

COMMONWEALTH OF PENNSYLVANIA
Legislative Journal

THURSDAY, JUNE 21, 2001

SESSION OF 2001 185TH OF THE GENERAL ASSEMBLY

No. 42

SENATE

THURSDAY, June 21, 2001

The Senate met at 2:30 p.m., Eastern Daylight Saving Time.

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

PRAYER

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

Heavenly Father, we pause this afternoon to thank You for the beauty of life and this day. Send us a measure of Your spirit, Your blessings, and guidance, that all our efforts during this hectic time of year may serve to the greater glory of You and Your people. Amen.

JOURNAL APPROVED

The PRESIDENT. A quorum of the Senate being present, the Clerk will read the Journal of the preceding Session of June 20, 2001.

The Clerk proceeded to read the Journal of the preceding Session, when, on motion of Senator BRIGHTBILL, and agreed to by voice vote, further reading was dispensed with and the Journal was approved.

COMMUNICATIONS FROM THE GOVERNOR

NOMINATION REFERRED TO COMMITTEE

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

JUDGE, COURT OF COMMON PLEAS,
NORTHAMPTON COUNTY

June 21, 2001

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, Edward G. Smith, Esquire, 5522 Kesslersville Road, Easton 18040, Northampton County, Eighteenth Senatorial District, for appointment as Judge of the Court of Common

Pleas of Northampton County, to serve until the first Monday of January 2002, vice The Honorable James C. Hogan, resigned.

THOMAS J. RIDGE
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:

JUDGE, COURT OF COMMON PLEAS,
NORTHAMPTON COUNTY

June 21, 2001

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated March 27, 2001 for the appointment of Edward G. Smith, Esquire, 5522 Kesslersville Road, Easton 18040, Northampton County, Eighteenth Senatorial District, as Judge of the Court of Common Pleas of Northampton County, to serve until the first Monday of January 2002, vice The Honorable James C. Hogan, resigned.

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

THOMAS J. RIDGE
Governor

HOUSE MESSAGES

HOUSE CONCURS IN SENATE BILLS

The Clerk of the House of Representatives returned to the Senate **SB 811** and **926**, with the information the House has passed the same without amendments.

LEAVES OF ABSENCE

Senator BRIGHTBILL asked and obtained leaves of absence for Senator SCARNATI and Senator HELFRICK, for today's Session, for personal reasons.

CALENDAR

HB 673 CALLED UP OUT OF ORDER

HB 673 (Pr. No. 2368) -- Without objection, the bill was called up out of order, from page 4 of the Third Consideration

Calendar, by Senator BRIGHTBILL as a Special Order of Business.

**BILL ON THIRD CONSIDERATION
AND FINAL PASSAGE**

HB 673 (Pr. No. 2368) -- The Senate proceeded to consideration of the bill, entitled:

An Act authorizing and directing the Department of Transportation, with the approval of the Governor, to convey to Scranton School District two parcels of land situated in the City of Scranton, Lackawanna County, Pennsylvania; authorizing and directing the Department of General Services, with the approval of the Governor, to grant and convey to Smithfield Township or its assigns certain lands situate in Smithfield Township, Huntingdon County; and making a repeal.

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

On the question,
Shall the bill pass finally?

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

YEA-48

| | | | |
|------------|-----------|----------|----------------|
| Armstrong | Gerlach | Mellow | Stout |
| Bell | Greenleaf | Mowery | Tartaglione |
| Bodack | Holl | Murphy | Thompson |
| Boscola | Hughes | Musto | Tilghman |
| Brightbill | Jubelirer | O'Pake | Tomlinson |
| Conti | Kasunic | Orie | Wagner |
| Corman | Kitchen | Piccola | Waugh |
| Costa | Kukovich | Punt | Wenger |
| Dent | LaValle | Rhoades | White, Donald |
| Earll | Lemmond | Robbins | White, Mary Jo |
| Erickson | Logan | Schwartz | Williams |
| Fumo | Madigan | Stack | 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.

RECESS

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

Senator BRIGHTBILL. Mr. President, at this time I request a recess of the Senate for the purpose of a Republican caucus, which will begin immediately in the Majority Caucus Room.

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

Senator MELLOW. Mr. President, I request that upon recess of the Senate, the Democratic Members report to our caucus room.

The PRESIDENT. For purposes of a Republican caucus to be conducted in the Majority Caucus Room, and a Democratic caucus at the rear of the Senate, both caucuses to begin immediately following this announcement, without objection, the Senate stands in recess.

AFTER RECESS

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

CONSIDERATION OF CALENDAR RESUMED

**SENATE RESOLUTION No. 91
CALLED UP OUT OF ORDER, ADOPTED**

Senator BRIGHTBILL, without objection, called up from page 8 of the Calendar, as a Special Order of Business, **Senate Resolution No. 91**, entitled:

A Resolution urging the President of the United States to have the Secretary of the Army designate the planned museum to be built as part of the Army Heritage Center in Carlisle, Cumberland County, Pennsylvania, as "The U.S. Army Museum."

On the question,
Will the Senate adopt the resolution?

LEGISLATIVE LEAVE

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

Senator MELLOW. Mr. President, I request a temporary Capitol leave for Senator Bodack.

The PRESIDENT. Without objection, the leave is granted.

LEAVE OF ABSENCE

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

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

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

YEA-47

| | | | |
|------------|-----------|----------|----------------|
| Armstrong | Greenleaf | Mowery | Tartaglione |
| Bell | Holl | Murphy | Thompson |
| Bodack | Hughes | Musto | Tilghman |
| Boscola | Jubelirer | O'Pake | Tomlinson |
| Brightbill | Kasunic | Orie | Wagner |
| Conti | Kitchen | Piccola | Waugh |
| Costa | Kukovich | Punt | Wenger |
| Dent | LaValle | Rhoades | White, Donald |
| Earll | Lemmond | Robbins | White, Mary Jo |
| Erickson | Logan | Schwartz | Williams |
| Fumo | Madigan | Stack | Wozniak |
| Gerlach | Mellow | Stout | |

NAY-0

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

BILLS ON CONCURRENCE IN HOUSE AMENDMENTS AS AMENDED

SENATE CONCURS IN HOUSE AMENDMENTS AS AMENDED

SB 215 (Pr. No. 1243) -- 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; providing for a function of the Department of State; and making repeals.

On the question,

Will the Senate concur in the amendments made by the House, as amended by the Senate, to Senate Bill No. 215?

Senator BRIGHTBILL. 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. 215.

On the question,

Will the Senate agree to the motion?

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

YEA-47

| | | | |
|------------|-----------|----------|----------------|
| Armstrong | Greenleaf | Mowery | Tartaglione |
| Bell | Holl | Murphy | Thompson |
| Bodack | Hughes | Musto | Tilghman |
| Boscola | Jubelirer | O'Pake | Tomlinson |
| Brightbill | Kasunic | Orie | Wagner |
| Conti | Kitchen | Piccola | Waugh |
| Costa | Kukovich | Punt | Wenger |
| Dent | LaValle | Rhoades | White, Donald |
| Earll | Lemmond | Robbins | White, Mary Jo |
| Erickson | Logan | Schwartz | Williams |
| Fumo | Madigan | Stack | Wozniak |
| 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.

SENATE CONCURS IN HOUSE AMENDMENTS AS AMENDED

SB 379 (Pr. No. 1244) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of February 1, 1966 (1965 P.L.1656, No.581), known as The Borough Code, changing gender-specific refer-

ences to members of the governing body; further providing residency requirements for elective office, for vacancy appointments and for compensation of auditors; and making editorial changes.

On the question,

Will the Senate concur in the amendments made by the House, as amended by the Senate, to Senate Bill No. 379?

Senator BRIGHTBILL. 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. 379.

On the question,

Will the Senate agree to the motion?

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

YEA-47

| | | | |
|------------|-----------|----------|----------------|
| Armstrong | Greenleaf | Mowery | Tartaglione |
| Bell | Holl | Murphy | Thompson |
| Bodack | Hughes | Musto | Tilghman |
| Boscola | Jubelirer | O'Pake | Tomlinson |
| Brightbill | Kasunic | Orie | Wagner |
| Conti | Kitchen | Piccola | Waugh |
| Costa | Kukovich | Punt | Wenger |
| Dent | LaValle | Rhoades | White, Donald |
| Earll | Lemmond | Robbins | White, Mary Jo |
| Erickson | Logan | Schwartz | Williams |
| Fumo | Madigan | Stack | Wozniak |
| 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.

SENATE CONCURS IN HOUSE AMENDMENTS AS AMENDED

SB 793 (Pr. No. 1245) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of December 13, 1999 (P.L.905, No.57), known as the Drought, Orchard and Nursery Indemnity and Flood Relief Act, further providing for appropriations.

On the question,

Will the Senate concur in the amendments made by the House, as amended by the Senate, to Senate Bill No. 793?

Senator BRIGHTBILL. 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. 793.

On the question,

Will the Senate agree to the motion?

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

YEA-47

| | | | |
|------------|-----------|----------|----------------|
| Armstrong | Greenleaf | Mowery | Tartaglione |
| Bell | Holl | Murphy | Thompson |
| Bodack | Hughes | Musto | Tilghman |
| Boscola | Jubelirer | O'Pake | Tomlinson |
| Brightbill | Kasunic | Orie | Wagner |
| Conti | Kitchen | Piccola | Waugh |
| Costa | Kukovich | Punt | Wenger |
| Dent | LaValle | Rhoades | White, Donald |
| Earll | Lemmond | Robbins | White, Mary Jo |
| Erickson | Logan | Schwartz | Williams |
| Fumo | Madigan | Stack | Wozniak |
| 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.

BILLS ON CONCURRENCE IN HOUSE AMENDMENTS

SENATE CONCURS IN HOUSE AMENDMENTS

SB 597 (Pr. No. 1099) -- 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 county solicitors, for the time for the election of controllers in counties of the sixth, seventh and eighth classes and for authority to sell or lease real property.

On the question,
 Will the Senate concur in the amendments made by the House to Senate Bill No. 597?

Senator BRIGHTBILL. Mr. President, I move that the Senate do concur in the amendments made by the House to Senate Bill No. 597.

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

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

YEA-47

| | | | |
|------------|-----------|----------|----------------|
| Armstrong | Greenleaf | Mowery | Tartaglione |
| Bell | Holl | Murphy | Thompson |
| Bodack | Hughes | Musto | Tilghman |
| Boscola | Jubelirer | O'Pake | Tomlinson |
| Brightbill | Kasunic | Orie | Wagner |
| Conti | Kitchen | Piccola | Waugh |
| Costa | Kukovich | Punt | Wenger |
| Dent | LaValle | Rhoades | White, Donald |
| Earll | Lemmond | Robbins | White, Mary Jo |
| Erickson | Logan | Schwartz | Williams |
| Fumo | Madigan | Stack | Wozniak |
| 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.

SENATE CONCURS IN HOUSE AMENDMENTS

SB 877 (Pr. No. 1237) -- The Senate proceeded to consideration of the bill, entitled:

An Act establishing industrial resource centers within the Department of Community and Economic Development.

On the question,
 Will the Senate concur in the amendments made by the House to Senate Bill No. 877?

Senator BRIGHTBILL. Mr. President, I move that the Senate do concur in the amendments made by the House to Senate Bill No. 877.

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

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

YEA-47

| | | | |
|------------|-----------|----------|----------------|
| Armstrong | Greenleaf | Mowery | Tartaglione |
| Bell | Holl | Murphy | Thompson |
| Bodack | Hughes | Musto | Tilghman |
| Boscola | Jubelirer | O'Pake | Tomlinson |
| Brightbill | Kasunic | Orie | Wagner |
| Conti | Kitchen | Piccola | Waugh |
| Costa | Kukovich | Punt | Wenger |
| Dent | LaValle | Rhoades | White, Donald |
| Earll | Lemmond | Robbins | White, Mary Jo |
| Erickson | Logan | Schwartz | Williams |
| Fumo | Madigan | Stack | Wozniak |
| 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

BILLS OUT OF ORDER

Without objection, the bills on today's Third Consideration Calendar were called out of order by Senator BRIGHTBILL, as Special Orders of Business.

BILLS ON THIRD CONSIDERATION AND FINAL PASSAGE

HB 61 (Pr. No. 434) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of February 1, 1966 (1965 P.L.1656, No.581), known as The Borough Code, further providing for specific powers of boroughs relating to care and erection of memorials and municipal music.

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

| | | | |
|------------|-----------|----------|----------------|
| Armstrong | Greenleaf | Mowery | Tartaglione |
| Bell | Holl | Murphy | Thompson |
| Bodack | Hughes | Musto | Tilghman |
| Boscola | Jubelirer | O'Pake | Tomlinson |
| Brightbill | Kasunic | Orie | Wagner |
| Conti | Kitchen | Piccola | Waugh |
| Costa | Kukovich | Punt | Wenger |
| Dent | LaValle | Rhoades | White, Donald |
| Earll | Lemmond | Robbins | White, Mary Jo |
| Erickson | Logan | Schwartz | Williams |
| Fumo | Madigan | Stack | Wozniak |
| 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 return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

HB 168 (Pr. No. 435) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of May 25, 1945 (P.L.1050, No.394), known as the Local Tax Collection Law, providing for a basic education program for tax collectors.

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

| | | | |
|------------|-----------|----------|----------------|
| Armstrong | Greenleaf | Mowery | Tartaglione |
| Bell | Holl | Murphy | Thompson |
| Bodack | Hughes | Musto | Tilghman |
| Boscola | Jubelirer | O'Pake | Tomlinson |
| Brightbill | Kasunic | Orie | Wagner |
| Conti | Kitchen | Piccola | Waugh |
| Costa | Kukovich | Punt | Wenger |
| Dent | LaValle | Rhoades | White, Donald |
| Earll | Lemmond | Robbins | White, Mary Jo |
| Erickson | Logan | Schwartz | Williams |
| Fumo | Madigan | Stack | Wozniak |
| 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 return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

HB 186 (Pr. No. 2164) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, authorizing school districts to establish programs for awarding high school diplomas to certain military veterans.

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

| | | | |
|------------|-----------|----------|----------------|
| Armstrong | Greenleaf | Mowery | Tartaglione |
| Bell | Holl | Murphy | Thompson |
| Bodack | Hughes | Musto | Tilghman |
| Boscola | Jubelirer | O'Pake | Tomlinson |
| Brightbill | Kasunic | Orie | Wagner |
| Conti | Kitchen | Piccola | Waugh |
| Costa | Kukovich | Punt | Wenger |
| Dent | LaValle | Rhoades | White, Donald |
| Earll | Lemmond | Robbins | White, Mary Jo |
| Erickson | Logan | Schwartz | Williams |
| Fumo | Madigan | Stack | Wozniak |
| 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 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.

HB 413 (Pr. No. 2023) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of June 29, 1953 (P.L.304, No.66), known as the Vital Statistics Law of 1953, further providing for functions of the Department of Health involving birth registration.

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

| | | | |
|------------|-----------|----------|----------------|
| Armstrong | Greenleaf | Mowery | Tartaglione |
| Bell | Holl | Murphy | Thompson |
| Bodack | Hughes | Musto | Tilghman |
| Boscola | Jubelirer | O'Pake | Tomlinson |
| Brightbill | Kasunic | Orie | Wagner |
| Conti | Kitchen | Piccola | Waugh |
| Costa | Kukovich | Punt | Wenger |
| Dent | LaValle | Rhoades | White, Donald |
| Earll | Lemmond | Robbins | White, Mary Jo |
| Erickson | Logan | Schwartz | Williams |
| Fumo | Madigan | Stack | Wozniak |
| 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 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 AMENDED, OVER TEMPORARILY

HB 155 (Pr. No. 2195) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, adding and amending definitions; further providing for registration plates, for licensing of drivers, for driver's license violations, for commercial drivers, for obedience to and effect of traffic laws, for traffic-control devices, for right-of-way, for maximum speed limits, for rights and duties of pedestrians, for fleeing or attempting to elude police officer, for lighting equipment, for equipment of authorized and emergency vehicles, for inspection requirements and for enforcement; and providing for a shared-ride pilot program for persons with disabilities.

On the question,

Will the Senate agree to the bill on third consideration?

Senator WAUGH offered the following amendment No. A3246:

Amend Title, page 1, line 6, by inserting after "devices,": for restrictions of use of limited access highways,

Amend Sec. 4, page 5, line 16, by inserting after "~~3313(d)~~": , 3313(d)

Amend Sec. 4, page 9, by inserting between lines 14 and 15:

§ 3313. Restrictions on use of limited access highways.

(d) Driving in right lane.--[Vehicles shall be driven in the lane nearest the right-hand edge of the roadway, except when overtaking another vehicle, or for a distance of up to two miles in preparation for a left turn, or as directed by official traffic control devices, police officers or appropriately attired persons authorized to divert, control or regulate traffic.]

(1) Except as provided in paragraph (2) and unless otherwise posted, upon all limited access highways having two or more lanes for traffic moving in the same direction, all vehicles shall be driven in the right-hand lanes when available for traffic except when any of the following conditions exist:

(i) When overtaking and passing another vehicle proceeding in the same direction.

(ii) When traveling at a speed greater than the traffic flow.

(iii) When moving left to allow traffic to merge.

(iv) When preparing for a left turn at an intersection, exit or into a private road or driveway when such left turn is legally permitted.

(2) Unless otherwise posted, no vehicle or combination over 10,000 pounds may be driven in the left-hand lane of a limited access highway having three or more lanes for traffic moving in the same direction except when preparing for a left turn at an intersection, an exit or into a private road or driveway when such left turn is legally permitted.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

The PRESIDENT. House Bill No. 155, as amended, will go over in its order temporarily.

BILLS ON THIRD CONSIDERATION AND FINAL PASSAGE

SB 696 (Pr. No. 929) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of July 6, 1989 (P.L.169, No.32), known as the Storage Tank and Spill Prevention Act, providing for certain notification when there are releases from underground storage tanks.

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

| | | | |
|------------|-----------|----------|----------------|
| Armstrong | Greenleaf | Mowery | Tartaglione |
| Bell | Holl | Murphy | Thompson |
| Bodack | Hughes | Musto | Tilghman |
| Boscola | Jubelirer | O'Pake | Tomlinson |
| Brightbill | Kasunic | Orie | Wagner |
| Conti | Kitchen | Piccola | Waugh |
| Costa | Kukovich | Punt | Wenger |
| Dent | LaValle | Rhoades | White, Donald |
| Earll | Lemmond | Robbins | White, Mary Jo |
| Erickson | Logan | Schwartz | Williams |
| Fumo | Madigan | Stack | Wozniak |
| 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 present said bill to the House of Representatives for concurrence.

SB 907 (Pr. No. 1068) -- The Senate proceeded to consideration of the bill, entitled:

An Act designating a portion of SR 11 in Salem Township, Luzerne County as Salem Boulevard.

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

| | | | |
|------------|-----------|----------|----------------|
| Armstrong | Greenleaf | Mowery | Tartaglione |
| Bell | Holl | Murphy | Thompson |
| Bodack | Hughes | Musto | Tilghman |
| Boscola | Jubelirer | O'Pake | Tomlinson |
| Brightbill | Kasunic | Orie | Wagner |
| Conti | Kitchen | Piccola | Waugh |
| Costa | Kukovich | Punt | Wenger |
| Dent | LaValle | Rhoades | White, Donald |
| Earll | Lemmond | Robbins | White, Mary Jo |
| Erickson | Logan | Schwartz | Williams |
| Fumo | Madigan | Stack | Wozniak |
| 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 present said bill to the House of Representatives for concurrence.

SB 977 (Pr. No. 1221) -- 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 senior judge operational support grants.

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

| | | | |
|------------|-----------|----------|----------------|
| Armstrong | Greenleaf | Mowery | Tartaglione |
| Bell | Holl | Murphy | Thompson |
| Bodack | Hughes | Musto | Tilghman |
| Boscola | Jubelirer | O'Pake | Tomlinson |
| Brightbill | Kasunic | Orie | Wagner |
| Conti | Kitchen | Piccola | Waugh |
| Costa | Kukovich | Punt | Wenger |
| Dent | LaValle | Rhoades | White, Donald |
| Earll | Lemmond | Robbins | White, Mary Jo |
| Erickson | Logan | Schwartz | Williams |
| Fumo | Madigan | Stack | Wozniak |
| 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 present said bill to the House of Representatives for concurrence.

BILL AMENDED

SB 406 (Pr. No. 418) -- 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 sanctions for dilatory, obdurate and vexatious pleadings.

On the question,

Will the Senate agree to the bill on third consideration?

Senator THOMPSON offered the following amendment No. A3304:

Amend Title, page 1, lines 2 and 3, by striking out "providing for sanctions" in line 2, all of line 3 and inserting: establishing a cause of action for frivolous litigation; further providing for wrongful use of civil proceedings; and making an editorial change.

Amend Bill, page 1, lines 6 through 18; pages 2 and 3, lines 1 through 30; page 4, lines 1 through 12, by striking out all of said lines on said pages and inserting:

Section 1. Chapter 83 of Title 42 of the Pennsylvania Consolidated Statutes is amended by adding a subchapter to read:

**SUBCHAPTER E
FRIVOLOUS LITIGATION**

Sec.

- 8350.1. Frivolous litigation.
- 8350.2. Elements of cause of action.
- 8350.3. Procedure.
- 8350.4. Damages.
- 8350.5. Other remedies.
- 8350.6. Joint liability.

§ 8350.1. Frivolous litigation.

(a) Cause of action established.—There is established a separate cause of action for damages arising out of the filing of a frivolous civil complaint, counterclaim or joinder complaint by an attorney and the law firm of which the attorney is a member or by a party who is not represented by an attorney. The injured party must file this action in the same court and division where the original action or matter was filed. This action shall not be collateral to the original action and shall proceed without reference to its status.

(b) Time for filing action.—An action brought pursuant to this subchapter may be filed before the challenged proceeding on the civil complaint, counterclaim or joinder complaint is terminated.

(c) Relationship to other action.—The action established under this subchapter is a separate cause of action than that provided for under Subchapter E.1 (relating to wrongful use of civil proceedings). A person may not be precluded from bringing an action pursuant to Subchapter E.1 on the sole basis that the person first brought an action under this subchapter.

§ 8350.2. Elements of cause of action.

A complaint, counterclaim or joinder complaint shall be presumed to be not frivolous unless one of the following elements is proven by a preponderance of the evidence:

(1) the civil complaint, counterclaim or joinder complaint is presented primarily for an improper purpose, including, but not limited to, harassment, business interruption, intentional infliction of emotional distress or unwarranted pecuniary gain;

(2) the claims set forth in the civil complaint, counterclaim or joinder complaint are not warranted by existing law or by a reasonable argument for the extension, modification or reversal of existing law or the establishment of new law;

(3) the allegations and other factual contentions have no reasonable evidentiary support or are not likely to have reasonable evidentiary support, after a reasonable opportunity for further investigation or discovery; or

(4) the counterclaim or joinder complaint has no reasonable evidentiary support or is not likely to have reasonable evidentiary support, after a reasonable opportunity for further investigation or discovery.

§ 8350.3. Procedure.

(a) Notice to defendant.—Before filing an action under this subchapter, the plaintiff must notify the defendant in writing of the intention to file the action and attach a copy of the proposed complaint. Each recipient of the complaint shall have 20 days in which to withdraw or otherwise cure the civil complaint, counterclaim, or joinder complaint giving rise to the claim of frivolous litigation.

(b) Effect of withdrawal or cure.—If the civil complaint, counterclaim, or joinder complaint is withdrawn or otherwise cured, there shall be no basis for the cause of action, except that the plaintiff shall be entitled to recover court costs and reasonable attorney fees if the plaintiff files a motion for such recovery within 30 days of a withdrawal.

(c) Effect of recovery.—Recovery by an injured party under this chapter shall not preclude the injured party from recovering damages, other than reasonable attorney fees and court costs, pursuant to Subchapter E.1 (relating to wrongful use of civil proceedings).

§ 8350.4. Damages.

When any element set forth in section 8350.2 (relating to elements of cause of action) has been proven by a preponderance of the evidence, the injured party is entitled to recover the following:

(1) The harm normally resulting from any arrest or imprisonment or any dispossession or interference with the advantageous use of the injured party's land, chattels or other things suffered by the injured party during the course of the proceeding.

(2) The harm to the injured party's reputation by any defamatory matter relating to the proceeding.

(3) The cost of litigation, including, but not limited to, any reasonable attorney fees.

(4) Lost income that the injured party has incurred in defending himself.

(5) Any other pecuniary loss that has resulted from the proceeding.

(6) Any other noneconomic loss caused by the proceedings.

§ 8350.5. Other remedies.

Nothing in this subchapter shall be construed to preclude the court from exercising its inherent supervisory power or from imposing appropriate nonmonetary or monetary sanctions upon attorneys, law firms and unrepresented parties who have engaged in frivolous or bad faith litigation under existing law and rules of procedure.

§ 8350.6. Joint liability.

Absent exceptional circumstances, a law firm shall be held jointly responsible for a frivolous civil complaint, counterclaim or joinder complaint filed by attorneys of the firm.

Section 2. The heading of Subchapter E of Chapter 83 of Title 42 is amended to read:

SUBCHAPTER [E] E.1

WRONGFUL USE OF CIVIL PROCEEDINGS

Section 3. Section 8351 of Title 42 is amended by adding a subsection to read:

§ 8351. Wrongful use of civil proceedings.

(c) Relationship to other action.—The action established under this subchapter is a separate cause of action than that provided for under Subchapter E (relating to frivolous litigation). A person may not be precluded from bringing an action pursuant to this subchapter on the sole basis that the person first brought an action under Subchapter E.

Section 4. The provisions of this act are severable. If any provision of this act or its application to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of this act which can be given effect without the invalid provision or application.

Section 5. This act shall take effect in 60 days.

On the question,

Will the Senate agree to the amendment?

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

Senator THOMPSON. Mr. President, this amendment is similar to Senate Bill No. 961, which I introduced earlier this Session, which would make the filing of frivolous lawsuits a cause for civil action, allow damages to be assessed against attorneys who file the actions, and provide for damages to be awarded to the defendants who have been harmed by the actions. Unlike the Dragonetti statute, which allows for actions to be filed after the fact, this amendment would allow for the action to be brought during the proceedings.

With Senate Bill No. 566, which amends the Cat Fund, Senate Bill No. 406, as amended, will begin to address, and I repeat, begin to address, the serious issue raised by the physicians, health care professionals, and health care providers in the Commonwealth regarding soaring medical malpractice premiums and skyrocketing Cat Fund assessments.

This amendment has been a team effort with input from the Pennsylvania Chamber of Business and Industry, the National Federation of Independent Business, the Pennsylvania Medical Society, the Pennsylvania Orthopaedic Association, the Health Care Alliance of Pennsylvania, and the Pennsylvania Trial Lawyers, and numerous other groups. It also has the support of the Pennsylvania Academy of Family Practitioners, the Insurance Federation, and the Pennsylvania State Association of Township Supervisors.

I would just like to take a personal moment to thank the Members of Senator Brightbill's staff, Senator Gerlach's staff, and my own staff for their hard efforts over the last few days that went into this proposed legislation. And I would also like to take a minute to personally thank Senator Gerlach, who spent an awful lot of time in making this all happen, and I ask for an affirmative vote.

The PRESIDENT. The Chair recognizes the gentleman from Blair, Senator Jubelirer.

The PRESIDENT pro tempore. Mr. President, I think I would be remiss not to mention the efforts that have been put in on this bill by Senator Thompson, Senator Gerlach, and others. This is not something that happened overnight, but, frankly, they should get the miracle-of-the-year award for putting the groups together to come up with this very significant compromise. This bill is a major step toward reducing costs that certainly are in a frivolous suit situation, something that Senator Thompson, I know, has been involved in for more than a couple of years, and finally is going to come to fruition. I think this body and the people of Pennsylvania owe Senator Thompson and Senator Gerlach, their staffs, and the others who have worked on this legislation, a great debt of thanks.

Again, to put together the stakeholders that they have put together, frankly, is one heck of a piece of professional work that I certainly admire, and I want to thank them publicly for such an outstanding effort.

Thank you.

And the question recurring,
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 BRIGHTBILL.

**BILL REREPORTED FROM COMMITTEE AS
AMENDED, REVERTED TO PRIOR PRINTER'S No.,
ON THIRD CONSIDERATION AND FINAL PASSAGE**

HB 1697 (Pr. No. 2328) -- 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 the number of judges of the courts of common pleas in certain judicial districts and for limitations of actions.

On the question,
Will the Senate agree to the bill on third consideration?

Senator BRIGHTBILL. Mr. President, I request that House Bill No. 1697 go over in its order.

The PRESIDENT. Without objection, the bill will go over in its order.

The Chair recognizes the gentleman from Lackawanna, Senator Mellow.

Senator MELLOW. Mr. President, I object to House Bill No. 1697 going over in its order.

The PRESIDENT. Senator Mellow objects to the bill going over in its order.

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

**MOTION TO REVERT TO
PRIOR PRINTER'S No.**

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

Senator TARTAGLIONE. Mr. President, I move that we revert to prior Printer's No. 2094 on House Bill No. 1697.

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

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

The PRESIDENT. The Senate now has before it House Bill No. 1697, Printer's No. 2094.

On the question,
Will the Senate agree to the bill on third consideration?
It was 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-42

| | | | |
|------------|-----------|----------|----------------|
| Armstrong | Gerlach | Mowery | Thompson |
| Bell | Greenleaf | Murphy | Tilghman |
| Bodack | Holl | Musto | Tomlinson |
| Boscola | Hughes | Orie | Waugh |
| Brightbill | Jubelirer | Piccola | Wenger |
| Conti | Kasunic | Punt | White, Donald |
| Costa | Kukovich | Rhoades | White, Mary Jo |
| Dent | LaValle | Robbins | Williams |
| Earl | Lemmond | Schwartz | Wozniak |
| Erickson | Logan | Stack | |
| Fumo | Madigan | Stout | |

NAY-5

| | | | |
|---------|--------|-------------|--------|
| Kitchen | O'Pake | Tartaglione | Wagner |
| Mellow | | | |

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

Ordered, That the Secretary of the Senate return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

HB 155 CALLED UP

HB 155 (Pr. No. 2195) -- Without objection, the bill, which previously went over in its order temporarily as amended, was called up, from page 3 of the Third Consideration Calendar, by Senator BRIGHTBILL.

BILL AMENDED

HB 155 (Pr. No. 2195) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, adding and amending definitions; further providing for registration plates, for licensing of drivers, for driver's license violations, for commercial drivers, for obedience to and effect of traffic laws, for traffic-control devices, for right-of-way, for maximum speed limits, for rights and duties of pedestrians, for fleeing or attempting to elude police officer, for lighting equipment, for equipment of authorized and emergency vehicles, for inspection requirements and for enforcement; and providing for a shared-ride pilot program for persons with disabilities.

On the question,

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

Senator MADIGAN offered the following amendment No. A3302:

Amend Sec. 4, page 5, line 16, by inserting after "~~3313(d)~~": , 3113
Amend Sec. 4, page 9, by inserting between lines 14 and 15:
§ 3113. Pedestrian-control signals.

(a) General rule.—Whenever special pedestrian-control signals exhibiting words or symbols are in place, the signals shall indicate as follows:

(1) Word "Walk" or walking person symbol.—Pedestrians facing the signal should proceed across the roadway in the direction of the signal and shall be given the right-of-way by the drivers of all vehicles.

(2) Phrase "Don't Walk" or upraised hand symbol.—Pedestrians should not start to cross the roadway in the direction of the signal, but any pedestrian who has partially completed his crossing on the "Walk" signal should proceed to a sidewalk or safety zone while the "Don't Walk" signal is showing.

(3) Flashing "Walk".—Pedestrians facing the signal are cautioned that there is possible hazard from turning vehicles, but pedestrians may proceed across the roadway in the direction of the signal and shall be given the right-of-way by the drivers of all vehicles.

(4) Flashing "Don't Walk" Signal.—Pedestrians should not start to cross the roadway in the direction of the signal, but any pedestrian who has partly completed crossing during the "Walk" signal should proceed to a sidewalk or safety zone, and all drivers of vehicles shall yield to the pedestrian.

(b) Local regulation.—This section does not prohibit a municipality from establishing a summary offense for violation of subsection (a)(2) or (4).

(c) Penalties.—The driver of a vehicle who violates subsection (a) commits a summary offense and, upon conviction, shall be sentenced to pay a fine of \$50. This subsection shall not apply to those municipalities that establish a summary offense, as authorized under subsection (b) with a fine in excess of \$50.

Amend Sec. 5 (Sec. 3328), page 14, line 19, by inserting after "department": no earlier than July 1, 2002

Amend Sec. 6, page 14, line 20, by inserting after "Sections": 3542, Amend Sec. 6, page 14, by inserting between lines 21 and 22:

§ 3542. Right-of-way of pedestrians in crosswalks.

(a) General rule.—When traffic-control signals are not in place or not in operation, the driver of a vehicle shall yield the right-of-way to a pedestrian crossing the roadway within any marked crosswalk or within any unmarked crosswalk at an intersection.

(b) Exercise of care by pedestrian.—No pedestrian shall suddenly leave a curb or other place of safety and walk or run into the path of a vehicle which is so close as to constitute a hazard.

(c) Limitation on vehicles passing.—Whenever any vehicle is stopped at any crosswalk at an intersection or at any marked crosswalk to permit a pedestrian to cross the roadway, the driver of any other vehicle approaching from the rear shall not overtake and pass the stopped vehicle.

(d) Application of section.—Subsection (a) does not apply under the conditions stated in section 3543(b) (relating to pedestrians crossing at other than crosswalks).

(e) Penalties.—The driver of a vehicle who violates subsection (a) commits a summary offense and shall, upon conviction, be sentenced to pay a fine of \$50.

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 BRIGHTBILL.

BILLS AMENDED

HB 43 (Pr. No. 29) -- The Senate proceeded to consideration of the bill, entitled:

An Act designating a bridge in the City of Johnstown, Cambria County, the Frank J. Pasquerilla Bridge.

On the question,

Will the Senate agree to the bill on third consideration?

Senator MADIGAN offered the following amendment No. A3296:

Amend Title, page 1, line 2, by removing the period after "Bridge" and inserting: ; designating a bridge on State Route 1017, over the north branch of Tunkhannock Creek, as the Nicholson Borough Veterans Memorial Bridge; designating a bridge on State Route 33 over the Lehigh River in Northampton County as the Gene Hartzell Memorial Bridge; and designating a certain bridge in Lancaster County as the Thaddeus Stevens Bridge.

Amend Sec. 1, page 1, line 5, by striking out "Finding of fact" and inserting: Frank J. Pasquerilla Bridge

Amend Sec. 1, page 1, line 6, by inserting before "The": (a) Finding of fact.—

Amend Sec. 2, page 2, line 4, by striking out all of said line

Amend Sec. 2, page 2, line 5, by striking out "(a)" and inserting: (b)

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

(c)

Amend Sec. 2, page 2, line 13, by striking out "act" and inserting: section

Amend Bill, page 2, lines 14 and 15, by striking out all of said lines and inserting:

Section 2. Nicholson Borough Veterans Memorial Bridge.

