbins, and Senator Greenleaf have been called from the floor, and I request legislative leaves on their behalf, and Senator Brightbill has been called to his office, and I request a temporary Capitol leave on his behalf.

The PRESIDENT. Senator Loeper requests legislative leaves for Senator Jubelirer, Senator Robbins, and Senator Greenleaf, and a temporary Capitol leave for Senator Brightbill. Without objection, those leaves are granted.

The Chair recognizes the gentleman from Lackawanna, Senator Mellow.

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

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

HB 1272 TAKEN FROM THE TABLE

Senator LOEPER. Mr. President, I move that House Bill No. 1272, Printer's No. 2680, be taken from the table and placed on the Calendar.

The motion was agreed to.

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

CALENDAR**BILL ON CONCURRENCE IN
HOUSE AMENDMENTS****BILL RECOMMITTED**

SB 888 (Pr. No. 1640) -- The Senate proceeded to consideration of the bill entitled:

An Act regulating the construction, equipment, maintenance, operation and inspection of boilers and unfired pressure vessels; granting certain authority to and imposing certain duties upon the Department of Labor and Industry; providing for penalties; and making a repeal.

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

THIRD CONSIDERATION CALENDAR**NONPREFERRED APPROPRIATION BILL
OVER IN ORDER**

HB 2381 -- Without objection, the bill was passed over in its order at the request of Senator LOEPER.

BILLS OVER IN ORDER

SB 636, SB 664 and SB 665 -- Without objection, the bills were passed over in their order at the request of Senator LOEPER.

LEGISLATIVE LEAVE CANCELLED

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

THIRD CONSIDERATION CALENDAR RESUMED**BILL AMENDED**

SB 666 (Pr. No. 708) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of February 1, 1966 (1965 P.L.1656, No.581), entitled The Borough Code, further providing for the State Association of Boroughs and for regional borough associations.

On the question,

Will the Senate agree to the bill on third consideration?

Senator LOEPER, on behalf of Senator ROBBINS, offered the following amendment No. A2309:

Amend Sec. 1 (Sec. 701), page 2, line 11, by inserting after "authorize": the mayor and

Amend Sec. 1 (Sec. 701), page 3, line 13, by inserting after "authorize": the mayor and

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.

LEGISLATIVE LEAVE

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

Senator LOEPER. Mr. President, I request a temporary Capitol leave on behalf of Senator Delp, who has been called to his office.

The PRESIDENT. Senator Loeper requests a temporary Capitol leave on behalf of Senator Delp. Without objection, that leave will be granted.

THIRD CONSIDERATION CALENDAR RESUMED**BILL OVER IN ORDER**

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

BILL OVER IN ORDER TEMPORARILY

HB 1108 -- Without objection, the bill was passed over in its order temporarily at the request of Senator LOEPER.

BILLS OVER IN ORDER

SB 1387 and SB 1396 -- Without objection, the bills were passed over in their order at the request of Senator LOEPER.

BILL AMENDED

SB 1446 (Pr. No. 1981) -- 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 the selection of the chairman of the Legislative Reapportionment Commission; and providing for the effective date of newly reapportioned districts and for the election of Senators in certain circumstances.

On the question,

Will the Senate agree to the bill on third consideration?

Senator MELLOW offered the following amendment No. A3027:

Amend Sec. 1 (Sec. 17), page 2, line 9, by inserting after "select": by an affirmative vote of three members.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

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

Senator KUKOVICH offered the following amendment No. A2814:

Amend Title, page 1, line 2, by inserting after "Pennsylvania," providing for reapportionment of districts for the United States House of Representatives;

Amend Sec. 1 (Sec. 17), page 1, lines 13 through 16, by striking out all of said lines and inserting:

§ 17. [Legislative] Reapportionment Commission.

(a) In each year following the year of the Federal decennial census, a [Legislative] Reapportionment Commission shall be constituted for the purpose of reapportioning and redistricting the Commonwealth into Federal representative, State senatorial and State representative districts. The commission shall act by a majority of its entire membership.

Amend Sec. 1 (Sec. 17), page 2, line 2, by inserting brackets before and after "60" and inserting immediately thereafter: 30

Amend Sec. 1 (Sec. 17), page 2, line 8, by inserting brackets before and after "45" and inserting immediately thereafter: 30

Amend Sec. 1 (Sec. 17), page 2, line 25, by inserting after "preliminary": State

Amend Sec. 1 (Sec. 17), page 2, line 27, by inserting after "preliminary": State

Amend Sec. 1 (Sec. 17), page 2, line 28, by inserting after "preliminary": State

Amend Sec. 1 (Sec. 17), page 3, line 2, by inserting after "revised": State

Amend Sec. 1 (Sec. 17), page 3, line 8, by inserting after "final": State

Amend Sec. 1 (Sec. 17), page 3, line 10, by inserting after "final": State

Amend Sec. 1 (Sec. 17), page 3, line 17, by inserting after "the" where it appears the first time: State

Amend Sec. 1 (Sec. 17), page 3, by inserting between lines 20 and 21:

(f) From the day the commission votes on the final State reapportionment plan, the commission shall have 20 days to file a preliminary Federal redistricting plan with such elections officer.

The commission shall have 20 days after filing the preliminary Federal plan to make corrections in the plan.

Any person aggrieved by the preliminary Federal plan shall have the same 20-day period to file exceptions with the commission in which case the commission shall have 20 days after the date the exceptions were filed to prepare and file with such elections officer a revised Federal redistricting plan. If no exceptions are filed within 20 days, or, if filed and acted upon, the commission's plan shall be final and have the force of law.

(g) Any aggrieved person may file an appeal from the final Federal plan directly to the Supreme Court within 20 days after the filing thereof. If the appellant establishes that the final Federal plan is contrary to law, the Supreme Court shall issue an order remanding the plan to the commission and directing the commission to redistrict the Commonwealth in a manner not inconsistent with such order.

(h) When the Supreme Court has finally decided an appeal or when the last day for filing an appeal has passed with no appeal taken, the Federal redistricting plan shall have the force of law and the districts therein provided shall be used thereafter in elections to the United States House of Representatives until the next redistricting as required under this section 17.

Amend Sec. 1 (Sec. 17), page 3, line 21, by striking out "(f)" and inserting: (i)

Amend Sec. 1 (Sec. 17), page 3, line 25, by striking out "(g)" and inserting: (i)

Amend Sec. 1 (Sec. 17), page 4, line 3, by striking out "(h)" and inserting: (k)

Amend Sec. 1 (Sec. 17), page 4, lines 8 and 9, by inserting brackets before and after "a preliminary plan is" and inserting immediately thereafter: both preliminary plans are

Amend Sec. 1 (Sec. 17), page 4, line 9, by inserting brackets before and after "a preliminary plan is filed but"

Amend Sec. 1 (Sec. 17), page 4, line 10, by inserting brackets before and after "a revised or final plan" and inserting immediately thereafter: plans

Amend Sec. 1 (Sec. 17), page 4, line 13, by striking out "(i)" and inserting: (l)

Amend Sec. 1 (Sec. 17), page 4, line 13, by inserting brackets before and after "a"

Amend Sec. 1 (Sec. 17), page 4, line 14, by inserting brackets before and after "plan is" and inserting immediately thereafter: and redistricting plans are

Amend Sec. 1 (Sec. 17), page 4, line 17, by inserting after "reapportion": and/or redistrict

Amend Sec. 1 (Sec. 17), page 4, line 18, by striking out "(j)" and inserting: (m)

Amend Sec. 1 (Sec. 17), page 4, line 18, by inserting after "reapportionment": and/or redistricting

Amend Sec. 1 (Sec. 17), page 4, line 22, by inserting after "each": congressional representative, State

Amend Sec. 1 (Sec. 17), page 4, line 22, by inserting after "and": State

Amend Sec. 1 (Sec. 17), page 4, line 23, by inserting after "complete": redistricting or

Amend Sec. 1 (Sec. 17), page 4, line 24, by inserting after "the": United States House of Representatives and

Amend Sec. 1 (Sec. 17), page 4, line 25, by inserting after "the" where it appears the first time: redistricting or

Amend Sec. 1 (Sec. 17), page 4, line 27, by inserting after "the" where it appears the second time: congressional.

Amend Sec. 1 (Sec. 17), page 4, line 30, by inserting after "for": congressional.

On the question,

Will the Senate agree to the amendment?

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

Senator KUKOVICH. Mr. President, about 8 years ago I had the opportunity, as a designee for the House Democratic Caucus, to work on the reapportionment plan that was put into effect in 1992. And during that process, no matter how problematic that process might be, I think the Reapportionment Commission worked quite well.

