

COMMONWEALTH OF PENNSYLVANIA

Legislative Journal

TUESDAY, JANUARY 25, 2000

SESSION OF 2000

184TH OF THE GENERAL ASSEMBLY

No. 3

SENATE

TUESDAY, January 25, 2000

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

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

PRAYER

The following prayer was offered by the Secretary of the Senate, Hon. MARK R. CORRIGAN:

Eternal and ever living God, our source of all love, strength, and mercy, pour down Your spirit upon the Members and staff of this Senate of Pennsylvania. Bless us with the clear, open, and discerning minds to properly address the issues confronting us today. May what is decided and enacted be in accordance with Your will and a credit to Your kingdom in this world. Amen.

JOURNAL APPROVED

The PRESIDENT pro tempore. A quorum of the Senate being present, the Clerk will read the Journal of the preceding Session of January 24, 2000.

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

HOUSE MESSAGE

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.

DISCHARGE PETITION

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

January 25, 2000

A PETITION

To place before the Senate the nomination of Joseph H. Tucker, Jr. Esq., as a member of the Pennsylvania Human Relations Commission.

TO: The President Officer of the Senate:

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

Raphael J. Musto
Robert J. Mellow
Leonard J. Bodack
Michael A. O'Pake
Richard A. Kasunic
J. Barry Stout

The PRESIDENT pro tempore. The communication will be laid on the table.

REPORTS FROM COMMITTEES

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

SB 705 (Pr. No. 765) (Rereported)

An Act amending the act of June 24, 1931 (P.L.1206, No.331), entitled The First Class Township Code, further providing for compensation.

SB 707 (Pr. No. 767) (Rereported)

An Act amending the act of June 24, 1931 (P.L.1206, No.331), entitled The First Class Township Code, further providing for certain reimbursement.

SB 709 (Pr. No. 769) (Rereported)

An Act amending the act of February 1, 1966 (1965 P.L.1656, No.581), entitled The Borough Code, further providing for borough councils' and mayors' salaries.

SB 710 (Pr. No. 770) (Rereported)

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

SB 711 (Pr. No. 775) (Rereported)

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 the State Association of Township Supervisors.

Senator GERLACH, from the Committee on Local Government, reported the following bills:

HB 182 (Pr. No. 2314)

An Act authorizing the Department of Community and Economic Development to adopt a program of training, examination and continuing education of elected auditors.

HB 1423 (Pr. No. 1677)

An Act amending the act of June 26, 1931 (P.L.1379, No.348), referred to as the Third Class County Assessment Board Law, further providing for changing assessed valuation when a property is improved.

HB 1424 (Pr. No. 2863) (Amended)

An Act amending the act of May 21, 1943 (P.L.571, No.254), known as The Fourth to Eighth Class County Assessment Law, further providing for changes in valuation, for issuance of a building permit and for information on improvements; and increasing a penalty.

HB 1635 (Pr. No. 2000)

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, authorizing clerks of courts of common pleas to increase certain fees and to impose automation fees.

Senator WHITE, from the Committee on Environmental Resources and Energy, reported the following bills:

SB 664 (Pr. No. 720)

An Act amending the act of November 26, 1978 (P.L.1375, No.325), entitled, as amended, Dam Safety and Encroachments Act, abolishing annual charges for the use of the Commonwealth's submerged lands; and making an editorial change.

SB 1088 (Pr. No. 1613) (Amended)

An Act amending the act of July 6, 1989 (P.L.169, No.32), entitled, as amended, Storage Tank and Spill Prevention Act, reenacting authority for a certain allocation under the Underground Storage Tank Environmental Cleanup Program.

HB 393 (Pr. No. 2864) (Amended)

An Act amending Title 27 (Environmental Protection) of the Pennsylvania Consolidated Statutes, providing for participation in environmental law or regulation and for costs in mining proceedings.

HB 2057 (Pr. No. 2865) (Amended)

An Act amending the act of May 19, 1995 (P.L.43, No.4), known as the Industrial Sites Environmental Assessment Act, providing for

definitions, for performance-based loans and for annual reports; and making editorial changes.

