

COMMONWEALTH OF PENNSYLVANIA

Legislative Journal

TUESDAY, JUNE 2, 1998

SESSION OF 1998

182ND OF THE GENERAL ASSEMBLY

No. 34

SENATE

TUESDAY, June 2, 1998

The Senate met at 1 p.m., Eastern Daylight Saving Time.

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

PRAYER

The Chaplain, Reverend DAN ALLEN, of Bible Fellowship Church, Ephrata, offered the following prayer:

Shall we pray.

Our Lord, how manifold are Thy works. In wisdom has Thou made them all. The earth is full of Thy riches. Our God and Father, we thank You for being such a great God. Our dependence is upon Thee.

We thank Thee for this great Commonwealth. We thank You for the leaders that You have given to us, and we pray a blessing upon this State and upon our leaders.

This afternoon, our Father, we bring before You the victims of those who have suffered during the great storm that took place on Sunday. We pray, Lord, that You will help them as they attempt to rebuild their lives and their homes.

We also, Father, remember this afternoon United States Senator Arlen Specter as he is recovering from his surgery. May Your peace be with him, and may that recovery be quick.

And then, Father, we pray for the confirmation hearings that are taking place today and tomorrow and the votes in relationship to that. We pray for Your will.

Father, we pray for the Members of this august body. We pray for wisdom. We pray that You will make them men and women of integrity.

And now, Lord, we ask for Your blessing upon this Session today. In Jesus' name we pray. Amen.

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

**SPECIAL ORDER OF BUSINESS
GUESTS OF SENATOR NOAH W. WENGER
PRESENTED TO THE SENATE**

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

Senator WENGER. Mr. President, we have in the gallery two very special guests. They are Jason Allen and Joshua Allen, who are ninth graders at the Lititz Christian School, and are the twin sons of our chaplain today, Reverend Allen. We are very pleased to have them with us today, and I would like the Senate to give them a welcome, along with their father.

The PRESIDENT. Would our young guests please rise so the Senate may acknowledge your presence.

(Applause.)

The PRESIDENT. Thank you, and thank you, Reverend Allen, for your spiritual reflections.

JOURNAL APPROVED

The PRESIDENT. A quorum of the Senate being present, the Clerk will read the Journal of the preceding Session of June 1, 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.

COMMUNICATION FROM THE GOVERNOR

**RECALL COMMUNICATION
LAID ON THE TABLE**

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

**MEMBER OF THE CORONERS'
EDUCATION BOARD**

June 2, 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 13, 1998 for the reappointment of William R. Fatora, 66-3 Azalea Way, Reading 19606, Berks County, Eleventh Senatorial District, as a member of the Coroners' Education Board, to serve for a term of four years and until his successor is appointed and qualified.

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

THOMAS J. RIDGE
Governor

HOUSE MESSAGES**HOUSE BILL FOR CONCURRENCE**

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

June 1, 1998

HB 2488 -- Committee on Law and Justice.

HOUSE RESOLUTION FOR CONCURRENCE

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

June 1, 1998

HR 419 -- Committee on Public Health and Welfare.

**HOUSE CONCURS IN SENATE
CONCURRENT RESOLUTION**

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

Weekly adjournment.

BILLS INTRODUCED AND REFERRED

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

June 2, 1998

Senators HART, MURPHY and COSTA presented to the Chair **SB 1461**, 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 tax relief for longtime senior citizen property owners.

Which was committed to the Committee on FINANCE, June 2, 1998.

Senators KUKOVICH, AFFLERBACH, BODACK, COSTA, KITCHEN, LAVALLE, MUSTO, O'PAKE, SCHWARTZ and TARTAGLIONE presented to the Chair **SB 1462**, entitled:

An Act amending the act of December 17, 1968 (P.L.1224, No.387), entitled Unfair Trade Practices and Consumer Protection Law, providing for protection for public sales.

Which was committed to the Committee on CONSUMER PROTECTION AND PROFESSIONAL LICENSURE, June 2, 1998.

Senator WAGNER presented to the Chair **SB 1463**, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for meeting or overtaking a school bus.

Which was committed to the Committee on TRANSPORTATION, June 2, 1998.

RESOLUTION INTRODUCED AND REFERRED

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

June 1, 1998

Senators ROBBINS, STAPLETON, SLOCUM, MUSTO, TILGHMAN, BRIGHTBILL, FUMO, TOMLINSON, BODACK, MADIGAN, WHITE, O'PAKE, GERLACH, HART, GREENLEAF, CORMAN, SALVATORE, STOUT, THOMPSON, LEMMOND and RHOADES presented to the Chair **SR 202**, entitled:

A Resolution congratulating the American Legislative Exchange Council on the occasion of its 25th Anniversary.

Which was committed to the Committee on RULES AND EXECUTIVE NOMINATIONS, June 1, 1998.

GENERAL COMMUNICATION**ANNUAL REPORT PURSUANT TO THE
WIRETAPPING AND ELECTRONIC
SURVEILLANCE CONTROL ACT**

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

SUPREME COURT OF PENNSYLVANIA
Suite 616
Six Gateway Center
Pittsburgh, Pennsylvania 15222

May 29, 1998

Mr. Mark R. Corrigan
Secretary of the Senate
462 Main Capitol
Harrisburg, Pennsylvania 17120

Dear Secretary Corrigan,

In accordance with Section 5723(d) of the Wiretapping and Electronic Surveillance Control Act, 18 Pa.C.S. §5723(d), I forward herewith the required annual report.

With kindest regards, I remain

Sincerely,

JOHN P. FLAHERTY
Chief Justice of Pennsylvania

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

**APPOINTMENT BY
PRESIDENT PRO TEMPORE**

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

Mr. H. Lee Noble as Commonwealth Trustee of the University of Pittsburgh.

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

The SECRETARY. Consent has been given for the Committee on Rules and Executive Nominations to meet during today's Session to consider Senate Bill No. 543.

RESOLUTION REPORTED FROM COMMITTEE

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

SR 202 (Pr. No. 2033)

A Resolution congratulating the American Legislative Exchange Council on the occasion of its 25th Anniversary.

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

REPORTS FROM COMMITTEES

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

SB 888 (Pr. No. 2036) (Amended) (Rereported) (*Concurrence*)

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.

HB 114 (Pr. No. 3644) (Amended) (Rereported)

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

HB 1979 (Pr. No. 3645) (Amended) (Rereported)

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for 20-years limitation.

HB 2355 (Pr. No. 3387) (Rereported) (*Concurrence*)

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

HB 2361 (Pr. No. 3646) (Amended) (Rereported) (*Concurrence*)

A Supplement to the act of July 7, 1972 (P.L.743, No.176), known as the Lincoln University-Commonwealth Act, making appropriations for carrying the same into effect; providing for a basis for payments of such appropriations; and providing a method of accounting for the funds appropriated and for certain fiscal information disclosure.

Senator Bell, from the Committee on Consumer Protection and Professional Licensure, reported the following bill:

HB 1473 (Pr. No. 3505)

An Act amending the act of December 19, 1990 (P.L.805, No.194), known as the Asbestos Occupations Accreditation and Certification Act, requiring certain contractors to obtain a license.

Senator BELL, from the Committee on Consumer Protection and Professional Licensure, also reported the nomination of Aaron Wilson, Jr., to the Public Utility Commission, which was rereferred to the Committee on Rules and Executive Nominations.

Senator MOWERY, from the Committee on Public Health and Welfare, reported the following bill:

HB 2459 (Pr. No. 3507)

An Act amending the act of October 5, 1994 (P.L.531, No.78), known as the Human Services Development Fund Act, further providing for allocations.

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

SB 964 (Pr. No. 1074)

An Act amending the act of August 21, 1953 (P.L.1323, No. 373), entitled The Notary Public Law, further providing for eligibility.

SB 1011 (Pr. No. 2034) (Amended)

An Act authorizing the Department of General Services, with the approval of the Governor, to sell and convey to Upper Skippack Menonite Church, certain improved land situate in the Township of Skippack, County of Montgomery, Commonwealth of Pennsylvania.

SB 1196 (Pr. No. 1464)

An Act amending the act of April 9, 1929 (P.L.177, No.175), entitled The Administrative Code of 1929, further regulating leases, conveyances and costs.

HB 1479 (Pr. No. 1769)

An Act amending Title 15 (Corporations and Unincorporated Associations) of the Pennsylvania Consolidated Statutes, further providing for trademark fees.

LEGISLATIVE LEAVES

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 Helfrick.

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

The Chair recognizes the gentleman from Lackawanna, Senator Mellow.

Senator MELLOW. Mr. President, I request a legislative leave for Senator Williams.

The PRESIDENT. Senator Mellow requests a legislative leave for Senator Williams. Without objection, that leave is granted.

LEAVES OF ABSENCE

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

Senator MELLOW asked and obtained leaves of absence for Senator BODACK and Senator FUMO, for today's Session, for personal reasons.

CALENDAR

PREFERRED APPROPRIATION BILL ON CONCURRENCE IN HOUSE AMENDMENTS TO SENATE AMENDMENTS AS AMENDED

SENATE CONCURS IN HOUSE AMENDMENTS AS AMENDED

HB 2356 (Pr. No. 3618) -- The Senate proceeded to consideration of the bill, entitled:

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.