Following that, we tried to deal with congressional redistricting. The distinction, of course, is to decide where the congressional districts will be, and we are losing seats in this State, that we have to pass a bill. It became very clear that it was virtually impossible for the legislature to decide what that bill would be, because we all have different interests, the media has different interests in where the districts fall. We will probably lose another congressional seat, possibly two, after the 2000 census. I think it would make more sense for the Commonwealth and for both political parties to handle congressional redistricting the same way that we handle State legislative reapportionment.

This amendment very simply empowers the Reapportionment Commission and sets up a timetable to handle congressional redistricting. I ask for an affirmative vote.

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

Senator LOEPER. Mr. President, I also served as one of the members of the Reapportionment Commission in 1991, and there is no question that one of the most difficult tasks that this

legislature faced during reapportionment was trying to draw up a congressional redistricting plan, one that met the needs and responded to the constituents of the various districts across Pennsylvania. However, Mr. President, it is my view and that of the Majority Caucus that it is much more important to have the input of all Members of the General Assembly in drawing up that congressional reapportionment plan rather than leave that task to the commission. Therefore, Mr. President, I request a negative vote on the amendment.

LEGISLATIVE LEAVE CANCELLED

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

LEGISLATIVE LEAVES

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

Senator MELLOW. Mr. President, Senator Afflerbach has been called to his office, and I request a temporary Capitol leave for him.

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

The Chair recognizes the gentleman from Delaware, Senator Loeper.

Senator LOEPER. Mr. President, I also request a temporary Capitol leave for Senator Hart, who has been called to her office.

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 amendment?

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

Senator MELLOW. Mr. President, just very quickly on the amendment. I had the opportunity, along with Senator Loeper in this Chamber, to be one of the representatives of the Senate on the last Reapportionment Commission in 1990-91, and I honestly believe that if the Reapportionment Commission is going to work to complete its job fully, I think it should handle both the reapportionment for the General Assembly, which is appropriate, but I think we also should handle the reapportionment for Congress.

When you put it back into the General Assembly, Mr. President, to be able to reapportion the congressional districts, you have a number of different groups which try to impact legislatively on what you are doing. Instead of having Members of the General Assembly work through their appointed individuals on the Reapportionment Commission, now you have a tremendous amount of pressure being put on the Members from outside sources who are against a particular Congressman or Congresswoman for one reason or another based on an issue that they may or may not have represented people the way individuals may have wanted to be represented.

It would only appear appropriate to me as an individual who served there, who has been there, who along with Senator Loeper understands many of the problems with regard to reapportionment, that a Reapportionment Commission in the General Assembly should mean this: that we reapportion the seats in the General Assembly based on the shifts in population and that we reapportion the seats in our congressional delegation also based on shifts in population to other States where we may either gain or lose members of the congressional delegation. So it only seems appropriate that the Reapportionment Commission for the General Assembly basically reapportion the General Assembly and the congressional delegation with which we must work very closely.

So I very strongly support the amendment offered by Senator Kukovich, and I ask for an affirmative vote.

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

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

YEA-20

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

NAY-30

| | | | |
|------------|-----------|-----------|-----------|
| Armstrong | Greenleaf | Mowery | Thompson |
| Bell | 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 | |

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

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

Senator KUKOVICH offered the following amendment No. A2813:

Amend Title, page 1, line 1, by striking out "an amendment" and inserting: amendments

Amend Title, page 1, line 2, by inserting after "Pennsylvania,": reducing the size of the General Assembly;

Amend Sec. 1, page 1, line 9, by striking out "amendment" and inserting: amendments

Amend Sec. 1, page 1, line 10, by striking out "is" and inserting: are

Amend Sec. 1, page 1, by inserting between lines 10 and 11:

(1) That section 16 of Article II be amended to read:

§ 16. Legislative districts.

The Commonwealth shall be divided into 50 senatorial and 203 representative districts[, which] until the reapportionment following the Federal Decennial Census for the year 2000 at which time the

Commonwealth shall be divided into 40 senatorial and 125 representative districts. Each district shall be composed of compact and contiguous territory as nearly equal in population as practicable. Each senatorial district shall elect one Senator, and each representative district one Representative. Unless absolutely necessary no county, city, incorporated town, borough, township or ward shall be divided in forming either a senatorial or representative district.

Amend Sec. 1, page 1, line 11, by striking out "(1)" and inserting: (2)

Amend Sec. 2, page 5, lines 2 through 24, by striking out all of said lines and inserting:

Section 2. (a) Upon the first passage by the General Assembly of these proposed constitutional amendments, the Secretary of the Commonwealth shall proceed immediately to comply with the advertising requirements of section 1 of Article XI of the Constitution of Pennsylvania and shall transmit the required advertisements to two newspapers in every county in which such newspapers are published in sufficient time after passage of these proposed constitutional amendments.

(b) Upon the second passage by the General Assembly of these proposed constitutional amendments, the Secretary of the Commonwealth shall proceed immediately to comply with the advertising requirements of section 1 of Article XI of the Constitution of Pennsylvania and shall transmit the required advertisements to two newspapers in every county in which such newspapers are published in sufficient time after passage of these proposed constitutional amendments. The Secretary of the Commonwealth shall submit these proposed constitutional amendments to the qualified electors of this Commonwealth at the first primary, general or municipal election occurring at least three months after the proposed constitutional amendments are passed by the General Assembly which meets the requirements of and is in conformance with section 1 of Article XI of the Constitution of Pennsylvania.

On the question,

Will the Senate agree to the amendment?

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

Senator KUKOVICH. Mr. President, this is a less controversial amendment. All this does is tie in with the reapportionment process so that after the census of the year 2000 and prior to the 2002 election, it would mandate the Reapportionment Commission to reduce the size of the legislature from 50 Senators to 40, and from 203 House Members to 125.

Actually, this is legislation almost identical to a bill I introduced about 20 years ago based on the fact that Pennsylvania still has one of the largest legislatures, and if you take a look at most political science journals from 20 years ago up to today, the argument is that the larger the legislature, the more inefficient and sometimes less responsive it is. I think there are a number of so-called good government reforms, but I think this one certainly ranks up there as one of the top two or three.

I think this is certainly an appropriate time and an appropriate bill to give this idea a chance, and I ask for an affirmative vote.

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

Senator LOEPER. Mr. President, we had discussed this amendment in our caucus, and I request a negative vote on the amendment.

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

Senator BELL. Mr. President, I am looking around at these colleagues of mine. Which 10 of you want to volunteer not to run?

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

Senator WAGNER. Mr. President, I rise in support of the amendment of the Senator from Westmoreland, and I think there are some very good reasons to support it and I would like to state a few of them. Number one, Mr. President, the public wants less government. We all keep talking about less government in the General Assembly, and this amendment is certainly proof of whether or not we are sincere in that objective, to reduce the General Assembly from 50 to 40 Members in the Senate and from 203 to 125 in the House of Representatives, which would mean in essence that a senatorial district would increase in size of general population of about 50,000 people. A House seat would increase in size of about 30,000 to 35,000 people.

Mr. President, there would be a greater responsibility for everyone who is elected, that is true, but that is precisely what the public is asking for. In my senatorial district, I did a survey and I left open a slot for an open response from my constituents, and overwhelmingly they talked about too much government, too much State government beginning with the General Assembly. We have one of the largest General Assemblies in the nation. We all know that. And this, I believe, would be a forward move on our part to show that we are sincere at the top of government to cut government.

Mr. President, I think really one of the excellent points in going back to the previous speaker about this amendment is that it would take two Sessions of the General Assembly for this to pass because it is a constitutional amendment, and in addition, it would take a referendum question to pass public muster. Mr. President, with the census coming up in the year 2000, the earliest possible time in which this could occur would be the year 2002. So if we are truthful about what we are trying to accomplish in terms of reducing the cost of government, I cannot think of a more important vote in front of us than this one.

Thank you.

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

Senator MELLOW. Mr. President, I also rise to support the amendment offered by Senator Kukovich. And I do it, Mr. President, for many of the same reasons that Senator Wagner just articulated as to the reasons why we should be considering such an amendment.

Mr. President, we have heard on the floor of the Senate over and over that we should start offering the people and give the people of Pennsylvania the opportunity to decide what form of government they should have based on referendum. We have discussed on the floor of this Chamber over and over about how we should tax people in Pennsylvania and how we should give people the opportunity to decide by referendum as to how they want to be taxed. We have also heard, Mr. President, over and over that for government to operate properly, it must be smaller. And then furthermore, Mr. President, that we

now have the opportunity to cut not only the size of the General Assembly but, equally as important, the amount of money that is being spent to operate the General Assembly.