EXECUTIVE NOMINATIONS**EXECUTIVE SESSION**

Motion was made by Senator SALVATORE,
That the Senate do now resolve itself into Executive Session for the purpose of considering certain nominations made by the Governor.

Which was agreed to.

NOMINATIONS TAKEN FROM TABLE

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

The Clerk read the nominations as follows:

**MEMBER OF THE PENNSYLVANIA
COUNCIL ON AGING**

August 9, 1999

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, Wilma M. Toth, 623 S. Main Street, Burgettstown 15021, Washington County, Forty-sixth Senatorial District, for reappointment as a member of the Pennsylvania Council on Aging, to serve until May 24, 2001 and until her successor is appointed and qualified.

THOMAS J. RIDGE
Governor

**MEMBER OF THE ANIMAL HEALTH AND
DIAGNOSTIC COMMISSION**

November 23, 1999

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, Jack C. Post, R.D. 4, Box 18, Centerville 16404, Crawford County, Fiftieth Senatorial District, for reappointment as a member of the Animal Health and Diagnostic Commission, to serve for a term of four years and until his successor is appointed and qualified, but not longer than six months beyond that period.

THOMAS J. RIDGE
Governor

**MEMBER OF THE ANIMAL HEALTH AND
DIAGNOSTIC COMMISSION**

November 23, 1999

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, John C. Simms, V.M.D., 15154 Burnt Mill Road, Shippensburg 17257, Franklin County, Thirty-third Senatorial District, for reappointment as a member of the Animal Health and Diagnostic Commission, to serve for a term of four years and until his successor is appointed and qualified, but not longer than six months beyond that period.

THOMAS J. RIDGE
Governor

**MEMBER OF THE PENNSYLVANIA CANCER
CONTROL, PREVENTION AND RESEARCH
ADVISORY BOARD**

November 29, 1999

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Patricia Halpin Murphy, 1019 Ingram Court, Ambler 19002, Montgomery County, Twelfth Senatorial District, for appointment as a member of the Pennsylvania Cancer Control, Prevention and Research Advisory Board, to serve for a term of four years and until her successor is appointed and qualified, vice Samuel S. Bruner, Swarthmore, whose term expired.

THOMAS J. RIDGE
Governor

**MEMBER OF THE STATE BOARD
OF CHIROPRACTIC**

November 22, 1999

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, Samuel A. Barvinchack, D.C., 11142 Williamsport Pike, Greencastle 17225, Franklin County, Thirty-third Senatorial District, for appointment as a member of the State Board of Chiropractic, to serve for a term of four years or until his successor is appointed and qualified, but not longer than six months beyond that period, vice Donald J. Maher, D.C., Ronks, whose term expired.

THOMAS J. RIDGE
Governor

**MEMBER OF THE BOARD OF TRUSTEES
OF CLARKS SUMMIT STATE HOSPITAL**

December 15, 1999

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, James A. Mancuso, Jr., 479 Route 106, Greenfield Township 18407, Lackawanna County, Twenty-second Senatorial District, for appointment as a member of the Board of Trustees of Clarks Summit State Hospital, to serve until the third Tuesday of January 2001, and until his successor is appointed and qualified, vice James A. Mancuso, Sr., deceased.

THOMAS J. RIDGE
Governor

**MEMBER OF THE PENNSYLVANIA HISTORICAL
AND MUSEUM COMMISSION**

September 9, 1999

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, James M. Adovasio, Ph.D., 4676 White Pine Drive, Erie 16506, Erie County, Forty-ninth Senatorial District, for reappointment as a member of the Pennsylvania Historical and Museum Commission, to serve until the third Tuesday of January 2003 and until his successor is appointed and qualified.

THOMAS J. RIDGE
Governor

**MEMBER OF THE PENNSYLVANIA INDUSTRIAL
DEVELOPMENT AUTHORITY**

August 12, 1999

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Robert L. Pitts, 1335 Franklin Avenue, Pittsburgh 15221, Allegheny County, Thirty-eighth Senatorial District, for reappointment as a member of the Pennsylvania Industrial Development Authority, to serve until July 24, 2004 and until his successor is appointed and qualified.

