

COMMONWEALTH OF PENNSYLVANIA

Legislative Journal

TUESDAY, JUNE 9, 1998

SESSION OF 1998

182ND OF THE GENERAL ASSEMBLY

No. 37

SENATE

TUESDAY, June 9, 1998

The Senate met at 12:15 p.m., Eastern Daylight Saving Time.

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

PRAYER

The Chaplain, Reverend GLENN A. BEARD, JR., of Salem Lutheran Church, Reamstown, offered the following prayer:

Let us pray.

Our most merciful Lord, we pray today for those who serve in difficult places and carry out difficult responsibilities. We give You thanks most especially for the President and men and women of the Pennsylvania State Senate. We offer our gratitude for those who man front-line positions, who are committed to demonstrating and proclaiming Your eternal love and circumstances and conditions where Your word and objectives are not acclaimed or applauded.

We follow them as they prepare for summer recess with our prayers, O Lord, that You would encourage and inspire, comfort and sustain them in their service to You and to Your people. Their successes are not often obvious and cannot always be measured by worldly standards. There are pitfalls and dangers all about them. There are powerful men and women and movements that are hostile to them and to You and Your purposes. They are Your children and Your servants. Grant them oases along their desert paths, springs of water along steep and rocky trails, and the joy and satisfaction of knowing that they are close to Your heart and are walking obediently in Your course for their lives.

Grant, O Lord, that they be faithful to You, and that all others in this Commonwealth might be faithful to them in praying for and loving and supporting them and in sharing with them Your gracious gifts to all of us. Amen.

The PRESIDING OFFICER. The Chair thanks Reverend Beard, who is not only my guest today but my personal friend, and it is a pleasure to have him here as our guest Chaplain today.

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

JOURNAL APPROVED

The PRESIDENT. A quorum of the Senate being present, the Clerk will read the Journal of the preceding Session of June 8, 1998.

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

HOUSE MESSAGES

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 543 and SB 888.

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 1597.

BILLS SIGNED

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

SB 543, SB 888 and HB 1597.

SPECIAL ORDER OF BUSINESS ANNOUNCEMENT BY THE SECRETARY

The SECRETARY. Consent has been given for the Committee on Rules and Executive Nominations to meet in the Rules room during today's Session to consider Senate Bills No. 91, 100, 185, 226, 72, 1296, and House Bills No. 366, 413, and certain executive nominations.

REPORTS FROM COMMITTEES

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

SB 252 (Pr. No. 2023) (Rereported) (Concurrence)

An Act providing for a procedure and method of execution; and making repeals.

SB 284 (Pr. No. 2028) (Rereported) (Concurrence)

An Act amending the act of December 18, 1984 (P.L.1005, No.205), entitled Municipal Pension Plan Funding Standard and Recovery Act, further providing for additions to the actuarial valuation report, for supplemental State assistance and for a home rule municipality formerly classified as a city of the second class; authorizing the reestablishment of initial unfunded actuarial accrued liability; specifying a new 40-year amortization period; prescribing the calculation of the amortization contribution for the pension funds; and providing for alternative funding mechanism.

SB 1163 (Pr. No. 2076) (Amended) (Rereported) (Concurrence)

An Act amending Title 51 (Military Affairs) of the Pennsylvania Consolidated Statutes, further providing for advisory councils for veterans' homes and for pay of members on special duty; and providing for the charitable status of certain veterans' organizations.

SB 1164 (Pr. No. 2077) (Amended) (Rereported) (Concurrence)

An Act amending the act of April 12, 1951 (P.L.90, No.21), entitled, as reenacted, Liquor Code, providing for alcoholic cider; further providing for certain performing arts facilities, for wine auction permits, for malt and brewed beverages licenses, stadium or arena permits, for distributors and importing distributors restrictions, for interlocking business, for malt or brewed beverages manufactured outside this Commonwealth, for exceptions to limiting the number of retail licenses issued in each municipality, for incorporated units of National veterans organizations, for licenses not assignable, for application filing dates, for the filing of license renewal applications, for display of prices of alcoholic beverages, for licensee's outside advertisements, for special occasion permits and for licensee's employed by others.

HB 114 (Pr. No. 3694) (Rereported) (Concurrence)

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

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

HB 601 (Pr. No. 3732) (Amended) (Rereported)

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, providing for advance notification of pesticide application within schools, school grounds, athletic fields and playgrounds; further providing for the definition of school year, for the withholding of certain State payments, for distress in school districts of the first class, for the contractual powers of the Chancellor of the State System of Higher Education and for pupil transportation reimbursement; providing for community education councils; and establishing the Police Officer and Firefighter Child Beneficiary Education Program.

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

HB 1636 (Pr. No. 3729) (Amended)

An Act amending Title 37 (Historical and Museums) of the Pennsylvania Consolidated Statutes, abolishing the Brandywine Battlefield Park Commission and the Washington Crossing Park Commission; and transferring certain powers, duties, assets, records and property to the Pennsylvania Historical and Museum Commission.

RESOLUTIONS REPORTED FROM COMMITTEE

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

SR 203 (Pr. No. 2046)

A Resolution congratulating the United Supreme Council on its 117th anniversary.