On the question,

Will the Senate concur in the amendments made by the House to Senate amendments, as further amended by the Senate, to House Bill No. 2356?

Senator LOEPER. Mr. President, I move that the Senate do concur in the amendments made by the House to Senate amendments, as further amended by the Senate, to House Bill No. 2356.

On the question,

Will the Senate agree to the motion?

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

YEA-47

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

NAY-0

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

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

RECESS

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

Senator LOEPER. Mr. President, at this time I request a recess of the Senate, first for a meeting of the Committee on Rules and Executive Nominations, and I request all Members of the Committee on Rules and Executive Nominations to report to the Rules room. That should be a relatively brief meeting, and then will immediately be followed by a Republican caucus in the Majority Caucus Room on the first floor, with an expectation of returning to the floor at approximately 3 o'clock.

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

Senator MELLOW. Mr. President, I request the Democratic Members to meet in our caucus room.

The PRESIDENT. For purposes of Republican and Democratic caucuses, as well as a preceding meeting of the Committee on Rules and Executive Nominations immediately following this announcement, this Senate stands in recess and will return at approximately 3 p.m.

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 Conti, Senator Tomlinson, and Senator Delp have been called to their offices, and I request temporary Capitol leaves on their behalf.

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

Senator MELLOW. Mr. President, I request temporary Capitol leaves for Senator Afflerbach, Senator Kasunic, and Senator Tartaglione.

The PRESIDENT. Without objection, those leaves are granted.

CONSIDERATION OF CALENDAR RESUMED

HB 1108 CALLED UP OUT OF ORDER

HB 1108 (Pr. No. 3620) -- Without objection, the bill was called up out of order, from page 3 of the Third Consideration Calendar, by Senator LOEPER, as a Special Order of Business.

BILL AMENDED

HB 1108 (Pr. No. 3620) -- 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 LOEPER offered the following amendment No. A3077:

Amend Sec. 4, page 5, line 18, by striking out "SECTION 1420" and inserting: sections 1420, 1422 and 1423

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.

BILLS ON CONCURRENCE IN HOUSE AMENDMENTS AS AMENDED

BILL RECOMMITTED

SB 220 (Pr. No. 2020) -- The Senate proceeded to consideration of the bill entitled:

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.

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

SENATE CONCURS IN HOUSE AMENDMENTS AS AMENDED

SB 420 (Pr. No. 2021) -- The Senate proceeded to consideration of the bill, entitled:

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

On the question,
 Will the Senate concur in the amendments made by the House, as amended by the Senate, to Senate Bill No. 420?

Senator LOEPER. Mr. President, I move that the Senate do concur in the amendments made by the House, as amended by the Senate, to Senate Bill No. 420.

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

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

YEA-47

Afflerbach	Helfrick	Mowery	Stout
Armstrong	Holl	Murphy	Tartaglione
Belan	Hughes	Musto	Thompson

Bell	Jubelirer	O'Pake	Tilghman
Conti	Kasunic	Piccola	Tomlinson
Corman	Kitchen	Punt	Uliana
Costa	Kukovich	Rhoades	Wagner
Delp	LaValle	Robbins	Wenger
Earll	Lemmond	Salvatore	White
Gerlach	Loeper	Schwartz	Williams
Greenleaf	Madigan	Slocum	Wozniak
Hart	Mellow	Stapleton	

NAY-0

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

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

BILL ON CONCURRENCE IN HOUSE AMENDMENTS

SENATE CONCURS IN HOUSE AMENDMENTS

SB 770 (Pr. No. 2001) -- The Senate proceeded to consideration of the bill, entitled:

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

On the question,
 Will the Senate concur in the amendments made by the House to Senate Bill No. 770?

Senator LOEPER. Mr. President, I move that the Senate do concur in the amendments made by the House to Senate Bill No. 770.

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

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

YEA-47

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

NAY-0

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

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

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.

BILL OVER IN ORDER

SB 636 -- Without objection, the bill was passed over in its order at the request of Senator LOEPER.

BILL AMENDED

SB 664 (Pr. No. 706) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of May 1, 1933 (P.L.103, No.69), entitled, as reenacted and amended, The Second Class Township Code, further providing for county associations and for the State Association of Township Supervisors.

On the question,

Will the Senate agree to the bill on third consideration?

Senator EARLL offered the following amendment No. A3034:

Amend Title, page 1, line 6, by removing the period after "Supervisors" and inserting: and for procedure for assessments.

Amend Sec. 1, page 1, line 9, by striking out "and 1402" and inserting: , 1402, 2509 and 2613

Amend Sec. 1, page 5, by inserting between lines 24 and 25:

Section 2509. Procedure for Assessments.—[If any taxpayer states, by petition] If taxpayers of the district whose property valuation as assessed for taxable purposes within the district amounts to fifty percent of the total property valuation so assessed present a petition, within three months of the adoption of a resolution or ordinance levying an assessment under section 2508, state to the court of common pleas that the assessment insufficiently represents the benefits accruing to abutting properties, they may include in the petition a request for the appointment of viewers to assess benefits. The court shall appoint three disinterested viewers, none of whom shall be a resident of that portion of the township which is accommodated by the sanitary sewer system in question, and the viewers shall proceed under this act for the assessment of damages and benefits. Upon the filing of a petition by taxpayers for appointment of viewers, any assessment made by the board of supervisors and any proceedings shall be stayed pending the disposition of the petition by the court.

Section 2613. Procedure for Assessment.—[If any taxpayer or taxpayers, by petition] If taxpayers of the district whose property valuation as assessed for taxable purposes within the district amounts to fifty percent of the total property valuation so assessed present a petition, within three months of the adoption of a resolution or ordinance levying an assessment under section 2612, state to the court of common pleas that the assessment insufficiently represents the benefits accruing to abutting properties, they may include in the petition a request for the appointment of viewers to assess benefits. The court shall appoint three disinterested [persons from the board of county] viewers, none of whom shall be a resident of that portion of the township which is accommodated by the water system in question, and the viewers shall proceed under this act for the assessment of damages and benefits by viewers. Upon the filing of the petition by taxpayers for appointment of viewers, any assessment made by the board of supervisors and any proceedings shall be stayed pending the disposition of the petition by the court.

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 MELLOW offered the following amendment No. A2625:

Amend Sec. 1 (Sec. 1401), page 2, line 27, by striking out "; however" and inserting: in which case the supervisor is not entitled to the thirty-five dollars (\$35) mentioned in this section. However

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.

BILLS OVER IN ORDER

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

BILL LAID ON THE TABLE

SB 668 (Pr. No. 1957) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of December 31, 1965 (P.L.1257, No. 511), entitled The Local Tax Enabling Act, prohibiting certain fees relating to the collection of the earned income tax.

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

**BILL ON THIRD CONSIDERATION
AND FINAL PASSAGE**

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

On the question,
Shall the bill pass finally?

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

YEA-47

Afflerbach	Helfrick	Mowery	Stout
Armstrong	Holl	Murphy	Tartaglione
Belan	Hughes	Musto	Thompson
Bell	Jubelirer	O'Pake	Tilghman
Conti	Kasunic	Piccola	Tomlinson
Corman	Kitchen	Punt	Uliana

Costa	Kukovich	Rhoades	Wagner
Delp	LaValle	Robbins	Wenger
Earll	Lemmond	Salvatore	White
Gerlach	Loeper	Schwartz	Williams
Greenleaf	Madigan	Slocum	Wozniak
Hart	Mellow	Stapleton	

NAY-0

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

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

BILL OVER IN ORDER

HB 1272 -- Without objection, the bill was passed over in its order at the request of Senator LOEPER.

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

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 third time and agreed to,

On the question, Shall the bill pass finally?

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

YEA-47

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

NAY-0

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

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

BILLS OVER IN ORDER

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

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

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 third time and agreed to,

On the question, Shall the bill pass finally?

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

YEA-47

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

NAY-0

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

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

BILLS OVER IN ORDER

HB 1597, HB 1992 and HB 2200 -- 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 1157 (Pr. No. 2016) -- The Senate proceeded to consideration of the bill, entitled:

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.

Considered the second time and agreed to,

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

BILL REREPORTED FROM COMMITTEE
AS AMENDED OVER IN ORDER

SB 1221 -- Without objection, the bill was passed over in its order at the request of Senator LOEPER.

BILLS REREPORTED FROM COMMITTEE
AS AMENDED ON SECOND CONSIDERATION

SB 1247 (Pr. No. 2018) -- The Senate proceeded to consideration of the bill, entitled:

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.

Considered the second time and agreed to,

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

SB 1372 (Pr. No. 2019) -- The Senate proceeded to consideration of the bill, entitled:

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

Considered the second time and agreed to,

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

HB 1502 (Pr. No. 3617) -- The Senate proceeded to consideration of the bill, entitled:

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.

Considered the second time and agreed to,

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

PREFERRED APPROPRIATION BILL
ON SECOND CONSIDERATION

HB 2541 (Pr. No. 3454) -- The Senate proceeded to consideration of the bill, entitled:

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

Considered the second time and agreed to,

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

BILLS OVER IN ORDER

HB 280, SB 674, SB 818, SB 1135 and HB 1173 -- Without objection, the bills were passed over in their order at the request of Senator LOEPER.