(a) Designation.—The bridge carrying State Route 1017 over the north branch of Tunkhannock Creek in Nicholson Borough, Wyoming County, is hereby designated and shall be known as the Nicholson Borough Veterans Memorial Bridge.

(b) Signs.—The Department of Transportation shall erect and maintain signs, which shall display the name of the bridge designated in subsection (a), at each end of the bridge.

Section 3. Gene Hartzell Memorial Bridge.

(a) Designation authorized.—The bridge carrying State Route 33 over the Lehigh River in Northampton County shall be known as the Gene Hartzell Memorial Bridge.

(b) Signs.—The Department of Transportation shall erect and maintain signs at each side of the bridge displaying the name of the bridge.

Section 4. Thaddeus Stevens Bridge.
(a) Designation.—The replacement bridge carrying State Route 72 over Amtrak in the City of Lancaster and Manheim Township, locally known as the Fruitville Pike Bridge, is hereby designated the Thaddeus Stevens Bridge.

(b) Signs.—The Department of Transportation shall erect and maintain appropriate signs at each end of the bridge which shall display the name of the bridge designated in subsection (a).

Section 5. Effective date.

This act shall take effect as follows:

(1) Section 1 shall take effect immediately.

(2) This section shall take effect immediately.

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

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 BRIGHTBILL.

HB 334 (Pr. No. 2222) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, further providing for special tax provisions for poverty; and making an editorial change relating to the name of the Organ Donation Awareness Trust Fund.

On the question,

Will the Senate agree to the bill on third consideration?

Senator BRIGHTBILL offered the following amendment No. A3262:

Amend Title, page 1, lines 10 through 13, by striking out "FURTHER PROVIDING FOR SPECIAL TAX PROVISIONS FOR" in line 10, all of lines 11 through 13 and inserting: further providing for sales and use tax definitions, exclusions and refunds; providing for local sales tax situs for construction materials; revising and adding personal income tax provisions on definitions, special provisions for poverty, partnerships, associations and business entities; making an editorial change relating to the name of the Organ Donation Awareness Trust Fund; further providing for corporate net income tax definitions and settlements; further providing for capital stock franchise definitions; further providing for administration and enforcement of the bank and trust company shares tax; eliminating the alternative bank and trust company shares tax; eliminating the alternative title insurance companies shares tax; further providing for insurance premiums tax credits for assessments; eliminating the excise tax on foreign corporations; further providing for cigarette tax enforcement and sanctions; further providing for settlement and resettlement of the mutual thrift institutions tax; providing for a tax credit for new jobs; eliminating obsolete tax credit provisions; and making repeals.

Amend Bill, page 2, lines 2 through 4, by striking out all of said lines and inserting:

Section 1. Section 201(d)(8) of the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, amended May 7, 1997 (P.L.85, No.7), is amended and the clause is amended by adding a sub-clause to read:

Section 201. Definitions.—The following words, terms and phrases when used in this Article II shall have the meaning ascribed to them in this section, except where the context clearly indicates a different meaning:

(d) "Processing." The performance of the following activities when engaged in as a business enterprise:

(8) The operation of a saw mill or planing mill for the production of lumber or lumber products for sale. The operation of a saw mill or planing mill begins with the unloading, by the operator of the saw mill or planing mill, of logs, timber, pulpwood or other forms of wood material, to be used in the saw mill or planing mill.

(16) The production, processing and packaging of ice for wholesale distribution.

Section 2. Section 204(44) and (58) of the act, added December 23, 1983 (P.L.370, No.90) and May 24, 2000 (P.L.106, No.23), are amended and the section is amended by adding a clause to read:

Section 204. Exclusions from Tax.—The tax imposed by section 202 shall not be imposed upon

(44) The sale at retail or use of firewood. For the purpose of this clause, firewood shall mean the product of trees when severed from the land and cut into proper lengths for burning and pellets made from pure wood sawdust, if used for fuel for cooking, hot water production or to heat residential dwellings.

(58) The sale at retail or use of a personal computer [to an individual purchaser], a peripheral device or an Internet access device, or a service contract or single-user licensed software purchased in conjunction with a personal computer, peripheral device or Internet access device during the exclusion period by an individual purchaser for non-business use], but not including computer leasing, rental, repair or alteration]. The exclusion does not include a sale at retail or use of: leasing, rental or repair of a personal computer, peripheral device or Internet access device; mainframe computers; network servers; local area network hubs; routers and network cabling; network operating systems; multiple-user licensed software; minicomputers; hand-held computers; personal digital assistants without Internet access; hardware word processors; graphical calculators; video game consoles; telephones; digital cameras; pagers; compact discs encoded with music or movies; and digital versatile discs encoded with music or movies. For purposes of this clause, the phrase "exclusion period" means the period of time from August [6, 2000] 5, 2001, to and including August [13, 2000] 12, 2001, and from February [18, 2001] 17, 2002, to and including February [25, 2001] 24, 2002. [For purposes of this clause, the phrase "personal com-

puter" means a laptop, desktop, or tower computer system, including all computer hardware and software sold together in the same sale at retail, where the computer system includes, at a minimum, a central processing unit, random access memory, a storage drive, a display monitor and a keyboard, except that the term shall not include minicomputers, mainframe computers, network servers, local area network hubs, routers and cabling, hardware word processors, personal digital assistants, graphical calculators, hand-held computers, game consoles, Internet TV devices, network operating systems, multiple-user licensed software and hardware, separate sales at retail or use of internal or external components and separate sales of add-on components.] For purposes of this clause, "purchaser" means an individual who places an order and pays the purchase price [and takes delivery] by cash or credit during the exclusion period [or who places an order and pays the purchase price] even if delivery takes place after the exclusion period.

(61) The sale at retail to or use of food and nonalcoholic beverages by an airline which will transfer the food or nonalcoholic beverages to passengers in connection with the rendering of the airline service.

Section 3. Section 247.1 of the act, amended or added May 12, 1999 (P.L.26, No.4) and May 24, 2000 (P.L.106, No.23), is amended to read:

Section 247.1. [Partial] Refund of Sales Tax Attributed to Bad Debt.—(a) A vendor may file a petition for refund of sales tax paid to the department that is attributed to a bad debt if all of the following apply:

- (1) The purchaser fails to pay the vendor the total purchase price.
- (2) The purchase price is written off, either in whole or in part, as a bad debt on the vendor's books and records.
- (3) The bad debt has been deducted for Federal income tax purposes under section 166 of the Internal Revenue Code of 1986 (Public Law 99-514, 26 U.S.C. § 166). The petition shall be filed with the department within the time limitations prescribed by section 3003.1 of this act.

(b) The refund authorized by this section shall be limited to [two-thirds of] the sales tax paid to the department that is attributed to the bad debt, less [two-thirds of] any discount under section 227 of this act. Partial payments by the purchaser to the vendor shall be prorated between the original purchase price and the sales tax due on the sale. Payments made to a vendor on any transaction which includes both taxable and nontaxable components shall be allocated proportionally between the taxable and nontaxable components.

(c) A vendor may assign its right to petition and receive a refund of sales tax attributed to a bad debt to an affiliated entity. A vendor may not assign its right to petition and receive a refund of sales tax attributed to a bad debt to any other person.

(d) No refund shall be granted under this section for any of the following:

- (i) Interest.
- (ii) Finance charges.
- (iii) Expenses incurred in attempting to collect any amount receivable.

(e) The documentation, procedures and methods for claiming and calculating the refund allowed under this section shall be in such form as the department may prescribe.

(f) If the purchase price that is attributed to a prior bad debt refund is thereafter collected, in whole or in part, the vendor or affiliated entity shall remit the proportional tax to the department with the first return filed after the collection.

(g) Notwithstanding the provisions of section 806.1 of the act of April 9, 1929 (P.L.343, No.176), known as "The Fiscal Code," no interest shall be paid by the Commonwealth on refunds of sales tax attributed to bad debt under this section.

(h) No refund or credit of sales tax shall be made for any uncollected purchase price or bad debt except as authorized by this section. No deduction or credit for bad debt may be taken on any return filed with the department. This section shall provide the exclusive procedure for claiming a refund or credit of sales tax attributed to uncollected purchase price or bad debt.

(i) For purposes of this section, the term "affiliated entity" shall mean any corporation that is part of the same affiliated group as the vendor as defined by section 1504(a)(1) of the Internal Revenue Code

of 1986.

Section 4. The act is amended by adding a section to read:

Section 202-A. Situs for Certain Construction Materials.—(a) Notwithstanding the provisions of section 504 of the act of June 5, 1991 (P.L.9, No.6), known as the "Pennsylvania Intergovernmental Cooperation Authority Act for Cities of the First Class," the sale or use of road construction material, including recycled asphalt, recycled concrete, asphalt, concrete and road aggregates, shall be deemed to have been consummated at the location of its final destination. Final destination will be determined by reference to delivery or shipping documents relating to such sales.

(b) This section shall apply to taxes levied under Chapter 5 of the "Pennsylvania Intergovernmental Cooperation Authority Act for Cities of the First Class." This section shall not apply to taxes levied under Article XXXI-B of the act of July 28, 1953 (P.L.723, No.230), known as the "Second Class County Code."

Section 5. Section 301(b) of the act, added August 31, 1971 (P.L.362, No.93), is amended to read:

Section 301. Definitions.—The following words, terms and phrases when used in this article shall have the meaning ascribed to them in this section except where the context clearly indicates a different meaning. Unless specifically provided otherwise, any reference in this article to the Internal Revenue Code shall include the Internal Revenue Code of 1986 (Public Law 99-514, 26 U.S.C. § 1 et seq.), as amended to January 1, 1997:

(b) "Association" means any form of unincorporated enterprise [other than a partnership.] which:

(1) is subject to the tax imposed under Article IV; or

(2) is required to make a return under section 6042 of the Internal Revenue Code of 1986 (Public Law 99-514, 26 U.S.C. § 6042). The term shall not include a partnership or investment company.

Section 6. Section 304(d)(1) of the act, amended May 24, 2000 (P.L.106, No.23), is amended to read:

Amend Bill, page 2, lines 27 and 28, by striking out all of said lines and inserting:

Section 7. The heading of Part IV of Article III of the act, added August 31, 1971 (P.L.362, No.93), is amended to read:

PART IV

PARTNERSHIPS [AND ASSOCIATIONS]

Section 8. Section 306 of the act, added August 31, 1971 (P.L.362, No.93), is amended to read:

Section 306. Taxability of [Members] Partners.—A partnership [or association] as [such] an entity shall not be subject to the tax imposed by this article, but the income or gain of a member of a partnership [or association] in respect of said partnership [or association] shall be subject to the tax and the tax shall be imposed on his share, whether or not distributed, of the income or gain received by the partnership [or association] for its taxable year ending within or with the [partner's or] member's taxable year.

Section 9. Article III of the act is amended by adding a part to read:

PART IV-B OTHER ENTITIES

Section 307.21. Treatment of Unincorporated Entities with Single Owners.—Unless subject to tax under Article IV, an unincorporated entity that has a single owner shall be disregarded as an entity separate from its owner.

Section 10. Sections 315.4 and 324 of the act, amended or added May 7, 1997 (P.L.85, No.7), are amended to read:

Amend Sec. 2, page 3, by inserting between lines 27 and 28:

Section 324. General Rule.—(a) When a partnership[, association] or Pennsylvania S corporation receives income from sources within this Commonwealth for any taxable year and any portion of [such] the income is allocable to a nonresident partner, member or shareholder thereof, [such] the partnership[, association] or Pennsylvania S corporation shall pay a withholding tax under this section at [such] the time and in [such] the manner [as] prescribed by the department [shall prescribe]; however, notwithstanding any other provision of this article, all such withholding tax shall be paid over on or before the fifteenth day of the fourth month following the end of the taxable year.

(b) This section shall not apply to any publicly traded partnership as defined under section 7704 of the Internal Revenue Code of 1986 (Public Law 99-514, 26 U.S.C. § 7704) with equity securities registered with the Securities and Exchange Commission under section 12 of the Securities Exchange Act of 1934 (48 Stat. 881, 15 U.S.C. § 78a).

Amend Bill, page 4, lines 9 through 11, by striking out all of said lines and inserting:

Section 11. Section 401(1) and (3)(a)(1)(A) and (D) of the act, amended May 12, 1999 (P.L.26, No.4), are amended to read:

Section 401. Definitions.—The following words, terms, and phrases, when used in this article, shall have the meaning ascribed to them in this section, except where the context clearly indicates a different meaning:

(1) "Corporation." Any of the following:

(i) A corporation[.],

(ii) A joint-stock association[, or a],

(iii) A business trust [or a], limited liability company[, that] or other entity, which for Federal income tax purposes is classified as a corporation[, and (i) is doing business in this Commonwealth; or (ii) is carrying on activities in this Commonwealth; (iii) has capital or property employed or used in this Commonwealth; or (iv) owns property in this Commonwealth, by or in the name of itself, or any person, partnership, association, limited partnership, joint-stock association or corporation]. The word "corporation" shall not include [building and loan associations, banks, bank and trust companies, national banks, savings institutions, trust companies, insurance and surety companies] an entity subject to taxation under Article VII, VIII, IX or XV. The word shall not include:

1. [Any domestic or foreign] A business trust [that] which qualifies as a real estate investment trust under section 856 of the Internal Revenue Code or which is a qualified real estate investment trust subsidiary under section 856(i) of the Internal Revenue Code or [any] a related [domestic or foreign] business trust which confines its activities in this Commonwealth to the maintenance, administration and management of intangible investments and activities of real estate investment trusts or qualified real estate investment trust subsidiaries. A qualified real estate investment trust subsidiary under section 856(i) of the Internal Revenue Code shall be treated as part of the real estate investment trust [that] which owns all of the stock of the qualified real estate investment trust subsidiary.

2. [Any domestic or foreign] A business trust [that] which qualifies as a regulated investment company under section 851 of the Internal Revenue Code and which is registered with the United States Securities and Exchange Commission under the Investment Company Act of 1940 or [any] a related [domestic or foreign] business trust which confines its activities in this Commonwealth to the maintenance, administration and management of intangible investments and activities of regulated investment companies.

3. [Any] A corporation, trust or other entity [that] which is an exempt organization as defined by section 501 of the Internal Revenue Code of 1986 (Public Law 99-514, 26 U.S.C. § 501).

4. [Any] A corporation, trust or other entity organized as a not-for-profit under the laws of this Commonwealth or the laws of any other state [that] which:

(i) would qualify as an exempt organization as defined by section 501 of the Internal Revenue Code of 1986 (Public Law 99-514, 26 U.S.C. § 501);

(ii) would qualify as a homeowners association as defined by section 528(c) of the Internal Revenue Code of 1986 (26 U.S.C. § 528(c)); or

(iii) is a membership organization subject to the Federal limitations on deductions from taxable income under section 277 of the Internal Revenue Code of 1986 (26 U.S.C. § 277) but only if no pecuniary gain or profit inures to any member or related entity from the membership organization.

(3) "Taxable income." ***

2. In case the entire business of any corporation, other than a corporation engaged in doing business as a regulated investment company as defined by the Internal Revenue Code of 1954, as amended, is not transacted within this Commonwealth, the tax imposed by this article shall be based upon such portion of the taxable income of such corpora-

tion for the fiscal or calendar year, as defined in subclause 1 hereof, and may be determined as follows:

(a) Division of Income.

(1) As used in this definition, unless the context otherwise requires:

(A) "Business income" means income arising from transactions and activity in the regular course of the taxpayer's trade or business and includes income from tangible and intangible property if either the acquisition, the management[, and] or the disposition of the property [constitute integral parts] constitutes an integral part of the taxpayer's regular trade or business operations. The term includes all income which is apportionable under the Constitution of the United States.

(D) "Nonbusiness income" means all income other than business income. The term does not include income which is apportionable under the Constitution of the United States.

Section 12. Section 407(e) of the act is repealed.

Section 13. The definitions of "corporation," "domestic entity," "foreign entity" and "processing" in section 601(a) of the act, amended or added April 23, 1998 (P.L.239, No.45), May 12, 1999 (P.L.26, No.4) and May 24, 2000 (P.L.106, No.23), are amended to read:

Section 601. Definitions and Reports.—(a) The following words, terms and phrases when used in this Article VI shall have the meaning ascribed to them in this section, except where the context clearly indicates a different meaning:

"Corporation." Includes the following entities:

(1) A corporation.

(2) A joint-stock association.

(3) A business trust.

(4) A limited liability company other than a restricted professional company subject to 15 Pa.C.S. Ch. 89 Subch. L (relating to restricted professional companies) that is deemed to be a limited partnership pursuant to 15 Pa.C.S. § 8997 (relating to taxation of restricted professional companies).

(5) An entity which for Federal income tax purposes is classified as a corporation.

"Domestic entity." Every corporation organized or incorporated by or under any laws of the Commonwealth, other than corporations of the first class and cooperative agricultural associations not having capital stock and not conducted for profit, [banks, savings institutions, title insurance or trust companies, building and loan associations and insurance companies] or an entity subject to taxation under Article VII, VIII, IX or XV is a domestic entity. The term "domestic entity" shall not include:

(1) [Any domestic or foreign] A business trust [that] which qualifies as a real estate investment trust under section 856 of the Internal Revenue Code or which is a qualified real estate investment trust subsidiary under section 856(i) of the Internal Revenue Code or [any] a related [domestic or foreign] business trust which confines its activities in this Commonwealth to the maintenance, administration and management of intangible investments and activities of real estate investment trusts or qualified real estate investment trust subsidiaries. A qualified real estate investment trust subsidiary under section 856(i) of the Internal Revenue Code shall be treated as part of the real estate investment trust [that] which owns all of the stock of the qualified real estate investment trust subsidiary.

(2) [Any domestic or foreign] A business trust [that] which qualifies as a regulated investment company under section 851 of the Internal Revenue Code and which is registered with the United States Securities and Exchange Commission under the Investment Company Act of 1940 or [any] a related [domestic or foreign] business trust which confines its activities in this Commonwealth to the maintenance, administration and management of intangible investments and activities of regulated investment companies.

(3) [Any] A corporation, trust or other entity [that] which is an exempt organization as defined by section 501 of the Internal Revenue Code of 1986 (Public Law 99-514, 26 U.S.C. § 501).

(4) [Any] A corporation, trust or other entity organized as a not-for-profit under the laws of this Commonwealth or the laws of any other

state [that] which:

(i) would qualify as an exempt organization as defined by section 501 of the Internal Revenue Code of 1986;

(ii) would qualify as a homeowners association as defined by section 528(c) of the Internal Revenue Code of 1986 (26 U.S.C. § 528(c)); or

(iii) is a membership organization subject to the Federal limitations on deductions from taxable income under section 277 of the Internal Revenue Code of 1986 (26 U.S.C. § 277) but only if no pecuniary gain or profit inures to any member or related entity from the membership organization.

(5) A domestic business trust provided:

(i) the trust is created or managed by an entity subject to the tax imposed by Article VII[, VII-A] or XV or by an affiliate of [that] the entity [that] which shares at least eighty per cent common ownership;

(ii) the trust is created and managed for the purpose of facilitating the securitization of intangible assets; and

(iii) the trust is classified as a partnership or a disregarded entity for Federal income tax purposes.

"Foreign entity." Every corporation incorporated or organized by or under the laws of any jurisdiction other than the Commonwealth, and doing business in and liable to taxation within the Commonwealth or carrying on activities in the Commonwealth, including solicitation or either owning or having capital or property employed or used in the Commonwealth by or in the name of any limited partnership or joint-stock association, copartnership or copartnerships, person or persons, or in any other manner doing business within and liable to taxation within the Commonwealth other than [banks, savings institutions, title insurance or trust companies, building and loan associations and insurance companies] an entity subject to tax under Article VII, VIII, IX or XV is a foreign entity. The term "foreign entity" shall not include:

(1) [Any domestic or foreign] A business trust [that] which qualifies as a real estate investment trust under section 856 of the Internal Revenue Code or which is a qualified real estate investment trust subsidiary under section 856(i) of the Internal Revenue Code or [any] a related [domestic or foreign] business trust which confines its activities in this Commonwealth to the maintenance, administration and management of intangible investments and activities of real estate investment trusts or qualified real estate investment trust subsidiaries. A qualified real estate investment trust subsidiary under section 856(i) of the Internal Revenue Code shall be treated as part of the real estate investment trust [that] which owns all of the stock of the qualified real estate investment trust subsidiary.

(2) [Any domestic or foreign] A business trust [that] which qualifies as a regulated investment company under section 851 of the Internal Revenue Code and which is registered with the United States Securities and Exchange Commission under the Investment Company Act of 1940 or [any] a related [domestic or foreign] business trust which confines its activities in this Commonwealth to the maintenance, administration and management of intangible investments and activities of regulated investment companies.

(3) [Any] A corporation, trust or other entity [that] which is an exempt organization as defined by section 501 of the Internal Revenue Code of 1986.

(4) [Any] A corporation, trust or other entity organized as a not-for-profit under the laws of this Commonwealth or the laws of any other state [that] which:

(i) would qualify as an exempt organization as defined by section 501 of the Internal Revenue Code of 1986;

(ii) would qualify as a homeowners association as defined by section 528(c) of the Internal Revenue Code of 1986; or

(iii) is a membership organization subject to the Federal limitations on deductions from taxable income under section 277 of the Internal Revenue Code of 1986 but only if no pecuniary gain or profit inures to any member or related entity from the membership organization.

(5) A foreign business trust provided:

(i) the trust is created or managed by an entity subject to the tax imposed by Article VII[, VII-A] or XV or by an affiliate of [that] the entity [that] which shares at least eighty per cent common ownership;

(ii) the trust is created and managed for the purpose of facilitating the securitization of intangible assets; and

(iii) the trust is classified as a partnership or a disregarded entity for Federal income tax purposes.

"Processing." The following activities when engaged in as a business enterprise:

(1) The filtering or heating of honey, the cooking or freezing of fruits, vegetables, mushrooms, fish, seafood, meats or poultry, when the person engaged in such business packages such property in sealed containers for wholesale distribution.

(1.1) The processing of fruits or vegetables by cleaning, cutting, coring, peeling or chopping and treating to preserve, sterilize or purify and substantially extend the useful shelf life of the fruits or vegetables, when the person engaged in such activity packages such property in sealed containers for wholesale distribution.

(2) The scouring, carbonizing, cording, combing, throwing, twisting or winding of natural or synthetic fibers, or the spinning, bleaching, dyeing, printing or finishing of yarns or fabrics, when such activities are performed prior to sale to the ultimate consumer.

(3) The electroplating, galvanizing, enameling, anodizing, coloring, finishing, impregnating or heat treating of metals or plastics for sale or in the process of manufacturing.

(3.1) The blanking, shearing, leveling, slitting or burning of metals for sale to or use by a manufacturer or processor.

(4) The rolling, drawing or extruding of ferrous and nonferrous metals.

(5) The fabrication for sale of ornamental or structural metal or metal stairs, staircases, gratings, fire escapes or railings (not including fabrication work done at the construction site).

(6) The preparation of animal feed or poultry feed for sale.

(7) The production, processing and bottling of nonalcoholic beverages for wholesale distribution.

(8) The slaughtering and dressing of animals for meat to be sold or to be used in preparing meat products for sale, and the preparation of meat products, including lard, tallow, grease, cooking and inedible oils for wholesale distribution.

(9) The operation of a [sawmill] saw mill or planing mill for the production of lumber or lumber products for sale. The operation of a saw mill or planing mill begins with the unloading, by the operator of the saw mill or planing mill, of logs, timber, pulpwood or other forms of wood material, to be used in the saw mill or planing mill.

(10) The milling for sale of flour or meal from grains.

(10.1) The aging, stripping, conditioning, crushing and blending of tobacco leaves for use as cigar filler or as components of smokeless tobacco products for sale to manufacturers of tobacco products.

(11) The publishing of books, newspapers, magazines or other periodicals, printing and broadcasting radio and television programs by licensed commercial or educational stations.

(12) The processing of used lubricating oils.

(13) The blending, rectification or production by distillation or otherwise of alcohol or alcoholic liquors, except the distillation of alcohol from byproducts of winemaking for the sole purpose of fortifying wine.

(14) The salvaging, recycling or reclaiming of used materials to be recycled into a manufacturing process.

(15) The development or substantial modification of computer programs or software for sale to unrelated persons for their direct and independent use.

(16) The cleaning and roasting and the blending, grinding or packaging for sale of coffee from green coffee beans or the production of coffee extract.

(17) The refining, blasting, exploring, mining and quarrying for or otherwise extracting limestone, sand, gravel or slag from the earth or from waste or stock piles or from pits or banks and the cleaning, crushing, grinding, pulverizing, sizing or screening of limestone, sand, gravel or slag, including blast furnace slag.

(18) The preparation of dry or liquid fertilizer for sale.

(19) The production, processing and packaging of ice for wholesale distribution.

Section 14. Section 702 of the act is amended to read:

Section 702. Procedure; Enforcement; Penalties.—(a) Except as set forth in subsection (b), Parts III, IV, V, VI and VII of Article IV are

incorporated by reference into this article in so far as they are applicable to the tax imposed hereunder.

(b) The Department of Revenue may, upon application made by the last day for filing and in a form prescribed by the department, grant an extension of not more than six (6) months for filing the annual report required by section 701.

Section 14.1. Articles VII-A and VIII-A of the act are repealed.

Section 15. Section 901 of the act is amended by adding a clause to read:

Section 901. Definitions.—The following terms, when used in this act, shall have the meaning ascribed to them in this section:

(7) "Assessment base" means the amount of net direct written premiums used by the guaranty association to calculate a member insurer's assessment on an account under section 1808 of the act of May 17, 1921 (P.L.682, No.284), known as "The Insurance Company Law of 1921."

Section 16. Section 902.1 of the act, added May 24, 2000 (P.L.106, No.23), is amended to read:

Section 902.1. Credits for Assessments Paid.—(a) A member insurer that has paid assessments to the guaranty association shall be entitled to a credit as authorized by this section. The credit shall be equal to the amount by which the assessment paid to the guaranty association exceeds one per cent of the member insurer's ["net direct written premiums," as defined in section 1802 of the act of May 17, 1921 (P.L.682, No.284), known as "The Insurance Company Law of 1921," as calculated for the preceding calendar year] assessment base. Except as provided in subsection (e), the credit authorized by this section shall be applied against the taxes due under this article in equal portions for each of the five calendar years following payment of the assessment. In the event a member insurer should cease doing business, all unused credits may be applied against its premium tax liability for the year it ceases doing business. A member insurer is not entitled to a refund of any unused credit.

(b) Any sums which are acquired by a member insurer from the guaranty association either by refund or by receipt of an offset which may be used against an assessment and which have been used in calculating a credit under subsection (a) shall reduce the amount of unused credits or shall be paid by such insurer to the Commonwealth, as the Department of Revenue may require. The guaranty association shall notify the department and the Insurance Commissioner that such sums have been acquired by the member insurer.

(c) No credit against premium tax liability shall be permitted to the extent that a member insurer's rates and premiums have been adjusted as permitted in section 1810 of the act of May 17, 1921 (P.L.682, No.284), known as "The Insurance Company Law of 1921."

(d) The credits allowed by this section shall not reduce the amounts which would otherwise be payable for firemen's relief pension or retirement purposes or for police pension, retirement or disability purposes. The department shall transfer by June 30 of each fiscal year an amount equal to the credits taken under this section by foreign fire and casualty insurance companies from the General Fund to the Municipal Pension Aid Fund and the Fire Insurance Tax Fund, as appropriate.

(e) Credits taken by an insurer under this section shall not be included in determining liability for retaliatory taxes imposed under section 212 of the act of May 17, 1921 (P.L.789, No.285), known as "The Insurance Department Act of 1921."

Section 17. Article X of the act is repealed.

Section 18. Sections 1215 and 1276 of the act, added December 21, 1981 (P.L.482, No.141), are amended to read:

Section 1215. Stamp to Evidence the Tax.—(a) The department shall by regulation require every cigarette stamping agency or ultimate consumer, to use cigarette tax stamps to evidence the payment of the tax imposed by this article unless such stamps have been affixed to the packs of cigarettes and properly cancelled before such cigarette stamping agency or ultimate consumer received them.

(b) The department shall by regulation authorize the sale of cigarette tax stamps at such places and at such times as it deems necessary and the department shall prescribe the manner, time and conditions under which the payment of tax shall be made.

(c) The department shall also prescribe the type of cigarette tax stamps which shall be used, to evidence payment of the tax. Nothing in

this provision shall be construed as a limitation upon the department to prescribe various methods of affixing cigarette tax stamps and said department shall have the authority to prescribe one or more of several types of tax stamps which shall be used by a particular cigarette stamping agency whenever, in the reasonable exercise of its powers, it shall be deemed necessary for the protection of the revenue.

(d) Under no circumstances shall any cigarette stamping agency be permitted to sell, transfer or deliver to any person any packages of unstamped cigarettes, or any unused cigarette tax stamps unless specifically permitted by the provisions of this article.

(e) The department shall by regulation permit a cigarette stamping agency to pay for purchases on a deferred basis, upon the filing of a surety bond, of the type approved by the department, with the department, in an amount deemed sufficient by the department to protect the revenue, said bond to be executed by the cigarette stamping agency as principal and by a corporate surety company, duly authorized to engage in such business in the Commonwealth of Pennsylvania, as surety. The department shall deny deferred purchase plans to any stamping agency in any state where such state denies stamping agencies in Pennsylvania the right to use deferred purchase plans. The department may deny any cigarette stamping agent the right to purchase cigarette tax stamps if the cigarette stamping agent is delinquent in remitting cigarette taxes or fines owed the Commonwealth.

Section 1276. Failure to Furnish Information, Returning False Information or Failure to Permit an Inspection.—(a) Any dealer who fails to keep or make any record, return, report, inventory or statement, or keeps or makes any false or fraudulent record, return, report, inventory or statement required by this article[,] or section 214-A, 215-A or 216-A of the act of April 9, 1929 (P.L.343, No.176), known as "The Fiscal Code," shall be guilty of a misdemeanor, and, upon conviction thereof, shall be sentenced to pay a fine of five hundred dollars (\$500) and costs of prosecution and to suffer imprisonment of not more than one year, or both, in the discretion of the court. Notwithstanding any fine imposed by a court of competent jurisdiction in accordance with this subsection or by the department under section 229-A(c) of "The Fiscal Code," if the dealer is a cigarette stamping agent, the department may impose an administrative fine of not more than five thousand dollars (\$5,000) and, upon notice, may suspend the right of the cigarette stamping agent to purchase cigarette tax stamps for six months. If a cigarette stamping agent's right to purchase cigarette tax stamps is suspended pursuant to this subsection more than twice, after a hearing, the department shall revoke the license of the cigarette stamping agent; and, for a period of two years, the department shall reject any application by the stamping agent for a license under section 204-A of "The Fiscal Code."

(b) The department is hereby authorized to examine the books and records, the stock of cigarettes and the premises and equipment of any dealer in order to verify the accuracy of the payment of the tax imposed by this article. Every such person is hereby directed and required to give to the department or its duly authorized representative, the means, facilities and opportunity for such examinations. Wilful refusal to cooperate with or permit such examination to the satisfaction of the department shall be sufficient grounds for the suspension or revocation of any license issued hereunder, and in addition thereto shall constitute a misdemeanor, and, upon conviction thereof, shall be sentenced to pay a fine of five hundred dollars (\$500) and costs of prosecution and to suffer imprisonment of not more than one year or both.

Section 19. Sections 1278(c) and 1285(e), (f) and (k) of the act, amended or added December 21, 1981 (P.L.482, No.141) and August 4, 1991 (P.L.97, No.22), are amended to read:

Section 1278. Other Violations.—* * *

(c) Any person who fails to pay tax at the time prescribed shall, in addition to any other penalty provided in this article, be liable to a penalty of five per cent of the tax due but unpaid for each month or fraction thereof the tax remains unpaid together with the interest at the rate established pursuant to section 806 of the act of April 9, 1929 (P.L.343, No.176), known as "The Fiscal Code," on such tax from the time the tax became due[, but no interest for a fraction of a month shall be demanded]. The penalties provided in this subsection shall be added to the tax and assessed and collected at the same time in the same manner and as a part of the tax.

Section 1285. Property Rights.—* * *

(e) The department shall dispose of cigarettes forfeited under the provisions of this article by the sale [of same through the Division of Escheats, Bureau of County Collections,] or destruction of cigarettes pursuant to regulations promulgated by the Secretary of Revenue.

(f) The proceedings for the forfeiture of any cigarette vending machine or motor vehicle, in which are found unstamped cigarettes shall be in rem. The Commonwealth shall be the plaintiff and the property shall be the defendant. A petition shall be filed within [five] ten days after confiscation in the court of common pleas of the county in which the property or vehicle was taken by agents of the department, the police or other such authorized peace officer, verified by oath or affirmation of any cigarette tax enforcement officer, police officer or other person. In the event that such petition is not filed within the time prescribed herein, such confiscated vending machine or motor vehicle shall be immediately returned to the person from whom confiscated or the owner thereof.

* * *

(k) Upon the filing of any claim for the property setting forth a right of possession thereof, the case shall be deemed at issue and a hearing shall be held within [five] ten days thereof.

* * *

Section 20. Section 1503 of the act, added December 1, 1983 (P.L.228, No.66), is amended to read:

Section 1503. [Settlement and Resettlement of Tax.—The settlement and resettlement of taxes imposed by this article, including the granting of extensions of time to file reports and the rights of the taxpayer to present and prosecute a petition for resettlement, a petition for review, or an appeal to court, or to file a petition for refund, and the imposition of interest and penalties, shall be governed by the provisions of the act of April 9, 1929 (P.L.343, No.176), known as "The Fiscal Code," relevant to capital stock and franchise taxes.] Procedure; Enforcement; Penalties.—(a) Except as set forth in subsection (b), Parts III, IV, V, VI and VII of Article IV are incorporated by reference into this article insofar as they are applicable to the tax imposed under this article.

(b) The Department of Revenue may, upon application made by the last day for filing and in a form prescribed by the department, grant an extension of not more than six (6) months for filing the annual report required by section 1502.

Section 21. Articles XVII and XVIII of the act are repealed.

Section 22. The act is amended by adding an article to read:

ARTICLE XVIII-B

TAX CREDIT FOR NEW JOBS

Section 1801-B. Definitions.

The following words and phrases when used in this article shall have the meanings given to them in this section unless the context clearly indicates otherwise:

"Base period." The three years preceding the date on which a company may begin creating new jobs which may be eligible for job creation tax credits.

"Department." The Department of Community and Economic Development of the Commonwealth.

"Job creation tax credits." Tax credits for which the department has issued a certificate under this article.

"New job." A full-time job, the average hourly rate, excluding benefits, for which must be at least 150% of the Federal minimum wage, created within a municipality located in this Commonwealth by a company within three years from the start date.

"Start date." The date on which a company may begin creating new jobs which may be eligible for job creation tax credits.

"Year one." A one-year period immediately following the start date.

"Year three." A one-year period immediately following the end of year two.

"Year two." A one-year period immediately following the end of year one.

Section 1802-B. Eligibility.

In order to be eligible to receive job creation tax credits, a company must demonstrate to the department the following:

(1) The ability to create the number of jobs required by the department within three years from the start date.

(2) Leadership in the application, development or deployment

of leading technologies.

(3) Financial stability and the project's financial viability.