THOMAS J. RIDGE
Governor

**MEMBER OF THE MUNICIPAL POLICE OFFICERS'
EDUCATION AND TRAINING COMMISSION**

December 20, 1999

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, Stephen L. Margeson, 199A Acre Drive, Carlisle 17013, Cumberland County, Thirty-first Senatorial District, for appointment as a member of the Municipal Police Officers' Education and Training Commission, to serve until February 21, 2002 and until his successor is appointed and qualified, vice Dennis W. McMaster, Shippensburg, resigned.

THOMAS J. RIDGE
Governor

**MEMBER OF THE MUNICIPAL POLICE OFFICERS'
EDUCATION AND TRAINING COMMISSION**

December 15, 1999

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Thomas Frederick Rockenbach,

Jr., 4708 Woodlake Drive, Allison Park 15101, Allegheny County, Fortieth Senatorial District, for appointment as a member of the Municipal Police Officers' Education and Training Commission, to serve until February 21, 2002 and until his successor is appointed and qualified, vice Maribeth J.R. Bucher, Mechanicsburg, whose term expired.

THOMAS J. RIDGE
Governor

**MEMBER OF THE BOARD OF TRUSTEES
OF NORRISTOWN STATE HOSPITAL**

December 22, 1999

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Raymond M. Catton, M.D., 45 Ridge Road, Phoenixville 19460, Chester County, Forty-fourth Senatorial District, for appointment as a member of the Board of Trustees of Norristown State Hospital, to serve until the third Tuesday of January 2005, and until his successor is appointed and qualified, vice Patricia J. Baldwin, York, resigned.

THOMAS J. RIDGE
Governor

**MEMBER OF THE BOARD OF TRUSTEES
OF NORRISTOWN STATE HOSPITAL**

December 22, 1999

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, Charles C. Rocco, 2877 Wood View Drive, Hatfield 19440, Montgomery County, Twenty-fourth Senatorial District, for appointment as a member of the Board of Trustees of Norristown State Hospital, to serve until the third Tuesday of January 2005, and until his successor is appointed and qualified, vice Sally S. Thomas, Telford, whose term expired.

THOMAS J. RIDGE
Governor

**MEMBER OF THE STATE BOARD OF EXAMINERS
OF NURSING HOME ADMINISTRATORS**

December 10, 1999

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, Barry S. Ramper, II, 3001 Rose Hill Road, Harrisburg 17110, Dauphin County, Fifteenth Senatorial District, for reappointment as a member of the State Board of Examiners of Nursing Home Administrators, to serve for a term of four years or until his successor is appointed and qualified, but not longer than six months beyond that period.

THOMAS J. RIDGE
Governor

**MEMBER OF THE STATE BOARD
OF OPTOMETRY**

November 29, 1999

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, Quentin R. Orlando, O.D., 1024 W. 22nd Street, Erie 16502, Erie County, Forty-ninth Senatorial District, for reappointment as a member of the State Board of Optometry, to serve for a term of four years and until his successor is appointed and qualified, but not longer than six months beyond that period.

THOMAS J. RIDGE
Governor

**COMMONWEALTH TRUSTEE OF THE UNIVERSITY
OF PITTSBURGH--OF THE COMMONWEALTH
SYSTEM OF HIGHER EDUCATION**

November 23, 1999

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, The Honorable Samuel A. McCullough, Old Lauer's Lane, Wyomissing 19610, Berks County, Forty-eighth Senatorial District, for reappointment as a Commonwealth Trustee of the University of Pittsburgh--of the Commonwealth System of Higher Education, to serve until October 5, 2003, and until his successor is appointed and qualified.

THOMAS J. RIDGE
Governor

**MEMBER OF THE STATE BOARD OF EXAMINERS
IN SPEECH-LANGUAGE AND HEARING**

December 22, 1999

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Linda G. Trabucco (Public Member), 3 Douglass Lane, Chester Springs 19425, Chester County, Forty-fourth Senatorial District, for reappointment as a member of the State Board of Examiners in Speech-Language and Hearing, to serve for a term of three years and until her successor is appointed and qualified, but not longer than six months beyond that period.