We have heard these speeches, Mr. President, not only here in Harrisburg but also in the senatorial districts. I think what this amendment does, it cuts through all of that debate and it puts right here on the front burner of the Senate of Pennsylvania here this evening the opportunity for people to say in their vote the same thing here in Harrisburg in the General Assembly and the Senate in Pennsylvania that they are saying back in their districts, whomever those individuals may be, that by voting in favor of the amendment of Senator Kukovich, number one, you are establishing a referendum to give people the opportunity to decide how many Members shall represent them in the Pennsylvania General Assembly, either here in the Senate or across the aisle in the House of Representatives. And you are also giving them the opportunity to decide by referendum whether government in Pennsylvania should be smaller, because we have heard over and over that government is too large and that the best way for government to operate is by making it smaller.

Well, this amendment here today, Mr. President, gives the opportunity to the Members in this body to make government smaller and gives people the opportunity by referendum to decide what the size of the General Assembly should be. I strongly support the amendment of Senator Kukovich, and I ask for an affirmative vote.

The PRESIDENT. The Chair recognizes the gentleman from Centre, Senator Corman.

Senator CORMAN. Mr. President, I rise to state the other side of the issue that the two previous speakers have spoken to. It is probably rather easy in the more metropolitan parts of Pennsylvania to say, gee, we ought to reduce the number of Members who are in the Senate from 50 to 40 and all that will mean is picking up another several blocks or picking up another community that is right close to ours, and mileage wise, it will not mean that much and certainly I can represent another 50,000 people without that much difficulty.

But, Mr. President, I would like you to consider the more rural parts of Pennsylvania, where it is very difficult to always be available to the people when, for example, my district, which is certainly not one of the largest but it is not one of the smallest either, but it is about 90 miles from one end of my district to the other. My district comes down to the Clarks Ferry Bridge where that bridge goes across the Susquehanna, and it goes there to Clinton County, to the western part of Clinton County called Renovo, and it is about 90 miles from one end to the other. And if you ask me to pick up in that particular district another 50,000 people, I do not know how much geography you are going to add to my district, let alone to the district of Senator Slocum, who represents practically the whole western quarter of the Commonwealth now. So I really think that if you are trying to provide representation for the people of the Commonwealth of Pennsylvania by trying to reduce the number of us who are here so that we have to spread ourselves out even further to try to better represent the

people who are being represented now, I think that is the wrong way to do it.

I do not hear my people at home talking to me about having less representation in Harrisburg. I hear them talking about having less government, but I do not hear them talk about less representation. If they are talking about less government, then I have a bill in that would in fact increase the size of the Senate and the House and reduce our responsibilities so that in fact we would be citizen legislators, a thing that I hear people talking about. They do not want us to be professional legislators, they would like us to be citizen legislators, where I would work in my own profession at home alongside other people who are working in whatever their job is, and I would come here on a part-time basis and represent the people as one of them, as a citizen legislator. And when you keep decreasing the numbers who are here voting and increasing the number of people they have to represent, you are certainly going to more and more and more the full-time professional legislator who cannot possibly do anything else but represent that large geographic portion of the Commonwealth of Pennsylvania.

So I oppose this amendment and any amendment that decreases the opportunity of the people to meet with their representative, because we have made the job so much larger that they just cannot possibly serve their people.

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

Senator KUKOVICH. Mr. President, I agree that the job has become so much larger, and I think that is even a more profound reason why we need to decrease the size of the legislature. We are faced with a myriad of issues and much more complex issues than we were even a few years ago. To simply say we need to have citizen legislators who are going to only work sort of part-time is turning over these complex problems to bureaucrats and special interest groups. Our job should not be as glorified errand boys or errand girls.

I am not saying that by reducing the size of the legislature we are going to save a lot of money for the Commonwealth. I am saying that we still need the requisite staff to take care of the constituent services, but to be efficient, to deal with the problems of economic reform, of government reform, of tax reform, of work on health care, of the laundry list of issues that we need to address in this Commonwealth, we need to be as efficient as possible.

Now, maybe that issue is not as pressing on this side because there are so few of us, but when I introduced this legislation I was in the State House, and that Chamber has 203 Members compared to 80 in a State like California with a population much larger than ours. And whether or not you like things that are done in some of those other States, be it Wisconsin or Minnesota or California or other States which proportionately have many less legislators, they are considered by political science professors and experts in the field who are not partisan in any way as being much more efficient and much more responsive, and that is what is at issue here. And if there is a chance to do something that is going to make us a more efficient General Assembly, I think we need to do it, and this

is the opportunity, and this is probably the quickest, simplest, and easiest way to do it. I ask the Members to vote their conscience on this and vote "yes."

The PRESIDENT. The Chair recognizes the gentleman from Franklin, Senator Punt.

Senator PUNT. Mr. President, this is an issue that I have thought about for a long time, how can we increase efficiency, increase productivity, reduce the costs, and still maintain a representative form of government within the legislative branch? Senator Kukovich offers the idea of a reduced number in the legislature. It is fine to reduce the size, but what are we accomplishing out of that reduction? We may save the salary of several House Members or Senators, but I do not see any change in the number of staff and the operations of the various departments within the legislative branch of government. I do not see where we are going to increase efficiency, where we are going to increase productivity.

In fact, I see status quo. I do not see any change. We will still have a House. We will still have a Senate. On Mondays we will come in, take a vote, and go to caucus. And we will come back on the floor and take our respective votes and we will pass legislation. One Chamber will pass legislation and the other Chamber will sit on it and blame the other Chamber, well, we passed it but they did not. That, to me, does not indicate there is going to be any change in increased efficiency and productivity. To me it is just a change of face that is artificial and a feel-good thing to say, well, we reduced the size of the legislature.

I believe if we really want to make change, I know I am a lone voice in this, we can increase efficiency, we can increase productivity, we can reduce costs substantially, and that is going with a unicameral legislature. I know I am a lone voice in that, but we have unicameral legislatures in 67 counties. Every municipality, township, and second-class township is a unicameral body. A school district is a unicameral body. We still have the check-and-balance process, but with unicameral we have reduced the costs, we have increased efficiency, we have increased productivity. We cannot blame another Chamber for not doing something when one Chamber has done something.

I think if we are serious about change, that is what we should look at and consider, not a simple, well, let us just reduce the size of the House and Senate, because we are not increasing productivity or increasing efficiency, save a couple of dollars on salaries, but that is about it. Therefore, for real change, I have sponsored legislation for a constitutional amendment for a unicameral legislature, but I cannot and will not support a simple reduction of the House and the Senate because we are not realizing any increased efficiency, productivity, or substantial cost savings.

Thank you.

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

Senator MELLOW. Mr. President, I find it hard to stand here and work this afternoon and find that some of the same individuals who advanced the philosophy and the ideology of

smaller government and the philosophy of spending less money, when given the opportunity to vote on the floor would look for a way not to cast that vote in the affirmative.

Mr. President, I believe the Governor of the Commonwealth has talked over the last 3 years about how important it is to consolidate and to reduce the size of government, and he in fact eliminated at least one department by a consolidation of two departments and eliminated the Department of Community Affairs. That I understood and I firmly believe was to try to make government smaller and to cut down the size and cost of government.

Well, this, Mr. President, gives us basically the same opportunity, and it is hard for me to comprehend how people who represent a philosophy and ideology, who talk about making government smaller and cutting back on the cost of government, that government costs the taxpayer too much, now given the opportunity to make government smaller by cutting the size of the General Assembly and then adding a referendum on it by giving people the ultimate opportunity to make that decision, are speaking out against it. I just do not understand that political philosophy, Mr. President. I do not understand the ideology, and it is very hard for me to comprehend how after we heard for so many years that we must make government smaller, we must give people the opportunity to decide what they want to do through referendum, when we give them an opportunity on the floor of the Senate through the amendment offered by Senator Kukovich, the Republican Members of the Senate are going to the microphone and speaking against the bill based on some ideology that I cannot totally understand or comprehend. I find it very, very confusing as to what message ultimately is being given by the Republican Party here in the Senate.

Once again, Mr. President, I ask for an affirmative vote to make government smaller and save the taxpayers of Pennsylvania some well-earned tax dollars that they pay into the coffers, because this would give us the opportunity of accomplishing both with one vote.

Thank you, Mr. President.