BILL ON SECOND CONSIDERATION

SB 1232 (Pr. No. 1565) -- The Senate proceeded to consideration of the bill, entitled:

A Joint Resolution proposing an amendment to the Constitution of the Commonwealth of Pennsylvania, to provide for the right to hunt and fish.

Considered the second time and agreed to,

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

BILL ON SECOND CONSIDERATION
AND REREFERRED

SB 1366 (Pr. No. 1771) -- The Senate proceeded to consideration of the bill, entitled:

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.

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 ON SECOND CONSIDERATION

SB 1373 (Pr. No. 1783) -- The Senate proceeded to consideration of the bill, entitled:

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

Considered the second time and agreed to,

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

BILLS OVER IN ORDER

SB 1415 and HB 1628 -- Without objection, the bills were passed over in their order at the request of Senator LOEPER.

BILL ON SECOND CONSIDERATION

HB 1660 (Pr. No. 3549) -- The Senate proceeded to consideration of the bill, entitled:

An Act designating a section of SR 0073 in Montgomery County, Pennsylvania as the POW/MIA Memorial Highway; and designating a bridge in Chester County as the Marty Godra Memorial Bridge.

Considered the second time and agreed to,

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

BILL ON SECOND CONSIDERATION
AND REREFERRED

HB 2328 (Pr. No. 3614) -- The Senate proceeded to consideration of the bill, entitled:

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 deteriora-

tion 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.

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.

SENATE RESOLUTION No. 174, ADOPTED

Senator LOEPER, without objection, called up from page 7 of the Calendar, **Senate Resolution No. 174**, entitled:

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.

On the question,
Will the Senate adopt the resolution?

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

REPORTS FROM COMMITTEES

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

SB 543 (Pr. No. 2039) (Amended) (Rereported) (Concurrence)

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for neglect of care-dependent people, for arson and related offenses, for control of firearms, for firearms licenses, for firearms sale and transfer, for functions of the Pennsylvania State Police relative to firearms, for the Firearms Instant Records Check Fund and for licensing of firearms dealers; and providing for municipal housing code avoidance and for control of alarm devices and automatic dialing devices.

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

HB 1480 (Pr. No. 3643) (Amended)

An Act amending Title 54 (Names) of the Pennsylvania Consolidated Statutes, adding and changing definitions; making classifications; and providing for registrability and application for registration, duration and renewal, for cancellation for damages for fraudulent registration, for infringement, for injury to business or reputation and for remedies.

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

Senator SALVATORE, from the Committee on Rules and Executive Nominations, reported the following communication, and called from the table certain communications from His Excellency, the Governor of the Commonwealth, recalling the

following nominations, which were read by the Clerk as follows:

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

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 Krutz 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

NOMINATIONS RETURNED TO THE GOVERNOR

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

The motion was agreed to.

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

REPORT FROM COMMITTEE ON RULES AND EXECUTIVE NOMINATIONS

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

JUDGE, COURT OF COMMON PLEAS, PHILADELPHIA COUNTY

May 21, 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 J. Gordon, Jr., Esquire, 5030 Oxford Avenue, Philadelphia 19124, Philadelphia County, Second Senatorial District, for appointment as Judge of the Court of Common Pleas of Philadelphia County, to serve until the first Monday of January 2000, vice The Honorable Edward J. Bradley, mandatory retirement.

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 conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Benjamin Lerner, Esquire, 2221 Spruce Street, Philadelphia 19103, Philadelphia County, First Senatorial District, for appointment 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.

THOMAS J. RIDGE
Governor

JUDGE, SUPERIOR COURT OF PENNSYLVANIA

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, Maureen E. Lally-Green, Esquire, 207 Greenbrier Drive, Cranberry Township 16066, Butler County, Fortieth Senatorial District, for appointment as Judge of the Superior Court of Pennsylvania, to serve until the first Monday of January 2000, vice The Honorable Patrick R. Tamilia, mandatory retirement.

THOMAS J. RIDGE
Governor

MEMBER OF THE BOARD OF PARDONS

May 22, 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, Louise B. Williams, 331 South Franklin Street, Lancaster 17602, Lancaster County, Thirteenth Senatorial District, for appointment as a member of the Board of Pardons, to serve until November 30, 2003, and until her successor is appointed and qualified, vice Ronald J. Harper, Esquire, Philadelphia, whose term expired.

THOMAS J. RIDGE
Governor

MEMBER OF THE PENNSYLVANIA BOARD OF PROBATION AND PAROLE

April 29, 1998

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Benjamin A. Martinez, 459 East Pine Street, Lebanon 17042, Lebanon County, Forty-eighth Senatorial District, for appointment as a member of the Pennsylvania Board of Probation and Parole, to serve for a term of six years or until his successor is appointed and qualified, but not longer than ninety days beyond that period, pursuant to Act 164, approved December 18, 1996.

THOMAS J. RIDGE
Governor

MEMBER OF THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

May 22, 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, Aaron Wilson, Jr., Ed.D., 25 East Parkway Avenue, Chester 19013, Delaware County, Ninth Senatorial District, for appointment as a member of the Pennsylvania Public Utility Commission, to serve until April 1, 2003, or until his successor is appointed and qualified, but not longer than six months beyond that period, vice John R. Hanger, Esquire, Harrisburg, whose term expired.

THOMAS J. RIDGE
Governor

MEMBER OF THE PENNSYLVANIA TURNPIKE COMMISSION

May 22, 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, Mitchell Rubin, 110 Moreland Avenue, Philadelphia 19115, Philadelphia County, Fourth Senatorial District, for appointment as a member of the Pennsylvania Turnpike Commission, to serve for a term of four years or until his successor

is appointed and qualified, but not longer than ninety days beyond that period, vice Robert A. Brady, Philadelphia, resigned.

THOMAS J. RIDGE
Governor

NOMINATIONS LAID ON THE TABLE

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

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

UNFINISHED BUSINESS SENATE RESOLUTION ADOPTED

Senators THOMPSON, SALVATORE, TOMLINSON, WENGER and ROBBINS, by unanimous consent, offered Senate Resolution No. 205, entitled:

A Resolution congratulating the Filipino-American communities in this Commonwealth and throughout the world on the occasion of the 100th anniversary of Philippine independence from Spain.

Which was read, considered and adopted.

CONGRATULATORY RESOLUTIONS

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

Congratulations of the Senate were extended to Mr. and Mrs. Charles Bednarik by Senator Afflerbach.

Congratulations of the Senate were extended to Jeff Hoppes and to Deborah Justice by Senator Armstrong.

Congratulations of the Senate were extended to the Ken and Jean Dance Studio of North Versailles by Senator Belan.

Congratulations of the Senate were extended to Mr. and Mrs. Thomas Worthington by Senator Bell.

Congratulations of the Senate were extended to the Good Samaritan Hospital Auxiliary of Lebanon by Senator Brightbill.

Congratulations of the Senate were extended to Shirley A. Milnor by Senator Conti.

Congratulations of the Senate were extended to John H. Kramer by Senators Corman, Piccola, and Costa.

Congratulations of the Senate were extended to Eleanor Wagonseller by Senator Fumo.

Congratulations of the Senate were extended to Ann S. Bryers by Senator Greenleaf.

Congratulations of the Senate were extended to Mr. and Mrs. Carmen DeFrancesco by Senator Helfrick.

Congratulations of the Senate were extended to the Hatfield Borough Centennial Committee by Senator Holl.

Congratulations of the Senate were extended to Boy Scout Troop 468 of Valley Forge and to St. John Evangelical Lutheran Church of Springfield by Senator Loeper.

Congratulations of the Senate were extended to Roberta A. Kitzmiller by Senator Mowery.

Congratulations of the Senate were extended to the Pennsylvania Affiliate of the American Heart Association by Senator Mowery and others.

Congratulations of the Senate were extended to James Ruane and to Hugh Corcoran by Senator Musto.

Congratulations of the Senate were extended to Lauer's Park Elementary School of Reading by Senator O'Pake.

Congratulations of the Senate were extended to Mr. and Mrs. John T. Fox by Senator Piccola.

Congratulations of the Senate were extended to Rescue Hook & Ladder Company No. 1 and to Citizen's Fire Company No. 1 of Weatherly by Senator Rhoades.

Congratulations of the Senate were extended to Sally Rhodes Cronin and to Benjamin Williams by Senator Robbins.

Congratulations of the Senate were extended to Herman Mattleman, Roxborough Memorial Hospital School of Nursing and to the National Clearinghouse for the Defense of Battered Women of Philadelphia by Senator Schwartz.

Congratulations of the Senate were extended to Michael Bennett by Senator Slocum.

Congratulations of the Senate were extended to Peter R.P. Freed, Lee E. Krueger, Keith Michael Hammond and to the Reverend William J. Fischler by Senator Thompson.

Congratulations of the Senate were extended to Josh Albert, International Network of Philipinos Overseas and to the 3M Bristol Plant by Senator Tomlinson.