THOMAS J. RIDGE
Governor

**MEMBER OF THE BOARD OF TRUSTEES OF
THADDEUS STEVENS COLLEGE OF TECHNOLOGY**

July 23, 1999

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, Stephen L. Ralston, 2240 Bob White Lane, Lancaster 17601, Lancaster County, Thirteenth Senatorial District, for reappointment as a member of the Board of Trustees of Thaddeus Stevens College of Technology, to serve until the third Tuesday of January 2005, and until his successor is appointed and qualified.

THOMAS J. RIDGE
Governor

MEMBER OF THE BOARD OF TRUSTEES OF
WERNERSVILLE STATE HOSPITAL

June 22, 1999

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Andrew T. Porzio, Jr., 230 South Queen Street, Lancaster 17603, Lancaster County, Thirteenth Senatorial District, for appointment as a member of the Board of Trustees of Wernersville State Hospital, to serve until the third Tuesday of January 2005, and until his successor is appointed and qualified, vice John W. Murphy, Jr., Reading, resigned.

THOMAS J. RIDGE
Governor

MEMBER OF THE LACKAWANNA COUNTY
BOARD OF ASSISTANCE

December 15, 1999

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, Josephine B. Mazza (Republican), 120 E. Garfield Avenue, Carbondale 18407, Lackawanna County, Twenty-second Senatorial District, for appointment as a member of the Lackawanna County Board of Assistance, to serve until December 31, 2001, and until her successor is appointed and qualified, vice David Z. Smith, resigned.

THOMAS J. RIDGE
Governor

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

LEGISLATIVE LEAVES

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

Senator LOEPER. Mr. President, before we have a roll-call vote on these nominations, I request a legislative leave for today's Session on behalf of Senator Wenger.

The PRESIDENT pro tempore. Senator Loeper requests a legislative leave for today's Session for Senator Wenger. Without objection, that leave will be granted.

The Chair recognizes the gentleman from Lackawanna, Senator Mellow.

Senator MELLOW. Mr. President, I request legislative leaves for Senator Belan, Senator O'Pake, Senator Schwartz, and Senator Williams.

The PRESIDENT pro tempore. Senator Mellow requests legislative leaves for Senator Belan, Senator O'Pake, Senator Schwartz, and Senator Williams. Without objection, those leaves will be granted.

And the question recurring,
Will the Senate advise and consent to the nominations?

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

YEA-49

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

NAY-0

A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.
Ordered, That the Governor be informed accordingly.

LEAVE OF ABSENCE

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

EXECUTIVE SESSION RISES

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

The motion was agreed to.

CALENDAR

BILL ON CONCURRENCE IN
HOUSE AMENDMENTS AS AMENDED

SENATE CONCURS IN HOUSE AMENDMENTS
AS AMENDED

SB 818 (Pr. No. 1611) -- The Senate proceeded to consideration of the bill, entitled:

An Act regulating certain transfers of structured settlement payments.

On the question,
Will the Senate concur in the amendments made by the House, as amended by the Senate, to Senate Bill No. 818?

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. 818.

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-49

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

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

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

SB 1109 -- Without objection, the bill was passed over in its order at the request of Senator LOEPER.

BILLS OVER IN ORDER

SB 359 and **SB 380** -- Without objection, the bills were passed over in their order at the request of Senator LOEPER.

SECOND CONSIDERATION CALENDAR

BILLS OVER IN ORDER

SB 805, SB 1184, HB 1970 and **HB 1971** -- Without objection, the bills were passed over in their order at the request of Senator LOEPER.