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

Senator WAGNER. Mr. President, I rise for one last time to make a comment or two and first to say that I would not stand up and talk about this legislation if I did not believe in it. I know the sponsor of the amendment believes in it also because he has proposed this legislation for 20 years. So certainly he does believe in it and he believes deep in his heart that it is the right thing to do.

Mr. President, when this General Assembly was created, it was in the horse-and-buggy days. It was in the horse-and-buggy days when citizen legislators really had great difficulty getting to their constituents and their constituents getting to them and they commuted from distant parts of this State, such as Chester and Erie and Beaver, to Harrisburg. It really was a chore because of the difficulties simply in commuting and traveling. It took days to get to Harrisburg, and it took days sometimes to reach constituents.

Mr. President, that does not exist anymore. Today, even with an increase in size, whether it be in an urban area, suburban area, or a rural area, it is possible for us not just to reach constituents but for constituents, through modern technology, to be in touch with us much more so today than ever before in our history. Mr. President, for that reason and that reason alone, I believe this amendment deserves justification.

I will go one step further. Pennsylvania is competing against 49 other States in this country. Pennsylvania is also competing as a State with other regions of the world. We talk about it all the time in legislation. We talk about how we can make Pennsylvania more competitive, how we can do it in terms of taxes, how we can do it in terms of tax incentives, how we can do it in terms of a better environment, how we can do it in terms of quality of life, how we can do it in many, many different ways, through education, I could go on and on and on. And one of the ways always considered and suggested by us as a General Assembly is to reduce the costs and increase the efficiency, and I think that is an opportunity we have in front of us today.

To suggest that we should do the same, well knowing that if we pass this piece of legislation it still has to pass the House, get the signature of the Governor, and then has to go through that cycle one additional time during a different Session, another Session of the General Assembly, the earliest of which can be in 1999, and then after that it has to go to the voters, again because it is a constitutional amendment. But there is no issue in which we could send a more positive sign that Pennsylvania is serious about being competitive economically than looking at ourselves, and sometimes looking at yourself and sending a message to the world as to what you are all about is really what is most important, rather than the legislation we vote on, rather than the budget we vote on.

Mr. President, this is a solid amendment, and I hope it would receive serious consideration.

Thank you.

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

Senator BELL. Mr. President, as a relic of the horse-and-buggy days, and I was here, I can recall when I was in the House of Representatives we had 2-year Sessions, one Session for 2 years. You know, we did not even come to Harrisburg for 18 months. But things have changed. In those days, when Dave Lawrence was Governor, we passed our first billion dollar budget. Now it is maybe \$20 billion for the General Fund, more for the Motor License Fund.

People today demand more services from State government than they did 40 years ago. I have two staff people who work my district and attend the meetings I cannot attend. Maybe it is because I have Chester and Delaware Counties, which are very active counties. Thus far this year, and we keep a tally on this, they have made 130 meetings that I have not been able to make. This morning, one was in Chester County checking on the tornado damage and one was in Delaware County checking on tornado damage.

Forty years ago you did not ask your State Senator to do that kind of thing because the State did not give any services.

Today the State gives services, and you and I are here to make damn sure that the State gives the services that our citizens are paying for.

Thank you.

LEGISLATIVE LEAVE

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

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

The PRESIDENT. Without objection, that leave is granted.

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

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

YEA-22

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

NAY-28

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

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

The PRESIDENT. The bill will go over in its order, as amended.

LEGISLATIVE LEAVE CANCELLED

The PRESIDENT. Senator Hart has returned, and her temporary Capitol leave will be cancelled.

THIRD CONSIDERATION CALENDAR RESUMED

BILLS OVER IN ORDER

HB 1597 and HB 1992 -- Without objection, the bills were passed over in their order at the request of Senator LOEPER.

SECOND CONSIDERATION CALENDAR

BILL REREPORTED FROM COMMITTEE AS AMENDED ON SECOND CONSIDERATION

SB 1077 (Pr. No. 1984) -- The Senate proceeded to consideration of the bill, entitled:

An Act providing for property and casualty insurance rate and form filings; providing for the making of rates; providing for powers and duties of the Insurance Commissioner; providing for rating organizations; imposing penalties; and making repeals.

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

BILLS REREFERRED

HB 10 (Pr. No. 3548) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 30 (Fish) of the Pennsylvania Consolidated Statutes, providing for marking of dams.

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

SB 304 (Pr. No. 1986) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 30 (Fish) of the Pennsylvania Consolidated Statutes, requiring the establishment of a mandatory boater education program; and fixing additional fees.

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

HB 558 (Pr. No. 3547) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of November 24, 1976 (P.L.1182, No.262), known as the Hearing Aid Sales Registration Law, providing for continuing education, for registration certificate fees, for return of hearing aid and for suspension and revocation.

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

BILL OVER IN ORDER

SB 818 -- Without objection, the bill was passed over in its order at the request of Senator LOEPER.

BILL REREFERRED

SB 1091 (Pr. No. 1996) -- The Senate proceeded to consideration of the bill, entitled:

An Act requiring telecommunications carriers to change a subscriber's carrier selection for local service and regional and long distance toll service in accordance with the Federal Communications Commission's verification procedures; and imposing powers and duties on the Pennsylvania Public Utility Commission.

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

BILLS OVER IN ORDER

SB 1135 and **HB 1173** -- Without objection, the bills were passed over in their order at the request of Senator LOEPER.

BILL REREFERRED

SB 1206 (Pr. No. 1953) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of February 1, 1974 (P.L.34, No.15), entitled Pennsylvania Municipal Retirement Law, further providing for the general powers of the Pennsylvania Municipal Retirement Board.

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

BILL OVER IN ORDER

SB 1232 -- Without objection, the bill was passed over in its order at the request of Senator LOEPER.

BILL ON SECOND CONSIDERATION AND REREFERRED

SB 1385 (Pr. No. 1997) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of December 5, 1972 (P.L.1280, 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.

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 1415 -- Without objection, the bill was passed over in its order at the request of Senator LOEPER.

BILL ON SECOND CONSIDERATION

SB 1429 (Pr. No. 1933) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 34 (Game) of the Pennsylvania Consolidated Statutes, further providing for disabled person permits.

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

BILLS OVER IN ORDER

HB 1628 and **HB 1660** -- Without objection, the bills were passed over in their order at the request of Senator LOEPER.

BILL ON SECOND CONSIDERATION

HB 2200 (Pr. No. 3018) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of May 25, 1945 (P.L.1050, No.394), known as the Local Tax Collection Law, providing for the definition

of "duplicate"; and further providing for collection and payment and for settlement and audits.

Considered the second time and agreed to,

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

BILL REREFERRED

HB 2475 (Pr. No. 3296) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of June 23, 1982 (P.L.597, No.170), known as the Wild Resource Conservation Act, repealing provisions relating to limitation on General Fund money.

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

HB 1108 CALLED UP

HB 1108 (Pr. No. 3467) -- Without objection, the bill, which previously went over in its order temporarily, was called up, from page 2 of the Third Consideration Calendar, by Senator LOEPER.

BILL AMENDED

HB 1108 (Pr. No. 3467) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of August 9, 1955 (P.L.323, No.130), known as The County Code, further providing for assistant district attorneys and for contract procedures.

On the question,

Will the Senate agree to the bill on third consideration?

Senator PICCOLA offered the following amendment No. A2897:

Amend Sec. 1 (Sec. 1420), page 1, line 17, by striking out "PERMANENT"

Amend Sec. 1 (Sec. 1420), page 2, line 2, by striking out the bracket before "THE"

Amend Sec. 1 (Sec. 1420), page 2, lines 2 through 6, by striking out "ANY ATTORNEY AT" in line 2, all of lines 3 through 5 and "ATTORNEY EMPLOYED BY THE COMMONWEALTH, THE" in line 6

Amend Sec. 1 (Sec. 1420), page 2, line 7, by striking out "PERMANENT"

Amend Sec. 1 (Sec. 1420), page 2, line 13, by inserting after "COUNTY": or the district attorney

Amend Sec. 1 (Sec. 1420), page 2, line 13, by striking out "AN ASSISTANT" and inserting: a deputy

Amend Sec. 1 (Sec. 1420), page 2, by inserting between lines 15 and 16:

(c) An allegation of a violation of this section shall be timely raised prior to the participation of the prosecutor in question. The exclusive remedy for a violation of this section shall be removal, by quo warranto, of the prosecutor from the appointment that is in violation of this section.

(d) Subsections (b) and (c) shall apply to all cases pending on the effective date of this subsection and all cases thereafter, including, but not limited to, those cases on post-trial or on appeal.