(4) The intent to maintain operations in this Commonwealth for a period of five years from the date the company submits its tax credit certificate to the Department of Revenue.

(5) An affirmation that the decision to expand or locate in this Commonwealth was due in large part to the availability of a job creation tax credit.

Section 1803-B. Application process.

(a) Application.—A company must complete and submit to the department a job creation tax credit application.

(b) Creation of jobs.—The applicant must agree to create at least 25 new jobs or to increase the applicant's number of employees by at least 20% within three years of the start date.

(c) Approval.—If the department approves the company's application, the department and the company shall execute a commitment letter containing the following:

(1) A description of the project.

(2) The number of new jobs to be created.

(3) The amount of private capital investment in the project.

(4) The maximum job creation tax credit amount the company may claim.

(5) A signed statement that the company intends to maintain its operation in this Commonwealth for five years from the start date.

(6) Such other information as the department deems appropriate.

(d) Commitment letter.—After a commitment letter has been signed by both the Commonwealth and the company, the company shall receive a job creation tax credit certificate and filing information.

Section 1804-B. Tax credits.

(a) Maximum amount.—A company may claim a tax credit of \$1,000 per new job created up to the maximum job creation tax credit amount specified in the commitment letter.

(b) Determination of new jobs created.—

(1) New jobs shall be deemed created in year one to the extent that the company's average employment by quarter during year one exceeds the company's average employment level during the company's base period.

(2) New jobs shall be deemed created in year two to the extent that the company's average employment by quarter during year two exceeds the company's average employment by quarter during year one.

(3) New jobs shall be deemed created in year three to the extent that the company's average employment by quarter during year three exceeds the company's average employment by quarter during year two.

(c) Applicable taxes.—A company may apply the tax credit to 100% of the company's State corporate net income tax, capital stock and franchise tax or the capital stock and franchise tax of a shareholder of the company if the company is a Pennsylvania S corporation, gross premiums tax, gross receipts tax, bank and trust company shares tax, mutual thrift institution tax, title insurance company shares tax, personal income tax or the personal income tax of shareholders of a Pennsylvania S corporation or any combination thereof.

(d) Tax credit term.—A company may claim the job creation tax credit for each new job created, as approved by the department, for a period determined by the department, but not to exceed five years from the date the company first submits a job creation tax credit certificate.

(e) Availability of tax credits.—Each fiscal year, \$22,500,000 in tax credits shall be made available to the department and may be awarded by the department in accordance with this article. In addition, in any fiscal year, the department may reissue or assign prior fiscal year tax credits which have been recaptured under section 1806-B(a) or (b) and may award prior fiscal year credits not previously issued. Prior fiscal year credits may be reissued, assigned or awarded by the department without limitation by section 1805-B(b).

Section 1805-B. Prohibitions.

(a) Prohibitions.—The following actions with regard to job creation tax credits are prohibited:

(1) Approval of jobs that have been created prior to the start date.

(2) Approval for a company which is relocating operations from one municipality in this Commonwealth to another unless special circumstances exist and the municipality that is losing the existing jobs has an opportunity to submit comments prior to action by the department. If the department approves the tax credits, the company must commit to preserving the existing employees, and the credit shall apply only to the new jobs.

(3) The assignment, transfer or use of credits by any other company; provided, however, that tax credits may be assigned, in whole or in part, to an affiliated entity. As used in this paragraph, the term "affiliated entity" means an entity which is part of the same "affiliated group," as defined by section 1504(a)(1) of the Internal Revenue Code of 1986 (Public Law 99-514, 26 U.S.C. § 1504(a)(1)), as the company awarded the credit.

(b) Allocations.—Twenty-five percent of the total amount of all tax credits authorized in any fiscal year under section 1804-B(e) shall be available to companies with fewer than 100 employees. Any portion of this allocation not committed by April 30 of each year shall be available to any business which meets the remaining program criteria.

Section 1806-B. Penalties.

(a) Failure to maintain operations.—A company which receives job creation tax credits and fails to substantially maintain existing operations and the operations related to the job creation tax credits in this Commonwealth for a period of five years from the date the company first submits a job creation tax credit certificate to the Department of Revenue shall be required to refund to the Commonwealth the total amount of credit or credits granted.

(b) Failure to create jobs.—A company which receives job creation tax credits and fails to create the approved number of new jobs within three years of the start date will be required to refund to the Commonwealth the total amount of credit or credits granted.

(c) Waiver.—The department may waive the penalties outlined in subsections (a) and (b) if it is determined that a company's operations were not maintained or the new jobs were not created because of circumstances beyond the company's control. Such circumstances include natural disasters, unforeseen industry trends or a loss of a major supplier or market.

Section 23. Article XIX of the act is repealed.

Section 24. The following acts and parts of acts are repealed to the extent specified:

Section 504 of the act of June 5, 1991 (P.L.9, No.6), known as the Pennsylvania Intergovernmental Cooperation Authority Act for Cities of the First Class, insofar as it is inconsistent with the addition of section 202-A of the act.

Chapter 9 of the act of June 29, 1996 (P.L.434, No.67), known as the Job Enhancement Act, absolutely.

Section 25. The General Assembly finds and declares that the intent of the amendment of section 401(3)2(a)(1)(A) and (D) of the act is to clarify existing law.

Section 26. This act shall apply as follows:

(1) The following provisions shall apply to assessments paid after December 31, 1998:

(i) The addition of section 901(7) of the act.

(ii) The amendment of section 902.1 of the act.

(2) The amendment of section 401(3)2(a)(1)(A) and (D) of the act shall apply to taxable years beginning after December 31, 1998.

(3) The following provisions shall apply to taxes paid for calendar year 2000 and thereafter:

(i) The addition of section 901(7) of the act.

(ii) The amendment of section 902.1 of the act.

(4) The following provisions shall apply to taxable years beginning after December 31, 2000:

(i) The amendment of section 301(b) of the act.

(ii) The amendment of section 304(d)(1) of the act.

(iii) The amendment of the heading of Part IV of Article III of the act.

(iv) The amendment of section 306 of the act.

(v) The addition of Part IV-B of the act.

(vi) The amendment of section 324 of the act.

(vii) The amendment of section 401(1) of the act.

(viii) The repeal of section 407(e) of the act.

(ix) The amendment of the definitions of "corporation,"

"domestic entity," "foreign entity" and "processing" in section 601(a) of the act.

(x) The amendment of section 702 of the act.

(xi) The amendment of section 1503 of the act.

(5) The amendment of section 247.1 of the act shall apply to amounts deducted as bad debts on Federal income tax returns required to be filed after January 1, 2001.

Section 27. This act shall take effect as follows:

(1) The following provisions shall take effect immediately:

(i) The amendment of section 401(3)2(a)(1)(A) and (D) of the act.

(ii) Section 25 of this act.

(iii) Section 26 of this act.

(iv) This section.

(2) The following provisions shall take effect January 1, 2002:

(i) The amendment of section 1215 of the act.

(ii) The amendment of section 1276 of the act.

(iii) The amendment of section 1278(c) of the act.

(iv) The amendment of section 1285(e), (f) and (k) of the act.

(3) The remainder of this act shall take effect July 1, 2001, or immediately, whichever is later.

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 BRIGHTBILL.

BILL REREFERRED

SB 891 (Pr. No. 1036) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, providing for cyber or on-line education; further providing for compulsory school attendance and charter school funding.

Upon motion of Senator BRIGHTBILL, and agreed to by voice vote, the bill was rereferred to the Committee on Rules and Executive Nominations.

SECOND CONSIDERATION CALENDAR

BILL OVER IN ORDER

HB 4 -- Without objection, the bill was passed over in its order at the request of Senator BRIGHTBILL.

BILLS LAID ON THE TABLE

HB 96 (Pr. No. 2022) -- 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 advance directives for health care, for definitions and for emergency medical services; and providing for out-of-hospital nonresuscitation.

Upon motion of Senator BRIGHTBILL, and agreed to by voice vote, the bill was laid on the table.

SB 300 (Pr. No. 816) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of August 26, 1971 (P.L.351, No.91), known as the State Lottery Law, eliminating the PACENET program; providing for a single pharmacy benefits manager for a Drug Utilization Review Committee and its duties and for rebate agreements governing reimbursement by certain public plans; and imposing powers and duties on the Department of Aging.

Upon motion of Senator BRIGHTBILL, and agreed to by voice vote, the bill was laid on the table.

BILL OVER IN ORDER

SB 369 -- Without objection, the bill was passed over in its order at the request of Senator BRIGHTBILL.

BILL REREFERRED

SB 472 (Pr. No. 493) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, providing for a special breast cancer awareness plate.

Upon motion of Senator BRIGHTBILL, and agreed to by voice vote, the bill was rereferred to the Committee on Appropriations.

BILLS OVER IN ORDER

SB 574 and SB 615 -- Without objection, the bills were passed over in their order at the request of Senator BRIGHTBILL.

BILL REREFERRED

SB 686 (Pr. No. 745) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, providing for a special registration plate for submarine veterans.

Upon motion of Senator BRIGHTBILL, and agreed to by voice vote, the bill was rereferred to the Committee on Appropriations.

BILL OVER IN ORDER

SB 752 -- Without objection, the bill was passed over in its order at the request of Senator BRIGHTBILL.

BILL REREFERRED

SB 812 (Pr. No. 1229) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, providing for exemption of registration fees for certain vehicle registration by recipients of the Purple Heart Medal.

Upon motion of Senator BRIGHTBILL, and agreed to by voice vote, the bill was rereferred to the Committee on Appropriations.

BILLS LAID ON THE TABLE

SB 814 (Pr. No. 1171) -- The Senate proceeded to consideration of the bill, entitled:

An Act requiring host municipality agreements for certain municipal and residual waste facilities; and establishing transportation and safety requirements, including a fee and registration for vehicles that collect and transport municipal and residual waste to certain municipal and residual waste disposal and processing facilities.

Upon motion of Senator BRIGHTBILL, and agreed to by voice vote, the bill was laid on the table.

SB 821 (Pr. No. 953) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of August 15, 1961 (P.L.987, No.442), known as the Pennsylvania Prevailing Wage Act, further providing for the scope of the act.

Upon motion of Senator BRIGHTBILL, and agreed to by voice vote, the bill was laid on the table.

BILL OVER IN ORDER

SB 854 -- Without objection, the bill was passed over in its order at the request of Senator BRIGHTBILL.

THIRD CONSIDERATION CALENDAR RESUMED

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

HB 1431 (Pr. No. 2290) -- The Senate proceeded to consideration of the bill, entitled:

An Act authorizing the Department of General Services, with the approval of the Governor, to grant and convey the David L. Lawrence Convention Center and other interests situate in the City of Pittsburgh, Allegheny County, to the Sports and Exhibition Authority.

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

| | | | |
|------------|-----------|----------|----------------|
| Armstrong | Greenleaf | Mowery | Tartaglione |
| Bell | Holl | Murphy | Thompson |
| Bodack | Hughes | Musto | Tilghman |
| Boscola | Jubelirer | O'Pake | Tomlinson |
| Brightbill | Kasunic | Orie | Wagner |
| Conti | Kitchen | Piccola | Waugh |
| Costa | Kukovich | Punt | Wenger |
| Dent | LaValle | Rhoades | White, Donald |
| Earll | Lemmond | Robbins | White, Mary Jo |
| Erickson | Logan | Schwartz | Williams |
| Fumo | Madigan | Stack | Wozniak |
| 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 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.

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

**BILL ON THIRD CONSIDERATION
AND FINAL PASSAGE**

HB 43 (Pr. No. 2374) -- The Senate proceeded to consideration of the bill, entitled:

An Act designating a bridge in the City of Johnstown, Cambria County, the Frank J. Pasquerilla Bridge; designating a bridge on State Route 1017, over the north branch of Tunkhannock Creek, as the Nicholson Borough Veterans Memorial Bridge; designating a bridge on State Route 33 over the Lehigh River in Northampton County as the Gene Hartzell Memorial Bridge; and designating a certain bridge in Lancaster County as the Thaddeus Stevens Bridge.

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

| | | | |
|------------|-----------|----------|----------------|
| Armstrong | Greenleaf | Mowery | Tartaglione |
| Bell | Holl | Murphy | Thompson |
| Bodack | Hughes | Musto | Tilghman |
| Boscola | Jubelirer | O'Pake | Tomlinson |
| Brightbill | Kasunic | Orie | Wagner |
| Conti | Kitchen | Piccola | Waugh |
| Costa | Kukovich | Punt | Wenger |
| Dent | LaValle | Rhoades | White, Donald |
| Earll | Lemmond | Robbins | White, Mary Jo |
| Erickson | Logan | Schwartz | Williams |
| Fumo | Madigan | Stack | Wozniak |
| 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 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.

**SPECIAL ORDER OF BUSINESS
SUPPLEMENTAL CALENDAR No. 4**

**BILL ON THIRD CONSIDERATION
AND FINAL PASSAGE**

SB 406 (Pr. No. 1248) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, establishing a cause of action for frivolous litigation; further providing for wrongful use of civil proceedings; and making an editorial change.

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

| | | | |
|------------|-----------|----------|----------------|
| Armstrong | Greenleaf | Mowery | Tartaglione |
| Bell | Holl | Murphy | Thompson |
| Bodack | Hughes | Musto | Tilghman |
| Boscola | Jubelirer | O'Pake | Tomlinson |
| Brightbill | Kasunic | Orie | Wagner |
| Conti | Kitchen | Piccola | Waugh |
| Costa | Kukovich | Punt | Wenger |
| Dent | LaValle | Rhoades | White, Donald |
| Earl | Lemmond | Robbins | White, Mary Jo |
| Erickson | Logan | Schwartz | Williams |
| Fumo | Madigan | Stack | Wozniak |
| 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 present said bill to the House of Representatives for concurrence.

CONSIDERATION OF CALENDAR RESUMED

THIRD CONSIDERATION CALENDAR RESUMED

BILL AMENDED

HB 869 (Pr. No. 2295) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of July 28, 1953 (P.L.723, No.230), known as the Second Class County Code, further providing for monthly retirement allowance increase, for building for juvenile offenders, for management of juvenile detention houses by board, for appointment and compensation of board employees, for annual report and expenses of

board and for furnishing rooms for meetings of certain veterans and of sons of veterans; and providing for county council authority to make certain appropriation.

On the question,

Will the Senate agree to the bill on third consideration?

Senator BRIGHTBILL offered the following amendment No. A3189:

Amend Title, page 1, line 5, by inserting after "increase,": for optional limitations on assessed value, for sharing of information,
Amend Bill, page 3, by inserting between lines 11 and 12:
Section 2. Sections 1902-A and 1906-A of the act, added June 8, 2001 (P.L.114, No.16), are amended to read:

Section 1902-A. Optional Limitations on Assessed Value.—A county of the second class or a political subdivision located within a county of the second class may, by adopting an ordinance or resolution, utilize the tax-neutral assessed value when levying the real property tax on the homestead of a qualified owner-occupant after a mandated county-wide reassessment. For a county-wide reassessment that becomes effective in 2000, such ordinance or resolution by a political subdivision located within a county of the second class may be adopted at any time prior to June 30, 2002, and may be retroactive to no earlier than January 1, 2001. In the event that such resolution or ordinance is adopted retroactively after real property taxes are levied during 2001, the levy shall be adjusted for qualifying homesteads as if the resolution or ordinance had been adopted before real property taxes had been levied in 2001. Any overpayments of real estate taxes which arise from this adjustment shall be refunded by the political subdivision.

Section 1906-A. Sharing of Information.—The Secretary of Revenue is authorized and directed to provide a county of the second class with the names and addresses[, as well as municipal and school district codes,] of individuals residing in the county who received a property tax rebate during the last completed calendar year. The information provided by the secretary shall be confidential and shall not be used for purposes other than the administration of this act.

Amend Sec. 2, page 3, line 12, by striking out "2" and inserting: 3

Amend Sec. 3, page 3, line 16, by striking out "3" and inserting: 4

Amend Sec. 4, page 3, line 25, by striking out "4" and inserting: 5

Amend Sec. 5, page 4, line 27, by striking out "5" and inserting: 6

Amend Sec. 5.1, page 6, line 8, by striking out "5.1" and inserting:

7 Amend Sec. 6, page 8, line 15, by striking out "6" and inserting: 8

Amend Sec. 7, page 8, line 20, by striking out "7" and inserting: 9

Amend Sec. 8, page 8, line 23, by striking out "8" and inserting: 10

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 BRIGHTBILL offered the following amendment No. A3306:

Amend Title, page 1, line 5, by removing the comma after "increase" and inserting: ; providing for a reapportionment commission in counties of the second class; further providing

Amend Bill, page 3, by inserting between lines 11 and 12:

Section 2. Article XXI of the act is amended by adding a subdivision to read:

(d.1) Reapportionment

Section 2132. Reapportionment Commission.—(a) Within the year following that in which the Federal census, decennial or special, is officially and finally reported, each county of the second class shall be reapportioned into districts by a reapportionment commission comprised of:

(1) Two members appointed by the majority caucus of the county council.

(2) Two members appointed by the minority caucus of the county council.

(3) One member selected by unanimous vote of the appointees under clauses (1) and (2) who shall serve as chairman of the commission. The chairman shall be a resident of this Commonwealth other than a party officer or a Federal, State or local official holding an office to which compensation is attached. In the event the appointees fail to agree on a member under this clause within one hundred twenty days of the effective date of this section or, beginning January 1, 2010, within one hundred twenty days of the official reporting of the Federal census as required by law, the member shall be appointed by the president judge of the court of common pleas of the county.

(b) The county shall be divided into districts which shall be composed of compact and contiguous territory as nearly equal in population as practicable as officially and finally reported in the most recent Federal census, decennial or special. Unless absolutely necessary, no city, borough, township or ward shall be divided in forming legislative districts. No city block shall be divided into more than one district. No "election district," as defined in section 102(g) of the act of June 3, 1937 (P.L. 1333, No. 320), known as the "Pennsylvania Election Code," shall be divided into more than one district. A municipality shall be divided into as few districts as possible. The number of wards whose territory is divided into more than one district shall be as small as possible. The aggregate length of all district boundaries shall be as short as reasonable and practicable.

(c) The provisions of 53 Pa.C.S. Ch. 9 (relating to municipal reapportionment) not inconsistent with this section shall apply to counties of the second class, and any reference to a governing body in 53 Pa.C.S. Ch. 9 shall be deemed a reference to a reapportionment commission under this section.

(d) This section only applies to home rule counties of the second class whose charters derived from Article XXXI-C.

Amend Sec. 2, page 3, line 12, by striking out "2" and inserting: 3

Amend Sec. 3, page 3, line 16, by striking out "3" and inserting: 4

Amend Sec. 4, page 3, line 25, by striking out "4" and inserting: 5

Amend Sec. 5, page 4, line 27, by striking out "5" and inserting: 6

Amend Sec. 5.1, page 6, line 8, by striking out "5.1" and inserting:

7

Amend Sec. 6, page 8, line 15, by striking out "6" and inserting: 8

Amend Sec. 7, page 8, line 20, by striking out "7" and inserting: 9

Amend Sec. 8, page 8, line 23, by striking out "8" and inserting: 10

On the question,

Will the Senate agree to the amendment?

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

Senator BRIGHTBILL. Mr. President, this is an amendment that would provide for reapportionment in counties of the second class, which, of course, would be Allegheny County, and it provides for a reapportionment commission. It is for the reapportionment of their county council. It provides that the reapportionment commission would be comprised of two members appointed by the majority caucus of county council, two members appointed by the minority caucus of county council, and one member selected by unanimous vote of the appointees. In the event that the appointees cannot unanimously select the fifth member, then the fifth member shall be appointed by the president judge of the Court of Common Pleas of Allegheny County.

This, Mr. President, is very similar to the procedure that was adopted by the drafters of the Pennsylvania Constitution, and is the way that we do reapportionment for the State House of Representatives and the State Senate.

Thank you, Mr. President.

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

Senator WAGNER. Mr. President, I ask the Majority Leader if he would mind a couple of brief questions in regard to the amendment.

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

Senator BRIGHTBILL. Mr. President, I am only taking easy questions tonight.

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

Senator WAGNER. Mr. President, I suspect the sponsor of this amendment believes very strongly that this is good government.

Senator BRIGHTBILL. Mr. President, I am happy to report that I believe that every vote I have cast tonight has been for good government.

Senator WAGNER. Mr. President, would the sponsor of the amendment be receptive to another amendment that would adopt the same procedure for reapportionment for congressional districts in the Commonwealth of Pennsylvania?

Senator BRIGHTBILL. Mr. President, I think the gentleman might be advised that that would require an amendment to the Pennsylvania Constitution, and I think that is outside the scope of at least our activities this evening.

Senator WAGNER. Well, I appreciate that, Mr. President, and I asked the question well knowing that the Majority Leader would give an appropriate answer to the question. And the reason, though, why I asked the question is that we have no more rights as a State government to be dictating and changing tonight the way reapportionment goes on with a county of the second class, a process of government of Home Rule that we created basically 2 years ago. We have no more rights to change the reapportionment commission in Allegheny County than we do to change other reapportionment commissions, if not at the State level, other cities, other counties throughout the Commonwealth of Pennsylvania.

I ask why is Allegheny County, my county, being identified as a change for reapportionment when, in fact, there is an existing law in place that handles reapportionment presently for Allegheny County, and why, let me add to that question, Mr. President, why is it that Allegheny County has not themselves requested this change?

Senator BRIGHTBILL. Mr. President, my understanding is that the county executive has requested this change and believes that this would be effective. My understanding is that this procedure is very similar to the procedure that was adopted initially to develop the districts in 1997 for county council, and I believe that the creator of that system was the gentleman who is interrogating me from Allegheny County.

Senator WAGNER. Well, Mr. President, it is good to know who was the sponsor or who was the initiator of this request, and now knowing that it is the chief executive, Mr. Roddey, I think it would have been appropriate for Mr. Roddey to notify the elected officials of Allegheny County of his desire to change what is now part of present law. And in fact, Mr. President, Mr. Roddey has not done that as chief executive of Allegheny County.

I am extremely concerned, Mr. President, that with the change in government in Allegheny County just 2 years ago when the people approved Home Rule, which incidentally already includes the Municipal Reapportionment Act as part of their charter in Allegheny County, if Mr. Roddey or anyone else in Allegheny County would like a change in how the process works, they should proceed with a change in the charter.

I would again ask a question, why is it that that process is not working in an open, public way, because, Mr. President, I saw this amendment for the first time 45 minutes ago, and I am an elected official from Allegheny County.

The PRESIDENT. The Chair recognizes the gentlewoman from Allegheny County, Senator Orié.

Senator ORIE. Mr. President, can the gentleman repeat the question, please?

Senator WAGNER. The question, Mr. President, is I would like to know why on this side of the aisle the elected Senators from Allegheny County had no notification as to a major change in the process of government as is suggested in this amendment?

Senator ORIE. Mr. President, I am answering on behalf of Senator Brightbill, but I would indicate to the gentleman that we certainly were aware of this and were consulted about this amendment.

Senator WAGNER. Mr. President, I would like to then ask the Senator from Allegheny County, why is it that the Senators on that side of the aisle knew about this amendment but the Senators on this side of the aisle did not?

Senator ORIE. Mr. President, that is an issue I think the gentleman certainly could ask Mr. Roddey, but I can also indicate for the record that we had a discussion in the back of the floor earlier today about this specific issue and about dealing with this amendment.

Senator WAGNER. Well, Mr. President, I will again say it was no more, not even 45 minutes ago, that I received this amendment. This is a major change in the process of government in the county that I live in, the county I represent, and quite frankly, it is an insult to me that Mr. Roddey as chief executive, or now as dictator, of Allegheny County would attempt to slide a change through as quickly as the last day prior to recess so that he has personal control or more control over the process of reapportionment.

That is not the way the law is written today, that is not the way the charter of the county of Allegheny is written. That was approved by the people, through referendum. We are not talking about me as a Senator, we are not talking about the Senators on that side of the room, Mr. President, we are talking about 1.2 million residents of Allegheny County and what they chose as being their best form of government and how that government should change, if it is changed, through a public referendum process or councilmanic action with public involvement in Allegheny County. That is not occurring here today with this referendum, and I want to know why. I want to know why with this amendment.

Senator ORIE. Mr. President, if I could respond, first of all, if the gentleman would look to the language in the amendment, I think he can see this is about good government. This is about allowing both the Majority of the county council and the Minority Caucus to pick two individuals, and if they do not agree

within a 120-day period, the president judge -- and if I could certainly emphasize for the record, there are 47 judges in Allegheny County. There is not one Republican judge in Allegheny County.

This is about bipartisanship, this is about good government. This is not about dictatorship, this is a process that the gentleman voted for in the past, he supported, and has taken leadership on, and I think to even categorize this or even reflect this as dictatorship or anything along those lines is outrageous.

Senator WAGNER. Well, Mr. President, let me ask, under what other layer of government, I know a little bit about this, having been the president of Pittsburgh City Council and having chaired the reapportionment process with a city, the second largest city of this Commonwealth, 10 years ago, and a city of Home Rule, and I would like to know at what level of government - city, county, State - does the executive branch of government begin to dictate the process by which reapportionment occurs?

Senator ORIE. Mr. President, I think when you look to the State and how it does reapportionment, there is a precedent here, and I think this precedent and I think the language in this amendment, as I had indicated, is bipartisanship and almost leans towards the Democrats in Allegheny County. But we are willing, under good government, to go with this language because it is the right direction for Allegheny County.

Senator WAGNER. Mr. President, this is anything but bipartisanship, and everyone in this building knows that. Everyone in this room knows that. When the executive branch of government begins to sneak through legislation on the last day that this body is meeting, without informing the elected representatives of this body or anyone in the House of Representatives, that is anything but good, open, bipartisan government. And if anyone wants to stand on this floor and say it is, it is not.

I know how this process works. I have the reapportionment law in front of me, and it applies presently to Allegheny County government. But what we are proposing to do in this amendment is to change that process as quickly as we can without the 1.2 million residents of Allegheny County having any input into the process.

If everyone believes so much in this process, well, then let us withdraw this amendment, Mr. President, and let us go back to Allegheny County and begin to hear what the people think of this change in their government. Now, is the Senator receptive to doing that?

The PRESIDENT. Senator Wagner, is this still the interrogation?

Senator WAGNER. Yes, it is, Mr. President, because this is not our amendment.

The PRESIDENT. Okay. Senator Orié?

Senator ORIE. Mr. President, I am willing to go forward on the amendment we have here today. This is about bringing Allegheny County forward. When we went to the Home Rule Charter in 1997, Allegheny County took great strides and moved into the 21st century. This amendment keeps us consistent. Anything less than that would move us backwards instead of forward, and I think that is the point to emphasize here today.

Senator WAGNER. Well, Mr. President, I was not born yesterday. Mr. Roddey has tried to create a communication level with elected officials up here, and he has chosen to have meet-

ings periodically, breakfast meetings to talk about the agenda for Allegheny County, where funding is needed, what changes need to be made in the legislative process, and quite frankly, he has purposely avoided this topic in any discussions with me, any discussions with the members of Allegheny County Council, unless the discussions were only with the members of his own party.

And not only that, but another aspect of this bill is he has purposely chosen not to discuss these issues with us, the elected officials, who are as responsible as he is, or more responsible in this particular situation.

Mr. President, I know we are going to lose this vote, because I know the Majority party is listening to Mr. Roddey's dictate, and I use that term purposely, "dictate," because that is what he is doing. He is dictating how State government should act, and, Mr. President, that offends me tremendously because I have tried to work with Mr. Roddey on every request he has put forth to State government. But these behind-the-back, back-alley tactics of changing that government, and I am going to talk about another issue in this bill after this amendment passes, and incidentally, Mr. President, the other side was so confident in this amendment that a Supplemental Calendar was already passed out prior to it passing.

Quite frankly, Mr. President, I am very disturbed. I am disturbed that my county, my government, that people have the audacity to make changes that the people of the county do not want and have a great fear of going in front of the public with those proposed changes, and we all know why that is happening. Because under the Municipal Reapportionment Act, when there is a legislative body, the legislative body dictates the process. That is the way the Constitution is written. That is the way the public wants it to be. They do not want the executive branch of government determining how reapportionment occurs, and that is at every level of government in this country.

And now today, all of a sudden, there is a change, because a single executive makes a request to this government, his request, not the people's request, not the legislative branch of government's request, his request, and we are going to follow suit and we are going to vote it by party line.

Well, Mr. President, it is completely unacceptable to me. And the line has been drawn in the sand on this issue. It is as offensive as any issue that has come in front of me.

Thank you, Mr. President.

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

Senator LOGAN. Mr. President, I do have a few questions for Senator Orie, if she will stand for interrogation.

Senator ORIE. Yes, Mr. President.

Senator LOGAN. Mr. President, when was the Home Rule Charter in Allegheny County drafted?

Senator ORIE. Mr. President, 1997 or 1998.

Senator LOGAN. Mr. President, when was the Home Rule Charter in Allegheny County voted on?

Senator ORIE. Mr. President, the legislation was 1997.

Senator LOGAN. Mr. President, I will repeat the question. When was it voted on by the public? When did the residents, the taxpayers, the voters of Allegheny County go to the polls and vote "yes" or "no" on the proposed Home Rule Charter?

Senator ORIE. Mr. President, to the best of my recollection, it was either the fall of 1997 or the spring of 1998.

Senator LOGAN. Mr. President, what was the margin that the Home Rule Charter passed by?

Senator ORIE. Mr. President, I do not know the answer.

Senator LOGAN. Mr. President, around about? Do we have an around-about answer? Mr. President, 10 percent, 5 percent, 20 percent, less than 1 percent?

Senator ORIE. Mr. President, I would just say that it passed.

Senator LOGAN. Mr. President, was it overwhelmingly?

Senator ORIE. Mr. President, I would state that it passed.

Senator LOGAN. It passed. Mr. President, when the voters went to the polls and approved the Home Rule Charter, was the issue of reapportionment addressed in the Home Rule Charter?

Senator ORIE. Mr. President, it was addressed in the legislation that framed it.

Senator LOGAN. Mr. President, so when the voters went to the polls, the issue of reapportionment was addressed?

Senator ORIE. Mr. President, the initial reapportionment was addressed.

Senator LOGAN. Mr. President, so when the voters went to the polls, that reapportionment, just as county council numbers and districts and terms and the structure of a manager, county executive, that was all addressed in the legislation so the voters knew that this reapportionment was one section of what they were voting on?

The PRESIDENT. Senator Orie?

Senator LOGAN. Mr. President, the answer is, yes. I will answer. Reapportionment was one piece of the entire Home Rule Charter. So when we entrusted the voters to go to the polls, this was one section that they were voting on.

So, I guess my final question is, does this amendment, just so I am clear, circumvent the voters' desire, when they went to the polls and made a choice, does this amendment circumvent the voters' decision when they went back a few years ago and voted for Home Rule Charter?

Senator ORIE. Mr. President, I would state, absolutely not. I would indicate that this is consistent with the 1997 procedure, and that is why we are moving forward on this amendment.

The PRESIDENT. Any other questions, Senator Logan?

Senator LOGAN. Well, Mr. President, I did not have any, but now I am unclear. Reapportionment that was addressed in the Home Rule Charter by the Municipal Reapportionment Act was a part of what the voters of Allegheny County were changing, just as the county executive, the relationship between the county executive and the manager, his or her functions, county council's role, how many there will be, the number of terms, 2 years or 4 years, reapportionment. That reapportionment section was a part of the Home Rule Charter. That was on the ballot. The residents and voters and taxpayers went to the polls to vote on the concept, the issue of Home Rule Charter.

So, my question is again, maybe Senator Orie did not understand it, so I will repeat it. Does this amendment that changes that reapportionment section, does this amendment circumvent what the voters did when they went to the polls a few years ago?

Senator ORIE. Mr. President, I certainly am clear on the question that is being asked, and I will indicate to you that this amendment reflects the initial process that took place on the

charter that was voted on. This was brought up in it, this amendment is consistent with what we were trying to attain from that initial charter, and I would say it is consistent and that this is a reflection of what the Allegheny County voters asked for, which was good government, and this continues good government and continues the theme of moving Allegheny County into the 21st century.

Senator LOGAN. Mr. President, when the Home Rule Charter of Allegheny County was drafted, and whoever sat at the table, I did not sit at the table, I opposed Home Rule Charter, because I was a mayor under a Home Rule Charter community and I did not agree with it. But whenever those folks, whoever they were, sat at the table and discussed the reapportionment aspect of the Home Rule Charter, if the Municipal Reapportionment Act, which is in the Home Rule Charter, that is what we defer to, if that was so bad and that was so partisan, why did not whoever was sitting at the table say, that is bad, so now let us put in this commission, this two by the Majority, two by the Minority, will get involved in court cases. If the two cannot agree and the four cannot agree, we will have the president judge get involved.

So, back in 1997 and 1998 when we were drafting this -- let me take this back. When they were drafting this, why did we not say, it is bad, let us go to this commission style? We knew what transpired here in Harrisburg, that that was how they worked it here. Back in 1997 and 1998, my question is, why did we not think of good government back then?

Senator ORIE. Mr. President, again, this is consistent with what we thought of back then. In addition to that, if you recall back at the Home Rule Charter period, they developed a drafting committee, that was in the forefront, a reapportionment committee. Reapportionment was not given the emphasis that it is at this point in time. It was mentioned, it was on the radar, but not to the extent of those two issues.

In addition to that, this reflects what we did with the drafting committee, with the reapportionment committee, which was done in a fair, open, accountable process, and that is what we are trying to do here, the same thing, just continue. It is a logical progression, it is where Allegheny County needs to be, and it is about good government.

Senator LOGAN. Mr. President, "at this point in time," they were the key words that the Senator just said, "at this point in time."

Mr. President, at this point in time, does this change in reapportionment have any reflection on Mr. Roddey not having the majority vote on county council, therefore not controlling the process of reapportionment?

Senator ORIE. Mr. President, if I could respond, and I am going to emphasize this, this allows two Minority members from county council and two Majority members, who then make a decision on the fifth individual. If they cannot decide--they have 120 days--within that 120 day timeframe, then the president judge of Allegheny County, who happens to be a Democrat, there are no Republican judges in Allegheny County, makes the decision.

This is not about Mr. Roddey. He does not gain by this, the public gains by this. Allegheny County citizens gain by this because it is an open process. It is a fair process. It is what Alle-

gheny County wants. It is a natural progression from what we have done in 1997.

This is not about partisanship. In my opinion, the edge is to the Democrats in Allegheny County, but what we are doing is allowing Allegheny County to continue into the 21st century and move forward and, more importantly, we are allowing Allegheny County citizens to see good government, to see accountability at work.

Senator LOGAN. Mr. President, the Senator talked about an open process. Would she be willing to withdraw the amendment and let us give a fair, open process to this? Because let us remember, the voters went to the polls and they voted for Home Rule Charter government in Allegheny County, which comprised all those things I talked about. So let us give them a fair, open process, not at 8 o'clock at night while some people might be watching PCN, some people might not be. Let us give them that fair, open process that the Senator talked about, that good government that she talked about, and let us have some public hearings on it.