SENATE RESOLUTION ADOPTED

Senators SALVATORE, TARTAGLIONE, PICCOLA, TOMLINSON, COSTA, WHITE, JUBELIRER, STAPLETON, WAGNER, BRIGHTBILL, MELLOW, THOMPSON, FUMO, BODACK, WOZNIAK, HELFRICK, WENGER, TILGHMAN, GERLACH, SLOCUM, SCHWARTZ, LOEPER, HOLL,

MUSTO, MURPHY, O'PAKE, BELL, KUKOVICH, HART, MADIGAN, DENT, BELAN, BOSCOLA and LAVALLE, by unanimous consent, offered **Senate Resolution No. 128**, entitled:

A Resolution declaring the week of January 30 through February 5, 2000, as "Catholic Schools Week" in this Commonwealth.

On the question,
Will the Senate adopt the resolution?

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

Senator SALVATORE. Mr. President, I would like to observe that week because Catholic schools provide young people with solid values and good academic skills, which are needed to become responsible citizens of this Commonwealth and this nation. Please join me in congratulating them on their accomplishments.

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

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

RESOLUTION INTRODUCED AND REFERRED

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

Senator MELLOW. Mr. President, I ask for unanimous consent for immediate consideration of the following censure resolution, and I ask that the Clerk read the resolution in its entirety.

The PRESIDENT pro tempore. The Chair recognizes the gentleman from Lebanon, Senator Brightbill.

Senator BRIGHTBILL. Mr. President, we do not agree to unanimous consent.

The PRESIDENT pro tempore. There is not unanimous consent. There is objection. Therefore, this resolution would not be in order at this time.

Senator MELLOW. Mr. President, I ask that the resolution be read to the Members of the Senate before we deal with unanimous consent.

The PRESIDENT pro tempore. Senator Mellow, it would be out of order at this time because there was an objection to it.

MOTION TO SUSPEND RULE XXX

Senator MELLOW. Mr. President, I realize that Senator Brightbill did object to unanimous consent for immediate consideration of the censure resolution. Therefore, Mr. President, I move that Rule XXX dealing with resolutions be suspended for the purpose of dealing with the resolution immediately.

The PRESIDENT pro tempore. Senator Mellow moves that Rule XXX of the Senate rules be suspended for the purpose of offering the resolution. A motion is on the floor. An "aye" vote is to suspend the rule; a "nay" vote is to object to the suspension of the rule, and the matter is not debatable.

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

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

YEA-20

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

NAY-28

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

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

The PRESIDENT pro tempore. The Chair recognizes the gentleman from Lebanon, Senator Brightbill.

Senator MELLOW. Mr. President.

Senator BRIGHTBILL. Mr. President, I move that the resolution be referred to the Committee on Rules and Executive Nominations--

Senator MELLOW. Mr. President. Mr. President.

The PRESIDENT pro tempore. Senator Brightbill has the floor, Senator Mellow.

Senator MELLOW. Mr. President, I would like to be recognized as a continuation--

The PRESIDENT pro tempore. The Chair recognizes Senator Brightbill.

Senator BRIGHTBILL. Mr. President.

Senator MELLOW. Mr. President, I would like to be recognized as a privilege of the house, Mr. President.

The PRESIDENT pro tempore. Senator Brightbill, you are recognized.

Senator MELLOW. Mr. President, I would like to be recognized--

Senator BRIGHTBILL. Mr. President, I move that the resolution--

Senator MELLOW. --as a privilege of the house.

The PRESIDENT pro tempore. Senator Mellow, you are out of order.

Senator BRIGHTBILL. --be referred to the Committee on Ethics and Official Conduct.

The PRESIDENT pro tempore. Senator Brightbill has been recognized.

Senator MELLOW. Mr. President, you can only stonewall for so long. I want to be recognized as a privilege of the house.

The PRESIDENT pro tempore. The Senate will come to order.

Senator Brightbill.

Senator BRIGHTBILL. Thank you, Mr. President.

Mr. President, I move that the resolution be referred to the Committee on Ethics and Official Conduct.

Senator MELLOW. Mr. President, I want to be recognized as a privilege of the house so that we can deal with the conduct of a Member of the Senate. Mr. President, you cannot continue to stonewall.

The PRESIDENT pro tempore. Senator Mellow, you are out of order.