Amend Sec. 4, page 5, line 7, by striking out all of said line and inserting:

Section 4. This act shall take effect as follows:

(1) The amendment of section 1420 of the act and this section shall take effect immediately.

(2) The remainder of this act shall take effect in 60 days.

On the question,

Will the Senate agree to the amendment?

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

Senator PICCOLA. Mr. President, under the County Code, the district attorney is authorized to appoint special assistant district attorneys and others to prosecute certain criminal cases within the county. On occasion, under that authority that is contained in the County Code, the district attorney will appoint a Deputy or Assistant Attorney General from the Commonwealth. There has been some controversy through some court cases that in some of these appointments the statute does not give the authority to the district attorney to make that appointment, and there have been a couple of cases where the actual convictions of individuals prosecuted by those individuals have been overturned.

This bill, as I understand it, will address that problem and make it quite clear under the County Code that the district attorney has the authority to make those special appointments so long as both he and the Attorney General are in concurrence. This amendment makes a couple of technical changes to that bill, but primarily the substantive changes are that if an individual wishes to challenge the appointment of an Attorney General, under the provisions of the County Code, as we are proposing to amend it, that person must make that challenge in a timely fashion and do so quickly or that challenge will not be recognized by the court. And, if the challenge is successful, the remedy is not the dismissal of the charges or the overturning of a conviction, but the remedy would be that the individual who was appointed would be removed and some other individual would be appointed to prosecute that particular case.

I urge the adoption of the amendment.

And the question recurring,

Will the Senate agree to the amendment?

It was agreed to.

The PRESIDENT. The bill will go over as amended.

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 ACCOUNTANCY

May 22, 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 April 27, 1998 for the appointment of Valerie Smith (Public Member), 7723 Farndale Avenue, Harrisburg 17112, Dauphin County, Fifteenth Senatorial District, as a member of the State Board of Accountancy, to serve until June 4, 2000 and until her successor is appointed and qualified, but not longer than six months beyond that period, vice Austin R. Morris, Huntingdon, resigned.

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

THOMAS J. RIDGE
Governor

MEMBER OF THE STATE BOARD
OF COSMETOLOGY

May 22, 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 Daron Smith (Public Member), 755 Kruetz Creek Road, York 17407, York County, Twenty-eighth 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 Michele K. Bote, Millersville, 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 PENNSYLVANIA HISTORICAL
AND MUSEUM COMMISSION

May 8, 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 April 28, 1998 for the appointment of Paula Vitz, 265 Brookview Drive, Red Lion 17356, York County, Twenty-eighth Senatorial District, as a member of the Pennsylvania Historical and Museum Commission, to serve until the third Tuesday of January 1999, and until her successor is appointed and qualified, vice Timothy Buchanan, Harrisburg, resigned.

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

THOMAS J. RIDGE
Governor

JUDGE, COURT OF COMMON PLEAS,
PHILADELPHIA COUNTY

May 21, 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 10, 1998 for the appointment of Henry Hart, III, Esquire, 7100 McCallum Street, Philadelphia 19119, Philadelphia County, Fourth Senatorial District, as Judge of the Court of Common Pleas of Philadelphia County, to serve until the first Monday of January 2000, vice The Honorable G. Craig Lord, resigned.

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

THOMAS J. RIDGE
Governor

NOMINATIONS RETURNED TO THE GOVERNOR

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

The motion was agreed to.

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

REPORT FROM COMMITTEE ON
RULES AND EXECUTIVE NOMINATIONS

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

MEMBER OF THE STATE BOARD
OF BARBER EXAMINERS

May 6, 1998

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Steven E. Kopp, 324 Linden Avenue, Red Lion 17356, York County, Twenty-eighth Senatorial District, for reappointment as a member of the State Board of Barber Examiners, 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.

THOMAS J. RIDGE
Governor

MEMBER OF THE STATE BOARD
OF BARBER EXAMINERS

May 6, 1998

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Camillo Micolucci, 6546 Haverford Avenue, Philadelphia 19151, Philadelphia County, Seventh Senatorial District, for reappointment as a member of the State Board of Barber Examiners, 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.

THOMAS J. RIDGE
Governor

**MEMBER OF THE STATE BOARD
OF BARBER EXAMINERS**

May 6, 1998

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Robert V. Vavro, 221 Glen Caladh Street, Pittsburgh 15207-1612, Allegheny County, Forty-third Senatorial District, for reappointment as a member of the State Board of Barber Examiners, 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.

THOMAS J. RIDGE
Governor

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

March 23, 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, Robert Bogle, 40 Lincoln Avenue, Yeadon 19050, Delaware County, Eighth Senatorial District, 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

**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 reappoint-

ment 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

**MEMBER OF THE STATE BOARD
OF CHIROPRACTIC**

May 18, 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. Jonathan W. McCullough, 35 Lakeside Drive, Levittown 19054, Bucks County, Sixth Senatorial District, for appointment as a member of the State Board of Chiropractic, to serve until November 21, 1999 or until his successor is appointed and qualified, but not longer than six months beyond that period, vice John DeMatte, D.C., Lehigh, resigned.

THOMAS J. RIDGE
Governor

CORONER, PIKE COUNTY

May 11, 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, Kevin T. Stroyan, 119 Stroyan Lane, Milford 18337, Pike County, Twentieth Senatorial District, for appointment as Coroner, in and for the County of Pike, to serve until the first Monday of January 2000, vice James J. Martin, deceased.

THOMAS J. RIDGE
Governor

**MEMBER OF THE STATE BOARD
OF COSMETOLOGY**

May 6, 1998

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Carol T. Micciche, 3264 Back Run Road, Manheim 17545, Lancaster County, Thirty-sixth Senatorial District, for reappointment as a member of the State Board of Cosmetology, to serve for a term of three years and until her successor is appointed and qualified, but not longer than six months beyond that period.

THOMAS J. RIDGE
Governor

**MEMBER OF THE STATE BOARD
OF FUNERAL DIRECTORS**

April 28, 1998

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Andrew Mamary, 59 Parrish Street, Wilkes-Barre 18702, Luzerne County, Fourteenth Senatorial District, for appointment as a member of the State Board of Funeral

Directors, to serve for a term of five years and until his successor is appointed and qualified, but not longer than six months beyond that period, vice Anthony A. Sanvito, Coraopolis, whose term expired.

THOMAS J. RIDGE
Governor

MEMBER OF THE BOARD OF TRUSTEES
OF HAMBURG CENTER

May 1, 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, Annabelle Good, 916 Chew Street, Allentown 18102, Lehigh County, Sixteenth Senatorial District, for appointment as a member of the Board of Trustees of Hamburg Center, to serve until the third Tuesday of January 2003, and until her successor is appointed and qualified, vice Thomas J. Gombar, Reading, resigned.

THOMAS J. RIDGE
Governor

MEMBER OF THE STATE BOARD
OF LANDSCAPE ARCHITECTS

May 6, 1998

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Richard G. Stauffer, 595 Netzley Drive, Denver 17517, Lancaster County, Thirty-sixth Senatorial District, for reappointment as a member of the State Board of Landscape Architects, 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.

THOMAS J. RIDGE
Governor

MEMBER OF THE STATE BOARD OF
CERTIFIED REAL ESTATE APPRAISERS

April 27, 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, Raymond T. Book, 4534 West Barlind Drive, Pittsburgh 15227, Allegheny County, Thirty-seventh Senatorial District, for appointment as a member of the State Board of Certified Real Estate Appraisers, to serve for a term of four years and until his successor is appointed and qualified, but not longer than six months beyond that period, vice John J. Lavelle, Jr., Clarks Summit, whose term expired.

THOMAS J. RIDGE
Governor

MEMBER OF THE BOARD OF TRUSTEES OF
SOUTH MOUNTAIN RESTORATION CENTER

April 30, 1998

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, M. Lee Hartzok, 270 Overhill Drive, Chambersburg 17201, Franklin County, Thirty-third Senatorial District, for reappointment as a member of the Board of Trustees of South Mountain Restoration Center, to serve until the third Tuesday of January 2003, and until his successor is appointed and qualified.

THOMAS J. RIDGE
Governor

MEMBER OF THE BOARD OF TRUSTEES OF
SOUTH MOUNTAIN RESTORATION CENTER

April 30, 1998

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Frederick A. Reddig, 108 Park Place West, Shippensburg 17257, Franklin County, Thirty-third Senatorial District, for reappointment as a member of the Board of Trustees of South Mountain Restoration Center, to serve until the third Tuesday of January 2003, and until his successor is appointed and qualified.