Would the Senator be willing to withdraw the amendment so that during the summertime we can go back and have some public hearings on this major item of the Home Rule Charter, the reapportionment of 13 council districts? Would she be willing to withdraw the amendment, have an open process, have public hearings so the voters, the public, the taxpayers could come and say, you know, I think that is a good idea, we did overlook it back in 1997. I think that would be a fair process, two from the Majority, two from the Minority, and possibly the president judge. What you guys had in the Home Rule Charter before was bad, let us have a real open process, let us have a real good government.

Mr. President, would the Senator be willing to withdraw that amendment and have a public hearing this summer?

Senator ORIE. Mr. President, I stand behind this amendment. I support this amendment. I have stated that this is about good government. This amendment reflects everything that you are asking for - an open process, fairness, accountability. I am standing here supporting this amendment 100 percent, because that is what it is about, despite the fact that the Democrats in Allegheny County have an edge in this amendment, because I know it is about good government and I know that the citizens of Allegheny County want to see good government.

This is not about partisanship. This is about moving Allegheny County forward and continuing the good government that is at work in Allegheny County. So I stand behind this amendment and urge my colleagues to vote for this amendment this evening at this hour.

Senator LOGAN. Mr. President, I have one more question, because I did not hear the answer to it. Would the Senator be willing to withdraw the amendment and have an open process of public hearings throughout the summer so that the voters and taxpayers of Allegheny County can give input to this? It is a simple "yes" or "no" question.

Senator ORIE. Mr. President, I would indicate I have answered this question. This is an open process. This amendment reflects an open process. This amendment reflects Allegheny County moving forward in a logical progression to what we voted on in 1997.

Senator LOGAN. Mr. President, I am just going to assume that is a "no," that we are not for an open process, we are not for public hearings. We are going to change some part of this Home Rule Charter without the people having any input on it. This amendment circumvents the Home Rule Charter. It circumvents those people who went to the polls and voted for it.

This is not good government. This is back-door politics. This is four Allegheny County Senators - Senator Costa, Senator Wagner, Senator Bodack and myself - getting this amendment that changes an important aspect of the Home Rule Charter only 45 minutes ago, and it is wrong. And those folks from Allegheny County have to go back and face their voters as to why we in Harrisburg, late one night, changed what they went to the polls to do.

Thank you, Mr. President.

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

Senator COSTA. Mr. President, I, too, want to rise to express my displeasure with respect to the amendment being offered this evening. Back in 1997, I and I believe Senator Wagner at that time were just two of the very few Democratic votes who were there for the change in the form of government for Allegheny County. And, Mr. President, it is my recollection in that Committee on Rules and Executive Nominations room, where we had several discussions about amendments that I offered and Senator Wagner and other folks offered, it was my recollection there was considerable discussion about the reapportionment plans and the reapportionment process.

My recollection, Mr. President, in the numerous committee meetings that we had in the city of Pittsburgh with the chairman of the drafting committee, or the chairman of the 2001 Good Government Committee, who was Dr. John Murray, the president of Duquesne University, and also Rick Stafford and other members, people in our community back in Allegheny County who participated in this process, that was in fact one of the things that we discussed. And for the gentlewoman from Allegheny County to imply that it was not given its proper due I think is a misstatement, and I recognize that in fact this particular issue was decided by the voters, as my colleagues from Allegheny County expressed.

We talked about good government and an open process. Mr. President, the open process that we are talking about is going to be the 50 people in this room tonight and the 203 Members of the House of Representatives who are going to vote on the reapportionment of Allegheny County. As my colleague from Allegheny County, Senator Logan, said, subvert the will of the people of Allegheny County. Those folks had an opportunity to review the draft of the Allegheny County Charter in several hearings in different parts of Allegheny County. Everyone who wanted to testify had the opportunity to testify. It was a bipartisan drafting committee. It was a bipartisan group of folks who, before the legislation passed, worked very hard for it, and a bipartisan number of individuals in this Caucus and this Chamber voted in favor of that piece of legislation. So to imply that what we did before was not bipartisan, or the governmental process that we adopted as part of the process for the reapportionment of Allegheny County was not bipartisan, is not appropriate.

Mr. President, my colleague from Allegheny County said that we need to move forward in Allegheny County and that we need to have good government, consistent government. There is an old saying, "if it ain't broke, don't fix it." This reapportionment process has not even started yet in Allegheny County. The actual date that we could begin the process does not begin for 2 or 3 more weeks yet when the official numbers are coming forward, but yet we feel the need now to go and change the process because one person, the dictator from Allegheny County, who directed to our Chamber what should be done in terms of this particular process, because he feels it needs to be changed, that he feels he needs to subvert the will of the 1.2 million people in Allegheny County, Mr. President, that is wrong. If it is not broken, then do not fix it, it does not need to be fixed, and in Allegheny County we will be the only municipality that I can think of, and maybe someone will correct me, but to my knowledge we will be the only municipality that will have a reapportionment plan like this.

Every other municipality in our Commonwealth, municipality I said, not State government, because we in Allegheny County are not a State government. I can understand and appreciate that that is what we do here in State government, that is how we do our reapportionment process, but we do not need to do it that way in Allegheny County. The people of Allegheny County, and I will repeat myself, the people of Allegheny County, not Jim Roddey, not the 50 people in this room who are going to vote on this amendment, those are not the people who should be making decisions for Allegheny County when it comes to something where it is overruling the will of the people.

Mr. President, I submit to you that if it is not broken, we do not need to fix it. We have had a lot of open discussion about this particular process, and most importantly, most importantly, the process has not even started yet. And the very fundamental thing that we are doing here today, the very basic, the very fundamental thing is that we are allowing people to come into this Chamber and dictate and overrule the will of the people. That is not what I was sent here to Harrisburg to do. I do not think that is why the people in this room were sent to Harrisburg, to do those type of things, and I ask my colleagues, I implore my colleagues to join us in defeating this amendment.

Thank you, Mr. President.

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

Senator HUGHES. Mr. President, I am obviously not from Allegheny County, but I rise with I guess an observation, and I really rise to stand with my friends and my colleagues from Allegheny County, because not too long ago they rose and they stood with us from Philadelphia when the political shenanigans, if you will, began to overcome, in this case, the will of the people, and apparently many other situations probably to come, what would be good public policy. They stood with us. I feel compelled to stand with them at this particular moment.

It is starting to stink around here, and it is starting to smell around here, and it is starting to stink and smell, as I said before, of political chicanery. There is no reason to change probably one of the most important processes that we have in unveiling our democracy, and that is a reapportionment process. There is no

reason to change it. The good Senator said, prior to this, the old saying, "if it ain't broke, don't fix it."

But it appears that political grabs are starting to rise up because of the overwhelming abuse of political power. It happened in the fair city of Philadelphia around the issue of who controlled the Parking Authority. Now it is happening here. Because you can, it does not mean that you should. Because you have the power, it does not mean that you need to use the power, to wield the power. Because you have the sword, it does not mean that you should cut with it. And that is what is happening here. It is the reapportionment process, the Parking Authority.

Last night we stood up at a late hour to deal with the very real issues in our own city of Philadelphia of how we deal with those individuals who teach in our public schools, and that economic base was ripped out right from under us, because folks had the power and ability to do it, not because it was good public policy, because they had the political power and the will to do it. And we are in politics. We are all big boys and we are all big girls around here. But at some point we are supposed to have a consciousness that takes us above the political fray and allows us to see higher ground and what is most appropriate and what is in the best interest.

Obviously, I am looking to support my friends and colleagues in asking for a "no" vote, but if we go down this path, Mr. President, there is a very stinky, smelly kind of path that has developed over the last couple of weeks. There is a path of politics overcoming good public policy. Stealing the Parking Authority, ripping up the reapportionment process, taking out the control of the tax base of the folks in the city of Philadelphia, taking over agencies and authorities, especially those entities that are in Democratic strongholds, that is what this Session is going to be known for.

It will not be known, Mr. President, in the annals of history, when we write the history of about what was done in this legislative cycle, when we close business probably several hours from now, it will not be known about coming up with the best, most progressive, most comprehensive prescription drug policy. We will not be known for that. We will not be known for true education reform and financing our public schools the way they should be financed. We will not be known for that, Mr. President.

We will not be known for, although a compromise has positive aspects to it, a tobacco plan that is a response to some people's needs but not the one that really sees us the way we should be seen. Taking the power of those tobacco dollars and really transforming the health care reality for the people in this Commonwealth, we will not be known for that. We will be known for incremental change in that area.

We will be known, and the papers will reflect this as the season for political thievery, to take over dominance in political areas where we do not have dominance and seize it in those places. That is what we will be known for.

So I stand up with my colleagues from Allegheny County because they stood with us, and I feel compelled to stand with them as I see the passion and determination with which they argue this issue. But I also stand up to make the statement of how this whole thing is starting to evolve, and we need to be conscious about this, Mr. President, as we continue our business forward.

Obviously, I ask for a "no" vote, Mr. President. Hopefully, we can see beyond our political desires and see what is good for public policy in this Commonwealth.

Thank you.

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

Senator WAGNER. Mr. President, I rise to speak one more time. First off, I want to thank my colleague from Philadelphia County for speaking on our behalf because I believe the Senator clearly sees that if this can happen in Allegheny County, something similar, as he described, happened in Philadelphia County, but other changes in the governmental process can occur also. And, Mr. President, I think it is good, thank God we have an open process to the point where we have PCN and people can hear this debate and they can understand, begin to understand what is happening on some of these changes.

Mr. President, I rise to ask my colleagues on the other side of the aisle for once to break party lines and to vote "no" on this amendment. I know sometimes that is difficult, but I am asking that that be done for a couple of reasons. First and foremost, again what we are doing is superseding a Home Rule county in terms of how they govern themselves. We created Home Rule for Allegheny County, and I believe, Mr. President, 5 other counties out of the 67 counties in the Commonwealth of Pennsylvania have Home Rule.

Home Rule is precisely what the term describes. It means that we in State government give those counties the jurisdiction and the ability to run their government the way they choose to run it. That is what Home Rule is all about. What it does is it prevents and restricts the number of times that they have to come back to Harrisburg to get changes in State law to make changes at the county level or the local level.

Well, what this amendment does is supersedes Home Rule, what Allegheny County residents asked for 2 years ago through a public referendum. I ask, Mr. President, how often do we want to do that with local governments? And which local government, county government or other local government, is next? Is it Indiana County? Is it Erie County? Is it Cambria County? Is it Lackawanna County? Which county is next? Or which municipality that has Home Rule is next, where Big Brother, meaning big government, comes in and says we are going to tell you how you run your government, how your government is structured?

That is not the way Home Rule works, Mr. President, and it is not the way America works. People want to determine how their government works at the local level. That is the reason why there is local government, to give them that authority. And what are we doing in this amendment? We are taking it away, due to a dictate by the chief executive of Allegheny County who now wants to become part of the reapportionment process.

Mr. President, it is as wrong as wrong can be, because the precedent that is being set here is going to continue, and I have to say to my colleagues in this Chamber, the process will get uglier and uglier. I may get beaten, but I am going to keep fighting, because there is no one in this room, Mr. President, who sent me to Harrisburg. No one. They are all back in Allegheny County, and that is whom I represent. And those people, Mr. President, have not told me, the people who elected me, that they

want us to supersede the process of the government that they created, and that is precisely what we are doing here.

Mr. President, I am appealing to the common sense of my colleagues. Unless my colleagues want their counties to be dictated to by State government in the change of their government, unless my counties want State government to dictate how their municipalities should be run and we want to get involved in every minor aspect of local government, which I believe none of us were sent to Harrisburg for that reason. We were sent to Harrisburg to talk about education, to talk about the economy, to talk about the tax structure, to talk about the big issues that impact everyone. The people and the Constitution of this Commonwealth were not created for us to come to Harrisburg to get involved in local issues, unless we see something wrong that exists at the local level, and no one from Allegheny County has told me that anything is wrong.

Mr. President, this is a dangerous precedent. It has begun here, I see it continuing to happen, and somewhere, somehow, some leadership has to exist to step above the process, and it is not happening, Mr. President, and it disturbs me greatly.

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

Senator COSTA. Mr. President, if I could have an opportunity to speak a second time. During the discussion when some of the other Members were speaking, we had the opportunity to check with the Local Government Commission and, basically, for the information of the Members, we were informed that there is no other municipal government, no other municipality in the Commonwealth that has a provision different than the provisions that are laid out in Chapter IX, Municipal Reapportionment, of Title 53, known as the Municipal Reapportionment Act. No other municipality in our Commonwealth, of the 2,000-some municipalities we have out there, has anything different than the law that is on the books today.

But tonight we are going to vote again to circumvent the will of the people in Allegheny County to make an exception for them to be the only municipal government out there that has to have a special way in which we do our reapportionment, again, before the process has even started. We have not had one opportunity to do that, because this is the first time we have reapportionment taking place with respect to our county council. But yet, before we do this, before we go down that path, we are changing the rules.

Mr. President, I heard about good government consistently from the other side of the aisle. Good government would dictate that we go through this process the first time and let us see how that process works. Let us follow the will of the people in Allegheny County. And again, I ask my colleagues, as Senator Wagner has done, to break ranks with their party and join us in defeating this amendment.

Thank you for the opportunity to speak a second time, Mr. President.

The PRESIDENT. The Chair recognizes the gentlewoman from Allegheny, Senator Orié.

Senator ORIE. Mr. President, if I could just sum up a few points. One, Allegheny County's charter is silent on reapportionment. And second, as a result of that, the reapportionment is governed by the Municipal Reapportionment Act, which happens

to be a State law, and that is why we are here today before this Chamber amending a State law.

You hear the words that have been bandied about here this evening of dictatorship, circumventing, back-door politics, but I ask this Chamber to consider the following. This issue surfaced in this Chamber last year by a Senate Member. It is an issue that was before you, an issue that you were aware of. Second of all, Mr. Roddey has had conversations with Democrats and Republicans in the House and in the Senate. Third, this is an issue that was earlier discussed by myself and fellow colleagues from Allegheny County in the back of the Chamber earlier today.

It does not make sense, the words that you used to describe this process, from dictatorship to back-door politics, when you read the amendment itself. The amendment itself is about fairness and good government. It allows both the Majority and Minority to pick two members, and it allows, if there is no agreement, the president judge of the Allegheny County municipal court. What more do you need for good government? This leans toward the Democrats in Allegheny County. There are no Republican judges in Allegheny County.

Lastly, I want to say, when they asked what this is about, what this Chamber has done today, I am confident that this amendment is a hallmark to this great Chamber. It is a hallmark about good government, about open government, about honest government. That is what we are doing here today. And I stand confident that is what Allegheny County citizens are going to be left with. That is what we are doing here today.

This system is not broken, and I refer to my colleague, it is not broken because we are moving forward in Allegheny County. We have had good government in place since 1997. If we do not move forward on this amendment, we will have a broken government, we will revert back to old politics in Allegheny County. This is about moving forward and continuing the progress in Allegheny County.

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

Senator LOGAN. Mr. President, I would like to just ask a couple more questions of Senator Orié, if it is okay.

The PRESIDENT. Senator Orié?

Senator ORIE. Mr. President, I agree.

Senator LOGAN. Mr. President, the gentlewoman had stated that County Executive Jim Roddey had talked to Republicans and Democrats both in the House and the Senate, and I know for myself I put in a couple of calls and, frankly, I did not get called back by County Executive Roddey, and I asked Senator Costa, and I know for a fact Senator Bodack and Senator Wagner have put numerous calls in to County Executive Roddey and I believe his chief of staff, and they have not been called back. So, my question is, what Democrat in the Senate did Mr. Roddey talk to about this proposed amendment? There are only four of us.

Senator ORIE. Mr. President, I would indicate that I have stated that Mr. Roddey has spoken to House and Senate Republicans, as well as Democrats.

Senator LOGAN. Mr. President, what House Members on the Democratic side of the aisle did Mr. Roddey talk to? Because I know when we had a press conference and there were a number of them there, and they had their hands up, too, about this reapportionment, just like another portion of this bill, Senate Bill No.

869 dealing with Shuman Center, but that is for the next portion when we will talk about Shuman Center. What Democrats in the House did Mr. Roddey talk to about this issue of reapportionment?

Senator ORIE. Mr. President, I would indicate that is just an inappropriate statement. I have indicated that he has had conversations with Democrats and Republicans in the House and the Senate.

Senator LOGAN. Mr. President, I am sorry. I was just trying to get an open process and good government out, but we do not have to divulge that.

Mr. President, why does Allegheny County need to be the only local government, and I think Senator Costa said it is a local government, not a State government, why does Allegheny County need to be the only local government in the Commonwealth to go away from the Municipal Reapportionment Act and go to something different?

Senator ORIE. Mr. President, because this would be a successful, logical progression of what we have done in 1997 with this charter, and that is what this amendment reflects, good government.

Senator LOGAN. Mr. President, Senator Orie said that the Municipal Reapportionment Act is broken, and I quote, "is broken." What is broken about the Municipal Reapportionment Act, and how do I and Senator Gerlach, chair of the Committee on Local Government, how do we get a handle on this? Because tomorrow we have a hell of a lot of calls to make. We have to call every local government and say this is broken and we need to fix it right away. So, what is broken about the Municipal Reapportionment Act, and will Senator Orie be willing to make some of those calls to all the local governments in the Commonwealth?

Senator ORIE. Mr. President, I would just indicate that I was responding to what my colleague said, that the system is not broken, and I was indicating that this is consistent with the good government that is going on in Allegheny County and that this amendment reflects that, and that Allegheny County needs to move forward and this is part of moving forward.

Senator LOGAN. Mr. President, just in closing, again, and I think my colleague, Senator Costa, has a few more questions, but this is not good government. Again, this is circumventing those folks, the taxpayers, the voters who went to the polls and voted for the Home Rule Charter. And we are going to say, do you know what? Now it is 8:30 p.m., and we are going to change the Home Rule Charter, change the way we draw the lines for 13 county council seats.

Thank you, Mr. President.

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

Senator COSTA. Mr. President, I beg the indulgence of the Members, if I could just have one opportunity to say one more thing.

The PRESIDENT. Without objection.

Senator COSTA. Mr. President, with respect to it not being broken, our Home Rule Charter very explicitly has a process. If we want to change the charter, if we want to make amendments or changes to the charter, there is a process to follow. We are not following that process, and that is what is most offensive, Mr. President.

Thank you.

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

Senator O'PAKE. Mr. President, I am not from either Allegheny County or Philadelphia County, but I am a little confused, because I always thought that it was the philosophy of the Republican Party to keep government local. They are constantly complaining about Federal government mandates, and at the local level they are complaining about how the State is mandating certain things, and this, very frankly, flies in the face. Tonight, 30 people on this floor are going to change the Home Rule Charter that the voters in Allegheny County enacted only a few years ago. If that does not fly in the face of local control, keeping government close to the people, I do not know what does.

And while we do this here tonight to Allegheny County, as was pointed out by one of the prior speakers, who is next? I think this is an assault on local government. It is an affront to citizens not only in Allegheny County, but citizens throughout Pennsylvania who elect their local officials and want to keep that government close to them. I think it is wrong. I know there is political advantage in this, but I think that we are not doing what is right, we are doing what is political to the Majority at the time.

And the question recurring,

Will the Senate agree to the amendment?

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

YEA-27

| | | | |
|------------|-----------|----------|----------------|
| Armstrong | Gerlach | Murphy | Tilghman |
| Bell | Greenleaf | Orie | Tomlinson |
| Brightbill | Holl | Piccola | Waugh |
| Conti | Jubelirer | Punt | Wenger |
| Dent | Lemmond | Rhoades | White, Donald |
| Earll | Madigan | Robbins | White, Mary Jo |
| Erickson | Mowery | Thompson | |

NAY-20

| | | | |
|---------|----------|----------|-------------|
| Bodack | Kasunic | Mellow | Stout |
| Boscola | Kitchen | Musto | Tartaglione |
| Costa | Kukovich | O'Pake | Wagner |
| Fumo | LaValle | Schwartz | Williams |
| Hughes | Logan | Stack | Wozniak |

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

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

SPECIAL ORDER OF BUSINESS ANNOUNCEMENT BY THE SECRETARY

The SECRETARY. Consent has been given for the Committee on Appropriations to meet imminently in the Rules room to consider House Bill No. 2.

RECESS

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

Senator BRIGHTBILL. Mr. President, I request a recess of the Senate for a meeting of the Committee on Appropriations, and we will be back in probably 5 or 10 minutes.

The PRESIDENT. For a meeting of the Committee on Appropriations, without objection, the Senate stands in brief recess.

AFTER RECESS

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

SPECIAL ORDER OF BUSINESS SUPPLEMENTAL CALENDAR No. 3

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

HB 869 (Pr. No. 2377) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of July 28, 1953 (P.L.723, No.230), known as the Second Class County Code, further providing for monthly retirement allowance increase, for optional limitations on assessed value, for sharing of information; providing for a reapportionment commission in counties of the second class; further providing for building for juvenile offenders, for management of juvenile detention houses by board, for appointment and compensation of board employees, for annual report and expenses of board and for furnishing rooms for meetings of certain veterans and of sons of veterans; and providing for county council authority to make certain appropriation.

Considered the third time and agreed to,

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

On the question,

Shall the bill pass finally?

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

Senator LOGAN. Mr. President, let us just review what Senate Bill No. 869 was supposed to do. It was supposed to provide a COLA to about 4,500 retired county employees in the county of Allegheny - clerks, secretaries, jail guards, police. It does not do that anymore. As we talked about it 5 or 10 minutes ago, and we do not have to rehash it, it circumvents the voters with reapportionment. It is the State saying we do not want what the public decided. We are going to change it in Harrisburg, and we will give you a new form of reapportionment.

It talks about the Shuman Center. The Shuman Center, Mr. President, for those in this hall who do not know, the Shuman Center is a juvenile detention facility. It changes the management structure of Shuman Center. Why? Because Mr. Roddey, our chief executive, had an argument with the current board of directors at the Shuman Center. They did something he did not want them to do, now he wants it changed, and we are going to give it to him. We are going to change the board of directors at Shuman Center because Mr. Roddey wants it.

Mr. President, this is not a parking authority. These are not meter maids. This is the management of a juvenile justice center. These are kids who are criminals, and in this COLA bill, this bill

that was just going to aid county employees, county retirees, we are going to change the structure and the management of the juvenile justice center in Allegheny County because Mr. Roddey had an argument with the board of directors. And out of a 10-member board, we are now going to give him 6 appointments, himself and 5 other board members. That is wrong.

What is next? What is Mr. Roddey not going to like next that we are going to have to change here? Let us hurry up and vote on this bill, because God only knows what we are going to stick in next. Reapportionment, Shuman Center?

Mr. President, I and my colleagues, we need to vote on Senate Bill No. 869. We need to vote in the affirmative because there are 4,500 retirees out there from Allegheny County who have not had a COLA increase in about 14 years, and the retirement board and the retirees worked hard on trying to get this cost-of-living adjustment, and we owe it to them. But this bill has been prostituted. We are talking about the Shuman Center, we are talking about reapportionment, and it is wrong, Mr. President.

Thank you.

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

Senator WAGNER. Mr. President, at the request of the Majority Leader and Minority Leader, I will be brief, because I know we have much other business to cover this evening. But I am compelled to rise to talk about House Bill No. 869, and my colleague, Senator Logan, pretty much described what the bill is about, and the main emphasis of the bill is a good piece of legislation because the bill as originally structured helps 4,500 Allegheny County retirees, and it gives them a very modest pension increase this year of 2 percent, based on the solvency of the fund. So, Mr. President, there are some good aspects of this legislation, and it is important that I state that on the record.

Mr. President, there is another aspect, though, of this legislation that Senator Logan spoke to, an amendment that did not occur here in the Senate, but an amendment that occurred in the House of Representatives this week, and what the amendment did is it took away the authority of the board of managers from the Shuman Juvenile Detention Center. And again, Mr. President, the way Allegheny County government is structured, they had management powers to oversee the operation of that board and fiduciary responsibility, how the moneys are spent within the juvenile center. But unfortunately, Mr. President, what this will do is it takes those powers away, not because they have done a bad job, because they have not, they have done a fine job.

I want to stand here today and compliment Jacqueline Dixon and the members of the board of the Shuman Center for the fine job and the dedication that they have given to run a very difficult facility. The chairwoman, Jacqueline Dixon, has been on that board since 1984. I have visited that center. Many of you who have juvenile detention centers, you know how difficult they are to run. You know that you need an active board, one that is involved in the operation of the center, and we are fortunate in Allegheny County because that exists with these volunteers who have served on that board.

But, Mr. President, unfortunately again in House Bill No. 869, the power is being taken away, and I want to state for the record the reason. The chairperson of the juvenile detention center, Jacqueline Dixon, notified the executive director that the executive

director was suspended for 5 days without pay, and the reason for the suspension, Mr. President, was that the executive director was part of the transfer of a large sum of dollars, \$1.2 million, away from Shuman Center that would be utilized for capital improvements to another county agency, in this case the Port Authority of Allegheny County.

Mr. President, that was done without the approval of the board of directors or simple notification to the chair of the board of managers. For that reason, that person was suspended. And, based on what I know of that account from a letter in front of me that has been given to me by that individual and by the county controller, Mr. Onorato, it appears to me as if that action was justified. But based on that action, an amendment was put in House Bill No. 869 in the House of Representatives to change the authority of the board of managers and give control to the chief executive of Allegheny County, Mr. Roddey. In other words, a competent performing board that made a sound decision to protect moneys going to that agency of county government, control was taken away from them because they were, in essence, not given control by their executive director. And now Mr. Roddey has taken total control away and has made them an advisory board within House Bill No. 869.

Mr. President, this is not part of moving Allegheny County government forward. As a matter of fact, it is sending a strong message to volunteers of a board that your volunteer service and your good management of that board is not appreciated. So rather than changing the charter, the Home Rule Charter again of Allegheny County, we have come to State government to make the change of how that board functions. Mr. President, I disagree with that, and I want to state that for the record.

I know that that is part of this bill, I know that this bill is going to pass. I know there are other aspects of this bill that I do not like. There are some aspects that I do like, but, Mr. President, I thought it was important to state for the record that there are two aspects of House Bill No. 869 where we as State government should not be involved in the change of how a Home Rule community functions, one being the amendment we just made, and the second being changing the powers of a volunteer board that has performed well to manage the detention center.

Mr. President, I simply want everyone to know that this multi-faceted second-class county piece of legislation is much more than what the bill originally intended, which was to help the retirees.

Thank you, Mr. President.

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

Senator COSTA. Mr. President, I will be very brief. I, too, want to put on the record my objections to the two provisions that my colleague from Allegheny County just mentioned, but also recognize the fine work the retirement board has done to allow for this cost-of-living increase for the retirees of Allegheny County to be rewarded in this way. I want to recognize them for their role in this, and again state my objection to the two provisions that we had lengthy discussions about previously, and what my colleagues just covered.

Thank you, Mr. President.

And the question recurring,
Shall the bill pass finally?

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

YEA-47

| | | | |
|------------|-----------|----------|----------------|
| Armstrong | Greenleaf | Mowery | Tartaglione |
| Bell | Holl | Murphy | Thompson |
| Bodack | Hughes | Musto | Tilghman |
| Boscola | Jubelirer | O'Pake | Tomlinson |
| Brightbill | Kasunic | Orie | Wagner |
| Conti | Kitchen | Piccola | Waugh |
| Costa | Kukovich | Punt | Wenger |
| Dent | LaValle | Rhoades | White, Donald |
| Earl | Lemmond | Robbins | White, Mary Jo |
| Erickson | Logan | Schwartz | Williams |
| Fumo | Madigan | Stack | Wozniak |
| 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 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.

REPORT FROM COMMITTEE

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

HB 2 (Pr. No. 2378) (Amended) (Rereported)

An Act establishing a special fund and account for money received by the Commonwealth from the Master Settlement Agreement with tobacco manufacturers; providing for home and community-based care, for tobacco use prevention and cessation efforts, for Commonwealth universal research enhancement, for hospital uncompensated care, for health investment insurance, for medical assistance for workers with disabilities, for regional biotechnology research centers, for the HealthLink Program, for community-based health care assistance programs, for PACE reinstatement and PACENET expansion, for medical education loan assistance and for percentage allocation and appropriation of moneys.

**SPECIAL ORDER OF BUSINESS
SUPPLEMENTAL CALENDAR No. 5**

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

HB 2 (Pr. No. 2378) -- The Senate proceeded to consideration of the bill, entitled:

An Act establishing a special fund and account for money received by the Commonwealth from the Master Settlement Agreement with tobacco manufacturers; providing for home and community-based care, for tobacco use prevention and cessation efforts, for Commonwealth universal research enhancement, for hospital uncompensated care, for health investment insurance, for medical assistance for workers with

disabilities, for regional biotechnology research centers, for the HealthLink Program, for community-based health care assistance programs, for PACE reinstatement and PACENET expansion, for medical education loan assistance and for percentage allocation and appropriation of moneys.

Considered the third time and agreed to,

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

On the question,

Shall the bill pass finally?

The PRESIDENT. The Chair recognizes the gentleman from Cumberland, Senator Mowery.

Senator MOWERY. Mr. President, I would like to make a few remarks in support of this legislation. Two years ago the Senate Committee on Public Health and Welfare began a series of public hearings to solicit suggestions and recommendations on how we could use tobacco settlement funds to improve the health of all Pennsylvanians. We started with a premise, articulated by the Governor, that all of these funds should be dedicated to health care. That premise became a promise, and today that promise is fulfilled. In our hearings we heard of need, the need to help our seniors with prescriptions and long-term care alternatives that will allow for those who need nursing home care to remain in their homes, to reduce the number of uninsureds, and to help hospitals that provide care to those who cannot afford to pay for their care, to fund health care research so that the many fine research institutions that Pennsylvania is privileged to have within its borders can lead the nation toward medical breakthroughs and new cures, to invest in tobacco prevention and cessation programs, and we heard that we needed to set aside some of the tobacco money in case future funds were reduced or eliminated. With passage of this legislation, we will have addressed each of these needs.

And while there are some who criticize that the process moved too slowly, I would like to point out that even here there is a silver lining. We have been earning approximately \$100,000 a day in interest on our tobacco funds. The money we have accumulated is helping to fund such worthwhile projects as to buy medical greenhouses and nursing loan forgiveness programs.

Finally, I would like to thank all the Members and their staff who have been working so diligently on this legislation over the past 2 years. In particular, I would like to thank Senator Brightbill for his leadership in this issue, and I would like to recognize the work done by our Attorney General, Mike Fisher, because without his efforts of achieving tobacco settlement, we would not be here today.

Mr. President, I think we have done such a good job on this bill, I would hope we have nothing but very positive remarks as we consider its passage here this evening.

Thank you very much, Mr. President.

The PRESIDENT. The Chair recognizes the gentlewoman from Northampton, Senator Boscola.

Senator BOSCOLA. Mr. President, after 2 years of public hearings and private negotiations, today Pennsylvania will finally pass a plan to spend our share of the national tobacco settlement. Since December of 1999, we have received about \$800 million

out of \$11 billion that represents our share of the tobacco settlement. Instead of using these funds to fight teen smoking or fund new cessation programs to help Pennsylvanians kick the habit, this money sat in our State Treasury, and we are one of two States that did not have a tobacco settlement plan until tonight, Mr. President. Pennsylvania and Oregon are the only States that did not have a tobacco settlement plan, so today is a good day.

So finally, and I do mean finally, our Commonwealth will have the authority and a blueprint for spending the tobacco dollars for prevention efforts and education programs. And I hope that whatever smoking cessation or smoking education programs these funds pay for are effective, because the national Campaign for Tobacco-Free kids estimates that about 126,000 kids in Pennsylvania became daily smokers in the last 2 years. Not only did we lose a chance to prevent these kids from taking up a cigarette, but Pennsylvania did lose out on \$19 million in settlement funds, all because this day did not come sooner.

So I am happy that this day finally came, because, Mr. President, every day, including today, more than 5,000 kids will try their first cigarette, and about one-third of all teenagers in Pennsylvania are going to smoke cigarettes today. That is why it is up to us, with this historic opportunity that we have been given, to help them make the right decision and make that right decision before it is too late. If we invest these funds wisely today in programs that will help prevent Pennsylvanians from smoking tomorrow, we will see this huge investment pay huge dividends in the future, and if we fail to keep kids from smoking in the first place, we will see the consequences down the road that will cost us more than we will ever be able to afford. This bill can help prevent tobacco-related illnesses and can prevent kids from smoking, and we can save the lives of future generations.

That is why I intend to vote for this bill, because of the kids out there who will be helped and convinced to do the right thing and not smoke cigarettes. Remember, it was this past Valentine's Day and Valentine's Day 2 years ago that I brought valentines into this Chamber from students saying, Senator Boscola, please do all you can to prevent teenagers from smoking. Keep us smoke free. We need your help, and that was 2 years ago.

And while I am happy that we have done things for kids in Pennsylvania, I am just a tad disappointed that we did not do more to help seniors, because it is true that this bill does contain an annual infusion of 8 percent of the tobacco funds into the Lottery Fund, but I think we all know that this short-term, year-by-year, pay-as-we-go solution is not the solution that we all hoped for. I know we can do better to help our seniors with prescription drug coverage. I know we can do better. I know this is a first step. All I am trying to do is encourage us to help more seniors, because they do desperately need our help.

Thank you, Mr. President.

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

Senator O'PAKE. Mr. President, Pennsylvania inherited an \$11 billion windfall under the 1998 national tobacco settlement. As a result of our action here tonight, tobacco settlement money will now be saving lives in Pennsylvania, not sitting in a savings account. With the passage of this bill, we are going to use that money to make sure that it helps tens of thousands of senior citizens get health care so they can stay in their own homes and af-

ford the prescription medicine they need. We are going to make sure that tens of thousands of other Pennsylvanians will have basic health insurance coverage. We will ensure that hospitals across the State, especially those that bear the heaviest burden of caring for the uninsured, will not go broke by providing necessary health services. We are going to ensure that local community groups will have the money to reach schoolchildren with effective antismoking programs and to help adults quit smoking. We will see that hundreds of millions of dollars are channeled into research that potentially could lead to breakthroughs as important as the Salk polio vaccine, which was developed right here in Pennsylvania. And we will guarantee, all the while, that we save enough money for the reserve fund to provide funding for as yet unforeseen health needs of our people in the future.

Mr. President, getting here tonight demonstrates how we can effectively address issues when we work in a deliberate and sincere bipartisan fashion. Although the settlement was reached more than 2 1/2 years ago, and despite very similar proposals introduced in 1999 by Senate Democrats and a few months later by the Governor, the average Pennsylvanian could only see a legislative stalemate on the issue until Republican and Democratic Senators stood together in February and introduced what is essentially now incorporated in House Bill No. 2. At that time, we expressed our hope that our bipartisan effort in this Chamber would break the legislative logjam that was preventing this money from being put to work.

Now we have a bill that will allocate from \$340 million to \$400 million a year for the next 25 years to senior citizens to get home health care, that will restore PACE benefits to those who lost their PACE eligibility by small cost-of-living increases in their Social Security this year, and that will increase the PACENET eligibility limit by \$1,000 a year. We will provide health insurance to some of the 1 million Pennsylvanians who do not have it. We will compensate hospitals for their unreimbursed or charity care. Our excellent research institutions will get a multi-million dollar infusion to encourage research aimed at curing or reducing cancer, heart disease, and other major health problems. Nurses and doctors who agree to work in Pennsylvania will get loan assistance or forgiveness for the cost of their education. All this will be done without using a single tax dollar.