Senator MELLOW. Mr. President, you are out of order for not allowing us to discuss the issue I want to discuss under the privilege of the house, Mr. President.

The PRESIDENT pro tempore. Senator Mellow, I have recognized Senator Brightbill. At the end of whatever he does, you will have the opportunity to be recognized. In the meantime--

Senator MELLOW. Mr. President, he is going to move to adjourn because he wants to run away from the issue. We do not want to run away from the issue, Mr. President.

The PRESIDENT pro tempore. Senator Mellow, there is not an adjournment motion on the floor.

Senator MELLOW. Mason's Manual, Mr. President, talks about the privilege of the house--

The PRESIDENT pro tempore. Senator Brightbill is recognized.

Senator MELLOW.--and we want to deal with the privilege of the house, Mr. President, not run from the issue.

The PRESIDENT pro tempore. Senator Brightbill.

Senator BRIGHTBILL. Thank you, Mr. President.

Mr. President, I move that the resolution be referred to the Committee on Ethics and Official Conduct.

The PRESIDENT pro tempore. It has been moved by Senator Brightbill that the resolution just offered be referred to the Committee on Ethics and Official Conduct.

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

Senator MELLOW. Mr. President.

The PRESIDENT pro tempore. The Chair recognizes Senator Mellow.

Senator MELLOW. Mr. President, based on Rule XXX, which was not suspended and is in order, before you can refer that resolution to a committee, "The following resolutions after they have been read, shall be referred to an appropriate committee...." Mr. President, the resolution has not been read to the Members of the Senate, and I would like the resolution read by the Clerk in toto.

The PRESIDENT pro tempore. The Senate will be at ease. (The Senate was at ease.)

The PRESIDENT pro tempore. On advice from the Parliamentarian, I am advised that there is no right of a Member to have that resolution read. Past practice has been such that the resolutions have been referred by number only, and that is not a right of any Member, Senator. You are free to challenge the ruling of the Chair.

Senator MELLOW. Mr. President, I would like to--

The PRESIDENT pro tempore. The short title.

RULING OF THE CHAIR APPEALED

Senator MELLOW. Mr. President, I would like to do that. I would like to challenge the ruling of the Chair with regard to the resolution directing the censure of Senator William L. Slocum.

The PRESIDENT pro tempore. Senator Mellow challenges the ruling of the Chair. An "aye" vote sustains the Chair; a "no" vote would overturn the ruling of the Chair.

On the question—

Senator BRIGHTBILL. Mr. President.

The PRESIDENT pro tempore. There is no debate. The Clerk will call the roll.

Senator BRIGHTBILL. Mr. President, could we stand at ease.

The PRESIDENT pro tempore. The Senate will stand at ease. (The Senate was at ease.)

The PRESIDENT pro tempore. The Chair recognizes the gentleman from Lebanon, Senator Brightbill.

Senator BRIGHTBILL. Mr. President, the ruling of the Chair is correct, but in this instance the Majority would waive that and agree to an actual reading of the resolution.

The PRESIDENT pro tempore. There being no objection raised by Senator Brightbill, again the ruling as advised by the Parliamentarian I believe was appropriate; nevertheless, there being no objection, the Clerk is free to read the resolution.

The Clerk read the resolution as follows:

A RESOLUTION

Directing the censure of Senator William L. Slocum.

WHEREAS, Senator William L. Slocum was indicted by a United States grand jury in the Western District of the United States District Court for Pennsylvania alleging seven felony counts of violations of the Clean Water Act (62 Stat. 1155, 33 U.S.C. § 1251 et seq.); and

WHEREAS, The violations of the Clean Water Act alleged in the indictment occurred during the period 1983 to 1995 when Senator William L. Slocum served as a public employee for the Borough of Youngsville, Pennsylvania, and included the discharge of raw sewage into Brokenstraw Creek, a navigable water of this Commonwealth specifically under the protection of the Clean Water Act; and

WHEREAS, The discharge of raw sewage and sewage sludge was in direct violation of the Clean Water Act and the regulatory permit issued to the Borough of Youngsville for the operation of its municipal sewage treatment facility; and