THOMAS J. RIDGE
Governor

MEMBER OF THE STATE BOARD OF VEHICLE
MANUFACTURERS, DEALERS AND SALESPERSONS

May 8, 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, Frederick C. Laurenzo, 1700 Fieldcrest Road, Lebanon 17042, Lebanon County, Forty-eighth Senatorial District, for reappointment as a member of the State Board of Vehicle Manufacturers, Dealers and Salespersons, to serve for a term of four years and until his successor is appointed and qualified, but not longer than six months beyond that period.

THOMAS J. RIDGE
Governor

MEMBER OF THE WARREN COUNTY
BOARD OF ASSISTANCE

May 1, 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, Joyce Brecht (Republican), 9 Jackson Road, Warren 16365, Warren County, Twenty-fifth Senatorial District, for appointment as a member of the Warren County Board of Assistance, to serve until December 31, 2000, and until her successor is appointed and qualified, to add to complement.

THOMAS J. RIDGE
Governor

MEMBER OF THE WARREN COUNTY
BOARD OF ASSISTANCE

May 1, 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, Ines Lindsey (Republican), 1 Mill Street, Sheffield 16347, Warren County, Twenty-fifth Senatorial District, for appointment as a member of the Warren County Board of Assistance, to serve until December 31, 2000, and until her successor is appointed and qualified, to add to complement.

THOMAS J. RIDGE
Governor

MEMBER OF THE WASHINGTON COUNTY
BOARD OF ASSISTANCE

May 1, 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, Loretta J. Manus (Democrat), 65 Delsandro Drive, Donora 15033, Washington County, Forty-sixth Senatorial District, for appointment as a member of the Washington County Board of Assistance, to serve until December 31, 2000, and until her successor is appointed and qualified, vice Robert E. Hemmis, Washington, whose term expired.

THOMAS J. RIDGE
Governor

DISTRICT JUSTICE

April 30, 1998

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Elizabeth A. Doyle, Esquire, 417 Union Street, Hollidaysburg 16648, Blair County, Thirtieth Senatorial District, for appointment as District Justice, in and for the County of Blair, Magisterial District 24-3-03, to serve until the first Monday of January 2000, vice Frederick L. Klepser, resigned.

THOMAS J. RIDGE
Governor

DISTRICT JUSTICE

May 7, 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, Joseph P. Falcone, Esquire, 3731 Morrow Drive, Bensalem Township 19020, Bucks County, Sixth Senatorial District, for appointment as District Justice, in and for the County of Bucks, Magisterial District 7-1-07, to serve until the first Monday of January 2000, vice Catherine Marks, mandatory retirement.

THOMAS J. RIDGE
Governor

DISTRICT JUSTICE

May 18, 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, Gayle A. Elder, 101 Orchard Street, Mechanicsburg 17055, Cumberland County, Thirty-first Senatorial District, for appointment as District Justice, in and for the County of Cumberland, Magisterial District 9-3-05, to serve until the first Monday of January 2000, vice Ronald E. Klair, resigned.

THOMAS J. RIDGE
Governor

DISTRICT JUSTICE

April 7, 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, David P. Perkins, Esquire, 4 James Circle, Shippensburg 17257, Cumberland County, Thirty-first Senatorial District, for appointment as District Justice, in and for the County of Cumberland, Magisterial District 9-03-01, to serve until the first Monday of January 2000, vice Donald W. Daihl, resigned.

THOMAS J. RIDGE
Governor

DISTRICT JUSTICE

May 1, 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, William R. Householder, Jr., 9 Lynn Avenue, Oreland 19075, Montgomery County, Twenty-fourth Senatorial District, for appointment as District Justice, in and for the County of Montgomery, Magisterial District 38-1-08, to serve until the first Monday of January 2000, vice Francis Griffin, mandatory retirement.

THOMAS J. RIDGE
Governor

NOMINATIONS LAID ON THE TABLE

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

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

**UNFINISHED BUSINESS
DISCHARGE PETITIONS**

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

In the Senate, June 1, 1998

A PETITION

To place before the Senate the nomination of Paula Vitz, as a member of the State Board of Certified Real Estate Appraisers.

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 Paula Vitz, as a member of the State Board of Certified Real Estate Appraisers, before the entire Senate body for a vote, the nomination not having been voted upon within 15 legislative days:

Robert J. Mellow
Michael A. O'Pake
Richard A. Kasunic
Patrick J. Stapleton
Vincent J. Fumo

In the Senate, June 1, 1998

A PETITION

To place before the Senate the nomination of Betty Sawyor-Brown, as a member of the State Board of Psychology.

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 Betty Sawyor-Brown, as a member of the State Board of Psychology, before the entire Senate body for a vote, the nomination not having been voted upon within 15 legislative days:

Robert J. Mellow
Michael A. O'Pake
Richard A. Kasunic
Patrick J. Stapleton
Vincent J. Fumo

In the Senate, June 1, 1998

A PETITION

To place before the Senate the nomination of Mark Navarro, as a member of the Advisory Committee on Probation.

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 Mark Navarro, as a member of the Advisory Committee on Probation, before the entire Senate body for a vote, the nomination not having been voted upon within 15 legislative days:

Robert J. Mellow
Michael A. O'Pake
Richard A. Kasunic
Patrick J. Stapleton
Vincent J. Fumo

In the Senate, June 1, 1998

A PETITION

To place before the Senate the nomination of Valerie Smith, as a member of the State Board of Podiatry.

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 Valerie Smith, as a member of the State Board of Podiatry, before the entire Senate body for a

vote, the nomination not having been voted upon within 15 legislative days:

Robert J. Mellow
Michael A. O'Pake
Richard A. Kasunic
Patrick J. Stapleton
Vincent J. Fumo

In the Senate, June 1, 1998

A PETITION

To place before the Senate the nomination of Valerie Smith, as a member of the State Planning Board.

TO: The President Officer of the Senate:

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

Robert J. Mellow
Michael A. O'Pake
Richard A. Kasunic
Patrick J. Stapleton
Vincent J. Fumo

In the Senate, June 1, 1998

A PETITION

To place before the Senate the nomination of Mark Navarro, as a member of the State Planning Board.

TO: The President Officer of the Senate:

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

Robert J. Mellow
Michael A. O'Pake
Richard A. Kasunic
Patrick J. Stapleton
Vincent J. Fumo

In the Senate, June 1, 1998

A PETITION

To place before the Senate the nomination of Marilyn Striano, as a member of the State Board of Physical Therapy.

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 Marilyn Striano, as a member of the State Board of Physical Therapy, before the entire Senate body for a vote, the nomination not having been voted upon within 15 legislative days:

Robert J. Mellow
Michael A. O'Pake
Richard A. Kasunic
Patrick J. Stapleton
Vincent J. Fumo

In the Senate, June 1, 1998

A PETITION

To place before the Senate the nomination of Valerie Smith, as a member of the State Board of Physical Therapy.

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 Valerie Smith, as a member of the State Board of Physical Therapy, before the entire Senate body for a vote, the nomination not having been voted upon within 15 legislative days:

- Robert J. Mellow
- Michael A. O'Pake
- Richard A. Kasunic
- Patrick J. Stapleton
- Vincent J. Fumo

In the Senate, June 1, 1998

A PETITION

To place before the Senate the nomination of Donna Kriner, as a member of the State Board of Optometry.

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 Donna Kriner, as a member of the State Board of Optometry, before the entire Senate body for a vote, the nomination not having been voted upon within 15 legislative days:

- Robert J. Mellow
- Michael A. O'Pake
- Richard A. Kasunic
- Patrick J. Stapleton
- Vincent J. Fumo

In the Senate, June 1, 1998

A PETITION

To place before the Senate the nomination of Marilyn Striano, as a member of the Minority Business Development Authority.

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 Marilyn Striano, as a member of the Minority Business Development Authority, before the entire Senate body for a vote, the nomination not having been voted upon within 15 legislative days:

- Robert J. Mellow
- Michael A. O'Pake
- Richard A. Kasunic
- Patrick J. Stapleton
- Vincent J. Fumo

In the Senate, June 1, 1998

A PETITION

To place before the Senate the nomination of Fritz Bittenbender, as a member of the Minority Business Development Authority.

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 Fritz Bittenbender, as a member of the Minority Business Development Authority, before the entire Senate body for a vote, the nomination not having been voted upon within 15 legislative days:

- Robert J. Mellow
- Michael A. O'Pake
- Richard A. Kasunic
- Patrick J. Stapleton
- Vincent J. Fumo

In the Senate, June 1, 1998

A PETITION

To place before the Senate the nomination of Domenick Argento, as a member of the Minority Business Development Authority.