Congratulations of the Senate were extended to Pamela M. Souilliard, Hanna Featherman, Heather Oehling and to Traci Drake by Senator Uliana.

Congratulations of the Senate were extended to the Grand Lodge of the Independent Order of Odd Fellows of Pennsylvania by Senator White.

CONDOLENCE RESOLUTION

The PRESIDENT laid before the Senate the following resolution, which was read, considered and adopted:

Condolences of the Senate were extended to the family of the late Jane Hervitz Javitch by Senator Fumo.

BILLS ON FIRST CONSIDERATION

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

The motion was agreed to.

The bills were as follows:

SB 964, SB 1011, SB 1196, HB 1473, HB 1479, HB 1480 and HB 2459.

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

PETITIONS AND REMONSTRANCES

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

Senator COSTA. Mr. President, earlier today the Senate Democrats had the opportunity to add our voice to the growing concern over the State's ability to adequately regulate and monitor nursing homes in Pennsylvania.

Mr. President, no one could argue that one of the most difficult decisions that anyone has to make during their lifetime is whether or not to seek long-term care for an aging parent or other loved one. As a result, Mr. President, Senate Democrats have worked very hard to develop legislation that we believe will make a real difference in improving the quality of care that older citizens receive. Our legislation also stems from the disturbing findings that were recently uncovered by the performance audits conducted by Auditor General Bob Casey. Mr. President, as you well know and the Members of this Chamber well know, Pennsylvania is a quickly aging State. That makes addressing these concerns now more important than ever.

Our legislation, Mr. President, which will be introduced very shortly, will accomplish two goals. First, it will protect the vulnerable residents of our nursing homes and ensure that they are receiving the best possible care. We will also address the goal of making certain that citizens are provided the very specific information that they require to make well-informed decisions when selecting a facility for a loved one.

Mr. President, the first piece of legislation in the package, which we will officially introduce tomorrow, would require the Department of Health to compile a consumer guide on nursing home performance. Mr. President, this guide would provide a summary of inspection results of all licensed facilities in the Commonwealth over a 3-year period, and the nursing homes would be required to distribute a copy of this guide to its potential and current residents.

Our second bill, Mr. President, would require the Department of Health each year to conduct random, unannounced inspections of 25 percent of the licensed nursing home facilities around our Commonwealth, and a related measure would require the results of these inspections to be published by the department in the local newspaper.

Another aspect of our nursing home reform initiative would require the Department of Health to provide a detailed report to the General Assembly which would include some of the following: the number of facilities cited for violations and, most importantly, the type of violations; the number of patient care complaints received by the department, according to their severity; the number of complaints and investigations completed and not completed within the time periods prescribed by the department; and an additional measure would require the Department of Health to maintain its 24-hour toll-free telephone number for receiving complaints regarding nursing home facilities.

Mr. President, we were all very shocked to learn that the toll-free number oftentimes went unanswered. As a result, relatives of nursing home facility residents had nowhere to turn when they were concerned about the well-being of a loved one or family member. Although the department has since upgraded its services on the complaint hotline, passage of our bills would require, by law, a 24-hour telephone presence, which is something we feel is very important.

Mr. President, today I ask my colleagues on both sides of the aisle to join us Democrats in sponsoring this particular package of nursing home reform legislation that is so vitally needed so that we may be able to provide the Commonwealth

residents, and those in nursing home institutions in particular, with the opportunity to provide as much information as possible and to make certain that we have the requisite and proper care for these individuals. So I ask my colleagues on the other side of the aisle to join the Senate Democrats as we face this issue. As we well know, Mr. President, this is not a partisan issue, this is something we all need to work together on, and I encourage my colleagues to join all of us.

Thank you, Mr. President.

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

Without objection, the bills on Supplemental Calendar No. 1 were called out of order by Senator LOEPER, as Special Orders of Business.

**SENATE CONCURS IN HOUSE AMENDMENTS
AS AMENDED**

SB 888 (Pr. No. 2036) -- 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.

On the question,

Will the Senate concur in the amendments made by the House, as amended by the Senate, to Senate Bill No. 888?

Senator LOEPER. Mr. President, I move that the Senate do concur in the amendments made by the House, as amended by the Senate, to Senate Bill No. 888.

On the question,

Will the Senate agree to the motion?

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

YEA-47

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

NAY-0

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

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

BILL REREPORTED FROM COMMITTEE AS AMENDED ON THIRD CONSIDERATION AND FINAL PASSAGE

HB 1979 (Pr. No. 3645) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for 20-years limitation.

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

On the question, Shall the bill pass finally?

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

YEA-47

Table with 4 columns of names: Afflerbach, Armstrong, Belan, Bell, Conti, Corman, Costa, Delp, Earl, Gerlach, Greenleaf, Hart, Helfrick, Holl, Hughes, Jubelirer, Kasunic, Kitchen, Kukovich, LaValle, Lemmond, Loeper, Madigan, Mellow, Mowery, Murphy, Musto, O'Pake, Piccola, Punt, Rhoades, Robbins, Salvatore, Schwartz, Slocum, Stapleton, Stout, Tartaglione, Thompson, Tilghman, Tomlinson, Uliana, Wagner, Wenger, White, Williams, Wozniak

NAY-0

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

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

BILL REREPORTED FROM COMMITTEE AS AMENDED ON SECOND CONSIDERATION

HB 114 (Pr. No. 3644) -- The Senate proceeded to consideration of the bill, entitled:

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

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

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

SENATE CONCURS IN HOUSE AMENDMENTS AS AMENDED

SB 543 (Pr. No. 2039) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes; further providing for neglect of care-dependent people, for arson and related offenses, for control of firearms, for firearms licenses, for firearms sale and transfer, for functions of the Pennsylvania State Police relative to firearms, for the Firearms Instant Records Check Fund and for licensing of firearms dealers; and providing for municipal housing code avoidance and for control of alarm devices and automatic dialing devices.

On the question, Will the Senate concur in the amendments made by the House, as amended by the Senate, to Senate Bill No. 543?

Senator LOEPER. Mr. President, I move that the Senate do concur in the amendments made by the House, as amended by the Senate, to Senate Bill No. 543.

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

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

Senator SCHWARTZ. Mr. President, I appreciate the opportunity to speak to this legislation that actually was just amended in the Committee on Rules and Executive Nominations, as I understand it, and, of course, I am disappointed not to have the opportunity to amend this legislation. But before I get into some of those comments, I do think it is an important issue that we have before us to speak about criminals' access to guns in the Commonwealth of Pennsylvania. It is a very serious issue, and certainly for many of us who have been very concerned about gun violence, and even for those who may not have been terribly concerned about gun violence in our country, certainly the last few months it has been very hard to miss the devastating tragedies of gun violence, not all related obviously to criminal background checks. But there is much we can do and much we do not know what else we could do, but we should be dealing with this issue in a broader discussion than just the criminal background checks.

I would like to speak to this issue, but before that, if I may, Mr. President, I would like to interrogate the sponsor of this legislation. I ask if he would stand for interrogation.

The PRESIDENT pro tempore. Senator Piccola, Senator Schwartz wishes to know if you will stand for interrogation. Senator PICCOLA. Yes, Mr. President.

The PRESIDENT pro tempore. Senator Schwartz, you may proceed.

Senator SCHWARTZ. Mr. President, just to be absolutely clear how we are proceeding on this, as I understand it, July 1, 1998, this July coming up, we will be implementing instant background checks on handguns in this Commonwealth, is that correct?

Senator PICCOLA. That is correct, Mr. President. Senator SCHWARTZ. Mr. President, but this legislation does delay the instant background check on long guns from

this July 1998 for another year and a half, so that there will be no criminal background checks on long guns until December 31, 1999, is that correct?

Senator PICCOLA. That is not entirely correct, Mr. President. The bill does in fact change the July 1, 1998, date to a date no later than December 31, 1999. However, that date could be sooner than December 31, 1999, if the necessary work, software, computer equipment, et cetera, is available to the Pennsylvania State Police at an earlier date.

It is important to remember that the reason the moving of this date is necessary is not any failing on the part of our Pennsylvania officials, our Pennsylvania State Police, but is the result of an act of the United States Congress which added to the requirement for instantaneous background checks all crimes dealing with domestic violence, which resulted in the FBI's background check system flagging all misdemeanors here in Pennsylvania. Right now the system that we have in Pennsylvania is not able to differentiate misdemeanors that have to do with domestic violence as opposed to misdemeanors that do not have any relationship to domestic violence, and it would be necessary with respect to long guns to massage that information and we would not have instantaneous background checks in any event, so that is the reason for the delay and the only reason for the delay.

Senator SCHWARTZ. Mr. President, it does say the outside date is December 31, 1999, but there is nothing in this legislation that would compel the State Police to do it prior to that except the answer that if the ability became available to the State Police, that if somehow they would be able to do this, they might do it sooner, but the legislation does not require it until the outside date of December 31, 1999, as the previous speaker said.

But having said that, there is a distinction now for long guns, the handguns also have to comply with the flagging, as the gentleman said, of misdemeanors. Is that not correct? The handgun criminal background check also has to comply with the domestic violence provisions that are actually a year and a half old. These are not new Federal mandates, this is a year and a half old. Notice was given to the Commonwealth of Pennsylvania on this. But the domestic violence issue, the issue of refusing guns to those who have been convicted of misdemeanors in domestic violence situations applies to handguns, is that not correct?