WHEREAS, Clean water in tributaries such as Brokenstraw Creek is essential for the health and safety of the citizens of this Commonwealth, for fish and wildlife which thrive on the many and varied streams and waterways in this Commonwealth and for domesticated animals and livestock which are an important part of the agricultural economy of this Commonwealth; and

WHEREAS, Agriculture is the number one industry in this Commonwealth, with more than 51,000 farms cultivating more than 8 million acres in crops and pastures, nearly one-third of the land area in this Commonwealth, and generating more than \$3.6 billion annually in product sales; and

WHEREAS, Tourism, which features the use of Commonwealth waterways and forests in the form of boating, fishing, hunting, camping and hiking, is the number two industry in this Commonwealth, with nearly 465,000 tourism-related jobs generating \$37 billion annually in economic activity; and

WHEREAS, The discharge of pollutants in the form of raw sewage and sewage sludge in violation of Federal law and in amounts exceed-

ing permitted requirements is detrimental to the health, safety and well-being of the citizens of this Commonwealth, the health, safety and protection of agricultural animals and livestock and the rights of all citizens to the enjoyment of the environment; and

WHEREAS, Pursuant to section 11 of Article II of the Constitution of Pennsylvania, the Senate adopted rules governing its proceedings for the 1999-2000 session; and

WHEREAS, Senate Rule XV authorizes the President pro tempore to appoint members to the standing committees of the Senate; and

WHEREAS, Senator William L. Slocum entered a plea agreement with the United States District Court and the United States Attorney for the Western District of Pennsylvania which included guilty pleas to six counts of violations of the Clean Water Act (62 Stat. 1155, 33 U.S.C. § 1251 et seq.) on Tuesday, January 18, 2000; therefore be it

RESOLVED, That, pursuant to section 11 of Article II of the Constitution of Pennsylvania, the Senate does hereby censure Senator William L. Slocum for his admitted criminal violations of the Clean Water Act (62 Stat. 1155, 33 U.S.C. § 1251 et seq.) as such violations tend to bring the Senate of Pennsylvania into dishonor and disrepute; and be it further

RESOLVED, That, pursuant to section 11 of Article II of the Constitution of Pennsylvania, the Senate remove Senator William L. Slocum from his position as chairman of the Committee on Agriculture and Rural Affairs, for his admitted criminal violations of the Clean Water Act (62 Stat. 1155, 33 U.S.C. § 1251 et seq.), which demonstrate a serious lack of concern and respect for the agricultural community's need for clean water; and be it further

RESOLVED, That, pursuant to section 11 of Article II of the Constitution of Pennsylvania, the Senate does hereby remove Senator William L. Slocum from his membership on the Committee on Game and Fisheries, for his admitted criminal violations of the Clean Water Act (62 Stat. 1155, 33 U.S.C. § 1251 et seq.), which demonstrate a serious lack of respect and concern for the waterways of this Commonwealth which provide a habitat for many species of fish, reptiles and amphibians which are regulated by that committee; and be it further

RESOLVED, That, pursuant to section 11 of Article II of the Constitution of Pennsylvania, the Senate remove Senator William L. Slocum from his membership on the Committee on Appropriations, the Committee on Community and Economic Development and the Committee on Local Government, for his admitted criminal violations of the Clean Water Act (62 Stat. 1155, 33 U.S.C. § 1251 et seq.), which demonstrate a serious lack of respect and concern for the health and welfare of the citizens of this Commonwealth who require safe water sources and effective management of local water resource pollution control facilities; and be it further

RESOLVED, That, pursuant to section 11 of Article II of the Constitution of Pennsylvania, the Senate remove Senator William L. Slocum as a representative of the Senate and member of the Pennsylvania Hardwoods Development Council, the Animal Health and Diagnostic Commission, the Agriculture Fair Advisory Board and the Agriculture Advisory Board to the Department of Environmental Protection; and be it further

RESOLVED, That the Senate hereby directs the President pro tempore that hereafter, Senator William L. Slocum not be appointed to any standing, select or special committee of the Senate; any joint committee of the General Assembly of Pennsylvania; or any agency, authority, board or commission to which the Senate, the President pro tempore or any other officer of the Senate may make such appointments.