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 Domenick Argento, as a member of the Minority Business Development Authority, before the entire Senate body for a vote, the nomination not having been voted upon within 15 legislative days:

- Robert J. Mellow
- Michael A. O'Pake
- Richard A. Kasunic
- Patrick J. Stapleton
- Vincent J. Fumo

In the Senate, June 1, 1998

A PETITION

To place before the Senate the nomination of Paula Vitz, as a member of the Environmental Hearing Board.

TO: The President Officer of the Senate:

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

- Robert J. Mellow
- Michael A. O'Pake
- Richard A. Kasunic
- Patrick J. Stapleton
- Vincent J. Fumo

In the Senate, June 1, 1998

A PETITION

To place before the Senate the nomination of Donna Kriner, as a member of the Pennsylvania Drug, Device and Cosmetic Board.

TO: The President Officer of the Senate:

WE, The undersigned members of the Senate, pursuant to section 8 (b) of Article IV of the Constitution of Pennsylvania, do hereby request that you place the nomination of Donna Kriner, as a member of the Pennsylvania Drug, Device and Cosmetic Board, before the

entire Senate body for a vote, the nomination not having been voted upon within 15 legislative days:

Robert J. Mellow
Michael A. O'Pake
Richard A. Kasunic
Patrick J. Stapleton
Vincent J. Fumo

In the Senate, June 1, 1998

A PETITION

To place before the Senate the nomination of Daron Smith, as a member of the State Board of Cosmetology.

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 Daron Smith, as a member of the State Board of Cosmetology, before the entire Senate body for a vote, the nomination not having been voted upon within 15 legislative days:

Robert J. Mellow
Michael A. O'Pake
Richard A. Kasunic
Patrick J. Stapleton
Vincent J. Fumo

In the Senate, June 1, 1998

A PETITION

To place before the Senate the nomination of William R. Fatora, as a member of the Coroners' Education Board.

TO: The President Officer of the Senate:

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

Robert J. Mellow
Michael A. O'Pake
Richard A. Kasunic
Patrick J. Stapleton
Vincent J. Fumo

In the Senate, June 1, 1998

A PETITION

To place before the Senate the nomination of Valerie Smith, as a member of the Brandywine Battlefield Park Commission.

TO: The President Officer of the Senate:

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

Robert J. Mellow
Michael A. O'Pake
Richard A. Kasunic
Patrick J. Stapleton
Vincent J. Fumo

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

CONGRATULATORY RESOLUTIONS

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

Congratulations of the Senate were extended to Jason Richard Ackerman and to Leo Rheiner, Jr., by Senator Afflerbach.

Congratulations of the Senate were extended to J. Daniel Henry and to the Quarryville Presbyterian Home by Senator Armstrong.

Congratulations of the Senate were extended to Keith Michael Hammond and to John David Phillips by Senator Bell.

Congratulations of the Senate were extended to James J. McCaffrey III and to Gerald M. Hansler by Senator Conti.

Congratulations of the Senate were extended to Adam Michael Dodds, Brandon Hollobaugh, Jonathan Soika, Heather Arnold, Melissa Allar and to the Pennsylvania State University's College of Education of University Park by Senator Corman.

Congratulations of the Senate were extended to James J. Rutkowski, Sr., by Senator Earll.

Congratulations of the Senate were extended to Seth Griffin and to D. Allen Wolstenholme by Senator Gerlach.

Congratulations of the Senate were extended to Ellen Ann Roberts by Senators Gerlach and Thompson.

Congratulations of the Senate were extended to Mr. and Mrs. John C. Johnson and to Daniel Acker by Senator Greenleaf.

Congratulations of the Senate were extended to Betty Ann Roach by Senators Greenleaf and Conti.

Congratulations of the Senate were extended to Virginia Doyle Ramsburg and to John Semanchik by Senator Hart.

Congratulations of the Senate were extended to Gwyn-Nor Elementary School of North Wales and to the Schwenksville Borough Authority by Senator Holl.

Congratulations of the Senate were extended to the Trappe Historical Society by Senators Holl and Tilghman.

Congratulations of the Senate were extended to Lois Fernandez, Aslee Smith, Louise M. Myers and to L & L Dance Productions by Senator Hughes.

Congratulations of the Senate were extended to Robert Scott Fisher and to the Bedford Primary School by Senator Jubelirer.

Congratulations of the Senate were extended to the North Philadelphia Business Chamber of Commerce by Senator Kitchen.

Congratulations of the Senate were extended to the Manor Area Lions Club by Senator Kukovich.

Congratulations of the Senate were extended to Jessica Hager, Linde Anna Loubet, Christa Rae Gilpin, Jennifer Marie Scott, Erin Kathleen Stevens, Margaret H. Dunn-Carver,

Nicolina Davidovich, Leah K. Helfrich and to Tyler Memorial Hospital of Tunkhannock by Senator Lemmond.

Congratulations of the Senate were extended to Rosemarie Pecillo Knowlton by Senator Loeper.

Congratulations of the Senate were extended to Daniel Wolesslagle by Senator Madigan.

Congratulations of the Senate were extended to Mr. and Mrs. Thomas Fetcho, Jennifer Michelle Leonard, Kylie Marie Sohns, Beverly M. Worlinsky, Amy Nesevich, Louis E. Nykaza, Carl J. Weber, Josef Milunic, Thomas Doble, James Armbruster, Anthony James Allen and to Pat Walker by Senator Mellow.

Congratulations of the Senate were extended to Dr. Edward T. Frye by Senator Mowery.

Congratulations of the Senate were extended to Roy James Tinney, Reverend Paul Mullen, Reverend Dr. Wayne A. Heintzelman and to the citizens of West Wyoming Borough by Senator Musto.

Congratulations of the Senate were extended to the 395th Anti-Aircraft Artillery Battalion by Senator Piccola.

Congratulations of the Senate were extended to Mr. and Mrs. Wilbur Bear by Senator Punt.

Congratulations of the Senate were extended to Mr. and Mrs. Walter J. Sklaris, Ryan Keith Williams and to the seventh and eighth grade students of North Schuylkill Junior/Senior High School by Senator Rhoades.

Congratulations of the Senate were extended to Richard F. O'Connor, Winifred Arloween Root, Sally Stanford, Opal Irwin, Ernst Conservation Seeds of Meadville, ChipBLASTER, Inc., of Meadville, and to CCL Container of Hermitage by Senator Robbins.

Congratulations of the Senate were extended to Harry Cunningham and to Sister Bonita Smith by Senator Salvatore.

Congratulations of the Senate were extended to Mr. and Mrs. Herb Palm and to Reverend Francis A. Nazimek by Senator Stout.

Congratulations of the Senate were extended to John Arthin and to Joan Bowman by Senator Tartaglione.

Congratulations of the Senate were extended to Mr. and Mrs. William B. Robinson, David L. Snyder, Mikael Searles, Rose Marie Hayes, Andrew Terrell, Adam J. Biacchi, Susan C. Johnson and to the Upper Main Line Memorial Association by Senator Thompson.

Congratulations of the Senate were extended to the Chester County Soil Conservation District by Senators Thompson, Gerlach, and Bell.

Congratulations of the Senate were extended to Gregory Miner, Julia D. Kirby and to Cornwells United Methodist Church of Bensalem by Senator Tomlinson.

Congratulations of the Senate were extended to Mr. and Mrs. Gene Febbo, Mr. and Mrs. Robert Rheinhart, Jamie Michael Szmodis and to John C. Caizza by Senator Uliana.

Congratulations of the Senate were extended to David Smoker, Margaret Showalter, Dr. John R. Bonfield and to the Honorable H. Stanley Wills by Senator Wenger.

Congratulations of the Senate were extended to Donald Burkett and to Justin Burkett by Senator White.

Congratulations of the Senate were extended to Craig Thomas, Gregory R. Kochkodin, Forest Hills Junior High School Cheerleading Squad and to Mom's House by Senator Wozniak.

CONDOLENCE RESOLUTIONS

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

Condolences of the Senate were extended to the family of the late James J. Wolf and to the family of the late A. Roy Eckardt by Senator Afflerbach.

Condolences of the Senate were extended to the family of the late Robert M. Brown by Senator Thompson.

BILLS ON FIRST CONSIDERATION

Senator FUMO. 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 1366, HB 2328 and HB 2541.

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

COMMUNICATIONS FROM THE GOVERNOR

NOMINATIONS REFERRED TO COMMITTEE

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

MEMBER OF THE STATE BOARD OF AUCTIONEER EXAMINERS

June 1, 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, Robert W. Wentzel (Public Member), 3819 Powell Valley Road, Halifax 17032, Dauphin County, Fifteenth Senatorial District, for reappointment as a member of the State Board of Auctioneer Examiners, to serve for a term of three years or until his successor is appointed and qualified, but not longer than six months beyond that period.