Senator PICCOLA. Yes, Mr. President, that is correct as far as it goes. However, the inconvenience of having to wait for the manual massaging of the data to determine whether or not the flagged misdemeanor has anything to do with a domestic violence violation is not an inconvenience under our present system, because Pennsylvania already has a 5-day waiting period for handguns, and so the instantaneous background check goes into effect July 1. If it flags a misdemeanor, there will be a waiting period to determine whether or not that misdemeanor has anything to do with domestic violence. That will not be unlike what we presently have with respect to handguns, and that is the 5-day waiting period.

Senator SCHWARTZ. Mr. President, so the issue here is that for those purchasing a handgun, the inconvenience for just

those, not everyone but just those who have been found guilty of a misdemeanor and they would have to wait, is an inconvenience we will implement for handguns, but the point the speaker is making is that it is an inconvenience we do not want those who have been found guilty of a misdemeanor who want to purchase long guns to have to go through, is that the idea? The distinction here is we do not want to inconvenience those who have been found guilty of a misdemeanor by having them wait a few days before they can get their long gun, but we will be doing that for handgun purchasers.

Senator PICCOLA. Mr. President, we do not want to inconvenience or to require unnecessary delay in the acquisition of a long gun, that is a gun used primarily for hunting and sporting activities, to those individuals who are lawfully able to acquire such a weapon here in Pennsylvania and under Federal law.

Senator SCHWARTZ. Mr. President, right, but anyone who has been free of any criminal behavior in the past would not be inconvenienced at all. They would be able to, through an instant background check even with this flagging of the domestic violence situation, they would not be inconvenienced at all. They would be able to get a gun immediately, long or short gun, they would be able to get one immediately. We would only be inconveniencing those citizens who have actually been found guilty of, although maybe considered a minor crime, but guilty of a crime.

Senator PICCOLA. Mr. President, I am not certain I understand the question, but under the present law in Pennsylvania there is no background check for those purchasing a long gun, and so we are basically keeping that status in the law until we are able to do the accurate background check that is required by State and Federal law and do it accurately. And as I indicated, the reason why we cannot do it accurately on July 1 is not the fault of the Pennsylvania State Police or anyone in Pennsylvania, it is because Congress threw us a ringer and added an extra factor into this equation, and we do not feel it is an unnecessary burden for those who are purchasing handguns, because they already, under current Pennsylvania law, have the requirement of a 5-day waiting period. I might add, it is also, I believe, a fairly well-known fact that handguns are the primary cause of criminal activity in the Commonwealth as opposed to the long gun used for hunting and sporting activities.

Senator SCHWARTZ. Mr. President, well, the speaker may not be aware of the fact that in the experience of the State Police when they did criminal background checks, at least a year and a half ago, according to the State Police, they found twice as many criminal background checks come out positive on those purchasing long guns than on those purchasing handguns. I will give you the reference, if you wish, to a statement by Colonel Evanko about that, so that we actually do know that there are people with criminal backgrounds who are walking around with long guns and doing much less about it.

Let me just follow up on the question about whose fault this is. I am not sure I want to really ask the speaker, although he is welcome to comment on whether he actually disagrees with the provisions of the Federal law, but that is really not the issue here. I certainly agree that it is a useful provision that the

Federal law put into place, but the fact is that in 1995, the General Assembly in the Commonwealth of Pennsylvania agreed, not the Federal government, but we agreed that we should do criminal background checks on the purchase of both handguns and long guns. We decided in fact that we would do a post-purchase background check, criminal background check, because it was that important to us.

We were later told by the State Police that a post-purchase background check on long guns put them at some risk. They were afraid to go into people's homes and take away rifles once it was found out that they had a criminal background. So they asked to not be put at that kind of risk. We decided then to delay until we could do an instant background check, and delayed yet again to do an instant background check and gave ample opportunity to the State Police to be able to do what they needed to do - software, hardware, staffing, money. And I asked the State Police a year and a half ago if they were able to get up and running and be able to do this if we delayed it from a post-purchase to an instant check, would they be able to do it? And I was absolutely assured that they would be able to do it, that they had the funding, they had the staff, they had the expertise, they would be able to do it, that they had put out a sole source contract to do it, and in fact I was absolutely guaranteed a year and a half ago that they would be ready to do it as early as March of 1998.

Now I am being told that through no fault of their own they not only will not be able to do it by July 1, 1998, but they want to extend it until December 31, 1999, to maybe get up and running in being able to do the criminal background check on long guns, in spite of the fact that they have a system running for handguns. They already have an instant system in place. It may be incompetence, it may be the fact that they just did not want to do it, it may be conceding to hunters who have criminal backgrounds. It is certainly not conceding to law-abiding citizens, because they will not be inconvenienced in any way by an instant background check.

So if the speaker says that it is in no way the fault of the State Police and no way the fault of the competence of this administration or the intention of this administration, why are we not doing it? I think the citizens of the Commonwealth have some right to know why in fact we would choose to delay doing criminal background checks on long guns.

The PRESIDENT pro tempore. Is that a question?

Senator SCHWARTZ. Yes, Mr. President.

The PRESIDENT pro tempore. Senator Piccola.

Senator PICCOLA. Mr. President, I can only repeat and emphasize more strongly that if the Federal Congress had not enacted the Lautenberg amendment, we would not be in this position right now. But as a result of Congress taking that action, the FBI has indicated with their system they would be flagging all felony and misdemeanor convictions without respect to what the misdemeanor conviction had to do with. Therefore, in order to determine whether that misdemeanor conviction has anything to do with domestic violence requires the development of additional software that will allow the computer to actually do an instantaneous check.

That is not the commitment that we made to the people of Pennsylvania in 1995. We said that we would do an instantaneous check as of July 1, 1998, but we cannot do that as a result of the action of Congress. So we, therefore, are going to have to modify our commitment, and the commitment remains. The commitment remains. We are going to be doing background checks, instantaneous background checks, on all handguns as of July 1, 1998, and all long guns by no later than December 31, 1999. The only change is the change in the date with respect to long guns, and that comes as a result of the act of the Federal Congress, not an act of the General Assembly, not any action by the Pennsylvania State Police.

Senator SCHWARTZ. Mr. President, I will disagree with that later because we are actually now taking that action. We, in fact, could insist upon the implementation of an instant background check with the same modification of a slight inconvenience to those who have been found guilty of certain crimes having to wait a few days to get their long guns. So we are taking that action right now, and that is the decision we are making.

Let me just ask one final question. My interpretation of this then is that if a person goes into a gun store and chooses to try to buy a handgun, and the instant background check turns up a criminal background, that person will be denied the handgun but would easily be able to say, wait a minute, I know I am not going to be able to get a handgun, but there is no criminal background check at all on long guns. I can go next door to the next gun seller and I might not get my gun of first choice, I may not be carrying a handgun, I am going to have to buy a rifle. Now, I am not a hunter, but I want a gun and I cannot buy one because I have to have a criminal background check and it showed on that that I could not get it so I could not buy it here. I am going to have to come back and hope that another clerk is there who does not remember me from the day before and I will ask for a rifle. And that criminal in the Commonwealth of Pennsylvania, because of what we will do this afternoon, will be able to buy a long gun but be refused a handgun. Is that correct? Is that scenario really correct? That is my last question.

Senator PICCOLA. Mr. President, well, I would suggest the lady is describing a very unrealistic scenario. I do not own any guns myself, but it is my understanding that people purchase a variety of different kinds of guns for a variety of different purposes. Handguns are primarily purchased for personal and self-protection as well as perhaps target practice and the like. Those kinds of uses are not consistent with the uses for which long guns are purchased, which are primarily sporting activities, hunting, and the like. So I doubt very seriously whether such an individual who is denied because of a flag with the handgun, assuming for the moment that the individual has some nefarious purpose in mind, is going to want to purchase a long gun to carry out whatever that purpose happens to be. It seems to me that if a person is intent and bent upon criminal conduct with a firearm of any kind, whether it be a long gun or a handgun, they are not going to go through the lawful processes to acquire such a weapon, they are going to go through the many unlawful areas of acquisition - black market

or theft - and acquire such a weapon for the purposes of criminal conduct.

Senator SCHWARTZ. Mr. President, I thank the gentleman. That ends my interrogation. I want to make some comments.

Mr. President, let me just start with the last comment. The fact is that we are conceding that it is okay with us for a criminal to buy a long gun in this Commonwealth, that while he might choose to buy it illegally, we are saying to criminals in this Commonwealth, you cannot legally buy a handgun, but you can legally buy rifles and long guns. Doing an instant background check for law-abiding citizens who have never been found guilty of any crime, they are not inconvenienced by an instant background check. If we were to implement an instant background check for long guns, for all those hunters who are buying rifles who have never been convicted of a crime, they will not be inconvenienced. They would be able to go to their favorite gun store, or anywhere, and be able to buy a gun, have an instant background check come up clean, and they will be able to buy a gun.