Hopefully, Mr. President, we will wisely use this summer and the proposed Governor's task force to find a long-term solution to the high cost of prescription drugs, which should include the Senate Democrats' pharmacy benefits manager proposal to negotiate lower prices from the pharmaceutical companies, because while we have been working, so have illness and the tobacco industry.

We said back in February when we stood up with our Republican colleagues and offered our help that Pennsylvanians are more interested in our solving problems than in pointing fingers, and I believe that in these past 4 months we have done our job. I commend especially the Majority Leader and his hard-working staff, many Senators on this side of the aisle and their hard-working staffs, and my own, and I hope we will continue the kind of cooperative deliberation that led to this legislation. Neither political party has a monopoly on good ideas. This bill, Mr. President, is a fine example of what can happen when we work

together not as partisan Republicans and Democrats, but as responsible public officials.

Again, last but not least, many, many staff persons worked tirelessly and effectively many long hours to write the language that was so important in making the success we are able to work on tonight. We thank them sincerely, and I urge an affirmative vote.

The PRESIDENT. The Chair recognizes the gentleman from Lehigh, Senator Dent.

Senator DENT. Mr. President, I rise today in strong support of House Bill No. 2. I am extremely pleased that this package not only includes the provisions of Senate Bill No. 503 that I introduced earlier this year, but it provides an average of \$121 million for health care for low-income adults. Thirty percent of the proposed settlement will be used for this purpose. This proposal provides health care service to a segment of our population that has fallen through the cracks.

Under this bill, a new health insurance program for low-income adults ages 19 to 64 would be established in the Department of Insurance. Currently, low-income adults, those who exceed the income guidelines set for Medicaid, have nowhere to receive this health coverage. The program established in this legislation would complement CHIP and Medicare, which provide health care coverage for our younger and older residents, respectively. We can use the tobacco money to make a substantial difference in the lives and well-being of Pennsylvanians by having the Commonwealth contract with private health care insurers to provide a benefit package to adults with incomes up to 200 percent of the poverty level. This will provide benefits to people who need them most. Many working Pennsylvanians do not have employer-paid health care benefits, cannot afford to pay for the benefits themselves, and earn too much to get coverage through Medicaid from the State.

This health benefit package would include basic health insurance benefits, such as preventative care, physician services, diagnosis and treatment services, inpatient and outpatient hospitalization, and emergency accident and medical care. This is basic and comprehensive coverage that could make a major difference for families who are now without a safety net to help them in the event of illness or injury, and that is an important investment by this Commonwealth for their long-term well-being.

Mr. President, I strongly urge my colleagues to provide this essential safety net for working families. I urge an affirmative vote on House Bill No. 2.

Thank you, Mr. President.

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

Senator SCHWARTZ. Mr. President, I, too, rise to say that this is a good moment, a good day. It is not often that I get up and congratulate us on having done something that I think we can be very proud of. And while, yes, there can be complaints that we should have done this earlier, I will say that we have done it well. I pushed to do it, I pushed to do it more quickly, but in fact we have really put together a very, very good package, and I am very proud that we were able to work in a bipartisan way to put forward these proposals, to work closely with the Governor's Office.

I certainly was one who stood up and said I thought the Governor's proposals are good ones. I think we wanted to modify them and work on them, but the fact is that the Governor's Office was willing to listen to us, to hear what we had to say, and we worked closely with our colleagues across the aisle. And I very much appreciate the fact that they did reach out to us and say, we know that you also are concerned about how we are going to spend this \$11 billion over the next 25 years.

It is a wonderful opportunity for us to dedicate these dollars for the health of Pennsylvanians. And I am pleased that most of the money will be spent to help reach out to uninsured adults, of which there are about a million in Pennsylvania. The fact that we will be able to reach a good number of them with the use of these dollars is certainly very, very important. And we can address the issues, at least somewhat, for the hospitals, for the uncompensated care. That is the care of people who come to the hospital without insurance, without the resources to pay, who get free care. It is critically important for us to help the hospitals who struggle every day to provide quality care and, regardless of the ability to pay, do so.

The dollars for medical research are important in this Commonwealth. We know we have 10 cancer research centers that NIH has designated. That is an extraordinary asset in this State, and the fact that we are going to help promote those medical research institutions and the research that goes on there so that we can bring those kinds of medical innovations not only to Pennsylvanians but to people around the world is something we can be very proud of.

The fact that we are dedicating really significant resources to smoking cessation, particularly for our young people. As was pointed out by a colleague, how important it is for us to help those who are young today, under 19, not begin to smoke so that they will not have the health problems of the future.

And we have dedicated dollars for home health care for seniors. We know that we do not have the resources right now to meet all of the needs of seniors, but to enable more of the elderly to stay in their own homes rather than to move to institutions is important to people we know and love, and important to all of our constituents and Pennsylvanians across this State.

The issue of prescription coverage for seniors and, yes, many of us as Democrats have hammered home this issue. The fact that we are making a little bit of progress here and that was recognized and responded to, that we will be able to increase eligibility for PACENET to be able to cover seniors who have seen a COLA increase in Social Security is extremely important. The loan forgiveness for nurses, the help for some of the rural health services are very important.

But, Mr. President, what I wanted to particularly say is that I am very pleased about the \$100 million one-time payment for the biotechnology centers that are going to be set up around the State. And in his absence, I would like to acknowledge the important work of Senator Jake Corman, who is on personal leave for important personal business, and we wish him well, but I certainly wanted to acknowledge Senator Corman, and the fact that he has reached out to me and we worked together to create I think very important legislation, the aspect of this bill that will set up three regional biotechnology research centers of about \$30 million each, and they have already begun to work on them. I sat

in when the Governor brought together statewide the academics, business leaders, venture capitalists, and some civic leaders who really wanted to see this happen.

So, I am very pleased, because this is very important to Pennsylvania as we move forward to create the kind of high-paying, high-technology jobs that we know make a very big difference. These kinds of jobs tend to pay 60 percent more than other kinds of private sector jobs, and they are the jobs of the future. We try to hang on to all the businesses that we have and help them thrive, but if what we can do is to help put the dollars into medical research and help bring the venture capitalists in to match that with some public dollars as well, then we can bring these products, the medical products to the marketplace and help make sure that we not only create the jobs, but that we use those products to help create better health and better living for all Pennsylvanians.

So I am very proud that we were able to dedicate a one-time amount. We have built into the legislation that some of those dollars will come back to the biotechnology research centers so they will continue to thrive. I have met with some of the people in western Pennsylvania, some of the people here in the central part of the State and in southeastern Pennsylvania who are looking forward, in some ways for the first time, to really working together in very different sectors. Local business leaders, as I said, some of the civic leaders and political leaders, some of the academic institutions, again, we have some of the finest, to create the kinds of jobs that we hope for the future.

So, Mr. President, I say that this is a good moment when we can really be proud that we have put to use literally billions of dollars for Pennsylvanians and for their health. I hope that it really does succeed in helping to address the immediate health care needs of Pennsylvanians today and, in fact, helps solve the problems in the future, not just for Pennsylvanians, but for people around the world.

So, I thank the Governor and my colleagues across the aisle, again, specifically Senator Corman, with whom I worked closely, and his staff, my staff who worked on this, and I congratulate all of us. I hope we can feel very proud in spite of the late hour in doing this, that we have done something very good for Pennsylvania.

Thank you, Mr. President.

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

Senator MURPHY. Mr. President, I just wanted to also mention a thanks to Senator Wagner, who was the Democrat sponsor with me on the research portion of this very important bill, which will provide a considerable amount of money, some \$70-plus million for research, which will be a massive part of building our knowledge-based economy.

Two other areas I want to mention in the bill which are very important, one is to help with coordinated care of those who are indigent or uninsured, and I want to mention also the free clinic care, and a couple of people, Jeff Palmer and Henry Fulmanelli, and how much they helped on that aspect. And another portion of this bill, because there are so many things in there that are important to note, as we are looking for ways to keep folks here and have part of the brain gain in Pennsylvania, is that there is also \$3 million for nurses in loan forgiveness and \$5 million for

medical students and those who work in the biotechnology areas and graduate programs, another way of investing not only in helping research take place in Pennsylvania, but making sure that bright talent remains in the Commonwealth as well.

There is so much in this bill which is going to have a huge impact upon the health of Pennsylvanians, and I want to make sure I give credit also to Drew Crompton, a staff member here in the Senate who has done a yeoman's job in really making sure that this has been done in a great way.

Thank you very much.

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

Senator WAGNER. Mr. President, I rise just to make a very brief comment in regard to House Bill No. 2, and to follow Senator Murphy's comments. I know there has been great leadership in this Chamber on this bill by Senator Brightbill, Senator O'Pake, and many of the Members and their staffs, and really, this is an example of good government. I think Pennsylvania has done this and has done it right.

I am very proud of the component related to research, with 19 percent of the dollars as the allocation going to research, and the \$100 million commitment to regional biotechnology research centers. Mr. President, that is at the core of finding cures to help the people of Pennsylvania. This is an excellent piece of legislation.

Thank you.

The PRESIDENT. The Chair recognizes the gentleman from Luzerne, Senator Lemmond.

Senator LEMMOND. Mr. President, I rise to echo the words of so many of the Senators who have spoken, most especially Senator Mowery, who correctly congratulated the Attorney General, Mike Fisher, and Senator Brightbill, and I join with him in those congratulations.

I want to say just a word to some of the folks who, when they saw the Governor's allocations some months ago, might have felt in some slight way disappointed that we were not allocating to them the exact percentages. What we are getting is a huge win in Pennsylvania for everyone who is participating in this.

I go back 30 years this month when four of my kids came home from the Dallas School District and shredded my cigarettes, broke my cigars, hid my pipes, and I have not smoked since. Pennsylvania right now on that kind of program, on cessation and prevention, spends \$2.2 million, and under this new allocation, we will have \$48.6 million per year to spend on prevention and cessation.

The second area that is of particular interest to me, because so many of the senior citizens have approached our office and came to visit us in Harrisburg, is the allocation for the home and community-based care for seniors, and the allocation for that will approximate \$52.5 million per year, indeed a wonderful win for them.

I think that a lot of our young people, a lot of our adults, us, through our community-based and school-based programs, will just say "no" to smoking. The prevention, the cessation is a marvel. It can be done, and I assure each and every one of you who does it that in due course, sometimes it takes 30 years, you will lose all of the weight that you gained in the first 3 months after you stopped smoking. It is well worth it.

This is a big win for Pennsylvania, and I am delighted to be a part of it.

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

Senator COSTA. Mr. President, I, too, want to rise and join my colleagues in congratulating Senator Brightbill and Senator Jubelirer and also Senator Mellow and Senator O'Pake for the very, very fine work, the exceptional work they did in crafting out very important legislation and directing how we are going to spend \$11.3 billion relative to our tobacco settlement.

Mr. President, part of that, of course, was the discussion that took place regarding the prescription drug coverage, and as I understand in this package, there is a \$1,000 increase for the PACENET program. Mr. President, I have remarks I would like to offer into the record to reflect my feelings with regard to that. And just to remind my colleagues that, as it relates to prescription drug coverage, our work is not done. We have a task, a chore ahead of us over the summer months to continue working very hard on this issue.

I also want to congratulate Senator Murphy and Senator Mowery for the work that they have done along the lines of moving this process forward. I look forward to participating with them as this dialogue continues, but at this time I would like to offer my remarks for the record.

Thank you, Mr. President.

The PRESIDENT. Without objection, the gentleman's remarks will be entered into the record.

(The following remarks were submitted for the record at the request of the gentleman from Allegheny, Senator COSTA:)

For the last several months we've stood in this beautifully ornate room and spoken about why it's important that we help older folks get access to low-cost prescription drugs. Both sides--Democrats and Republicans--have waxed eloquent about the crisis out there and about how it is so important that we put our hearts and minds together and come up with a solution. We've inundated ourselves with facts and figures. We've talked and studied. We traveled the State and learned about the problem from all angles. We've listened to outside experts and we've grown to appreciate the plight of seniors who have no prescription drug coverage. We've heard gripes and groans from special interests as they point fingers at each other and talk about why they can't help. Why they can't be a part of the solution. We've spent hour after hour on finding out what needs to be done, and, we've killed many trees printing one report after another that are immediately dismissed because we know that there is another study right around the corner.

And, now this is our answer. A \$1,000 increase in PACENET, a moratorium and a study. What exactly are we doing here? Why are we protecting drug manufacturers? Why do they deserve such special treatment? Why aren't they part of the solution? Why aren't we asking them tough questions and demanding real answers?

Over the course of several public hearings, we've heard testimony from experts who have detailed how drug companies have worked the system. We've learned about their patent protection plan called "evergreening" and their lurid attempts to keep low-cost generics off the market. Why aren't we making this wealthy industry a part of the solution when we ask seniors to pony up more money year after year to get access to life-saving drugs? Why are we allowing the soft-bigotry of low expectations from this industry to continue? Why have we set the compliance bar so low for them? Mr. President, they are part of the long-term solution to this problem. In fact, I would argue that they are largely the problem. And, how do we address this problem? By asking seniors to pay more and while they get less.

What happened to the Lottery deficit and bankruptcy issue? What happened to trying to help middle-income seniors? What happened to

reasonable dialogue and the forging of a real long-term solution? What happened to last week's criticism about stop-gap solutions, short-term infusions and false hope illusions? What we are doing is giving them more study, delay, and confusion.

We don't need more study. We don't need more information. We don't need to wait for Washington. We don't need economics lectures by drug manufacturers. We need some backbone. We need some guts. We need to do the right thing. We need to stand up to the drug industry and tell them it is time that they be a partner. Mr. President, this \$1,000 increase and the moratorium is a bone, a mere morsel thrown to the small portion of the masses who are starving for a solution.

And, to be sure, many of us will vote for this because we know that if we don't, 23,000 seniors will be hurt. But in doing so, we shouldn't break our arms patting each other for a job well done, because we haven't done the job that our folks have sent us here to do.

Several months ago my colleagues and I stood here and offered a plan that uses drug company rebate money to pay for expanding the PACE program and providing an at-the-counter discount. Our plan offers long term relief from high drug cost for 400,000 seniors. FAIRx uses the resources of State government in an innovative way to leverage drug industry dollars to help seniors. There is no bureaucracy. There is no limitation of drug choice options for seniors. There is no formulary. Access to life-saving drugs are preserved, drug costs are cut. What is so wrong with that plan? It's the kind of plan that makes sense, and it makes the industry which is responsible for the problem be part of the solution.

Your remedy today is to provide relief for 1/17th of the total number of seniors who would have been covered by FAIRx. Is that the solution that we've been working toward? Is that why we've had hearing after hearing, meeting after meeting?

Mr. President, I am not sure what happened to all the high sounding words and the desire to forge a long-term solution. It seems that we are back to stall and delay, that the plan is to use the four-corner offense and run out the clock. The problem--as any basketball coach knows--is that you can only use this offense when you are ahead and, folks, we are not ahead. Our seniors are behind. We need to go to the hoop and create shots. We need to be aggressive. We need to draw fouls, and we need to get back into the game. We shouldn't be prepared to lose.

Mr. President, I believe it's a travesty that we've gone all this time and the best that we can come up with is a \$1,000 increase, a moratorium and a study. Our seniors deserve better.

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

Senator BRIGHTBILL. Mr. President, today as we put in place Pennsylvania's blueprint for investing our share of the tobacco money, I feel confident that our tobacco settlement plan will meet real health care needs, a fitting use for the money, and make sure a good portion of the revenue is invested for future needs and perhaps future generations. I commend my colleagues for their hard work in crafting this passage and for their dedication in developing a remarkable forward-looking tobacco settlement plan. Senator Mowery, Senator Tomlinson, Senator Murphy, Senator Rhoades, Senator Gerlach, Senator Corman, Senator Dent, Senator Scarnati, Senator Orie, and Senator Don White all contributed key components to this package. In fact, I have only mentioned some of our Republican chairmen who participated. The fact is that virtually every Member of this Senate and virtually every Member of the General Assembly has made a significant contribution to this package.

I would also mention that this was an enormous process. And, Mr. President, I heard some debate about the time that was involved in doing this. Well, let me say this, Mr. President. When we started out on this, there was no road map. There was not one piece of paper with one word on it to give us a guideline on how we were going to go. We had no form language, as they refer to

as boilerplate. We could not look at last year. Other States often were not dedicating their money to health, and other States who moved quickly are already seeing pitfalls. Our objective was to do it right, Mr. President.

Here in the Senate this was a bipartisan process. Many thanks go to Senator O'Pake, Senator Mellow, and to some of the other Members who were mentioned by the preceding speakers. They showed dedication to developing a solid tobacco settlement process that was truly bipartisan in nature. Because of the hard work in crafting this package, the citizens of the Commonwealth will enjoy better health for many years to come.

Mr. President, I also need to mention the staff. In the Leader's office, there was Donna Malpezzi, Erik Arneson, Drew Crompton, the Governor's people, many people in other offices who did an outstanding job. I mentioned every Member of the General Assembly. There were many, many committee hearings. In fact, Mr. President, if we wanted to say how many people were involved in crafting this tobacco settlement, I would venture to guess that 1,000 would not be enough. Because, Mr. President, many committees went on the road, many private conversations were held, many hours were spent with people talking to each other, talking to us, our listening to find out what needs needed to be met, and how we could meet those needs. I will bet you, Mr. President, there were more than 1,000 Pennsylvanians, maybe 2,000, who were truly close to this process.

That is what government is about, Mr. President. It is about building a consensus. It is not about one or two people sitting down and ramming a bill through. It is about the quiet consensus-building that needs to be done.

Mr. President, I am proud today to be here to cast an affirmative vote for this product, because I think this will help bring us a healthier Pennsylvania.

Thank you.

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

Senator HUGHES. Mr. President, I would like to stand here also, and as I was listening to the Majority Leader speak, it caused me a moment to reflect on the long hours of public hearings that we had all across the Commonwealth to hear from lots of different folks and sometimes lots of the same folks in different settings. I recall people testifying in Philadelphia, and you turned around and they were in Harrisburg, they were in Pittsburgh, sometimes the same folks.

I would agree, Mr. President, it was a tremendous experience working through the entire process to get us to this day. I would like to just take a personal moment, as the Democratic chair of the Committee on Public Health and Welfare, to commend our Majority chair, Senator Mowery, and his staff for the excellent working relationship we had in this process through our committee in making sure we had good input and good dialogue as this whole process went along.

I worked with Senator Dent in terms of the areas of expanding health insurance for those people who have no health insurance in this Commonwealth, and that was a good experience, again, bipartisan in nature. And I just hope that we can learn from that experience and see that many of the major issues that we tackle here, we can try to come together in that fashion, because it was

a good feeling all across this side, and it was an opportunity to get input.

My only final comment, Mr. President, is hoping that Pennsylvanians understand that this is just the first step, the first step in providing full health insurance for the 1.2 million people in this Commonwealth who have no health insurance. Those people are working people.

When we got up this morning and were on our way here to the Senate to do our business, many of us stopped at the WaWa, or someplace similar to that, and picked up a cup of coffee. And probably those individuals who served us, who took our money, probably had no health insurance. When we had lunch today and maybe went out to the local restaurant or maybe it was dinner last night or this past weekend, probably, and I thought about it when we celebrated Father's Day at the restaurants that we dined in, the places we go, those people who served us, they had no health insurance. The places we buy our clothes and other items or gifts, those folks probably have no health insurance.

We cannot forget them, Mr. President, and I only hope and I only encourage that as we make this major step forward in improving the quality of the health care that is provided the people in this Commonwealth, that especially on the issue of health insurance, that we look upon this as the first step, not the last. This is truly a first step and a good first step, but not the last step in making sure that all the people in this Commonwealth have the right to a quality health insurance package, which we have the capacity to provide them.

I thank you for a good experience, Mr. President, one of the best that I have had since I have been here in the Senate, and hopefully it is not the last.

Thank you very much.

The PRESIDENT. The Chair recognizes the gentleman from York, Senator Waugh.

Senator WAUGH. Mr. President, there is an old saying, all good things take time. Over the months of work on this tobacco settlement bill there have been some critical comments about the amount of time that it was taking, and even this evening a few about the amount of time that it has taken.

There is another saying, haste makes waste. We heard our Leader comment about what has happened in some of the other States that jumped into this thing with both hands and both feet flailing to try to hurry and get money into the street, and now they are having problems as they look back and try to adjust. As a Member of the Committee on Public Health and Welfare, I have had the opportunity over the months to be a part of this process in a very small way, but yet be able to observe and at least feel as though the time that we were taking was going to pay off in the end.

This evening, as we look at the final numbers of this settlement, with \$32 million per year in an endowment fund and \$32 million to add to PACENET, prescriptions for senior citizens, \$40 million for hospital charity or uncompensated care in our hospitals, \$48 million for smoking prevention and cessation programs statewide to help young people not get hooked and to help people who are hooked get off, \$48 million for that. There is \$52 million for in-home and community-based care for our senior citizens.

Almost \$77 million in health-related research. Think about that for a minute, with the way technology has changed just in the last few years. What an investment, \$77 million in health-related research for our future. And insurance for uninsured adults at \$121 million.

This is an historic moment. All good things do take time. I would like to commend, and it has been said before, everyone who has been mentioned here this evening as being leaders in this historic event. I would like to commend everyone, in particular the chairman of the Committee on Public Health and Welfare, because I know the amount of time that he put into this is probably immeasurable.

But I think as we pass this bill tonight, we are taking a giant step for the betterment of the health and welfare of the people of our Commonwealth.

Thank you, Mr. President.

And the question recurring,
Shall the bill pass finally?

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

YEA-47

| | | | |
|------------|-----------|----------|----------------|
| Armstrong | Greenleaf | Mowery | Tartaglione |
| Bell | Holl | Murphy | Thompson |
| Bodack | Hughes | Musto | Tilghman |
| Boscola | Jubelirer | O'Pake | Tomlinson |
| Brightbill | Kasunic | Orie | Wagner |
| Conti | Kitchen | Piccola | Waugh |
| Costa | Kukovich | Punt | Wenger |
| Dent | LaValle | Rhoades | White, Donald |
| Earll | Lemmond | Robbins | White, Mary Jo |
| Erickson | Logan | Schwartz | Williams |
| Fumo | Madigan | Stack | Wozniak |
| 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 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.

SPECIAL ORDER OF BUSINESS SUPPLEMENTAL CALENDAR No. 2

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

HB 334 (Pr. No. 2375) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, further providing for sales and use tax definitions, exclusions and refunds; providing for local sales tax situs for construction materials; revising and adding personal income tax provisions on definitions, special provisions for poverty, partnerships, associations and business entities; making an editorial change relating to the name of the Organ Donation Awareness Trust Fund; further pro-

viding for corporate net income tax definitions and resettlements; further providing for capital stock franchise definitions; further providing for administration and enforcement of the bank and trust company shares tax; eliminating the alternative bank and trust company shares tax; eliminating the alternative title insurance companies shares tax; further providing for insurance premiums tax credits for assessments; eliminating the excise tax on foreign corporations; further providing for cigarette tax enforcement and sanctions; further providing for settlement and resettlement of the mutual thrift institutions tax; providing for a tax credit for new jobs; eliminating obsolete tax credit provisions; 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:

YEAS-47

| | | | |
|------------|-----------|----------|----------------|
| Armstrong | Greenleaf | Mowery | Tartaglione |
| Bell | Holl | Murphy | Thompson |
| Bodack | Hughes | Musto | Tilghman |
| Boscola | Jubelirer | O'Pake | Tomlinson |
| Brightbill | Kasunic | Orie | Wagner |
| Conti | Kitchen | Piccola | Waugh |
| Costa | Kukovich | Punt | Wenger |
| Dent | LaValle | Rhoades | White, Donald |
| Earll | Lemmond | Robbins | White, Mary Jo |
| Erickson | Logan | Schwartz | Williams |
| Fumo | Madigan | Stack | Wozniak |
| 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 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.

RECESS

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

Senator BRIGHTBILL. Mr. President, at this time I request a recess of the Senate for the purpose of a Republican caucus to be held in the Rules room to the rear of the Chamber. We expect to be back in about 20 to 30 minutes.

The PRESIDENT. For the purpose of a Republican caucus to begin immediately following this announcement, to be held in the rear of the Senate in the Rules room, without objection, the Senate stands in recess.

AFTER RECESS

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

SPECIAL ORDER OF BUSINESS
SUPPLEMENTAL CALENDAR No. 6

BILL ON THIRD CONSIDERATION
AND FINAL PASSAGE

HB 155 (Pr. No. 2379) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, adding and amending definitions; further providing for registration plates, for licensing of drivers, for driver's license violations, for commercial drivers, for obedience to and effect of traffic laws, for traffic-control devices, for restrictions of use of limited access highways, for right-of-way, for maximum speed limits, for rights and duties of pedestrians, for fleeing or attempting to elude police officer, for lighting equipment, for equipment of authorized and emergency vehicles, for inspection requirements and for enforcement; and providing for a shared-ride pilot program for persons with disabilities.

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:

YEAS-47

| | | | |
|------------|-----------|----------|----------------|
| Armstrong | Greenleaf | Mowery | Tartaglione |
| Bell | Holl | Murphy | Thompson |
| Bodack | Hughes | Musto | Tilghman |
| Boscola | Jubelirer | O'Pake | Tomlinson |
| Brightbill | Kasunic | Orie | Wagner |
| Conti | Kitchen | Piccola | Waugh |
| Costa | Kukovich | Punt | Wenger |
| Dent | LaValle | Rhoades | White, Donald |
| Earll | Lemmond | Robbins | White, Mary Jo |
| Erickson | Logan | Schwartz | Williams |
| Fumo | Madigan | Stack | Wozniak |
| 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 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.

CONSIDERATION OF CALENDAR RESUMED

THIRD CONSIDERATION CALENDAR RESUMED

BILL ON THIRD CONSIDERATION
AND FINAL PASSAGE

HB 1720 (Pr. No. 2283) -- The Senate proceeded to consideration of the bill, entitled:

An Act authorizing the Department of General Services, with the approval of the Governor, to grant and convey to Crawford-Venango Fire School, certain lands situate in Cambridge Township, Crawford County.

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

| | | | |
|------------|-----------|----------|----------------|
| Armstrong | Greenleaf | Mowery | Tartaglione |
| Bell | Holl | Murphy | Thompson |
| Bodack | Hughes | Musto | Tilghman |
| Boscola | Jubelirer | O'Pake | Tomlinson |
| Brightbill | Kasunic | Orie | Wagner |
| Conti | Kitchen | Piccola | Waugh |
| Costa | Kukovich | Punt | Wenger |
| Dent | LaValle | Rhoades | White, Donald |
| Earll | Lemmond | Robbins | White, Mary Jo |
| Erickson | Logan | Schwartz | Williams |
| Fumo | Madigan | Stack | Wozniak |
| 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 return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

HOUSE MESSAGES

HOUSE CONCURS IN SENATE BILLS

The Clerk of the House of Representatives returned to the Senate **SB 4, 916, 927 and 971**, with the information the House has passed the same without amendments.

SENATE BILLS RETURNED WITH AMENDMENTS

The Clerk of the House of Representatives returned to the Senate **SB 237, 377, 634 and 876**, with the information the House has passed the same with amendments in which the concurrence of the Senate is requested.

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

HOUSE CONCURS IN SENATE AMENDMENTS TO HOUSE BILLS

The Clerk of the House of Representatives informed the Senate that the House has concurred in amendments made by the Senate to **HB 154, 550, 679, 975 and 1492**.

HOUSE ADOPTS REPORT OF COMMITTEE OF CONFERENCE

The Clerk of the House of Representatives informed the Senate that the House has adopted the Report of Committee of Conference on **SB 485**.

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 21, 2001

HCR 27 -- Committee on Rules and Executive Nominations.

SPECIAL ORDER OF BUSINESS ANNOUNCEMENT BY THE SECRETARY

The SECRETARY. Consent has been given for the Committee on Rules and Executive Nominations to meet imminently in the Rules room during today's Session to consider Senate Bills No. 237, 377, 634, 876, House Bill No. 1176, and House Resolution No. 27.

RECESS

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

Senator BRIGHTBILL. Mr. President, at this time I ask for a brief recess of the Senate for the purpose of a meeting of the Committee on Rules and Executive Nominations. We expect to be in there about 5 or 10 minutes, and then we will come back to the floor.

The PRESIDENT. For a meeting of the Committee on Rules and Executive Nominations, without objection, this Senate stands in recess.

AFTER RECESS

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

REPORTS FROM COMMITTEES

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

SB 237 (Pr. No. 1222) (Rereported) (*Concurrence*)

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for registration of vehicles, for registration violations and suspensions, for accidents involving overturned vehicles, for permits for window obstruction and for vehicle size, weight and load; providing for nonreciprocity of operational limitations; and further providing for liquid fuels and fuels tax refunds.

SB 377 (Pr. No. 1240) (Rereported) (*Concurrence*)

An Act amending the act of December 22, 1989 (P.L.687, No.90), known as the Mortgage Bankers and Brokers Act, further providing for license exemptions, for application for license, for licensee requirements, for authority of department or commission and for penalties; regulating the terms and conditions of certain subprime mortgage loan transactions; and making editorial changes.

SB 634 (Pr. No. 1238) (Rereported) (*Concurrence*)

An Act providing for the capital budget for the fiscal year 2001-2002.

SB 876 (Pr. No. 1247) (Rereported) (Concurrence)

An Act creating the Ben Franklin Technology Development Authority; defining its powers and duties; establishing the Ben Franklin Technology Development Authority Fund; and making a repeal.

HB 1176 (Pr. No. 1363) (Rereported)

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.

RESOLUTION REPORTED FROM COMMITTEE

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

HCR 27 (Pr. No. 2380) (Amended)

A Concurrent Resolution urging support for development of Logstown/Legionville as a Pennsylvania historical park and historical center.

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

**SPECIAL ORDER OF BUSINESS
SUPPLEMENTAL CALENDAR No. 8**

**HOUSE CONCURRENT RESOLUTION
No. 27, ADOPTED**

Senator BRIGHTBILL, without objection, called up from page 1 of Supplemental Calendar No. 8, **House Concurrent Resolution No. 27**, entitled:

A Concurrent Resolution urging support for development of Logstown/Legionville as a Pennsylvania historical park and historical center.

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

On the question,
Will the Senate concur in the resolution?

Senator BRIGHTBILL. Mr. President, I move that the Senate do concur in House Concurrent Resolution No. 27.

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

A voice vote having been taken, 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. 7**

**SENATE CONCURS IN HOUSE AMENDMENTS
TO SENATE AMENDMENTS**

HB 1176 (Pr. No. 1363) -- The Senate proceeded to consideration of the bill, entitled:

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.

On the question,
Will the Senate concur in the amendments made by the House to Senate amendments to House Bill No. 1176?

Senator BRIGHTBILL. Mr. President, I move that the Senate do concur in the amendments made by the House to Senate amendments to House Bill No. 1176.

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

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

YEA-47

| | | | |
|------------|-----------|----------|----------------|
| Armstrong | Greenleaf | Mowery | Tartaglione |
| Bell | Holl | Murphy | Thompson |
| Bodack | Hughes | Musto | Tilghman |
| Boscola | Jubelirer | O'Pake | Tomlinson |
| Brightbill | Kasunic | Orie | Wagner |
| Conti | Kitchen | Piccola | Waugh |
| Costa | Kukovich | Punt | Wenger |
| Dent | LaValle | Rhoades | White, Donald |
| Earll | Lemmond | Robbins | White, Mary Jo |
| Erickson | Logan | Schwartz | Williams |
| Fumo | Madigan | Stack | Wozniak |
| 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.

SENATE CONCURS IN HOUSE AMENDMENTS

SB 237 (Pr. No. 1222) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for registration of vehicles, for registration violations and suspensions, for accidents involving overturned vehicles, for permits for window obstruction and for vehicle size, weight and load; providing for nonreciprocity of operational limitations; and further providing for liquid fuels and fuels tax refunds.

On the question,
Will the Senate concur in the amendments made by the House to Senate Bill No. 237?

Senator BRIGHTBILL. Mr. President, I move that the Senate do concur in the amendments made by the House to Senate Bill No. 237.

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

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

YEA-47

| | | | |
|------------|-----------|----------|----------------|
| Armstrong | Greenleaf | Mowery | Tartaglione |
| Bell | Holl | Murphy | Thompson |
| Bodack | Hughes | Musto | Tilghman |
| Boscola | Jubelirer | O'Pake | Tomlinson |
| Brightbill | Kasunic | Orie | Wagner |
| Conti | Kitchen | Piccola | Waugh |
| Costa | Kukovich | Punt | Wenger |
| Dent | LaValle | Rhoades | White, Donald |
| Earll | Lemmond | Robbins | White, Mary Jo |
| Erickson | Logan | Schwartz | Williams |
| Fumo | Madigan | Stack | Wozniak |
| 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.

BILLS OUT OF ORDER

Without objection, the remaining bills on Supplemental Calendar No. 7 were called out of order by Senator BRIGHTBILL, as Special Orders of Business.

SENATE CONCURS IN HOUSE AMENDMENTS

SB 634 (Pr. No. 1238) -- The Senate proceeded to consideration of the bill, entitled:

An Act providing for the capital budget for the fiscal year 2001-2002.

On the question, Will the Senate concur in the amendments made by the House to Senate Bill No. 634?

Senator BRIGHTBILL. Mr. President, I move that the Senate do concur in the amendments made by the House to Senate Bill No. 634.

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

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

YEA-47

| | | | |
|------------|-----------|---------|---------------|
| Armstrong | Greenleaf | Mowery | Tartaglione |
| Bell | Holl | Murphy | Thompson |
| Bodack | Hughes | Musto | Tilghman |
| Boscola | Jubelirer | O'Pake | Tomlinson |
| Brightbill | Kasunic | Orie | Wagner |
| Conti | Kitchen | Piccola | Waugh |
| Costa | Kukovich | Punt | Wenger |
| Dent | LaValle | Rhoades | White, Donald |

| | | | |
|----------|---------|----------|----------------|
| Earll | Lemmond | Robbins | White, Mary Jo |
| Erickson | Logan | Schwartz | Williams |
| Fumo | Madigan | Stack | Wozniak |
| 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.

SENATE CONCURS IN HOUSE AMENDMENTS

SB 876 (Pr. No. 1247) -- The Senate proceeded to consideration of the bill, entitled:

An Act creating the Ben Franklin Technology Development Authority; defining its powers and duties; establishing the Ben Franklin Technology Development Authority Fund; and making a repeal.

On the question, Will the Senate concur in the amendments made by the House to Senate Bill No. 876?

Senator BRIGHTBILL. Mr. President, I move that the Senate do concur in the amendments made by the House to Senate Bill No. 876.

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

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

YEA-47

| | | | |
|------------|-----------|----------|----------------|
| Armstrong | Greenleaf | Mowery | Tartaglione |
| Bell | Holl | Murphy | Thompson |
| Bodack | Hughes | Musto | Tilghman |
| Boscola | Jubelirer | O'Pake | Tomlinson |
| Brightbill | Kasunic | Orie | Wagner |
| Conti | Kitchen | Piccola | Waugh |
| Costa | Kukovich | Punt | Wenger |
| Dent | LaValle | Rhoades | White, Donald |
| Earll | Lemmond | Robbins | White, Mary Jo |
| Erickson | Logan | Schwartz | Williams |
| Fumo | Madigan | Stack | Wozniak |
| 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.