THOMAS J. RIDGE
Governor

MEMBER OF THE STATE BOARD OF BARBER EXAMINERS

June 1, 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 Sciorillo, 2405 East Allegheny Avenue, Philadelphia 19134, Philadelphia County, First Senatorial District, for reappointment as a member of the State Board of Barber Examiners, 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.

THOMAS J. RIDGE
Governor

MEMBER OF THE STATE CONSERVATION
COMMISSION

June 1, 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, Loren W. Lustig, 795 Stone Jug Road, Biglerville 17307, Adams County, Thirtieth Senatorial District, for reappointment as a member of the State Conservation Commission, to serve until May 30, 2002, and until his successor is appointed and qualified, but not longer than six months beyond that period.

THOMAS J. RIDGE
Governor

MEMBER OF THE STATE BOARD OF
OCCUPATIONAL THERAPY EDUCATION
AND LICENSURE

June 1, 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, Ruth L. Schemm, Ed.D., 390 Folly Road, Chalfont 18914, Bucks County, Twelfth 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

HOUSE MESSAGES

HOUSE CONCURS IN SENATE AMENDMENTS
TO HOUSE BILLS

The Clerk of the House of Representatives informed the Senate that the House has concurred in amendments made by the Senate to **HB 80** and **HB 1756**.

HOUSE CONCURS IN SENATE AMENDMENTS
TO HOUSE AMENDMENTS TO SENATE BILL
BY FURTHER AMENDING SAID AMENDMENTS

The Clerk of the House of Representatives informed the Senate that the House has concurred in amendments made by the Senate to House amendments to **SB 284**, by further amending said amendments, in which concurrence of the Senate is requested.

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

BILLS SIGNED

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

HB 80 and **HB 1756**.

ANNOUNCEMENTS BY THE SECRETARY

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

SENATE OF PENNSYLVANIA

COMMITTEE MEETINGS

TUESDAY, JUNE 2, 1998

| | | |
|------------|---|--------------------------|
| 9:00 A.M. | CONSUMER PROTECTION AND PROFESSIONAL LICENSURE (to consider House Bill No. 1473; the nomination of Aaron Wilson, Jr., Ed.D., to the Public Utility Commission; and any other business that may come before the Committee) | Majority Caucus Rm. |
| 9:45 A.M. | STATE GOVERNMENT (to consider Senate Bills No. 964, 1011 and 1196; House Bill No. 1479; and the nomination of Charles P. Bednarik and Andrew A. DePaolo for reappointment to the State Athletic Commission) | Rules Cmte. Conf. Rm. |
| 10:00 A.M. | PUBLIC HEALTH AND WELFARE (to consider House Bill No. 2459) | Room 461 Main Capitol |
| 10:15 A.M. | TRANSPORTATION (to consider the nomination of Mitchell Rubin to the PA Turnpike Commission) | Room 39 East Wing |
| 11:30 A.M. | JUDICIARY (public hearing and committee meeting on the nominations of Benjamin A. Martinez to the PA Board of Probation and Parole; Maureen E. Lally-Green, Esq., for Judge, Superior Court of PA; Richard J. Gordon, Jr., Esq., and Benjamin Lerner, Esq., for Judge, Court of Common Pleas, Philadelphia County; Louise B. Williams to the Board of Pardons; and to consider House Bill No. 1480) | Majority Caucus Rm. |
| 12:45 P.M. | RULES AND EXECUTIVE NOMINATIONS (to consider Senate Bills No. 543, 640, 888 and 926; Senate Resolution No. 202; House Bills No. 114, 1979, 2355 and 2361; and certain executive nominations) | Rules Cmte. Conf. Rm. |

WEDNESDAY, JUNE 3, 1998

| | | |
|------------|---|--------------------------|
| 11:45 A.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 |
|------------|---|--------------------------|

TUESDAY, JUNE 18, 1998

10:00 A.M. INTERGOVERNMENTAL AFFAIRS Best Western
to (information on the existing nature of Hotel
3:00 P.M. government and how it carried on its Phila., N.E.
responsibilities through non-profit
corporations and authorities; the first
hearing will focus on the City of Philadelphia)

WEDNESDAY, JULY 1, 1998

9:30 A.M. CONSUMER PROTECTION AND Majority
PROFESSIONAL LICENSURE Caucus Rm.
(public hearing on competition in the
telephone industry)

WEDNESDAY, JULY 15, 1998

9:30 A.M. CONSUMER PROTECTION AND Majority
PROFESSIONAL LICENSURE Caucus Rm.
(public hearing to consider a progress
report on Natural Gas Deregulation)

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

**BILL ON THIRD CONSIDERATION
AND FINAL PASSAGE**

SB 1446 (Pr. No. 2030) -- The Senate proceeded to consid-
eration of the bill, entitled:

A Joint Resolution proposing an amendment to the Constitution of the Commonwealth of Pennsylvania, further providing for the selection of the chairman of the Legislative Reapportionment Commission; and providing for the effective date of newly reapportioned districts and for the election of Senators in certain circumstances.

Considered the third time and agreed to,

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

On the question,

Shall the bill pass finally?

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

Senator KUKOVICH. Mr. President, I think I understand the intention of the prime sponsor of the bill, and there are two major changes in Senate Bill No. 1446. Currently, if a majority of the Reapportionment Commission cannot come to a decision on who the chair will be, the fifth member and the chair of the commission, it goes to the Supreme Court and a majority of the court makes the choice. This would change it so it would be a majority plus one. Under the current configuration of the court, there are four Democrats and three Republicans. That would mean you would need a Republican Supreme Court Justice's vote to decide who that will be. And there will be future elections.

We have to keep in mind that when we amend the Constitution, we are going to be amending it for a long time into the future. There could be a time when this language may aid the Democrats, this language may aid the Republicans, it depends on future Supreme Court elections. My concern with this language is that we are being somewhat short-sighted because

what can happen is absolute gridlock if within the 45-day time period the Reapportionment Commission members cannot decide and then it goes to the court, and if it becomes partisan at the court level, which is likely to happen, it is possible there might not be a choice made. Time drags on. I am not sure what the recourse is if the court cannot come to a determination.

We could be faced with the possibility, and even 8 years ago leading into the 1992 elections, we were getting very close to the timeline with congressional races, where it might be very difficult to even have petitions circulated in time for that election without putting the elections back. This is simply a problem that could very likely, not even potentially, very likely occur and it could greatly disrupt the 2002 elections.

The second point is on page 3 of the bill, sections (f) and (g). Again, I understand the intentions of trying to prevent what happened in 1992, where a Senate seat was shifted the whole way across the State and there was not an incumbent for 2 years in that district who had been elected by those constituents. And to some extent I agree with the intentions of the maker of the bill. The problem is, as I read this language, I think it is somewhat overly broad and I think it is drafted in such a way that it not only will serve to protect incumbents in a much broader way than we intend, but I think it will also be another element of gridlock, because ultimately we have to deal with certain things in the Federal Constitution, Federal case law, and our State Constitution when we draw these lines, and that deals with one person, one vote, it deals with contiguity of the districts, it deals with wherever possible not splitting the local political subdivisions, et cetera. By putting another factor like this in, we are making it more and more difficult, for even if we do get a Reapportionment Commission with a chair in time, we are going to make it very difficult, I think, to deal with the problems of meeting the other constitutional mandates.

I think for all of those reasons this bill will create a problem after the 2000 census, and I ask for a negative vote.

LEGISLATIVE LEAVE

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

Senator MELLOW. Mr. President, I request a temporary Capitol leave for Senator O'Pake.

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

And the question recurring,

Shall the bill pass finally?

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

YEA-30

| | | | |
|-----------|-----------|--------|----------|
| Armstrong | Greenleaf | Mowery | Thompson |
| Bell | 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 | |

NAY-20

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

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. 1**

BILL ON SECOND CONSIDERATION

SB 1296 (Pr. No. 1677) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of July 28, 1953 (P.L.723, No.230), entitled, as amended, Second Class County Code, further providing for county employee retirement allowances.

Considered the second time and agreed to,

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

ADJOURNMENT

Senator LOEPER. Mr. President, I move that the Senate do now adjourn until Tuesday, June 2, 1998, at 1 p.m., Eastern Daylight Saving Time.

The motion was agreed to.

The Senate adjourned at 6:10 p.m., Eastern Daylight Saving Time.