So the notion that this in any way is inconvenient to law-abiding citizens or that criminals only get their guns illegally, tell that to the people who were on the Long Island Railroad, or someone who has actually been shot by someone who bought a gun legally, is completely unacceptable.

We have an opportunity and we will be implementing, quote, "instant background check" for handguns on July 1, 1998. We have agreed, and I did not comfortably agree on this, that we would not inconvenience people by waiting or have the police put at any risk by a post-purchase retrieval of weapons for criminals. But we are ready in this State to implement an instant background check. The only inconvenience for people buying long guns would be if they were found guilty of a misdemeanor, and that is because people do get shot in domestic violence situations. And if they have a criminal background that shows that they have been found guilty of domestic violence, we have made a decision in this country that they should not be able to buy guns legally, and that is a good decision, and most of us understand that some inconvenience is useful in assuring public safety.

I think many of us wish that we did not have to worry about gun violence. Many of us assume that it would never happen in our communities, but when it does it is an incredible tragedy, and some inconvenience. And there are a lot of inconveniences that we get put through because of our worry about violence, whether it is in an airport and we walk through a detection device, or whether our baggage has to get checked, or now we are even seeing in Philadelphia schools we have to walk through to make sure there are not guns taken into schools, or laws we pass all the time here to make sure that children are safer in schools by a zero tolerance for guns. We are still too worried about a slight inconvenience, not for law-abiding citizens in this case, because clearly they are not going to be inconvenienced at all. We are only potentially going to inconvenience a few people who have been found guilty of misdemeanors that may not have been around domestic violence. They may have only beaten up a neighbor. They may have beaten up somebody in a bar. They may be prone to

violence, but it has not been in a situation of domestic violence. We have agreed that they may still be able to purchase guns.

But we have said we want to be safer in this world, and with the prevalence of guns in our society, in Philadelphia, because of a change in the law in 1995 and opening up the permits for anyone to carry a concealed weapon without cause, we have gone from 1,500 gun permits in the city of Philadelphia to over 12,000.

Now, many say to me, and I hear it, people are buying guns for self-protection, and we are going to accept that. I wanted to offer an amendment that went back to at least saying they ought to know how to use the gun. They ought to be able to demonstrate some competence so that they do not get hurt and their children do not get hurt. I wanted to introduce an amendment that said if you have children in the home, you have a responsibility as a gunowner, and I am told all the time that gunowners are very responsible people, that they ought to keep their guns in a locked cabinet or have a trigger lock if they have young children at home. Now maybe that would only save a few children's lives in this Commonwealth, but I can tell you they matter and we ought to care about doing that.

And instead, the other side of the aisle decided that it is better not to have to vote against those amendments, because I think they understand that the people in Pennsylvania, even those who have guns in their homes for show or for use, do not want those guns used for violence. They do not want their kids using those guns, they do not want their children being hurt by those guns, they do not want those guns being stolen, and they want a safer world. And as much as we are willing to say it is acceptable to buy and to own guns, the very least we can do is to assure the citizens of Pennsylvania that we are not going to legally sell guns to known criminals.

And the vote this afternoon is not a small one. We are saying we are willing to sell guns for another year and half, having postponed it twice before, through no fault of our own, we are going to continue to say it is okay to sell guns to criminals in the Commonwealth of Pennsylvania. It is in spite of dedicating money for this purpose to an instant background check. It is in spite of the head of the State Police saying it was possible to do this a year and a half ago. We are going to postpone it yet again. I think it is unacceptable for us to say that to our citizens in Pennsylvania, that we will not help you be safer, we will not help gun owners be responsible. We will not inconvenience those who have been found guilty of misdemeanors by asking them to wait a couple of days to find out that they were not convicted of a misdemeanor that was domestic violence.

I know that my colleagues tell me that I do not completely understand how important guns are in the Commonwealth of Pennsylvania. I do not think that is true. I can understand that guns are interesting, they are great to maybe hold and display. I think they are awfully fun to shoot when you are on a range or for hunting purposes. And I respect hunters. But there is no reason why we should contribute in any way to helping criminals buy guns, whether they are handguns or long guns, and it is not unacceptable. We should demand that the State Police get that software program and get it going and get it going

fast. July 1, 1998, is the right date for an instant background check for handguns and for long guns, and every one of us should vote to defeat this legislation this afternoon, because I do not want to be an accomplice in helping a criminal get a long gun in this Commonwealth.

Thank you very much.

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

Senator PICCOLA. Mr. President, I have to disagree very strongly with the lady's characterization that this legislation is saying that it is, and I think I am paraphrasing her accurately, okay to sell guns to criminals in Pennsylvania. She is painting this issue with a very, very broad brush. First of all, the problem that she encounters is with her definition of criminal. Anyone who commits a summary offense, if you get a speeding ticket, technically you have violated the criminal laws of the Commonwealth. A summary offense is a criminal offense. A misdemeanor is a criminal offense.

We have never said in the Commonwealth of Pennsylvania that we are not going to allow people with minor criminal offenses to own and possess and purchase firearms. That has never been the commitment of this Commonwealth. We have said, and we did say in 1995, that we would not permit individuals who are guilty of certain enumerated felonies and certain enumerated misdemeanors, and they are all set forth in section 6105, subsection (b), of Pennsylvania's Firearms Law, the offenses are enumerated to prevent those who commit them from owning firearms. We committed, given the availability of the technology, in 1995 that by 1998 we would be in a position where all licensed firearms dealers would be able to determine through a computer instantaneous background check whether or not a prospective purchaser of any firearm in Pennsylvania had committed one of these offenses, and that is possible as of today.

However, as I have indicated in my response to the lady's inquiry, something happened between 1995 and today, 1998, that was out of the control of the Pennsylvania General Assembly and was out of the control of the Pennsylvania State Police, and that was the enactment by the Federal Congress of a law that said no one convicted of any offense that had to do with domestic violence should be allowed to purchase a firearm. And that law resulted in the FBI's computer system flagging all misdemeanors, whether that misdemeanor has anything to do with a domestic violence offense, whether it is on our enumerated list of crimes, or whether it is not. And that does not then permit our instantaneous background check system to accurately and instantaneously, and that is the key word, instantaneously, determine whether the individual who wants to purchase that particular firearm has committed any of the enumerated offenses that would prevent him from lawfully owning a firearm in Pennsylvania.

In order to do that instantaneously, we are going to have to do an additional bit of work on the hardware and software in the computer field. I am far from an expert in that area and cannot speak to the technicalities of that, but I am told that it will take in excess of another year for the Pennsylvania State Police to be in the position to make that kind of a check in-

stantaneously. And we will be doing that. That is the commitment of this bill, that is the commitment of the Commonwealth of Pennsylvania, that will be the commitment of this statute when it is enacted into law.

We cannot do it now for handguns. However, because handguns are already subject to a 5-day waiting period, it seems appropriate that we continue, in force and effect, the attempt to instantaneously flag certain offenses and then do the manual backup, the manual check on anyone flagged for a misdemeanor to determine whether they are or are not eligible to purchase a handgun in the Commonwealth of Pennsylvania.

Now this will be the system by the end of 1999, and I think it will be a good system, and it will flag certain people and it will prevent firearms from going into the hands of certain individuals. But I do not think that any system, whether it be an instantaneous background system or any other form of gun control, is the answer to the misuse of firearms in the hands of criminals. As I indicated in my earlier remarks in response to some of the lady's questions, those who are intent upon violating the laws of this Commonwealth, committing crimes here in Pennsylvania with firearms, will do so whether or not we have an instantaneous background check, whether we have any background check, whether they have to go to a licensed dealer or not. They will acquire those weapons and commit those offenses no matter what we do here in Pennsylvania relative to this particular statute. There are other ways of addressing that issue through our law enforcement system and making sure we have the strongest possible deterrent system that we can to make sure criminal conduct is adequately punished.

But with respect to this system in Pennsylvania, with respect to the instantaneous background check, this law, this amendment that we are enacting to the firearms statute, is in keeping with our commitment in 1995 to the people of Pennsylvania to develop an instantaneous background check to keep, as much as possible, all firearms out of the hands of individuals who have committed the most serious offenses here in the Commonwealth of Pennsylvania and now including those that directly relate to domestic violence. This amendment is needed in order for that system to work properly, to work fairly, and to work in the best interests of all Pennsylvanians, and I urge that we concur in the amendments.

Thank you, Mr. President.

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

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

YEA-42

Afflerbach	Hart	Mowery	Stout
Armstrong	Helfrick	Murphy	Thompson
Belan	Holl	Musto	Tilghman
Bell	Jubelirer	O'Pake	Tomlinson
Conti	Kasunic	Piccola	Uliana
Corman	Kukovich	Punt	Wagner
Costa	LaValle	Rhoades	Wenger
Delp	Lemmond	Robbins	White
Earll	Loeper	Salvatore	Wozniak

Gerlach Madigan Slocum
Greenleaf Mellow Stapleton

NAY-5

Hughes Schwartz Tartaglione Williams
Kitchen

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

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

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

**BILL ON THIRD CONSIDERATION
AND FINAL PASSAGE**

HB 1108 (Pr. No. 3647) — 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.

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

On the question,
Shall the bill pass finally?