The PRESIDENT pro tempore. On the motion to refer the resolution to the Senate Committee on Ethics and Official Conduct, all in favor say "aye"; opposed, "no."

And the question recurring,

Will the Senate agree to the motion?

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

The PRESIDENT pro tempore. The "ayes" have it and the motion is carried.

The Chair recognizes the gentleman from Lebanon, Senator Brightbill.

Senator MELLOW. Mr. President.

Senator BRIGHTBILL. Mr. President, I move that the Senate do now--

Senator MELLOW. Mr. President, on the roll call, we would like to be recorded in the negative--

The PRESIDENT pro tempore. Senator Brightbill was recognized, Senator. I am sorry.

Senator MELLOW. You put the roll call through before we had an opportunity on this side of the aisle to tell you that we would like 20 Members voting in the negative. That is all, Mr. President, and then Senator Brightbill can adjourn the Senate.

The PRESIDENT pro tempore. Senator Mellow, I asked--

Senator MELLOW. And if anybody would like to change their vote based on the resolution, they can do that.

The PRESIDENT pro tempore. Senator, I will put the motion before the body.

Senator MELLOW. Thank you very much, Mr. President.

The PRESIDENT pro tempore. It was not my responsibility to be at your desk.

Senator MELLOW. No, Mr. President, but it is your responsibility to give us time to respond to the vote.

RECONSIDERATION OF VOTE

The PRESIDENT pro tempore. Senator Mellow moves to reconsider the vote by which the voice vote was taken on the motion by Senator Brightbill. All in favor of reconsideration say "aye"; opposed, "no." The "ayes" have it.

The question before the body is will the body agree to the motion by Senator Brightbill to refer the matter of the resolution to the Committee on Ethics and Official Conduct.

And the question recurring,

Will the Senate agree to the motion?

The PRESIDENT pro tempore. On the question, the Clerk will call the roll.

Senator MELLOW. Mr. President.

The PRESIDENT pro tempore. Before the Clerk calls the roll, the Chair recognizes the gentleman from Lackawanna, Senator Mellow.

Senator MELLOW. Mr. President, I would just like the Members on this side of the aisle to vote "no." We think it is important that we do our business right now. This does not have to go to a--

The PRESIDENT pro tempore. The Clerk will call the roll. This is not debatable, Senator.

Senator MELLOW. --a committee.

The PRESIDENT pro tempore. The Clerk will call the roll.

Senator MELLOW. Mr. President, we would ask for a "no" vote.

The PRESIDENT pro tempore. Is there any objection to taking the previous roll call?

Senator MELLOW. Mr. President, there is no objection unless, as I said, after reading the resolution someone would like to change their vote.

And the question recurring,

Will the Senate agree to the motion?

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

YEA-28

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

NAY-20

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

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

The PRESIDENT pro tempore. The vote on the motion to refer the resolution to the Committee on Ethics and Official Conduct, the "ayes" are 28; the "nays" are 20. The motion is carried.

ADJOURNMENT

Senator BRIGHTBILL. Mr. President, in light of the inclement weather, the snow, I now move that the Senate do adjourn until Monday, January 31, 2000, at 2 p.m.

The PRESIDENT pro tempore. It has been moved by Senator Brightbill that the Senate do now adjourn until Monday, January 31, 2000, at 2 p.m., Eastern Standard Time. All those in favor of the motion--

Senator MELLOW. Mr. President, I request a roll-call vote on the adjournment motion.

On the question,

Will the Senate agree to the motion?

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

YEA-28

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

NAY-20

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

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

The PRESIDENT pro tempore. The vote on adjournment, "ayes" are 28; the "nays" are 20. The Senate will adjourn until Monday, January 31, 2000, at 2 p.m., Eastern Standard Time.

The Senate adjourned at 4:17 p.m., Eastern Standard Time.