SENATE CONCURS IN HOUSE AMENDMENTS

SB 377 (Pr. No. 1240) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of December 22, 1989 (P.L.687, No.90), known as the Mortgage Bankers and Brokers Act, further providing for license exemptions, for application for license, for licensee requirements, for authority of department or commission and for penalties; regulating the terms and conditions of certain subprime mortgage loan transactions; and making editorial changes.

On the question,

Will the Senate concur in the amendments made by the House to Senate Bill No. 377?

Senator BRIGHTBILL. Mr. President, I move that the Senate do concur in the amendments made by the House to Senate Bill No. 377.

On the question,

Will the Senate agree to the motion?

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

Senator HOLL. Mr. President, for the first time the Commonwealth of Pennsylvania has an excellent opportunity to address the serious issue of predatory lending. Senate Bill No. 377, approved by the House of Representatives today with strong bipartisan support, establishes a new act now referred to as the Mortgage Bankers and Brokers and Consumer Equity Protection Act. It provides the Department of Banking with the appropriate authority to levy fines and revoke licenses of lenders who prey on unsophisticated borrowers, the poor, and the elderly.

The bill further ensures that we have one State anti-predatory lending statute rather than a patchwork of local nonuniform ordinances. The legislation places limitations on balloon payments, prepayment penalties, loan flipping, and the sale of credit insurance, and it requires lenders to determine the ability of a borrower to repay the loan before making a loan. It also puts in safeguards against unscrupulous home improvement contractors who take the money and then run. It has the support of the Secretary of Banking, Jim Kauffman, because it includes increased consumer protection for borrowers and provides the department with new tools in an effort to combat predatory lending.

I urge that all of the Senators consider seriously supporting this very important landmark legislation.

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

POINT OF ORDER

Senator WENGER. Mr. President, I have an inquiry to the Chair. Since Senate Bill No. 377, as amended in the House, deals with banking regulations, and since I am a member of a board of directors of a national bank, is it appropriate for me to vote on Senate Bill No. 377?

The PRESIDENT. The response of the Chair is that given the question that the Member, in this case Senator Wenger, is a member of a class of individuals who serve in similar capacities, Senate rules would require you to cast a vote. The Chair finds no conflict.

Senator WENGER. Thank you, Mr. President.

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

Senator SCHWARTZ. Mr. President, it is late and I will speak very briefly. This is in some ways setting some precedent for the State to establish a framework for consumer protections in the banking industry, particularly around predatory lending, which we do know goes on, and if this were done in isolation of some other actions, I might well be pleased about the initial statement that we are making, although I do think that my understanding is that this legislation in fact does not go very far.

It really does two things that I am quite concerned about, and that is, one, it really does preempt what was a very difficult piece of legislation to get through city council in Philadelphia. It was passed unanimously, and the legislation that was passed in city council in Philadelphia did in fact provide much stronger protections for consumers from predatory lending practices that we do know, as I say, exist, and that many of us, I think, would say we should not support and we do want to provide some consumer protections for.

So I am very sorry to see that we would be undoing, as I say, some very, very important protections for Philadelphians who are experiencing, unfortunately, this kind of predatory lending, and so while I know there is not anyone in this Chamber who would endorse such practices, and I do recognize that it would be very appropriate for us to be doing it at the State level, it is unfortunate that we are not allowing the situation in Philadelphia to play itself out.

As I understand this legislation, the second point I would make is that it mostly piggybacks on Federal requirements so that it really does not provide enhanced protections for Pennsylvania citizens. So while it does, as I say, provide a framework which I hope that we will use in the future to protect consumer rights, what we do today actually diminishes the protections for the consumers in Philadelphia and does not do enough to enhance the protections for all Pennsylvanians.

So I am sorry that we are taking this action. If we were doing so without preempting the Philadelphia situation, I would in fact be willing to vote for it. But because of what it has done to put the protections that individuals, particularly senior citizens, particularly low-income homeowners who are at great risk of losing their homes in Philadelphia when this situation occurs to them, that we have actually lifted those protections seems to me an unfair and unreasonable thing to have done, so I will be voting "no," and I wanted to make clear the reasons why.

Thank you, Mr. President.

The PRESIDENT. The Chair recognizes the gentlewoman from Venango, Senator White.

Senator M. J. WHITE. Mr. President, I rise to support this legislation and to thank Senator Holl and his committee and all of the persons in the Insurance Commission who have worked on this. The headlines in my county over the past couple of months have been filled with news of a record number of mortgage foreclosures prompted by a company called Zintron, which advertised in local papers and door to door and sold people inflated mortgages on their homes to do home improvement and debt consolidation, and now our community is faced with a record number of mortgage foreclosures due to this unscrupulous activity. It is a sad and tragic fact. The Attorney General has recently

now filed some actions on behalf of these people, but it will probably not be able to keep them in their homes and make them whole.

I thank you very much for this legislation, and I think all of the people of Pennsylvania deserve protection. I think that if you want lenders to do business in this State, you have to expect that they will operate under a statewide system of regulations and not a patchwork of individual community laws regulating credit. So this is a very good piece of legislation. I wish we had had it earlier to help my people, but I hope it will help future individuals from being faced with these terrible tragedies of being put out of their homes.

Thank you.

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

Senator WAGNER. Mr. President, I rise to offer a brief comment in support of the legislation and completely understand my colleague from Philadelphia and her concerns about this legislation, and, in fact, I believe that Philadelphia and the situation in Philadelphia is what precipitated the need for this legislation. So, in essence, we are, I believe, complimenting that city and that council in that city for taking an action that I guess we needed to take action on to address a problem in Pennsylvania.

Now, Mr. President, banking should not be regulated on a piecemeal basis. It is virtually impossible to offer loans in different places at different branches and different towns within the Commonwealth by different standards. So it only makes sense that there is a common piece of legislation related to predatory lending.

Mr. President, the chairman of the Committee on Banking and Insurance, Senator Holl, talked about many of the positive aspects of this legislation. I agree with him. In being the Minority chair of that committee, I believe it is a step forward to keep banking as a strong industry in Pennsylvania.

Thank you.

The PRESIDENT. The Chair recognizes the gentleman from Lehigh, Senator Dent.

Senator DENT. Mr. President, I rise in support of Senate Bill No. 377. I do it after long and serious thought. In my community I have had some very good and decent people who are concerned about this issue approach me and demonstrated to me that there have been some predatory lending practices that have been occurring in my community. I do want you to know, though, that there are unscrupulous individuals out there who are going to prey on oftentimes uninformed and ill-informed consumers. This legislation is not going to stop that. We are going to have predator lenders with or without this law, and I think that while these steps may not be perfect and may not be as encompassing as some folks would like, it does represent forward progress, and in this particular case, we cannot make perfect the enemy of the good, and I respectfully suggest that this legislation does provide some protections to consumers, perhaps not as many as some would like, but I believe there are some useful things here in this legislation.

For example, one concern I had heard is that oftentimes people who receive homes or get homes through organizations like Habitat for Humanity, where they pay no interest, some of those people would be deceived and would refinance their homes and

pay interest rates. While this legislation does prohibit refinancing of those low-rate loans, particularly when they are loans made when there are governmental or nonprofit organizations involved, it prohibits refinancing of those properties within the first 10 years, unless the current lender would consent in writing, so that is one protection in there that I had heard about in my community, and this legislation does address that in this bill.

So, again, I realize that we may need to do additional work on this issue after this legislation advances to the Governor's desk, and I believe it will. So with that I submit that we should support this legislation, recognizing that at some point in the future we may need to revisit the issue at a later date.

Thank you.

The PRESIDENT. The Chair recognizes the gentlewoman from Northampton, Senator Boscola.

Senator BOSCOLA. Mr. President, it was just a couple of weeks ago that in Petitions and Remonstrances I was talking about predatory lending and what a big problem it is in the 18th Senatorial District that I represent. The mortgage foreclosures are so high, in fact, that the FBI came in to investigate and also the Attorney General's Office, and I am very appreciative of Attorney General Fisher's office for what they are trying to do, especially up in the Monroe County area where the mortgage foreclosures are the highest in the State.

So, I know that Senate Bill No. 377 is not the perfect bill, but I know it is a step forward, and I know that we are moving in the right direction.

And again, just for the record, I want to thank Attorney General Mike Fisher for all his help and support up in the Monroe County area, where predatory lending is a very big problem.

Thank you, Mr. President.

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-43

| | | | |
|------------|-----------|---------|----------------|
| Armstrong | Gerlach | Mowery | Tartaglione |
| Bell | Greenleaf | Murphy | Thompson |
| Bodack | Holl | Musto | Tilghman |
| Boscola | Jubelirer | O'Pake | Tomlinson |
| Brightbill | Kasunic | Orie | Wagner |
| Conti | Kukovich | Piccola | Waugh |
| Costa | LaValle | Punt | Wenger |
| Dent | Lemmond | Rhoades | White, Donald |
| Earll | Logan | Robbins | White, Mary Jo |
| Erickson | Madigan | Stack | Wozniak |
| Fumo | Mellow | Stout | |

NAY-4

| | | | |
|--------|---------|----------|----------|
| Hughes | Kitchen | Schwartz | Williams |
|--------|---------|----------|----------|

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

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

**COMMUNICATION FROM THE GOVERNOR
TAKEN FROM THE TABLE**

Senator ROBBINS, by unanimous consent, called from the table a communication from His Excellency, the Governor of the Commonwealth, recalling the following nomination, which was read by the Clerk as follows:

JUDGE, COURT OF COMMON PLEAS,
NORTHAMPTON COUNTY

June 21, 2001

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated March 27, 2001 for the appointment of Edward G. Smith, Esquire, 5522 Kesslersville Road, Easton 18040, Northampton County, Eighteenth Senatorial District, as Judge of the Court of Common Pleas of Northampton County, to serve until the first Monday of January 2002, vice The Honorable James C. Hogan, resigned.

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

THOMAS J. RIDGE
Governor

NOMINATION RETURNED TO THE GOVERNOR

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

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

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

EXECUTIVE NOMINATIONS

EXECUTIVE SESSION

Motion was made by Senator ROBBINS, 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 by voice vote.

NOMINATIONS TAKEN FROM TABLE

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

The Clerk read the nominations as follows:

MEMBER OF THE BOARD
OF CLAIMS

May 2, 2001

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 R. McCarty, 137 Robin Street, North Versailles 15137, Allegheny County, Forty-fifth Senatorial District, for appointment as a member of the Board of Claims, to serve until November 15, 2008 and until his successor is appointed and qualified, vice James W. Harris, Mechanicsburg, whose term expired.

THOMAS J. RIDGE
Governor

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

June 6, 2001

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, Oleta B. Amsler, P.O. Box 771, Clarion 16214, Clarion County, Twenty-first Senatorial District, for reappointment as a member of the Council of Trustees of Clarion University of Pennsylvania of the State System of Higher Education, to serve until the third Tuesday of January 2007, and until her successor is appointed and qualified.

THOMAS J. RIDGE
Governor

SECRETARY OF EDUCATION

March 26, 2001

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 B. Zogby, Esquire, 607 Moores Mountain Road, Mechanicsburg 17055, Cumberland County, Thirty-first Senatorial District, for appointment as Secretary of Education, to serve until the third Tuesday of January 2003 and until his successor shall have been appointed and qualified, vice the Honorable Eugene W. Hickok, Jr., Carlisle, resigned.

THOMAS J. RIDGE
Governor

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

May 17, 2001

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, Ramona D. Turpin, 1008 Penn Street, Reading 19602, Berks County, Eleventh Senatorial District, for reappointment as a member of the Council of Trustees of Kutztown University of Pennsylvania of the State System of Higher Education, to serve until the third Tuesday of January 2007, and until her successor is appointed and qualified.

THOMAS J. RIDGE
Governor

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

June 11, 2001

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, Caroline M. Hoffer, 340 Rock Hill Road, Millersville 17551, Lancaster County, Thirteenth Senatorial District, for reappointment as a member of the Council of Trustees of Millersville University of Pennsylvania of the State System of Higher Education, to serve until the third Tuesday of January 2007, and until her successor is appointed and qualified.

THOMAS J. RIDGE
Governor

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

June 11, 2001

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, William B. McIlwaine, Ed.D., 53 Brenner Street, Millersville 17551, Lancaster County, Thirteenth Senatorial District, for reappointment as a member of the Council of Trustees of Millersville University of Pennsylvania of the State System of Higher Education, to serve until the third Tuesday of January 2007, and until his successor is appointed and qualified.

THOMAS J. RIDGE
Governor

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

June 11, 2001

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, Sue A. Walker, 6065 Parkridge Drive, East Petersburg 17520, Lancaster County, Thirteenth Senatorial District, for reappointment as a member of the Council of Trustees of Millersville University of Pennsylvania of the State System of Higher Education, to serve until the third Tuesday of January 2007, and until her successor is appointed and qualified.

THOMAS J. RIDGE
Governor

MEMBER OF THE STATE BOARD OF EXAMINERS
OF NURSING HOME ADMINISTRATORS

May 10, 2001

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, Eva J. Bering, 359 Timber Boulevard, Lebanon 17042, Lebanon County, Forty-eighth Senatorial District, for appointment as a member of the State Board of Examiners of Nursing Home Administrators, to serve for a term of four years or until her successor is appointed and qualified, but not longer than six months beyond that period, vice Helen A. Oliverio, Zelienople, resigned.

THOMAS J. RIDGE
Governor

MEMBER OF THE STATE BOARD
OF OPTOMETRY

April 9, 2001

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, Kurt J. Moody, O.D., 33 Maple Seed Drive, Dallas 18612, Luzerne County, Twentieth Senatorial District, for appointment 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, vice Jay B. Tanner, O.D., Dallas, whose term expired.

THOMAS J. RIDGE
Governor

MEMBER OF THE COUNCIL OF TRUSTEES OF
WEST CHESTER UNIVERSITY OF PENNSYLVANIA
OF THE STATE SYSTEM OF HIGHER EDUCATION

June 8, 2001

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, David M. James, 122 Whispering Oaks Drive, West Chester 19382, Chester County, Nineteenth Senatorial District, for appointment as a member of the Council of Trustees of West Chester University of Pennsylvania of the State System of Higher Education, to serve until the third Tuesday of January 2007, and until his successor is appointed and qualified, vice William E. Hughes, Sr., West Chester, whose term expired.

THOMAS J. RIDGE
Governor

DISTRICT JUSTICE

May 30, 2001

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, Suzanne C. Mack, 2125 Lakeside Drive, Erie 16511, Erie County, Forty-ninth Senatorial District, for appointment as District Justice, in and for the County of Erie, Magisterial District 06-1-01, to serve until the first Monday of January 2002, vice Carmelita H. Munsch, resigned.

THOMAS J. RIDGE
Governor

DISTRICT JUSTICE

May 30, 2001

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, George E. Sulkosky, Jr., 256 North Spring Street, Blairsville 15717, Indiana County, Forty-first Senatorial District, for appointment as District Justice, in and for the County of Indiana, Magisterial District 40-3-03, to serve until the first Monday of January 2002, vice Dolores DeGruttola, mandatory retirement.

THOMAS J. RIDGE Governor

MEMBER OF THE LACKAWANNA COUNTY BOARD OF ASSISTANCE

April 26, 2001

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, Terrence J. McDonald (Republican), 1708 Jefferson Avenue, Dunmore 18509, Lackawanna County, Twenty-second Senatorial District, for reappointment as a member of the Lackawanna County Board of Assistance, to serve until December 31, 2002, and until his successor is appointed and qualified.

THOMAS J. RIDGE Governor

MEMBER OF THE LUZERNE COUNTY BOARD OF ASSISTANCE

April 11, 2001

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, Patrick M. Sicilio, (Democrat), 109 Cedarwood Drive, Laffin 18702, Luzerne County, Fourteenth Senatorial District, for reappointment as a member of the Luzerne County Board of Assistance, to serve until December 31, 2001, and until his successor is appointed and qualified.

THOMAS J. RIDGE Governor

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

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

YEA-47

| | | | |
|-----------|-----------|--------|-------------|
| Armstrong | Greenleaf | Mowery | Tartaglione |
| Bell | Holl | Murphy | Thompson |
| Bodack | Hughes | Musto | Tilghman |
| Boscota | Jubelirer | O'Pake | Tomlinson |

| | | | |
|------------|----------|----------|----------------|
| Brightbill | Kasunic | Orie | Wagner |
| Conti | Kitchen | Piccola | Waugh |
| Costa | Kukovich | Punt | Wenger |
| Dent | LaValle | Rhoades | White, Donald |
| Earll | Lemmond | Robbins | White, Mary Jo |
| Erickson | Logan | Schwartz | Williams |
| Fumo | Madigan | Stack | Wozniak |
| 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.

NOMINATIONS TAKEN FROM THE TABLE

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

The Clerk read the nominations as follows:

JUDGE, COURT OF COMMON PLEAS, PHILADELPHIA COUNTY

June 4, 2001

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Kevin M. Dougherty, Esquire, 8906 Springview Road, Philadelphia 19115, Philadelphia County, Fourth Senatorial District, for appointment as Judge of the Court of Common Pleas of Philadelphia County, to serve until the first Monday of January 2002, vice The Honorable Robert A. Latrone, deceased.

THOMAS J. RIDGE Governor

JUDGE, COURT OF COMMON PLEAS, PHILADELPHIA COUNTY

June 5, 2001

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Elizabeth Jackson, Esquire, 1232 North Newkirk Street, Philadelphia 19121, Philadelphia County, Third Senatorial District, for appointment as Judge of the Court of Common Pleas of Philadelphia County, to serve until the first Monday of January 2002, vice The Honorable James A. Lineberger, mandatory retirement.

THOMAS J. RIDGE Governor

JUDGE, COURT OF COMMON PLEAS, PHILADELPHIA COUNTY

June 5, 2001

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, Harold M. Kane, Esquire, 1500 Locust Street, Suite 2016, Philadelphia 19102, 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 2002, vice The Honorable Murray C. Goldman, mandatory retirement.

THOMAS J. RIDGE
Governor

JUDGE, COURT OF COMMON PLEAS,
PHILADELPHIA COUNTY

June 5, 2001

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, Lisa Millett Rau, Esquire, 147 West Horter Street, Philadelphia 19119, Philadelphia County, Fourth Senatorial District, for appointment as Judge of the Court of Common Pleas of Philadelphia County, to serve until the first Monday of January 2002, vice The Honorable Edmund S. Pawelec, mandatory retirement.

THOMAS J. RIDGE
Governor

SHERIFF, HUNTINGDON COUNTY

June 6, 2001

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, William G. Walters, R.D. 1, P.O. Box 465, Huntingdon 16652, Huntingdon County, Thirtieth Senatorial District, for appointment as Sheriff, in and for the County of Huntingdon, to serve until the first Monday of January 2002, vice Harry E. Ersek Jr., resigned.

THOMAS J. RIDGE
Governor

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

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

YEA-47

| | | | |
|------------|-----------|----------|----------------|
| Armstrong | Greenleaf | Mowery | Tartaglione |
| Bell | Holl | Murphy | Thompson |
| Bodack | Hughes | Musto | Tilghman |
| Boscola | Jubelirer | O'Pake | Tomlinson |
| Brightbill | Kasunic | Orie | Wagner |
| Conti | Kitchen | Piccola | Waugh |
| Costa | Kukovich | Punt | Wenger |
| Dent | LaValle | Rhoades | White, Donald |
| Earll | Lemmond | Robbins | White, Mary Jo |
| Erickson | Logan | Schwartz | Williams |
| Fumo | Madigan | Stack | Wozniak |
| Gerlach | Mellow | Stout | |

NAY-0

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

EXECUTIVE SESSION RISES

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

The motion was agreed to by voice vote.

PERMISSION TO ADDRESS

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

Senator ERICKSON. Mr. President, on June 12, I had the pleasure of sitting through hearings for five judicial candidates. I was most impressed by those candidates. Four of those candidates were voted on tonight, and I agree that they should have been confirmed because they are dedicated people, they are people who will help the courts in Philadelphia.

There was a fifth nominee that day, Barry Dozor, from Delaware County. He stands in a different position. He was there because the president judge in Delaware County, Joseph Battle, recently passed away. That left a vacancy. Mr. Dozor, unlike the four people from Philadelphia, did not and will not have the opportunity to run for election. That means that there will be a 2 1/2-year hiatus, and that also means that there will be a backlog of cases in Delaware County.

Earlier this evening there were a number of pronouncements from the other side of the aisle about bipartisanship and a bipartisan approach. It is in this spirit then that I turn to them and ask that they might consider that Barry Dozor also be presented tonight.

Thank you.

CONSIDERATION OF CALENDAR RESUMED

THIRD CONSIDERATION CALENDAR RESUMED

**BILL ON THIRD CONSIDERATION
AND FINAL PASSAGE**

SB 818 (Pr. No. 1239) -- 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 law enforcement records.

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

| | | | |
|------------|-----------|----------|----------------|
| Armstrong | Greenleaf | Mowery | Tartaglione |
| Bell | Holl | Murphy | Thompson |
| Bodack | Hughes | Musto | Tilghman |
| Boscola | Jubelirer | O'Pake | Tomlinson |
| Brightbill | Kasunic | Orie | Wagner |
| Conti | Kitchen | Piccola | Waugh |
| Costa | Kukovich | Punt | Wenger |
| Dent | LaValle | Rhoades | White, Donald |
| Earl | Lemmond | Robbins | White, Mary Jo |
| Erickson | Logan | Schwartz | Williams |
| Fumo | Madigan | Stack | Wozniak |
| 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 present said bill to the House of Representatives for concurrence.

BILL AMENDED

HB 1493 (Pr. No. 2087) -- 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 agricultural vandalism; and providing for the criminal offense of agricultural crop or livestock destruction.

On the question,
Will the Senate agree to the bill on third consideration?

Senator BRIGHTBILL. Mr. President, I request that House Bill No. 1493 go over in its order.

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

Senator KUKOVICH. Mr. President, I would like to have a vote on this bill.

The PRESIDENT. Senator Kukovich objects, obviously, to the bill going over in its order.

Senator BRIGHTBILL. Mr. President, I move that House Bill No. 1493 go over in its order.

The PRESIDENT. Senator Brightbill moves that House Bill No. 1493 go over in its order.

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

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

YEA-21

| | | | |
|------------|-----------|----------|----------------|
| Armstrong | Jubelirer | Piccola | Wenger |
| Bell | Lemmond | Punt | White, Donald |
| Brightbill | Madigan | Rhoades | White, Mary Jo |
| Earl | Mowery | Robbins | |
| Erickson | Murphy | Thompson | |
| Holl | Orie | Waugh | |

NAY-26

| | | | |
|---------|-----------|-------------|-----------|
| Bodack | Greenleaf | Mellow | Tilghman |
| Boscola | Hughes | Musto | Tomlinson |
| Conti | Kasunic | O'Pake | Wagner |
| Costa | Kitchen | Schwartz | Williams |
| Dent | Kukovich | Stack | Wozniak |
| Fumo | LaValle | Stout | |
| Gerlach | Logan | Tartaglione | |

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

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

Senator KUKOVICH offered the following amendment No. A3290:

Amend Title, page 1, lines 2 through 4, by striking out "AGRICULTURAL" in line 2, all of lines 3 and 4 and inserting: ethnic intimidation.

Amend Sec. 1, page 1, line 9, by striking out "3309(C)" and inserting: 2710

Amend Bill, page 1, lines 11 through 15; page 2, lines 1 through 24, by striking out all of said lines on said pages and inserting:

§ 2710. Ethnic intimidation.

(a) Offense defined.—A person commits the offense of ethnic intimidation if, with malicious intention toward the actual or perceived race, color, religion or national origin, ancestry, mental or physical disability, sexual orientation, gender or gender identity of another individual or group of individuals, he commits an offense under any other provision of this article or under Chapter 33 (relating to arson, criminal mischief and other property destruction) exclusive of section 3307 (relating to institutional vandalism) or under section 3503 (relating to criminal trespass) or under section 5504 (relating to harassment by communication or address) with respect to such individual or his or her property or with respect to one or more members of such group or to their property.

(b) Grading.—An offense under this section shall be classified as a misdemeanor of the third degree if the other offense is classified as a summary offense. Otherwise, an offense under this section shall be classified one degree higher in the classification specified in section 106 (relating to classes of offenses) than the classification of the other offense.

(c) Definition.—As used in this section "malicious intention" means the intention to commit any act, the commission of which is a necessary element of any offense referred to in subsection (a) motivated by hatred toward the actual or perceived race, color, religion or national origin, ancestry, mental or physical disability, sexual orientation, gender or gender identity of another individual or group of individuals.

Amend Sec. 3, page 2, line 25, by striking out "3" and inserting: 2

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

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

Senator KUKOVICH. Mr. President, the initial language of this bill is gutted by the amendment because Senator Wenger had placed this language in House Bill No. 1492 which previously passed. So if this amendment would pass, the only language in the bill would be some additional language to the Ethnic Intimidation Act currently within the law.

There are some recent FBI statistics that do show that hate crimes are increasing against certain classes of people, people with mental and physical disabilities, and people who are gays and lesbians. The language in this amendment adds to the bill

ancestry, mental or physical disability, sexual orientation, and gender or gender identity.

Now, normally legislation that would add penalties, increase penalties, or add crimes is not a priority of mine. This amendment is a distinction for a couple of reasons. Number one, I think this is one of the few times in criminal justice law where the law can have a natural deterrent. And secondly, there is a uniqueness about a hate crime, something very invidious and insidious, that it is not only a crime when it is perpetrated against an individual, whether it is an assault, whether it is an arson, but when that crime is perpetrated, it not only has the obvious direct effect on that individual but it has an effect on the whole class of individuals. It creates fear within a community and within that class.

There are many times in the law when we deal with the intent behind an act. Obviously, whenever you try to prove any criminal law, you have to prove intent, but when it comes to the death penalty, for example, we think nothing of adding aggravating circumstances, and the purpose for adding those aggravating circumstances is to try to get behind what caused that crime. There are other examples in the law, and I am not going to take a lot of your time this evening.

But I think we have to keep in mind that we are not carving out some special treatment for anyone. We are simply saying within the Hate Crimes Law, the ethnic intimidation law that we already have, that people should not be singled out for violence. So what we are saying is that government has a role to say to people who are thugs or who are bigots, or who are just haters, that if you commit a crime with a malicious intention to damage anyone within any of these classes of people, it is wrong. That is not only a punishment, I feel strongly it is a deterrent.

I think this is one of the few times in this legislature when we can make a distinct difference for many, many of our citizens across this State, and I respectfully request the support of my colleagues on this amendment.

Thank you, Mr. President.

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

Senator BRIGHTBILL. Mr. President, I believe that one of the Members is having an amendment drawn to this amendment, and I do not believe that it is down from the Legislative Reference Bureau. I am told it will be about 5 minutes, and I ask that the Senate stand at ease, unless there is someone else who would like to comment in support of amendment A3290.

The PRESIDENT. The Senate will be at ease.

(The Senate was at ease.)

AMENDMENT A3324 to AMENDMENT A3290

The PRESIDENT. We are on the Kukovich amendment No. A3290 to House Bill No. 1493.

And the question recurring,

Will the Senate agree to the amendment?

Senator GERLACH offered the following amendment No. A3324 to A3290:

Amend Amendments, page 1, lines 12 and 13 (A3290), by striking out "actual or perceived"

Amend Amendments, page 1, lines 13 through 15 (A3290), by striking out "ancestry," in line 13, all of line 14 and "gender identity" in line 15

Amend Amendments, page 1, line 15 (A3290), by inserting after "individuals": or toward any other particular class or group of individuals

Amend Amendments, page 1, lines 34 and 35 (A3290), by striking out "actual or perceived"

Amend Amendments, page 1, line 35; page 2, lines 1 and 2 (A3290), by striking out "ancestry" in line 35, page 1, all of line 1, "gender identity" in line 2, page 2

Amend Amendments, page 2, line 2 (A3290), by inserting after "individuals": or toward any other particular class or group of individuals

On the question,

Will the Senate agree to the amendment to the amendment?

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

Senator GERLACH. Mr. President, I believe everyone here this evening loathes and condemns hate crimes in Pennsylvania, a crime that is committed against someone because of his or her association with a particular class or group of individuals. Senator Kukovich's amendment adds a few additional categories to our existing law as to who should be protected from hate crime occurring in Pennsylvania.

The intent of my amendment, Mr. President, is not to limit the hate crime statute in Pennsylvania to any one or a few classes or groups of individuals, but to simply outlaw all hate crime against any class or group of individuals simply because they happen to belong to that group. My amendment would therefore amend our current law to make it unlawful to commit an offense under Section 2710 of our Crimes Code, to any particular class or group of individuals. Now admittedly, the amendment does not define class or group, and given the fact that we are on the last day before summer recess, and when this bill came before us, we did not have the time to more clearly define that in the current amendment, but it is my intent with this amendment, Mr. President, to have that verbiage in the amendment, "class," to be any group of individuals who are identified by their shared sexual orientation, ethnic, cultural, religious, ancestral, gender, employment, physical or mental capacity or disability, or any other such status or background.

So it is hoped with that as a legislative intent statement, that all of the categories contained in Senator Kukovich's amendment would fall under that word "class" as contained in my amendment. But rather than limiting that to those groups in our hate crimes statute in Pennsylvania, that we would then allow all hate crime to be unlawful and outlawed in Pennsylvania through the amendment that I propose. So I ask for the support of this amendment from my colleagues.

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

Senator KUKOVICH. Mr. President, I think Senator Gerlach's intent is good. I understand what he is trying to do. But at this late hour, it is clear that there are some problems with this amendment. Number one, it does entirely gut the amendment that we have been discussing for some time over the last few months and language that we have tried to craft that we thought was a reasonable compromise.

Secondly, no matter what we say in legislative intent, and I tried to listen carefully, but I do think part of what was in the language was left out from his stated legislative intent. There is a problem also with this language being too broad. I will not make a motion on constitutionality because I do not know if it is an apt motion. I do think, however, that someone could make a potentially valid argument that it is overly broad. It also appears to look like language that is similar, if not identical, to hate crime language that has been used in the State of Texas, and that language was so broad that it was not able to be used at all. As a matter of fact, in the celebrated case of James Byrd, the man who was dragged from the back of a vehicle to his death because of his skin color, this kind of language in a hate crime statute could not be used.

So I think there is a constitutional problem. I think even if there is not a constitutional problem, the broadness of the language, despite specifics in legislative intent, will render it absolutely useless. And those individuals, whether they represent disability groups or advocates for alternative lifestyles, recognize that this language flies in the face of their needs. Especially when they have friends, relatives who have been beaten, who have been hurt, they realize that this language does not do the trick.

I again respectfully request that we vote down this amendment and try to get to the amendment that I think does resolve the problems that we all want to resolve, and I ask for a "no" vote.

LEGISLATIVE LEAVES

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

Senator MELLOW. Mr. President, I request temporary Capitol leaves for Senator Fumo, Senator Musto, Senator Tartaglione, and Senator Williams.

The PRESIDENT. Without objection, those leaves will be granted.

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

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

YEA-16

| | | | |
|------------|---------|---------|-----------|
| Armstrong | Gerlach | Piccola | Thompson |
| Bell | Madigan | Punt | Tomlinson |
| Brightbill | Mowery | Rhoades | Waugh |
| Erickson | Murphy | Robbins | Wenger |

NAY-31

| | | | |
|-----------|-----------|----------|----------------|
| Bodack | Holl | Logan | Tartaglione |
| Boscola | Hughes | Mellow | Tilghman |
| Conti | Jubelirer | Musto | Wagner |
| Costa | Kasunic | O'Pake | White, Donald |
| Dent | Kitchen | Orie | White, Mary Jo |
| Earll | Kukovich | Schwartz | Williams |
| Fumo | LaValle | Stack | Wozniak |
| Greenleaf | Lemmond | Stout | |

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

And the question recurring,
Will the Senate agree to amendment No. A3290?

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

YEA-32

| | | | |
|----------|-----------|----------|-------------|
| Bodack | Greenleaf | Lemmond | Stout |
| Boscola | Holl | Logan | Tartaglione |
| Conti | Hughes | Mellow | Thompson |
| Costa | Jubelirer | Musto | Tilghman |
| Dent | Kasunic | O'Pake | Tomlinson |
| Erickson | Kitchen | Rhoades | Wagner |
| Fumo | Kukovich | Schwartz | Williams |
| Gerlach | LaValle | Stack | Wozniak |

NAY-15

| | | | |
|------------|---------|---------|----------------|
| Armstrong | Madigan | Piccola | Wenger |
| Bell | Mowery | Punt | White, Donald |
| Brightbill | Murphy | Robbins | White, Mary Jo |
| Earll | Orie | Waugh | |

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

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

SENATE CONCURRENT RESOLUTION

RECESS ADJOURNMENT

Senator BRIGHTBILL offered the following resolution, which was read, considered, and adopted by voice vote:

In the Senate, June 21, 2001

RESOLVED, (the House of Representatives concurring), That when the Senate adjourns this week it reconvene on Tuesday, September 25, 2001, unless sooner recalled by the President Pro Tempore of the Senate; and be it further

RESOLVED, That when the House of Representatives adjourns this week it reconvene on Monday, September 24, 2001, unless sooner recalled by the Speaker of the House of Representatives.

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

HOUSE MESSAGES

HOUSE CONCURS IN SENATE AMENDMENTS TO HOUSE BILLS

The Clerk of the House of Representatives informed the Senate that the House has concurred in amendments made by the Senate to **HB 43, 59, 186, 334, 413, 673 and 1431.**

HOUSE CONCURS IN SENATE AMENDMENTS TO HOUSE AMENDMENTS TO SENATE BILLS

The Clerk of the House of Representatives informed the Senate that the House has concurred in amendments made by the Senate to House amendments to **SB 215, 379, 793 and 816.**

HOUSE CONCURS IN SENATE BILL

The Clerk of the House of Representatives returned to the Senate **SB 976**, with the information the House has passed the same without amendments.

SENATE BILL RETURNED WITH AMENDMENTS

The Clerk of the House of Representatives returned to the Senate **SB 483**, with the information the House has passed the same with amendments in which the concurrence of the Senate is requested.

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

BILLS SIGNED

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

SB 4, SB 215, SB 237, SB 377, SB 379, SB 485, SB 597, SB 634, SB 793, SB 811, SB 816, SB 876, SB 877, SB 916, SB 926, SB 927, SB 971, SB 976, HB 43, HB 59, HB 61, HB 154, HB 168, HB 186, HB 203, HB 334, HB 413, HB 550, HB 673, HB 679, HB 948, HB 975, HB 1048, HB 1139, HB 1176, HB 1431, HB 1492, HB 1697 and HB 1720.

**UNFINISHED BUSINESS
SENATE RESOLUTIONS ADOPTED**

Senators **HOLL, WAGNER, COSTA, ORIE, BOSCOLA, THOMPSON, M. WHITE, KITCHEN, ROBBINS, BELL, KASUNIC, DENT, TILGHMAN, RHOADES, LEMMOND** and **STACK**, by unanimous consent, offered **Senate Resolution No. 94**, entitled:

A Resolution proclaiming September 6, 2001, as "Lafayette Day" in Pennsylvania.