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

YEA-47

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

NAY-0

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

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

SENATE RESOLUTION ADOPTED

Senators RHOADES, HELFRICK, WOZNIAK, GREEN-LEAF, STAPLETON, AFFLERBACH, BELAN, LAVALLE, SALVATORE, THOMPSON, STOUT, TOMLINSON, CONTI, LEMMOND, WHITE, HUGHES LOEPER, O'PAKE,

MUSTO, MELLOW and HART, by unanimous consent, offered **Senate Resolution No. 206**, entitled:

A Resolution designating Saturday, June 20, 1998, as "Rivers Day" in this Commonwealth in recognition of the value of Pennsylvania's rivers and streams and the efforts of Pennsylvania citizens who are committed to preserving water resources.

Which was read, considered and adopted.

ANNOUNCEMENTS BY THE SECRETARY

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

SENATE OF PENNSYLVANIA

COMMITTEE MEETINGS

WEDNESDAY, JUNE 3, 1998

9:30 A.M.	LAW AND JUSTICE (to consider the nomination of Robert P. Fohl to the PA Liquor Control Board)	Room 461 Main Capitol
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MONDAY, JUNE 8, 1998

12:30 P.M.	Consumer Protection and Professional Licensure (to consider PUC Final Electric Regulations No. 57-185, 57-187, 57-188, 57-190, 57-191, 57-192 and 57-193)	Majority Caucus Rm.
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PETITIONS AND REMONSTRANCES

(Continued)

Senator MELLOW. Mr. President, I would like to be recognized, if we could return to Petitions and Remonstrances, please.

The PRESIDENT pro tempore. I want you to know, with the indulgence of the Chair, we have already done that, Senator, but we will return to the order of business of Petitions and Remonstrances because you asked so nicely.

The Chair recognizes the gentleman from Lackawanna, Senator Mellow.

Senator MELLOW. Thank you very much, Mr. President. I am not sure that you will share that same statement once I conclude my remarks.

The PRESIDENT pro tempore. That is probably true.

Senator MELLOW. However, Mr. President, I would have liked to have been able to give them immediately upon the conclusion of the remarks given by Senator Costa, but I realize that we did have to go to our Supplemental Calendar.

Mr. President, yesterday's Philadelphia Inquirer and today's Associated Press features yet another story about how members of the Governor's \$50,000 fundraising club continue to reap the benefits of their close political affiliation with the Governor. According to the latest story, Mr. President, the State's Board of Probation and Parole, as well as the State Human Relations Commission's regional office, will soon be housed in a building co-owned by the family of Alex Grass, the former chairman of Rite Aid Corporation. As we know, Mr. President, Mr. Grass is a charter member of the Governor's \$50,000 Club.

What is even more disturbing, Mr. President, is the fact that the Ridge administration officials were quoted as saying that the bid for the lease, which will total more than \$10 million over a 10-year period of time, was not the lowest bid that had been submitted. I would like to believe that this Governor and this administration have the best interests of Pennsylvanians at heart when making decisions about how to spend the taxpayer's hard-earned dollar. But, Mr. President, this lease arrangement is part of a larger pattern of the wealthy friends of Governor Tom Ridge becoming the even wealthier friends of Governor Tom Ridge, and that pattern is beginning to send a message that Pennsylvania is for sale to the highest political contributor.

Mr. President, it sends a message that those who invest in the Friends of Tom Ridge Committee will be guaranteed a return on their dollar that will surely be even better than the best run mutual fund. It sends a message, Mr. President, that only after this administration takes care of its friends will it then look to put the remaining tax dollars to work for the rest of us. Clearly, Mr. President, this is not how we should be running our State government. Of course, this is not the first time that the elite, specifically those connected to Rite Aid Corporation, have benefitted from their donations to the Ridge campaign.

As we found out last year, Mr. President, when the Philadelphia Inquirer took a closer look at the Governor's \$50,000 Club, more than half of the members of this elite group have received something from the State, whether it be a coveted seat on a State board or commission, a grant, or hundreds of thousands of dollars in legal fees. Perhaps, Mr. President, the most blatant example was the recent contract awarded with a \$13 million value to Eagle Managed Care, which, by the way, is a subsidiary of Rite Aid, to operate the State's prescription drug benefit program. This occurred despite the fact that Eagle Managed Care did not offer the lowest bid and was not even included in the initial list of finalists for the contract.

Mr. President, this latest office lease deal, combined with the questionable decision to award the prescription drug contract to a subsidiary of Rite Aid Corporation, makes one wonder if perhaps we should not be changing the name of our Commonwealth. Maybe, Mr. President, instead of the signs when you come into Pennsylvania which say, quote, "Welcome to Pennsylvania," perhaps those road signs at our State borders should be changed to read, "Welcome to Pennsylvania, make your check out to the Friends of Tom Ridge Committee and you will do just fine," end of quote.

I hope that is not the case, Mr. President. And I look forward to the day when the working families of this great State of ours, of this Commonwealth, are the ones who benefit first from their hard-earned tax dollars. At the very least, Mr. President, this Governor and this administration need to work very hard to rebuild the trust that the citizens of this Commonwealth once had in their State government. Unfortunately, the ongoing pattern of rewarding those who generate the most campaign cash will do nothing to rebuild that trust, and I am afraid, Mr. President, that will take years to regain.

Thank you very much.

The PRESIDING OFFICER (Noah W. Wenger) in the Chair.

The PRESIDING OFFICER. The Chair recognizes the gentleman from Delaware, Senator Loeper.

Senator LOEPER. Mr. President, just very briefly in response to the Minority Leader, I believe that if one were to peruse that article a little further than what the gentleman had indicated, they would also find that there was nothing in the practices as described in that article that were any different from past practices during the previous administration as far as the awarding of leases was concerned for buildings for State purposes. I think the article also went ahead to describe in some detail that in fact there was nothing wrong with the practice that had taken place and in fact even quoted a competitor who was bidding for lease space. When asked if he thought there was any influence at all exercised because of a campaign contribution, the gentleman indicated absolutely there was not, and this was a competitor who lost the bid.

Mr. President, I think there certainly was no deviation from past practice as far as the awarding of these leases was concerned, and I think to impugn the integrity of anyone who may have been participating in that process is just not justified.

Thank you, Mr. President.

The PRESIDING OFFICER. The Chair recognizes the gentleman from Lackawanna, Senator Mellow.

Senator MELLOW. Mr. President, just in a brief response to Senator Loeper, I did read the article. I do not recall in the article any reference to the previous administration. I do recall in the article where it stated that a competitor who was also trying to get the lease said that they did not really see anything wrong with the lease being awarded to Rite Aid. But when we are in public office we are held to a different standard of accountability. When we are those individuals who have been given the public trust, we must avoid even the appearance of impropriety.

Now, Mr. President, when you have an individual who is a member of the Governor's \$50,000 Club, and so that we understand, the \$50,000 club is made up basically of people, many of whom are lobbyists, many of them are friends of the Governor, who have pledged to give the Governor \$50,000 each toward his reelection. And when that same individual receives two multi-million dollar contracts in a short period of time, one being a \$10 million, 10-year lease on a building that he co-owned with other people, and the other being a \$13 million contract for a prescription drug program in the Commonwealth when they were not even considered to be a finalist, there is certainly the appearance of impropriety, because it was given to an individual who in his own right is a member of the \$50,000 club, money pledged to the Governor for his reelection, and many other individuals who are related in some fashion to that same corporation who also will benefit indirectly, if not directly, from the \$10 million lease and from the \$13 million prescription drug program. So that same group of individuals, that same corporation in the past year has been given \$23 million worth of contracts from the Ridge administration.

Now, I wonder, first of all, if John Q. Public or Joe Six-pack, if you will, if that individual who works every day, gets paid on a W-2 has not benefitted from the tremendous tax reductions that Governor Ridge has given the wealthiest of wealthy corporations in the Commonwealth. The Governor campaigned in the primary election and ran a radio and TV ad extensively in the district that I come from and said that he cut taxes by \$2 billion. Well, as I traveled throughout my district in many parts of northeastern Pennsylvania, I asked people at events that we attended, the Governor is saying that he cut taxes by \$2 billion, have your taxes been reduced by one penny, or in fact have your local taxes increased because the amount of money that we should be giving to school districts to operate their school budgets, given the fact that we are supposed to be a partnership and a partnership should mean that 50 percent of that budget comes from State government, have any of your taxes been reduced? And in every instance, Mr. President, every individual I talked to, their personal income taxes have not been reduced by one dime, yet their local property taxes have increased significantly.

And the point that must be made in discussing this issue with the \$50,000 club is that if you have given the Governor \$50,000 toward his campaign reelection, you did not just give that money because the Governor is a nice guy, and I am not saying that he is not a nice person or that you like the way he dresses, you have given that money to the individual because you expect consideration in potentially having something given back to you. And if nothing else, Mr. President, you are giving that money because you want access to the administration, you want to have access to the Governor of the Commonwealth of Pennsylvania, and you want to try to the best of your ability to be able to use persuasive powers to get what you would like to benefit your corporation.