Which was read, considered, and adopted by voice vote.

Senators **O'PAKE, BRIGHTBILL, MELLOW, FUMO, MUSTO, BODACK, GERLACH, WAGNER, TARTAGLIONE, MURPHY, HELFRICK, WENGER, TOMLINSON, BOSCOLA, LOGAN, MOWERY, TILGHMAN, ARMSTRONG, DENT, LAVALLE, WAUGH, ROBBINS, GREENLEAF, KITCHEN, HUGHES, SCHWARTZ, ERICKSON, EARLL, STACK, RHOADES** and **WOZNAK**, by unanimous consent, offered **Senate Resolution No. 95**, entitled:

A Resolution designating July 27, 2001, as "Korean War Armistice Day" in Pennsylvania and urging all government agencies and the citizens of Pennsylvania to fly the American flag at half-staff on July 27, 2001, in honor of all Americans who bravely served, made the ultimate sacrifice or who are listed as missing in action as a result of the Korean War.

Which was read, considered, and adopted by voice vote.

CONGRATULATORY RESOLUTIONS

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

Congratulations of the Senate were extended to the Wise Family, Mr. and Mrs. Eugene Martin, Mr. and Mrs. Evan Phillips, Mr. and Mrs. Robert Byler, Mr. and Mrs. Bill Helm, Mr. and Mrs. Norval Peters, Mr. and Mrs. William Seachrist, Mr. and Mrs. Chester Bitterman, Mr. and Mrs. Earl Ziegler, Mr. and Mrs. Leslie Lee, Mr. and Mrs. Clair Alexander, Mr. and Mrs. Harold Kilheffer, Mr. and Mrs. James Schmitt, Mr. and Mrs. Wayne Merris, Mr. and Mrs. Roy Drawbaugh, Mr. and Mrs. Marlyn Miller, Mr. and Mrs. Frank Hargan, Mr. and Mrs. Richard E. Hacker, Mr. and Mrs. James Lohr, Mr. and Mrs. Marvin Hess, Mr. and Mrs. Ross Morrison, Mr. and Mrs. Louis Rampulla, Mr. and Mrs. William Krantz, Mr. and Mrs. Jerome Henger, Mr. and Mrs. Harry H. Landis III, Mr. and Mrs. Kenneth Feeman, Mr. and Mrs. John R. Risser, Mr. and Mrs. Perry Scott, Mr. and Mrs. John K. Brenneman, Mr. and Mrs. Bruce Berger, Daniel Jacob Mallinson, Ryan Lee Lawrence, Sara Wise, Paul Helwig, Donald Patchel, Christopher D. Grant, Dr. Kenneth D. Loeffler II, Jared Brooks and to Lancaster Bible College by Senator Armstrong.

Congratulations of the Senate were extended to Dr. Sherri Z. Heller by Senators Armstrong and Jubelirer.

Congratulations of the Senate were extended to Mr. and Mrs. Walter F. Barlow, Mr. and Mrs. Norris Powell, Mr. and Mrs. Nicholas B. Horsky, Mr. and Mrs. Russell L. Ferguson, Mr. and Mrs. Grant B. Hutchinson, Mr. and Mrs. Frederick Douglas, Sr., Mr. and Mrs. Bernard J. Cialini, Mr. and Mrs. Francis A. Lebonette, Scott M. Schaffer, Martha Rowat, Samuel A. Hill, Jeffrey Lane, Ryan Boylan, Mark Rahn, Barbara A. Eastburn, citizens of Ivy Mills and to the Boeing Company of Philadelphia by Senator Bell.

Congratulations of the Senate were extended to the Speaks Sharpley Family, Mr. and Mrs. William Dougherty, Mr. and Mrs. Charles Strahler, Mr. and Mrs. Bernard E. Scheid, Mr. and Mrs. Joseph Ciraulo, Mr. and Mrs. Julius J. Poillucci, Mr. and Mrs. Xavier Niederst, Mary Susalla, Ida Zaborowski, Reginald Konopasek, Jim Fazzini, Gregory L. Straub, Jr., David P. Ricupero, Jr., Peter Ramage and to FamilyLinks of Pittsburgh by Senator Bodack.

Congratulations of the Senate were extended to the Mount Ararat Baptist Church of Pittsburgh by Senators Bodack and Costa.

Congratulations of the Senate were extended to Mr. and Mrs. Walter Bryfogle, Mr. and Mrs. Joseph DelBacco, Mr. and Mrs. Robert John Nilsen, Elizabeth Gallo, Edward Segal, Scott V. Fainor, Dr. Peter A. Keblish, Dr. Blaine Shover, Judson Kratzer, Sharon K. Basso, DelRoy Smith, Paul Farnan, Dolores Faust, David Owens, Michael Hopstetter, Thomas Toth, Mona Lloyd Strunk, Dr. Geary Yeisley, Sandy Ivey, John D. Bennett, Jr., Robert Michael Schuett, Darryl Dawkins, Timothy R. Hatcher, Linda Zulli-Trumbauer, Daniel E. Cohen, Dorothea Schreiner Deppe, Ralph E. Strunk, Jr., David Clayton Hagenbuch, Matthew Joseph Smith, Greater Lehigh Valley Slovak Association and the Slovak Catholic Federation, Cardinal Tomko Chapter, Se-Wy-Co Fire Company of Bethlehem, Fitzmaurice Community Services, Incorporated, of Stroudsburg, Shipmates No. 120 of WAVES

National and to the Slovenian Community of Bethlehem by Senator Boscola.

Congratulations of the Senate were extended to Jay A. Scherline, Dr. Peter A. Keblish, Scott V. Fainor, Dr. Albert D. Abrams, Susan Firman, Agere Systems of Allentown and to Nitschmann Middle School of Bethlehem by Senators Boscola and Dent.

Congratulations of the Senate were extended to the Honorable Jeannette Reibman by Senator Boscola and others.

Congratulations of the Senate were extended to Walter Zehring, Mabel Dieffenbach, Sallie Agnes Ebert, Dale A. Hamlen, Evelyn Fay Ginder Bowman, Alexander Gates and to the Quittapahilla Watershed Association of Annville by Senator Brightbill.

Congratulations of the Senate were extended to the Mackey Family by Senators Brightbill and Piccola.

Congratulations of the Senate were extended to Paul Joseph Shady, Dr. David Wu, Matthew S. Smyth, Christopher A. Bell, Caitlin Hope Lewis, Nicholas H. Cepparulo, the Honorable Oliver A. Groman, Joseph M. Barone, Todd E. Bagnall, Richard Elliott, Joyce Barndt, David M. Friel, Laura Serbin, Chelsea Ezzo, George Chimples, Heritage Towers of Doylestown, AccuSort Systems, Incorporated, of Hatfield, Vantage Learning of Yardley, citizens of the village of Point Pleasant, Doylestown Fire Company No. 1, Kwik Goal of Quakertown, Second Baptist Church of Doylestown and to the citizens of the Borough of Doylestown by Senator Conti.

Congratulations of the Senate were extended to Just for Today by Senators Conti and Tomlinson.

Congratulations of the Senate were extended to Mr. and Mrs. John Delancey, Mr. and Mrs. Walter Zong, Jr., Mr. and Mrs. Walter E. Coldren, Mr. and Mrs. Fenton Phillip Myers, Jr., Mr. and Mrs. Hubert H. Stouffer, Mr. and Mrs. Robert J. Eby, Mr. and Mrs. Merle P. Fisher, Mr. and Mrs. James Paul Shay, Mr. and Mrs. Calvin E. Rothrock, Mr. and Mrs. Jack E. Dunn, Mr. and Mrs. James A. Messimer, Mr. and Mrs. Donald E. Husler, Sr., Mr. and Mrs. Charles F. Yorks, Jr., Mr. and Mrs. Dale Kauffman, Sr., Mr. and Mrs. William R. Rishel, Mr. and Mrs. Elmer F. Charles, Jr., Matthew Daniel Gawryla, Jason Paul Troup, Gregory A. Packech, Lucy M. Caldwell, Audrey E. Eaton, Lance H. Rose, Michael Jennette, Blanche Bordner, James L. Myers, Stephen M. Zook, Marguerite Spigelmyer, Dr. Robert L. Kaufman, Aaron Guzik, Royal Kline, Sr., Gannon Michael Nordberg, George L. Settlemyer, Ronald Carl Casner, Dr. A. Reid Leopold, Jr., Beech Creek/Blanchard Area Jaycees, State College American Little League Baseball Team, Mill Hall Kiwanis Club, Richfield United Methodist Church, Calvary Bible Church of Lewistown, Grove Memorial United Methodist Church of Lewistown, citizens of the Village of Mexico, State College American Legion Baseball Team, State College Babe Ruth Baseball Team for fourteen-year-olds, State College Babe Ruth Baseball Team for fifteen-year-olds and to Locust Run United Methodist Church of Thompsettown by Senator Corman.

Congratulations of the Senate were extended to Mr. and Mrs. H. Frank Gilbert by Senators Corman and Helfrick.

Congratulations of the Senate were extended to Mr. and Mrs. Horton Fall, Mr. and Mrs. Nicholas Richard DeBellis, Mr. and Mrs. John Hrivnak, Irene Lance, Rebecca Dakin, Sandy

Lapcevic, Vicki Stubblefield, Neil Stapley, Sean Christopher Morgan, Albert Vernon Powers, John V. Hindmarch, Earl V. Jones, Sr., Mount Ararat Baptist Church of Pittsburgh, Hazelwood Presbyterian Church of Pittsburgh, Sri Chinmoy Peace Run of San Diego, California, East End Cooperative Ministry, Inc., 478th Antiaircraft Artillery, Automatic Weapons Battalion, citizens of Penn Hills Township and to the Adelphia McGruff Truck Program by Senator Costa.

Congratulations of the Senate were extended to Mr. and Mrs. Harry Karpyn, Mr. and Mrs. Raymond Nester, Mr. and Mrs. David Weidner, Mr. and Mrs. James Diehl, Mr. and Mrs. John Marhefka, Mr. and Mrs. Charles Fry, Mr. and Mrs. Samuel Ambrosino, Mr. and Mrs. Reno DalMaso, Mr. and Mrs. Carl Rohrbach, Mr. and Mrs. John Benetzky, Mr. and Mrs. Warren Dunbar, Mr. and Mrs. Franklin Flurer, Mr. and Mrs. Lawrence Durback, Mr. and Mrs. Harold Block, Mr. and Mrs. George Kern, Jr., Mr. and Mrs. Reade Alan Roberts, Mr. and Mrs. Joseph Myrski, Mr. and Mrs. Ed Dzojko, David and Lisa Saul, Dr. Alphonso DiCarlo and his staff, Russell W. Branton, Dorothy Hertzog, Daniel Quinn, Timothy J. Van Horn, Charles G. Curie, Jacob Peters, Janne K. Huhn, Colin M. Batarick, Fritz W. Ihle, Ernest Atiyeh, Jr., Joseph R. Brugger and to the citizens of the nation of Ukraine by Senator Dent.

Congratulations of the Senate were extended to Allentown Musicians Association, Local 561, by Senators Dent and Boscola.

Congratulations of the Senate were extended to Joanne H. Raphael by Senators Dent, Boscola, and Conti.

Congratulations of the Senate were extended to Mr. and Mrs. Richard Armstrong, Mr. and Mrs. Richard H. Ripley, Mr. and Mrs. Melvin Taylor, Donald C. Kidd, Robert Pastine, Gene David Natale, Jr., Edward T. Brennan, Marlene D. Mosco, Nathan Garnon, Adam Spencer Unkle, Family Health Council, Inc., of Erie and to the Erie County Fraternal Order of Police, William Tyler Memorial Lodge No. 64, by Senator Earll.

Congratulations of the Senate were extended to Mr. and Mrs. Alfred Moyer, Ryan Stulb, Douglas Cashell, Matthew Mullin, Bryan Heckman, Dr. Concetta Harakal, George White, Andrew Canavan and to Scenic Hills Elementary School of Springfield by Senator Erickson.

Congratulations of the Senate were extended to Frederick C. Tecce, Linda Redanauer, Joseph Mullin, Charles Sarkioglu, Frank Graff, Henry Wheeler, Philadelphia Chamber Ensemble and to the Chinese Benevolent Association (CBA) of Philadelphia by Senator Fumo.

Congratulations of the Senate were extended to Joshua Daniel Leaver, Daniel Hobart Merritt, William Rhoads, James Allen II, Jason Scott Fritz, Adam Robert Yenser, Jared Millard, Karl W. Winsch, Nathan Wayne Alexander, Matthew David Hix, Kyle Benjamin, Jeffrey William Knight, Nicholas James Kirch, Andrew D. Greene, Mark D. Moyer, Jonathan L. Beech, Jacob Griffin, Pottstown Area Seniors' Center, Norco Fire Company of Pottstown, Boy Scout Troop 37 of Elverson and to the Wildlands Conservancy of Emmaus by Senator Gerlach.

Congratulations of the Senate were extended to Mr. and Mrs. Richard Sheehan, Mr. and Mrs. Bob Harlan, Mr. and Mrs. Bob Williams, the Reverend and Mrs. W. Burwell Frazier, Mr. and Mrs. Joseph E. Whelan, Mr. and Mrs. Horace E. Oliver, Rever-

end Dr. Robert Johnson-Smith II, James Patrick Dunn, Arthur Hagggar, James McKeivitt and to Adele Epstein by Senator Greenleaf.

Congratulations of the Senate were extended to Andrew David Hasel by Senators Greenleaf and Conti.

Congratulations of the Senate were extended to Mr. and Mrs. Thomas J. Knouse, Mr. and Mrs. James Phillip Dalberto, Mr. and Mrs. Richard E. Foley, Mr. and Mrs. Allen L. Miller, Mr. and Mrs. William E. Long, Mr. and Mrs. Francis E. Haas, Mr. and Mrs. Nicholas Remaley, Mr. and Mrs. William Edward Henck, Mr. and Mrs. Fred Switzer, Mr. and Mrs. Paul Polifka, Mr. and Mrs. Joseph Reidinger, Mr. and Mrs. Joseph Buraczkeski, Mr. and Mrs. Robert Brezinski, Mr. and Mrs. James Boylan, Mr. and Mrs. Fred Lee Stine, Dr. and Mrs. J. Frank Brink, Jr., Mr. and Mrs. Joseph Mack, Mr. and Mrs. Nathan Jeffery, Mr. and Mrs. August Witowski, Mr. and Mrs. Andrew Paul Petro, Mr. and Mrs. Warren Klees, Mr. and Mrs. G. Richard Mayo, Mr. and Mrs. John S. Perles, Jr., Mr. and Mrs. Leo E. Noll, Mr. and Mrs. Leon Frank Salada, Mr. and Mrs. Donald E. Ross, Mr. and Mrs. John Sarisky, Mr. and Mrs. Paul William Sugg, Mr. and Mrs. Joseph P. Kurtz, Amanda Swazey, Brian Burrows, Betty Milbrand, Lindsay Morris, Zachary A. Chappell, Laura Kreiger, Tiffany Dyer, Rob Derr, Edward P. Long, Jr., Lisa Cook, Erica Brown, Alimara Cassidy, Benjamin Jeffrey Wise, Justin Houtz Brehm, Nathan Scott Oglesby, Dana Richardson, Matthew A. Tanner, Timothy Robert Karnes, Christopher L. Walter, Troy N. Tyson, the Reverend Gerald Kedziora, Jonathan Michael Arbogast, Matthew R. Price, Erik P. Zmudzin, Clifton James Harmon, Keanan Brown Barbour-March, Chad Stephen Reinard, Kevin Spangler, Estella Rupp and to First National Trust Bank of Sunbury by Senator Helfrick.

Congratulations of the Senate were extended to Michael Thomas Campbell II by Senators Helfrick and Madigan.

Congratulations of the Senate were extended to Ian Horowitz, Jean DeBarth, Donald Hunsberger, the Honorable Charles H. Allebach, Jr., Dennis Gilbert Morral, Brandon Steven Bennett, Americo J. Taddeo, Agnes C. Aiello, Jason R. Schatz, William J. O'Tormey, Jr., Linford G. Garges, Eugenie K. Esser, Ina Frank, the Honorable Paul Tressler, Steven Yoder, Andrew Schultz, Paul N. Sayko, Benjamin A. Richer, Sean W. McGrogan, William J. Palmer, Jr., Douglas S. Malora, Brian A. Hecker, Joshua J. Flury, Nathan Feinberg, Patrick J. Walsh, Dennis G. Crouse, Daniel G. Bloom, Curt T. Clinefelter, James H. Finnemeyer, John Pirrello, Dan Onori, George M. Butera, H. Theodore Hallman, Jr., Richard Stricker, Ruth L. Gridale, Ralph Rehrig, Marie Hardimon, John B. Gourley, Univest Corporation of Souderton, North Penn School District Transportation Department Safety Committee of Lansdale, Calvary Baptist Church of Lansdale, Highway Home of Hatfield, Upper Gwynedd Volunteer Fire Department, Clyde S. Walton, Inc., of Lansdale, St. Stanislaus Parish of Lansdale, St. John African Methodist Episcopal Church of Conshohocken, Souderton's Perseverance Volunteer Fire Company and to the Perkiomen Watershed Conservancy of Schwenksville by Senator Holl.

Congratulations of the Senate were extended to the Jeter/Peake Family, McClendon Family, Sheikh Abdoulaye Dieye, Betty A. Finney, Frankie Hughes, Pearl McMillan, Marion L. Garrison, Naomi M. Post, Christine McCullough,

Frances Walker-Ponnie, Mannie Green, Charles Luther Sifford, Joan Myers Brown, Marlisa Brown, Dannielle Brown and to Dr. Deidre R. Farmbry by Senator Hughes.

Congratulations of the Senate were extended to Mr. and Mrs. Ormond Ostrander, Mr. and Mrs. Howard L. Harber, Mr. and Mrs. Edward Adams, Mr. and Mrs. Alois Poppenwimer, Mr. and Mrs. Donald Beatty, Mr. and Mrs. Lamoine Zimmerman, Mr. and Mrs. James Mattern, Mr. and Mrs. Anthony J. Bruno, Sr., Mr. and Mrs. William W. Killinger, Mr. and Mrs. Lloyd Hoffman, Mr. and Mrs. George Closson, Mr. and Mrs. Richard S. Van Scoyoc, Mr. and Mrs. Russell F. Brown, Mr. and Mrs. Leroy Smith, Mr. and Mrs. Hershel D. Hollabaugh, Mr. and Mrs. Ernest Tomassetti, Mr. and Mrs. Roy McKinnley Waite, Mr. and Mrs. Ralph Taylor, Mr. and Mrs. Richard M. Jaymes, Mr. and Mrs. Samuel Criswell, Mr. and Mrs. Carl Felton, Mr. and Mrs. Joseph Harpster, Mr. and Mrs. Robert H. Robinson, Mr. and Mrs. Anthony Destadio, Mr. and Mrs. Donald Deyarmin, Mr. and Mrs. Gerard Imbrenda, Mr. and Mrs. Ted E. Greaser, Leona B. Eichelberger, Nellie E. Albright, Faith A. Zembower, Kay L. Griffin, Arthur L. Chamberlain, Dr. Dennis E. Murray, Mary Ellen Wirth and to the Central Pennsylvania Humane Society (CPHS) by Senator Jubelirer.

Congratulations of the Senate were extended to Dr. Gerald B. M. Stein by Senators Jubelirer and Corman.

Congratulations of the Senate were extended to Mr. and Mrs. Harvey N. Ohler, Joseph W. Swearman, Arlen Robinson, Rodney Mitchell, Harry Denny, Bobbe Denny, John Ryan Picoulas, John R. Petrarca, State Correctional Institute at Somerset, Push America, 2001 Journey of Hope Team, and to the Stockdale Volunteer Fire Department by Senator Kasunic.

Congratulations of the Senate were extended to the Reverend Elvis L. Turner, Sr., the Reverend William Fleming, Sr., Gardenia Elizabeth Tanksley, Wayne L. Hopkins III, James Knotwell, Barbara Crawley, Robert Wagner, Jr., Anthony Thompson, Sean Boyle and to Philadelphia Stand Down by Senator Kitchen.

Congratulations of the Senate were extended to Mr. and Mrs. John Zurich, Mr. and Mrs. Henry Croft, Mr. and Mrs. Harold Douglas, Mr. and Mrs. Arthur Trilli, Mr. and Mrs. John Wesley Kieser, Nellie Etze Arrotti, Nick J. Etze, Dr. John J. Scassellati, Jenny McKlveen, Amanda Henry, Maura McCormick, Corry Vargo, William Canterna, Julius Falcon, Josh Nolan, Brian Gesalman, Jason Fink, Dr. David E. Epperson, Daniel Scifo, Raymond P. McGonigle, Raymond Lusebrink, James Weir, Paul McCommons, Jason Karr, Sean Karr, Greensburg Civic Theater, Hose Company No. 1 of the Greensburg Volunteer Fire Department, Women's Auxiliary of the Jeannette Salvation Army and to Saint Vincent College by Senator Kukovich.

Congratulations of the Senate were extended to Margaret Cowan by Senators Kukovich and Logan.

Congratulations of the Senate were extended to Mr. and Mrs. Milton S. Martini, Deesonya Hughes, Curtis L. Koah, Wayne W. Harley, Tony Dorsett, F. Wallace Gordon, Beaver Area High School Hockey Team and to the citizens of North Sewickley Township by Senator LaValle.

Congratulations of the Senate were extended to the Honorable and Mrs. Gifford S. Cappellini, Mr. and Mrs. John Pavco, Mr. and Mrs. Hokon Woodrow Rood, Mr. and Mrs. Benjamin Uzdilla, Mr. and Mrs. Frederick Wiseman, Mr. and Mrs. Albert

Herbert, Mr. and Mrs. Quinten Holl, Mr. and Mrs. Thomas McAuliffe, Mr. and Mrs. James Hettesheimer, Mr. and Mrs. Adolph Hegenbart, Mr. and Mrs. Sherry Edgar Nulton, Mr. and Mrs. Clyde LaFrance, Mr. and Mrs. Henry Bergstrasser, Mr. and Mrs. Chuck Crompton, Mr. and Mrs. Donald Stearns, Mr. and Mrs. Glenn Conklin, Mr. and Mrs. Philip Ansilio, Mr. and Mrs. William Bonham, Mr. and Mrs. Robert Gould Herbert, Mr. and Mrs. Charles Kishbaugh, Mr. and Mrs. Jack Barry, Mr. and Mrs. Donald Adams, Wahnetta Evans, Mary J. Mead, Richard B. Pelicci, Ethel Lynn, W. Curtis Montz, Ryan C. Latz, the Reverend Harriet L. Santos, the Reverend Barbara A. A. Saxe, the Reverend Dr. John L. Topolewski, the Reverend Kenneth R. Carder, the Reverend James P. Soller, the Reverend Betty J. Reilly, the Reverend Eugene B. Jensen, Jr., the Reverend Linda S. Kissel, Hildegard W. Grifed, Thomas Jones, Ralph A. Mancuso III, Tyler Morris, Jordan Koslosky, Sister Cecilia Meighan, Neil Shah, Dr. Carl J. Urbanski, Andrew Philip Dale, Mae Perles, Ruth Norris, John M. Randolph, Jr., Madhan Srinivasan, Robert Issacs, Lela Odella Crispell Sickler, the Reverend Jackson H. Cox, Frank J. Gliha, Joseph Jones, Erma Kelchner, Gertrude F. O'Connell, Donald Jones, Wayne County Farm Bureau, Lake Ariel United Methodist Church, Procter & Gamble Mehoopany Plant, Wyoming Seminary Boys' Tennis Team, Kocher Cemetery, Inc., of Harvey's Lake and to Stookey's Famous Barbeque of West Nanticoke by Senator Lemmond.

Congratulations of the Senate were extended to William I. Pentecost and to David R. Gibbs by Senators Lemmond and Mellow.

Congratulations of the Senate were extended to Andrew J. Sordoni III by Senators Lemmond, Mellow, and Musto.

Congratulations of the Senate were extended to the Callins and Clay Family, the Reverend Archie D. Perrin, Jr., Ann Marie Tano, Donald C. Wukich, Michael T. McGuire, Arthur Celestino, Walter Forrest, Dr. Pat F. Serrapere, Quinlan's 2001 13-to-15-year-old Girls' Softball Team, West Mifflin Area High School and to Citizen's Hose Company No. 1 of Glassport by Senator Logan.

Congratulations of the Senate were extended to Mr. and Mrs. John A. Crossley, Mr. and Mrs. Don Eck, Sr., Mr. and Mrs. Harry M. Weisel, Mr. and Mrs. Herb Cohick, Mr. and Mrs. Paul Rolls, Mr. and Mrs. Frank D. Foust, Mr. and Mrs. Arthur F. Hamm, Mr. and Mrs. Wilbur Beeman, Mr. and Mrs. Joseph W. Coup, Sr., Mr. and Mrs. Ralph F. Wood, Mr. and Mrs. Edwin H. Frey, Mr. and Mrs. Allison Moore, Mr. and Mrs. Carl W. Hetzel, Mr. and Mrs. James F. Hills, Mr. and Mrs. Joel Mechtly, Mr. and Mrs. William Sober, Sr., Mr. and Mrs. William Besecker, Mr. and Mrs. Charles S. Munro, Mr. and Mrs. Carl D. Sechrist, Mr. and Mrs. Thomas B. Frantz, Mr. and Mrs. Paul I. Montgomery, Mr. and Mrs. Donald W. Strouble, Mr. and Mrs. Donald Boardman, Mr. and Mrs. Ernest R. Mitcheltree, Mr. and Mrs. Robert Sampson, Mr. and Mrs. William Ralph, Mr. and Mrs. Harry Tuttle, Mr. and Mrs. Carl Rockwell, Sr., Mr. and Mrs. John Hess, Mr. and Mrs. Emil J. Fischer, Mr. and Mrs. Warren J. Straub, Mr. and Mrs. Robert G. Williams, Mr. and Mrs. Charles Hammond, Mr. and Mrs. Eugene Kovaleski, Mr. and Mrs. Alexander Vartenisian, Mr. and Mrs. William Zeisloft, Mr. and Mrs. Armond Marshall, Mr. and Mrs. Charles Russo, Mr. and Mrs. George E. Ferguson, Mr. and Mrs. William Garrett, Mr.

and Mrs. J. R. Elsesser, Mr. and Mrs. LeRoy E. Simpson, Mr. and Mrs. Richard Jackson, Mr. and Mrs. Leland Kneller, Mr. and Mrs. Arthur Dunham, Jr., Mr. and Mrs. Clarence Isbell, Mr. and Mrs. Delfred O. Holmes, Mr. and Mrs. Bernard Dincher, Mr. and Mrs. Emerson Merle Welch, Mr. and Mrs. Robert Lynch, Jr., Mr. and Mrs. A. Neale Winner, the Reverend and Mrs. Kenneth D. Loss, Mr. and Mrs. Arthur L. Anstadt, Mr. and Mrs. Donald L. Paulhamus, Mr. and Mrs. Luther T. Stroup, Sr., Mr. and Mrs. David Wyland, Mr. and Mrs. John W. Wheeland, Mr. and Mrs. H. George Hinston, Mr. and Mrs. Clarence B. Hartman, Mr. and Mrs. Charles Feaster, Mr. and Mrs. John Culkin, Mr. and Mrs. Robert Walter, Mr. and Mrs. Paul H. McKown, Jr., Mr. and Mrs. Charles J. Little, Mr. and Mrs. Kenneth R. Wilton, Mr. and Mrs. Jesse Temple, Mr. and Mrs. Richard Caseman, Sr., Mr. and Mrs. Robert G. Bastress, Kenneth and Jo Ann Wright, Mr. and Mrs. Harry Winter, Mr. and Mrs. John F. Horn, Mr. and Mrs. Paul E. Bower, Mr. and Mrs. Bill Kelchner, Mr. and Mrs. Max H. Easton, Sr., Mr. and Mrs. Richard P. Barto, Sr., Mr. and Mrs. George H. Reeder, Jr., Mr. and Mrs. Thomas Chilson, Mr. and Mrs. Theodore Wilcox, Mr. and Mrs. Henry Bowers, Philip W. Brumbaugh, Jonathan Wheeland, Elmer Comstock, Darren A. Buynak, James Edward O'Brien II, Anthony James Spagnoli, Ian J. Wiles, Bryan Weed, Jared Weed, Mildred L. Sweet, Matthew Webster, Susan Neiley, Erica Wadsworth, Leslie Salitrynski, Benjamin J. Stabley, Jacklyn Kraft, Eric Matthew Colegrove, Shaun P. Swartz, Helen J. Redding, Paxar Corporation of Sayre and to the Wyalusing Rainbow Club by Senator Madigan.

Congratulations of the Senate were extended to Clyde Peeling by Senators Madigan and Helfrick.

Congratulations of the Senate were extended to Mr. and Mrs. Francis Armezzani, the Reverend and Mrs. Ernest B. Drost, Mr. and Mrs. John Sestili, Mr. and Mrs. Frank L. Beppler, Mr. and Mrs. Lawrence V. Rosetti, Mr. and Mrs. Arthur Massetti, Mr. and Mrs. Joseph Cavagnaro, Mr. and Mrs. John Grajcar, Mr. and Mrs. Klem Danoski, Richard and Lisa Howey, Bishop James C. Timlin, Daniel Mark Beavers, Kathryn Gilroy, Stanley W. Kennedy, William E. Cockerill, Jr., Joe Obloshny, Mike Kutch, Dan Pidgeon, Chris Washko, Thomas Prawdzik, Greg Caucci, Ryan Joseph Sepaniak, Dr. Stephen E. Pascucci, Sr., Tom Virbitsky, Brent Louryk, Jeremy R. Hendricks, Christopher Frushon, Brian Michael Baigis, Ryan Nolan, Mary F. Ruggiero, Andrew T. Koltis, John William Seitzinger, Dr. John F. Rooney, Karen T. Pasternak, Joyce Rudzianski, Jane Cilurso, Chad Evers, Eleanor B. Axford, Rose Day, Robert Tomassoni, Joseph A. Himchak, John E. V. Pieski, Mary Keenan Hart, Virginia Goodrich, Stanley W. Kennedy, Rachel Rose Yaklic, National Hispanic Heritage Month, Olyphant Lions Club, St. Lucy Parish of Scranton, Lupus Foundation of America, Incorporated, and to Saint Mary of Vilna Church of Eynon by Senator Mellow.

Congratulations of the Senate were extended to Sybil F. Stershic, Faith Ann Liuzzo-Giordano, Lenora Ann Lispi and to Joyce DeBastiani by Senators Mellow and Lemmond.

Congratulations of the Senate were extended to Mr. and Mrs. Robert E. Hipple, Mr. and Mrs. Walter A. Lyon, Mr. and Mrs. C. Richard Ritter, Dale and Marsha Baker, Robert A. Bozart, Charles Snyder, Jr., Jobi Lee Campbell, Zachary Warriner, Zachary Ryan Sellers, Sandip Trivedi, Jason M. Woods, Dr. Harry V. Pfautz, Robert B. Goril, Virginia Snyder, Jonathan R.

Shrift, Rayford E. Williams, L. Nelson Wingert, American Heart Association, Perdix Fire Company No. 1 of Duncannon and to the Pennsylvania Health Care Association (PHCA) of Harrisburg by Senator Mowery.

Congratulations of the Senate were extended to the Reverend Guy S. Edmiston, Jr., by Senators Mowery and Piccola.

Congratulations of the Senate were extended to Mr. and Mrs. John Grenier, Mr. and Mrs. Leo B. Bebout, John Paul Wojtunik, Stephen Underkofler, Zachary Jackson, Brian Joseph Romano, Thomas Flynn, Wade W. Schaming, Kenneth T. Jurick, Jeffrey Kramer, Louis Partee, Michael A. Silvestri, George F. Hartman, Myles M. Stepanovich, Wilmer K. Baldwin, Carl Shipley, The Almanac of McMurray, Medical Rescue Team South Authority of Pittsburgh, Andrew Carnegie Free Library of Carnegie, Holy Trinity Ukrainian Catholic Church of Carnegie, citizens of the Borough of Bridgeville, Cranmoor Townhomes Condominium Association of McMurray, Eisenhower Elementary School of Pittsburgh and to the Township of Upper Saint Clair by Senator Murphy.

Congratulations of the Senate were extended to Mr. and Mrs. Martin Williams, Mr. and Mrs. John C. Roke, Shawn Malone, John J. Terrana, William G. Brace, John Joseph Drogalis II, Peter Moska, Amelia K. Wojciechowski, Rosalyn V. Menon, Robert J. Milligan, Joseph G. Rudawski, Loren Sickler, Herman D. Castellani, Marie Christian, Seton Catholic High School of Pittston, Saint Mary of Czestochowa Church of Nanticoke, Saint Mary, Help of Christians Church, of Pittston, St. John the Baptist Orthodox Church of Nanticoke, First Baptist Church of Pittston and to Emergency Medical Services of Northeastern Pennsylvania by Senator Musto.

Congratulations of the Senate were extended to Erin E. Joyce by Senators Musto and Mellow.

Congratulations of the Senate were extended to the Schantz Family, Brother William J. Sudzina, the Reverend Henry B. Degnan, E. Marie Driver, David Souders, Michael L. Shor, Manuel Angel Santiago, Robert S. Zechman, Robert W. Cardy, GFWC Mohnton Woman's Club, administrators and staff of Berks County Senior Citizens West Center, Berks Parents Services Collaborative Program and to St. Anthony's Chapel of Temple by Senator O'Pake.