In this particular case, Mr. President, the Eagle Managed Care organization received a \$13 million contract when they were not on the final list given to the Governor for consideration. And furthermore, the building in downtown Harrisburg which is going to house several State agencies, including Probation and Parole, was given a lease when it has been stated by the Governor's own people that they were not the low bid. So if that is not preferential treatment to a \$50,000-plus contributor, I do not know what is.

And if we follow the rest of the article that Senator Loeper talked about, it not only talked about Mr. Grass as far as the kind of money that he contributed, but it talked about other people, and I am not going to mention names on the floor of this Senate, because I do not know if that is really the appropriate thing to do, about the hundreds of thousands of dollars that these same individuals have contributed to the reelection of Governor Ridge.

I think it is only important that the people of Pennsylvania and those who watch the televised Sessions of the Senate on PCN, the Pennsylvania Cable Network, that they understand full well that they do not have the same opportunity and they do not have the same willingness to be able to work with an administration by giving them substantial amounts of campaign contributions where they cannot benefit and receive a \$23

million contract, in total, that we are aware of, over the past year.

So it is important, Mr. President, that people outside of Harrisburg know exactly what is taking place. It is important that they know that the wealthy friends of the Governor of Pennsylvania are becoming the wealthier friends of the Governor of Pennsylvania, based on contracts that are to be given by the Ridge administration, and in this particular case to Rite Aid Corporation, which would love to see us go into privatization and divest from the LCB so they could benefit tremendously from a divestiture. That corporation alone has received \$23 million for a contract to run a prescription program and, in this particular case, to lease building space that they have for \$10 million over the next 10 years.

It is just important for the people of Pennsylvania to know who is benefitting from the Ridge administration, because that poor taxpayer, that poor Joe Six-pack, that poor fellow and lady who go to work every day in the week and get paid on a W-2 and they cannot show any bit of income to take care of certain types of business expenses where they can write off some income, that individual has not received one dime's worth of a tax reduction over the last 3 years. All they have received is local tax increases to fund local education and to fund local government, because State government here in Harrisburg has cut back by at least 5 percentage points in the amount of money that has been given back to school districts, even though this year, Mr. President, our surplus could exceed \$600 million. The poor working class people and the working families of Pennsylvania have not received one dime's worth of tax reduction from the Commonwealth of Pennsylvania, but the very affluent individuals and those heavy contributors to the Ridge administration and those members of the \$50,000 club, giving the Governor a \$50,000 contribution and raising that kind of money for him, have received tremendous benefits from the Governor of the Commonwealth of Pennsylvania, and it is important that the working people of this State and our working families know that.

Thank you very much, Mr. President.

The PRESIDING OFFICER. The Chair recognizes the gentleman from Montgomery, Senator Greenleaf.

Senator GREENLEAF. Mr. President, I rise to thank the Senate for passing a procedure that will allow a safer and less costly and more efficient manner in conducting arraignments for criminal defendants in the Pennsylvania courts. At the present time, arraignments are a procedure in which an individual is brought before the court to determine whether they have an attorney, whether they are pleading guilty or not guilty. The charges are read to that individual. It is usually a short procedure sometime between the preliminary hearing and the actual trial. But it is a necessary procedure in our Rules of Criminal Procedure, and many times there is a risk of public safety of individuals escaping during this procedure if they are imprisoned when they are transported from the county prison or State prison to the local courthouse for arraignment, and it is also a costly procedure.

This bill that we have just passed would amend the Judicial Code to place within a statute setting the option for the county

president judge to establish a procedure for electronic arraignment in county courts. The use of audio-video arraignments can save counties thousands of dollars. In fact, the Montgomery County sheriff who suggested this legislation to me has estimated that a quarter of a million dollars could be saved in Montgomery County by this method annually. It is not mandatory. It would allow the president judge to adopt such a procedure. It also guarantees the defendant the right to communicate with his attorney, as well as to be seen by the judge and ask questions of the court if they would have any questions to be asked.

There are a number of other States which have adopted this procedure, and there are a number of counties in Pennsylvania which are anxious to use this cost-saving procedure, and the Senate has accomplished something significant in regard to helping counties to save money in their criminal justice system.

Thank you.

The PRESIDING OFFICER. The Chair recognizes the gentleman from Allegheny, Senator Wagner.

Senator WAGNER. Mr. President, I would like to take a few minutes to comment on the primary election held 2 weeks ago, actually 2 weeks to the day, and particularly on the record-setting low voter turnout we saw here in Pennsylvania.

Mr. President, when I was growing up I remember my parents going to the polls on election day, and their generation, who had fought in World War II and Korea, and their parents who had fought in World War I, and they and their friends and relatives were proud to participate in the democracy of free elections. They felt that it was a duty and an honor to go out and vote. My parents' generation truly believed that the privilege to live in this country was for the people to decide who their leaders would be. Our parents, Mr. President, in turn, passed that sense of privilege on to all of us.

And, Mr. President, knowing how important voting was to past generations and to many of us, I was surprised, and to tell you the truth, heartsick, at the poor voter turnout that occurred 2 weeks ago on May 19. Mr. President, statewide only 15 percent of the State's 3.5 million registered Democrats voted. That is approximately slightly over 500,000 registered Democrats out of 3.5 million who voted in an election that would determine who the Democratic nominee would be running for Governor. On the other side of the aisle, Mr. President, only 19 percent of the State's 3 million Republicans voted, again slightly more than 500,000, when there was a very important primary election for the Republicans to determine who would be running for the United States Senate seat with the incumbent Senator Specter running. That is not to mention every congressional seat that was up for reelection in the Commonwealth, half of the Senate seats in this Chamber, and every House of Representatives' seat also.

Mr. President, sadly, it was the lowest voter turnout in three decades, the lowest voter turnout in over 30 years in Pennsylvania. Five out of six registered voters stayed at home a couple of weeks ago. And when you really look at the total number of 12 million residents, just slightly more than a million people voted in the Commonwealth of Pennsylvania, really a very depressing turnout about our process.

In my county, Mr. President, Allegheny County, the turnout was not much better, and we had a referendum on the ballot that impacted the future of Allegheny County, a change in government that would determine the way county government would be structured for years to come. People simply did not rush out to the polls to express their opinion on an issue that was so vital to our future, and the election was so close that the difference really was 600 votes, or less than one vote per district really determined the outcome of that very important referendum.

Mr. President, I do not understand this trend of voter apathy that exists, and while I certainly do not profess to have any clear answers as to how we can get people more interested in participating in their government, I do know that we need to examine what is happening. We need to take a thorough look at why people are not voting. I repeat, why they are not voting. Do incumbents have such an advantage that people think they cannot be beaten, so they do not bother going to the polls and voting? Is the two-party system really stifling independent voters who believe they lack the numbers to effectively influence an election?

Or how about the primary system itself? Maybe that has to be looked at because that is what we are talking about 2 weeks ago. Is it outdated? Should it be opened to third-party candidates in the primary? Is the media negatively impacting the election process? Is it how government functions, or may I say how government does not function that is causing low voter turnouts? Is it the whole money issue, as has been just discussed by the Senator from Lackawanna County, that is discouraging to voters in this Commonwealth? Is it simply that the public has lost confidence in many ways about government? These are some of the questions I believe we need to ask ourselves as individuals and collectively here in the Senate and the House of Representatives and the executive office.

Mr. President, I would like to believe that our students are being taught the significance of our country's electoral process and that they are being prepared to take an interest, and upon graduation at the age of 18 are registering to vote and voting. But we know in fact that is not occurring. Really, some of the lowest voter turnout in terms of age of the populace are the younger people. So we really have a more severe problem when we see that young people are not voting, and we should be more concerned about the future simply because of the young people not participating.

Mr. President, we need look no further than the recent election that took place in Ireland. The country is desperate to have what we have right here in the United States, a free and open democracy. And to prove it, close to 80 percent of the population in Ireland, both the Republic of Ireland and Northern Ireland, came out to vote. I, and I am sure you and all of us here, would like to see that same kind of enthusiasm in Pennsylvania, and I am sure that can happen if we begin to address and analyze the problem. And maybe we need to do that by creating a commission, a certain committee of State government, or something to analyze the problem before it gets worse and worse and worse.

Mr. President, coincidentally, last week was Memorial Day, and we all know what Memorial Day is. It is a day to remember those who have given their lives to our country. And since the year 1776, when this country was initiated, millions of Americans have given their lives for freedom, for democracy, but I would say also, and most importantly, for the right to vote, something that many countries in this world do not have. They would be saddened to know that the voter turnout 2 weeks ago was so poor.

Mr. President, I am simply standing here today to raise the question and to raise the issue that we should be looking at this issue because it is so important. And really when you look at all the issues that we deal with here in the Senate and the General Assembly in the Commonwealth, this may in fact be the most important one, because if we do not have the public involved in government, which is their government, government is not going to work in their best interest. So I suggest, standing here today, that we take a look at that, that we in some way determine how we can get the public more involved in the process.

Thank you, Mr. President.

ADJOURNMENT

Senator LOEPER. Mr. President, I move that the Senate do now adjourn until Wednesday, June 3, 1998, at 10 a.m., Eastern Daylight Saving Time.

The motion was agreed to.

The Senate adjourned at 5:35 p.m., Eastern Daylight Saving Time.