Congratulations of the Senate were extended to Mr. and Mrs. Donald Reimer, Mr. and Mrs. Bill Mathews, Mr. and Mrs. Donald S. Miller, Mr. and Mrs. William Keyser, Mr. and Mrs. Phillips Greer Davis, Mr. and Mrs. Dale Edward Bauman, Mr. and Mrs. Douglas Reichert, Mr. and Mrs. Clarence Metzler, Mr. and Mrs. Moran De Lancey, Mr. and Mrs. Carl H. Halstead, Bob and Jane Baiertl, Mr. and Mrs. Robert Duff, the Reverend and Mrs. Mel Martin, Mr. and Mrs. Albert Hagen, Jr., Mr. and Mrs. Bill Cook, Mr. and Mrs. James Charles, Mr. and Mrs. Andrew Zarichnak, Mr. and Mrs. Michael Catherine Flotta, Mr. and Mrs. Wilbur Griffith, Mr. and Mrs. Lloyd G. Shick, Mr. and Mrs. Leonard E. Hawkins, Rodney T. Chakan, Glen Morgan, the Reverend William Morgan, Larry Richert, C. J. Campbell, Wilbur Schultheis, Bernadette Comfort, Justin Goheen, Teague Moore, Jack Cully, Jill Matestic, Lynn Swann, John Cigna, Fred Matheis, Ray Nunamaker, Melanie Lees, Mary Ann Maloney Miano, Eric Renkey, Ruth Stevenson, Phyllis Chvostal, Janis Hope Dowd, the Honorable William J. Coyne, Martin McKinney, Sharon Gretz,

Joan Dugan, Christine Wells, Charles Heberling, Edwin Shaw, Julienne Shaw, Edward Davidek, Jim Herbert, Robert Kress, Margaret Campbell, the Honorable Donald E. Ziegler, Larry Long, Fran Haus III, Andy Drazenovlch, Bill Purse, Blanche L. Kaufold, Eileene Ripper, Walter Huston, Beulah Miller Purvis, Grace Coleman, Regis Young, the Reverend Thomas J. Burke, Robert Pipkin, Genevieve M. Gross, Shirley Compton, Frank Zotter, Steven R. Keller, Lois Hitchens, Patricia Rippee, Charlotte Legge, Pamela S. Ogurchock, James McGrath, Christine Jack Toretti, Jon David Farinelli, Diane Rudolph, Donald Lee, Mary E. Kalnas, Dr. David E. Epperson, Thomas J. Farrell, Charlotte D. Hunkele, Ruth J. Lucyk, Joe Wadlow, Jeanne Nelson Cooley, Dr. Susan Frantz, Ginger Dlutowski, Dr. Zhe-Xi Luo, George Kelly, Betty Glevicky, David Benjamin Munson, Martin C. McGuinn, the Honorable Maurice B. Cohill, Jr., Ada R. Treese, Gayle Lewis Crawford, Amy Greer, the Reverend Joel A. Benson, TRY Organization, citizens of the Borough of Brackenridge, McCandless Township Sanitary Authority, Pennsylvania Distributors Association, Keating Fire Company, Blueberry Hill Park Activity Center, West Deer Volunteer Fire Company No. 3, Pittsburgh North Anti-Racism Coalition, Penn State New Kensington, Krispy Kreme store of Cranberry, Hance Elementary School, citizens of McCandless Township, Allegheny Valley YMCA, Bombardier Transportation, Seita Jewelers, Cranberry Township Historical Society, National Ovarian Cancer Coalition, United Steel Workers of America, Local 1196, Tarentum Book Club, volunteers of the Alle-Kiski SeniorNet, Northland Public Library, Grieco's Carefree Inn Restaurant, Manchester Youth Development Center (MYDC), Pennsylvania State Police, Pittsburgh Spirit Gold 12-and-under Fast Pitch Softball Team, Arnold Citizens Taking Interest in Our Neighborhoods (ACTION), Brush Creek Water Pollution Control Facility and to the United Cerebral Palsy Foundation by Senator Orie.

Congratulations of the Senate were extended to Worth M. Helms by Senators Orie and Murphy.

Congratulations of the Senate were extended to Mr. and Mrs. Kenneth Beard, Mr. and Mrs. Richard E. Wisner, Mr. and Mrs. Robert McGarvey, Elder and Mrs. Carl E. Hines, Mr. and Mrs. John M. Everhart, Louis J. Verdelli, John A. Polto, William Lehr, Jr., Marian Hetrick, Monica Maley, Roy C. Krow, Tracy Woodell, Cecil Leroy Snyder, Joanne K. Work, Lee E. Anthony, Miriam Margaret Snyder Hornberger, Alan B. Kubarek, Barry A. Minnich, Harriet E. Braxton, James A. Agate, Dr. William P. Kirk, Natalie Jostenski, Carolyn Delores Phillips, Joseph A. Greene, Charles E. Sheaffer, Bernard A. Ryan, Jr., Harrisburg State Hospital, Reclaim the Streets Foundation, Incorporated, of Harrisburg, Pennsylvania Recovery Organization Alliance of Harrisburg, citizens of the Borough of Williamstown, Halifax Middle School, Capital Area Late Start - The Rutherford House, of Harrisburg, and to the Charlton United Methodist Church of Harrisburg by Senator Piccola.

Congratulations of the Senate were extended to Ethel Mae Reed by Senators Piccola and Brightbill.

Congratulations of the Senate were extended to Mr. and Mrs. Myrle O. May, Renee Amanda Lehman, Todd Durboraw and to Mt. Joy Lutheran Church by Senator Punt.

Congratulations of the Senate were extended to Tim and Alexa Stoner by Senators Punt and Helfrick.

Congratulations of the Senate were extended to Mr. and Mrs. Norwood Verlin Koch, Mr. and Mrs. Kenneth R. Hartranft, Mr. and Mrs. Lawrence Pastula, Mr. and Mrs. James Berrang, Mr. and Mrs. Joseph Camerini, Mr. and Mrs. Peter Wascavage, Mr. and Mrs. James Stutz, Mr. and Mrs. Joseph Curran, Sr., Mr. and Mrs. Glenn Leitzel, Mr. and Mrs. Terry L. Ellex, Mr. and Mrs. George A. Boyle, Mr. and Mrs. Peter Teresavage, Jr., Melba Feuerstein, Mary Pogash, Peter Gianfagna, Daniel S. Kheloussi, Damian Oliver, Mildred Demianenko, Raymond H. Wayne, the Reverend Doris Bray, Frederick E. Nothstein, Brandon Hafer, Mitchell David Witmer-Belding, Janet Irene Enders, Dr. Kennard Bowman, Dr. L. Lloyd Ruoss, Michael Everett, Marguerite McDonald, Dwayne E. Hacker, Richard A. Weaver, Frances Hochstatter Adams, Shen-Heights TV of Shenandoah, Mahanoy City Benevolent and Protective Order of Elks Lodge No. 695, citizens of the Borough of Minersville, Court Saint James No. 1029, the Catholic Daughters of the Americas, of Frackville, Schuylkill County Unity Coalition, Knights of Columbus, Damien Council No. 598, of Lehighton, Boy Scouts of America Troop 117, Auburn Mother's Club, Cub Scout Pack 117 and to the Mahanoy City High School classes of 1921-1959 by Senator Rhoades.

Congratulations of the Senate were extended to Dr. James H. McCormick by Senators Rhoades and Hughes.

Congratulations of the Senate were extended to Mr. and Mrs. Gerard Sheridan, Mr. and Mrs. Paul Q. Smith, Mr. and Mrs. Paul W. Myers, Donald L. Harpst, Joseph M. Emerick, Clyde J. Little, Gregory Alan Woods, H. Ralph Fisher, James Potter, Matthew Potter, Christopher John Karns, Rosario Surano, Donald E. Marteeny III, Center Presbyterian Church of Grove City, Hillside Presbyterian Church of Greenville, North East High School Greenflash Team, Jimmie Barrows Navy Mothers Club No. 747 and to the citizens of the City of Farrell by Senator Robbins.

Congratulations of the Senate were extended to Mr. and Mrs. Albert Yanni, Mr. and Mrs. Norm Erickson, Ronny and Virginia McMinn, Raymond and Michele McMinn, David M. Gribble, Thomas D. Gribble, Jr., Peter D. Burns, Daniel P. Burns, Patrick A. Webster, Charles Edward Patterson III, Ida G. Johnson, Dr. James K. Fugate, Jr., Allen Barch, Patricia Brennen, Jeremiah Orris and to the citizens of Polk Township by Senator Scarnati.

Congratulations of the Senate were extended to John L. Baker by Senator Scarnati and others.

Congratulations of the Senate were extended to John Edward Riley, Theodore Aldine Moore, Robyn Goldman, Marlene Weinstein, Rabbi Dr. Lance J. Sussman, Bishop Eugene H. Graves, Jr., Woodcrest United Church of Christ of Philadelphia, Bartram High School Class of 1971, Philadelphia Police Department's 14th District, Historic Rittenhouse Town of Philadelphia, Philadelphia Chamber Ensemble, St. Madeleine Sophie Church of Philadelphia and to the Schuylkill Center for Environmental Education by Senator Schwartz.

Congratulations of the Senate were extended to Harvey and Eleanor Grossman, Christina Visco, Jonathan Stuart Kay, Historical Society of Tacony and to the Pennypack Park Festival by Senator Stack.

Congratulations of the Senate were extended to Mr. and Mrs. George D. Dukate, Mr. and Mrs. Manuel Lemonakis, Mr. and Mrs. Bernard Benamati, Mr. and Mrs. William W. Reese, Mr.

and Mrs. Alan L. Jenkins, Mr. and Mrs. Edward Washinski, Mr. and Mrs. Floyd H. Laughlin, Mr. and Mrs. Gaylord Martin, Mr. and Mrs. Ralph E. Armstrong, the Reverend and Mrs. Hugh M. Crawford, Mr. and Mrs. Robert Gamble, Mr. and Mrs. Ralph E. McConnell, Mr. and Mrs. Robert L. Riffle, Mr. and Mrs. Joseph M. Romano, Mr. and Mrs. Gerald E. Ellis, Mr. and Mrs. John R. Florian, Mr. and Mrs. Allan J. Wargo, Mr. and Mrs. Lee Wagers, Jr., Mr. and Mrs. Leo Bernard, Mr. and Mrs. James O. Conklin, Mr. and Mrs. Raymond L. Wright, Mr. and Mrs. Carl Kavolak, Mr. and Mrs. James M. Church, Mr. and Mrs. Clive W. Phillips, Mr. and Mrs. Michael Sim, Mr. and Mrs. David Underwood, Mr. and Mrs. Charles Schulte, Mr. and Mrs. Edward B. Miller, Mr. and Mrs. Marion Wade, Ruth E. Beglin, Virginia H. Shrontz, Agnes Cindric Uremovich, Robert B. Fay, Sr., Tammy M. Miller, the Honorable John Lignelli, Elizabeth Ford Crumrine Iseman, Rowena Hetherington Frazier, Keith E. Small, Priscilla J. Bernard, Arnold Pontiac-GMC, Incorporated, of Houston and to the Mon Valley Community Health Center of Monessen by Senator Stout.

Congratulations of the Senate were extended to the Philadelphia Flames 16 & Under Roller Hockey Team by Senator Tartaglione.

Congratulations of the Senate were extended to Jonathan L. Beech, Denis E. O'Neill, Glenn Kinckner, Matthew Rissel, Brian Burdick, Aaron William Reardon, Mary Lou Enoches, H. L. Perry Pepper, Kyle Leung, Harry W. Whiteside, Jr., Coralee Gaytan, Andrew Walker, Charles H. Hossack, Karen M. Cantrell-Borda, Carolyn E. Johnson, Esther Brown, the Honorable Elinor Z. Taylor and to the citizens of the Borough of Atglen by Senator Thompson.

Congratulations of the Senate were extended to William R. and Rose Marie Gustafson, Joseph William O'Brien, Angela Pirolli Wechter and to St. Margaret's Parish by Senator Tilghman.

Congratulations of the Senate were extended to Mr. and Mrs. Robert Bill, Kenneth J. Anderson, Michael Joseph Reiman, Pujya Doctor Swami, Christopher A. Bell, Robert Stephen Chazin, Jr., David Joseph Echelmeier, David Frister, Lynn I. Sheppard, Kerry Loux, Jonathan Isaac Cluck, William Joseph Falcone, Joseph A. Schumacher Veterans of Foreign Wars, VFW Post 1597, of Croydon, and to Boy Scouts of America Troop 12, Bucks County, by Senator Tomlinson.

Congratulations of the Senate were extended to Lonnye W. Davis, Bernard J. Pack and to Violet Ada Fetterman by Senator Wagner.

Congratulations of the Senate were extended to James Decker, Kyle Blaine Mays, Richard E. Mundis, George R. Norton, Albert F. Little, Sr., Christopher Douglas Shope, Myrle Grindal, Joshua Jacob Leiphart, the Reverend Benjamin T. Hailey, Sr., Laura Nagle, Benjamin E. Chodroff, Donald A. Van Meter, Sr., Glen Rock Hose and Ladder Company, Station 59, Brookside Park of Dover, Hanover High School Boys' Tennis Team, Grantley Fire Company of York and to the citizens of the Borough of Stewartstown by Senator Waugh.

Congratulations of the Senate were extended to Mr. and Mrs. Reid Wissler, Dr. W. Walter Engle, Brian Hess, Matthew Lincoln Russell, Miriam Jewell, Philip Andrew Weaver, Matthew Timothy Smith, Brandon West, Joseph Bryon Kenworthy, Qual-

ity Custom Cabinetry, Inc., of New Holland, Christ Evangelical Lutheran Church of Elizabethtown and to Cub Scout Pack 59 by Senator Wenger.

Congratulations of the Senate were extended to Norah M. Cope by Senators Wenger, Armstrong, and Corman.

Congratulations of the Senate were extended to Mr. and Mrs. Howard Catchpole, Mr. and Mrs. Dale Kirkland, Mr. and Mrs. Merrett Adams, Mr. and Mrs. Robert Cramer, Mr. and Mrs. Clarence Sparks, Mr. and Mrs. Herbert Stitt, Mr. and Mrs. Jack Long, Mr. and Mrs. Paul Tallarom, Mr. and Mrs. Dominick Caratelli, Mr. and Mrs. John Bone, Mr. and Mrs. Dale Prinkey, Mr. and Mrs. E. Richard Starr, Sr., Mr. and Mrs. Bernard Stadtmiller, Mr. and Mrs. Stanley Sipes, Mr. and Mrs. Louis Alsippi, Mr. and Mrs. Robert Kelley, Mr. and Mrs. Donald Miller, Sr., Mr. and Mrs. Benedict Miller, Mr. and Mrs. Eugene Stockdale, Mr. and Mrs. Gerald Yount, Mr. and Mrs. Paul Jewart, Mr. and Mrs. Bill Ellsmore, Mr. and Mrs. Royden Buterbaugh, Mr. and Mrs. Edwin Rosborough, Mr. and Mrs. Floyd Heilbrun, Mr. and Mrs. Walter Howard, Mr. and Mrs. Richard Pence, Mr. and Mrs. Rodger S. Betram, Sr., Mr. and Mrs. Lee Stahlman, Mr. and Mrs. Norman Sheesley, Mr. and Mrs. C. Morrell Deabenderfer, Mr. and Mrs. Donald Speer, Mr. and Mrs. James Brackin, Mr. and Mrs. Donald Streams, Mr. and Mrs. Jim Gearhart, Mr. and Mrs. Frank Wolf III, Mr. and Mrs. Albert Csonka, Mr. and Mrs. Joseph Spana, Mr. and Mrs. Francis Nery, Mr. and Mrs. Robert Moineau, Mr. and Mrs. George Frycklund, Mr. and Mrs. Harvey Dailey, Mr. and Mrs. John Suwala, Mr. and Mrs. Russell Schrecengost, Mr. and Mrs. Clifford Rupert, Mr. and Mrs. Leonard Kowalski, Mr. and Mrs. Dick Anderson, Mr., and Mrs. Ray Detman, Mr. and Mrs. Anthony Borzcik, Mr. and Mrs. Fred Slippery, Mr. and Mrs. Thomas Zidek, Mr. and Mrs. William Clark, Mr. and Mrs. Jim Hoffman, Mr. and Mrs. Wallace Fleming, Mr. and Mrs. Chester Miecowski, Christopher Gross, Bradley Smith, Paul Alan Jones, Martha Aikins, John A. Polesky, Thomas C. Pischolish, Leora Totten, Christine Toretti, Grace Davis, the Reverend Monsignor Robert A. Hanick, Freda Melsena Spicher Gearhart, Albert Benn, Brian Jacob, Jennifer Kulick, Snyder Associated Companies, Inc., of Kittanning, McCalmont Township Volunteer Fire Company, 2001 Burrell High School Baseball Team and to Hose Company No. 4 of Kittanning by Senator D. White.

Congratulations of the Senate were extended to Mr. and Mrs. John Ganoe, Mr. and Mrs. William B. Myers, Mr. and Mrs. Pete Knight, Mr. and Mrs. Frank Augustine, Mr. and Mrs. Edwin F. Schmader, Mr. and Mrs. James M. Tonks, the Reverend and Mrs. S. Clair Heitzenrater, Mr. and Mrs. Gerald Guth, Mr. and Mrs. William A. Neely, Mr. and Mrs. Gerry Borovick, Mr. and Mrs. Charles J. Ford, Mr. and Mrs. Charles Brosius, Mr. and Mrs. John E. Freas, Mr. and Mrs. Ronald M. Pollock, Mr. and Mrs. James Lahr, Mr. and Mrs. Robert Finnefrock, Mr. and Mrs. Cletus Banner, Mr. and Mrs. H. O. Smith, Mark Hoffer, David J. King, Charles E. Dillon, Michael Raymond Spowles, Paula Maslar, Kevin Ceasar, Matthew Duncil, Edgar L. Pence, Dan Alderton, the Reverend Dr. James E. Boos, Thomas Sherwin, Charles Black, Clarion Area High School Boys' Track and Field Team and to the Jennings Environmental Education Center of Slippery Rock by Senator M. J. White.

Congratulations of the Senate were extended to the Slippery Rock Watershed Coalition by Senators M. J. White and Orie.

Congratulations of the Senate were extended to Mr. and Mrs. Henry W. Lomax, John Hanejko, Robert Francis Lee, the Reverend Dr. Winona Stewart, Darryl Johnson, the Reverend Alpheus L. Bright, Marlo Anderson, Randolph Walker, Johnnie Mackey, Adell Florence Suggs, Sherman Hemsley and to the Reverend Joseph D. Patterson, Sr., by Senator Williams.

Congratulations of the Senate were extended to Pennsylvania Falun Gong practitioners by Senators Williams, Kitchen, and Tartaglione.

Congratulations of the Senate were extended to the Reverend and Mrs. Don Sease, Mr. and Mrs. John Karas, Mr. and Mrs. Richard T. Bimeal, Mr. and Mrs. Charles Peters, Sr., Mr. and Mrs. John W. Smith, Mr. and Mrs. Robert Graham, Mr. and Mrs. John A. Sobditch, Mr. and Mrs. George W. Davidson, Mr. and Mrs. John P. Pearce, Mr. and Mrs. Raymond Telgarsky, Mr. and Mrs. Homer Burkhart, Mr. and Mrs. Eugene Kelley, Mr. and Mrs. George Duray, Mr. and Mrs. Richard P. Becker, Mr. and Mrs. Richard M. Ott, Mr. and Mrs. Omer Webb, Mr. and Mrs. C. Roy Reams, Mr. and Mrs. John J. Clark, Mr. and Mrs. James N. Rodger, Mr. and Mrs. Wesley Shertzler, Mr. and Mrs. Michael J. Koren, Mr. and Mrs. Walter Feathers, Mr. and Mrs. Forrest D. Spangler, Mr. and Mrs. Paul Strait, Mr. and Mrs. John A. Kasper, Mr. and Mrs. Donald Lent, Mr. and Mrs. Gerald McCracken, Mr. and Mrs. Walter Hessler, Mr. and Mrs. Harry Krause, Mr. and Mrs. Kenneth D. Peters, Mr. and Mrs. Anthony Capatch, Mr. and Mrs. Richard J. Friebe, Mr. and Mrs. George Spinner, Mr. and Mrs. William H. Gertz, Mr. and Mrs. Gerald Folmar, Mr. and Mrs. Elbert Harshberger, Mr. and Mrs. Donald Lentz, Mr. and Mrs. Kenneth Howsare, Mr. and Mrs. Emory DiFlori, Mr. and Mrs. Homer Neff, Mr. and Mrs. Lyle Ogden, Mr. and Mrs. George E. Luther, Mr. and Mrs. Joseph Edward Stenger, F. Nicholas Jacobs, Norman A. Krumenacker IV, Elmer Grove, Rob Boyle, Alphonse Renaud, Patrick A. Webster, Joseph J. Luka, Jr., Roberta O. Rhone, Lynn Noel, Mary Moore, Matthew Niebauer, the Honorable Timothy P. Creany, Jason Daniel Bush, Dwight White, Francis Lutch, Matthew Jay Fannin, Clearfield Emergency Medical Services, Incorporated, and to AMD & ART, Inc., of Johnstown by Senator Wozniak.

CONDOLENCE RESOLUTIONS

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

Condolences of the Senate were extended to the family of the late Wesley R. Spearing by Senator Helfrick.

Condolences of the Senate were extended to the family of the late Sylvia Abdul-Haqq by Senator Hughes.

Condolences of the Senate were extended to the family of the late Catherine Mae Honeywell Arnold by Senator Lemmond.

Condolences of the Senate were extended to the family of the late Margaret Boyd Gilfillan by Senator Murphy.

Condolences of the Senate were extended to the family of the late Honorable George F. Pott, Jr., to the family of the late Darwin D. Purvis and to the family of the late Charlotte Penny by Senator Orie.

Condolences of the Senate were extended to the family of the late Dr. Patricia Hilliard Robertson by Senator D. White.

Condolences of the Senate were extended to the family of the late John S. Shropshire by Senator M. J. White.

Condolences of the Senate were extended to the family of the late Veronica A. L. Nelson by Senator Williams.

Condolences of the Senate were extended to the family of the late Honorable Eugene A. Creany by Senator Wozniak.

POSTHUMOUS CITATIONS

The PRESIDENT laid before the Senate the following citations, which were read, considered, and adopted by voice vote:

A posthumous citation honoring the late George Ott, Sr., was extended to the family by Senator Boscola.

Posthumous citations honoring the late George K. Duffy and the late Art Hartman were extended to the families by Senator Orie.

A posthumous citation honoring the late Peter Berst, Peter Berst, Sr., and Johannes Berst, Sr., was extended to the family by Senator Piccola.

Posthumous citations honoring the late Elmer M. Kelbaugh and the late Ralph W. Shrodes were extended to the families by Senator Waugh.

**SPECIAL ORDER OF BUSINESS
SUPPLEMENTAL CALENDAR No. 9**

**BILL ON THIRD CONSIDERATION
AND FINAL PASSAGE**

HB 1493 (Pr. No. 2382) — 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 ethnic intimidation.

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

On the question,
Shall the bill pass finally?

The PRESIDENT. The Chair recognizes the gentlewoman from Venango, Senator White.

Senator M. J. WHITE. Mr. President, I will be brief. I am voting against this bill, and I urge my colleagues to do likewise. In a free society, I believe that people have a right to be stupid. In a free society, I believe people should be punished for what they do, not for what they believe. I was not around when the ethnic intimidation bill was passed, but I do not see that we have to make a bad situation worse.

Thank you.

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

The Senator MURPHY. Mr. President, I am also going to vote against this bill, and I want to make it clear that it is not because I do not care about any of these groups or any other group that is identified, because I believe that when someone has any act motivated by hate, it is wrong. But more so, I also believe that when one has an act that harms another, that is when it

crosses the line to wrong, whether it is because of a person's race or religion, their interests or beliefs, because they are old or young, disabled or gifted, a policeman, a fireman, a student, a teacher, someone who belongs to a certain organization or someone who does not belong to an organization, I believe that in a society that continues to try to define all these lines, we inevitably leave someone out and place someone higher than another, and I think we are much better off and much more understanding and compassionate of our fellow man and woman to say that when one harms another person, it is wrong, instead of trying to get into all sorts of other definitions of saying when it is more wrong.

So I speak really what I believe in terms of anybody who was ever victimized by anyone, and I find it difficult to come up with any crime that is not motivated by hatred or prejudice or bigotry or ignorance, and as we try to somehow define someone's motives, we have cheapened the victims who are not in those categories, and that is why I am going to vote "no" on this bill.

Thank you, Mr. President.

And the question recurring,
Shall the bill pass finally?

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

YEA-32

| | | | |
|----------|-----------|----------|-------------|
| Bodack | Greenleaf | Lemmond | Stout |
| Boscola | Holl | Logan | Tartaglione |
| Conti | Hughes | Mellow | Thompson |
| Costa | Jubelirer | Musto | Tilghman |
| Dent | Kasunic | O'Pake | Tomlinson |
| Erickson | Kitchen | Rhoades | Wagner |
| Fumo | Kukovich | Schwartz | Williams |
| Gerlach | LaValle | Stack | Wozniak |

NAY-15

| | | | |
|------------|---------|---------|----------------|
| Armstrong | Madigan | Piccola | Wenger |
| Bell | Mowery | Punt | White, Donald |
| Brightbill | Murphy | Robbins | White, Mary Jo |
| Earll | Orie | Waugh | |

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.

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

BILLS REREFERRED

Upon motion of Senator BRIGHTBILL, and agreed to by voice vote, the following bills were rereferred to the Committee on Rules and Executive Nominations:

SB 369, SB 574, SB 615, SB 752, SB 854, SB 855, SB 894, SB 974, HB 4 and HB 632.

HOUSE MESSAGE**HOUSE CONCURS IN SENATE AMENDMENTS
TO HOUSE BILL**

The Clerk of the House of Representatives informed the Senate that the House has concurred in amendments made by the Senate to **HB 2**.

BILL SIGNED

The **PRESIDENT** pro tempore (Robert C. Jubelirer) in the presence of the Senate signed the following bill:

HB 2.

RECESS

The **PRESIDENT** pro tempore. Without objection, the Senate will stand in recess to the call of the President pro tempore.

AFTER RECESS

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

HOUSE MESSAGES**HOUSE CONCURS IN SENATE AMENDMENTS
TO HOUSE BILL**

The Clerk of the House of Representatives informed the Senate that the House has concurred in amendments made by the Senate to **HB 155**.

**HOUSE CONCURS IN SENATE AMENDMENTS
TO HOUSE RESOLUTION**

The Clerk of the House of Representatives informed the Senate that the House has concurred in amendments made by the Senate to **HCR 27**.

BILLS INTRODUCED AND REFERRED

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

June 21, 2001

Senators **HUGHES**, **MELLOW**, **SCHWARTZ**, **ERICKSON**, **WAGNER**, **COSTA**, **KUKOVICH**, **STACK**, **TARTAGLIONE**, **MUSTO**, **LOGAN** and **WILLIAMS** presented to the Chair **SB 999**, entitled:

An Act amending Title 24 (Education) of the Pennsylvania Consolidated Statutes, establishing the Pennsylvania Public School Construction Authority and the Pennsylvania Public School Construction Task Force; providing for their powers and duties; establishing the Public School Construction Reserve Fund, the Public School Building and Facility Adequacy Grant Program, a direct grant program and an interest subsidy program; and authorizing the issuance of bonds.

Which was committed to the Committee on **EDUCATION**, June 21, 2001.

Senators **TILGHMAN**, **JUBELIRER**, **BOSCOLA**, **LAVALLE**, **O'PAKE**, **ORIE**, **D. WHITE**, **COSTA**, **THOMPSON**, **SCHWARTZ**, **MUSTO**, **ERICKSON**, **CORMAN**, **MOWERY**, **KUKOVICH**, **LEMMOND**, **TOMLINSON** and **EARLL** presented to the Chair **SB 1002**, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, providing for a surcharge to benefit spinal cord injury research; and establishing the Spinal Cord Injury Research Fund and the Spinal Cord Injury Research Board.

Which was committed to the Committee on **PUBLIC HEALTH AND WELFARE**, June 21, 2001.

Senator **WILLIAMS** presented to the Chair **SB 1004**, entitled:

An Act amending the act of June 30, 1995 (P.L.170, No.25), known as the Pennsylvania Voter Registration Act, further providing for qualifications to register.

Which was committed to the Committee on **STATE GOVERNMENT**, June 21, 2001.

Senator **D. WHITE** presented to the Chair **SB 1005**, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for general requirements for school buses.

Which was committed to the Committee on **TRANSPORTATION**, June 21, 2001.

Senators **RHOADES**, **TARTAGLIONE** and **BOSCOLA** presented to the Chair **SB 1006**, entitled:

An Act amending the act of May 21, 1923 (P.L.288, No.184), entitled "An act to better secure all bonds, stocks, mortgages, or other securities deposited with the State Treasurer, by providing for their inspection, examination, and verification, and the verification of the books, containing a record of such bonds, stocks, mortgages, or other securities, by the Auditor General or his agents," further providing for audits of securities deposited with the State Treasurer.

Which was committed to the Committee on **FINANCE**, June 21, 2001.

Senators **RHOADES**, **DENT**, **TOMLINSON**, **LAVALLE**, **KUKOVICH**, **BOSCOLA**, **CONTI**, **THOMPSON**, **KITCHEN**, **KASUNIC**, **CORMAN**, **GERLACH**, **BODACK**, **TARTAGLIONE**, **PUNT**, **WAUGH**, **STOUT**, **O'PAKE**, **HUGHES**, **SCHWARTZ**, **WOZNAK** and **STACK** presented to the Chair **SB 1007**, entitled:

An Act amending the act of February 14, 1986 (P.L.2, No.2), known as the Acupuncture Registration Act, providing for the definition of "acupuncture educational program"; and further providing for the regulations of the practice of acupuncture.

Which was committed to the Committee on **CONSUMER PROTECTION AND PROFESSIONAL LICENSURE**, June 21, 2001.

Senators **BOSCOLA** and **BELL** presented to the Chair **SB 1008**, entitled:

An Act amending Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, further providing for grounds for divorce.

Which was committed to the Committee on JUDICIARY, June 21, 2001.

Senators GREENLEAF, ERICKSON, ORIE, TOMLINSON, BELL, GERLACH, HOLL, KASUNIC, LAVALLE, LEMMOND, LOGAN, RHOADES and WAUGH presented to the Chair **SB 1009**, entitled:

An Act amending the act of August 26, 1971 (P.L.351, No.91), known as the State Lottery Law, further providing for pharmaceutical assistance eligibility.

Which was committed to the Committee on AGING AND YOUTH, June 21, 2001.

Senators HUGHES, MELLOW, MOWERY, MADIGAN, COSTA, CONTI, KITCHEN, LAVALLE, WOZNIAK, KUKOVICH, LOGAN and STOUT presented to the Chair **SB 1010**, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, providing for violation detection devices authorized for local authorities.

Which was committed to the Committee on TRANSPORTATION, June 21, 2001.

Senators ROBBINS, RHOADES, MURPHY, PUNT, COSTA, MOWERY, LOGAN, LAVALLE, THOMPSON, MUSTO, LEMMOND, WAUGH and GERLACH presented to the Chair **SB 1011**, entitled:

An Act amending the act of October 10, 1975 (P.L.383, No.110), known as the Physical Therapy Practice Act, adding a definition of "mobilization/manual therapy."

Which was committed to the Committee on CONSUMER PROTECTION AND PROFESSIONAL LICENSURE, June 21, 2001.

Senators RHOADES, ROBBINS, MURPHY, PUNT, COSTA, MOWERY, LOGAN, LAVALLE, LEMMOND, WAUGH and GERLACH presented to the Chair **SB 1012**, entitled:

An Act amending the act of December 16, 1986 (P.L.1646, No.188), known as the Chiropractic Practice Act, adding a definition of "manipulation/adjustment."

Which was committed to the Committee on CONSUMER PROTECTION AND PROFESSIONAL LICENSURE, June 21, 2001.

Senators GREENLEAF, COSTA, MUSTO, O'PAKE and STACK presented to the Chair **SB 1013**, entitled:

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, further providing for Office for Safe Schools and for certain reporting.

Which was committed to the Committee on JUDICIARY, June 21, 2001.

Senators GREENLEAF, LEMMOND, COSTA, M. WHITE and HOLL presented to the Chair **SB 1014**, entitled:

An Act amending Title 20 (Decedents, Estates and Fiduciaries) of the Pennsylvania Consolidated Statutes, further providing for situs of inter vivos trust, for rules of succession, for power of decedent, for equitable apportionment of Federal estate tax, for definitions and for termination of custodianship; providing for delay in transfer of custodial property after minor attains age 21; further providing for effect of disclaimer; providing for power of trustee to resign; extensively revising provisions on principal and income; and making conforming amendments.

Which was committed to the Committee on JUDICIARY, June 21, 2001.

Senators MADIGAN, KASUNIC and LEMMOND presented to the Chair **SB 1015**, entitled:

An Act amending the act of May 15, 1939 (P.L.134, No.65), referred to as the Fireworks Law, regulating sale and use of fireworks.

Which was committed to the Committee on ENVIRONMENTAL RESOURCES AND ENERGY, June 21, 2001.

Senators SCHWARTZ, WAGNER, TARTAGLIONE, KUKOVICH, KITCHEN, STACK, LAVALLE, BODACK, KASUNIC, FUMO, MUSTO, HUGHES, COSTA, LOGAN, WILLIAMS, O'PAKE, MELLOW, STOUT, BOSCOLA, WOZNIAK, CONTI, WAUGH, ORIE, GERLACH, TOMLINSON, CORMAN, MURPHY, RHOADES, HOLL, THOMPSON, D. WHITE, DENT, GREENLEAF, ERICKSON, M. WHITE, MOWERY, PUNT and LEMMOND presented to the Chair **SB 1016**, entitled:

An Act providing medical assistance to certain eligible individuals for breast and cervical cancer treatment and follow-up care; and providing for the powers and duties of the Department of Public Welfare and for a mapping breakdown of breast cancer rates.

Which was committed to the Committee on PUBLIC HEALTH AND WELFARE, June 21, 2001.

Senators THOMPSON, KUKOVICH, DENT, ORIE, D. WHITE, TOMLINSON, ERICKSON, MOWERY, BOSCOLA, WAUGH, M. WHITE, MADIGAN, LEMMOND, SCHWARTZ, WILLIAMS, EARLL and GERLACH presented to the Chair **SB 1017**, entitled:

An Act amending the act of December 4, 1996 (P.L.893, No.141), known as the Volunteer Health Services Act, further defining "volunteer license"; further providing for volunteer status, for regulations and for exemptions; and providing for indemnity and defense for active practitioners and for optional liability coverage.

Which was committed to the Committee on JUDICIARY, June 21, 2001.

Senators MUSTO, MELLOW, WAGNER, KASUNIC, FUMO, STOUT, O'PAKE, BOSCOLA, WOZNIAK, BODACK, LAVALLE, HUGHES, KUKOVICH, KITCHEN, SCHWARTZ, STACK, WILLIAMS, LOGAN, TARTAGLIONE and COSTA presented to the Chair **SB 1018**, entitled:

An Act establishing transportation and safety requirements, including a fee and authorization for vehicles that collect and transport

municipal and residual waste to certain municipal and residual waste disposal and processing facilities.

Which was committed to the Committee on ENVIRONMENTAL RESOURCES AND ENERGY, June 21, 2001.

Senators WOZNIAK, MUSTO, HELFRICK, COSTA, BOSCOLA, WAGNER, ERICKSON, M. WHITE, GREENLEAF, WILLIAMS, TARTAGLIONE and LOGAN presented to the Chair **SB 1019**, entitled:

An Act amending Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, further providing for information relating to prospective child-care personnel.

Which was committed to the Committee on AGING AND YOUTH, June 21, 2001.

Senators TOMLINSON, WAGNER, STOUT, CONTI and TARTAGLIONE presented to the Chair **SB 1020**, entitled:

An Act authorizing certain racetrack gaming; providing for disbursements of revenues; establishing the Racetrack Gaming Control Board and the State Gaming Fund; imposing duties on the State Horse Racing Commission; imposing a slot machine tax; and making an appropriation.

Which was committed to the Committee on STATE GOVERNMENT, June 21, 2001.

BILL SIGNED

The PRESIDENT pro tempore (Robert C. Jubelirer) in the presence of the Senate signed the following bill:

HB 155.

RECESS

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

Senator BRIGHTBILL. Mr. President, without objection, I move that the Senate recess to the call of the President pro tempore.

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

AFTER RECESS

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

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

ADJOURNMENT

Senator BRIGHTBILL. Mr. President, I move that the Senate do now adjourn until Tuesday, September 25, 2001, at 1 p.m., Eastern Daylight Saving Time.

The motion was agreed to by voice vote.

The Senate adjourned at 11:59 p.m., Eastern Daylight Saving Time.