SR 204 (Pr. No. 2047)

A Resolution designating the week of June 22 through 28, 1998, as "Pool Safety Awareness Week" in Pennsylvania.

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

LEGISLATIVE LEAVE

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

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

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

LEAVES OF ABSENCE

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

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

SENATE CONCURRENT RESOLUTION**RECESS ADJOURNMENT**

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

In the Senate, June 9, 1998

RESOLVED, (the House of Representatives concurring), That when the Senate adjourns this week it reconvene on Monday, September 28, 1998, unless sooner recalled by the President Pro Tempore of the Senate; and be it further

RESOLVED, That when the House of Representatives adjourns this week it reconvene on Monday, September 28, 1998, unless sooner recalled by the Speaker of the House of Representatives.

On the question,

Will the Senate adopt the resolution?

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

Senator WAGNER. Mr. President, I rise to oppose the adjournment resolution. I personally do not think, and I would hope that many people here on the floor would agree with some of the points I am going to make. I know the agenda indicated that we were to meet for 3 more weeks in June, and if this resolution passes, what it really means is that we will not be in Session again until the end of September.

Mr. President, I know we passed the budget very early this year, and that is very complimentary to the Senate, to the House, to the Governor, and to the Chair that we have dealt with a very important issue very early on. However, I feel very strongly that there are a number of issues that need to be dealt with prior to us leaving, especially issues that are sitting right here in the Senate, pieces of legislation that are sitting in committees that have been passed by the House of Representatives that are very important to the public, to the people of the Commonwealth of Pennsylvania.

One of those issues, Mr. President, is House Bill No. 1173. It was on the agenda yesterday and was referred to the Committee on Appropriations but was not dealt with today in the Committee on Appropriations. Senate Bill No. 1173 is the BOCA code legislation, something that has been circulating in this building now for the last couple of years. It is a very, very important piece of legislation. The bill creates a uniform construction code for Pennsylvania. The act establishes a statewide building code, requires training and certification of code administrators, and assigns powers and duties to the Department of Labor and Industry. Mr. President, in my opinion, no legislation is more important than this legislation, and it should be dealt with prior to us recessing.

Again, we are one of three States in this country that does not have building code legislation required by municipalities and townships throughout the Commonwealth of Pennsylvania. That piece of legislation continues to sit in committee when in fact it should be dealt with. Over 50 percent, Mr. President, and I know you are aware of this issue, over 50 percent of the communities in the Commonwealth of Pennsylvania do not have mandatory building code legislation. We need to look no further than last week at some of the natural disasters that occurred in this Commonwealth and the importance of building code legislation so that structures, homes, and businesses are built according to the proper national criteria when it comes to safety standards within those buildings.

We continue to let that piece of legislation sit in committee as if it is not important. And, Mr. President, I think the time has come for us to deal with it. I think we should not adjourn, we should meet another day or two or week or two to deal with a couple of these very, very important pieces of legisla-

tion. That, Mr. President, I think is one of the most important pieces of legislation that we should and must be dealing with.

I will mention one other piece of legislation, Senate Bill No. 422, a Senate bill introduced well over a year ago by Senator Holl. It is smoke detector legislation for buildings, which is another piece of legislation that sits in the Committee on Urban Affairs and Housing, and for some reason, Mr. President, it never gets out of committee. It is a life-safety issue. When you look at the fact that 50 percent of the communities in the Commonwealth of Pennsylvania do not have building code legislation that requires proper safety criteria for buildings, then you look at the fact that we do not have smoke detector legislation in this Commonwealth. We know that over 50 percent of the communities throughout this State truly are faced with life-threatening situations in homes and businesses every single day. And as the result of it, I believe that Pennsylvanians are not only put at risk but are dying because smoke detectors are not in buildings and buildings are not properly constructed.

Since January 1, Mr. President, of this year, in my county, Allegheny County, there have been nine fire deaths, five in the city of Pittsburgh, four in the suburbs. In Centre County, the disaster that occurred caused 11 deaths. Philadelphia, 25 deaths; Lancaster, 2; York, 2; Schuylkill County, 2. In those 6 counties out of 67 counties, 51 fire deaths in Pennsylvania.

Mr. President, firefighters have been asking for this legislation for decades. Why? When I say "this legislation," I mean smoke detector legislation, I mean building code legislation. The Fire Institute Services has unanimously supported it but we refuse to deal with the legislation. We should be, Mr. President. We should not be adjourning today. I am willing to stay here as long as it takes to address these two very important pieces of legislation, and I am sure there are colleagues of mine who have other concerns of other pieces of legislation, but there is nothing more important than life-safety legislation. Pennsylvania is living in the Dark Ages on these two issues, and it is about time we deal with it, Mr. President.

Therefore, I suggest to my colleagues not to vote to adjourn until the end of September, but to keep this Senate in Session for a day or two or a week or two to deal with these two very important pieces of legislation.

Thank you, Mr. President.

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

Senator LOEPER. Mr. President, on the adjournment resolution, I would just simply remind the Members that the schedule of this Senate has been set since January. The Members have been aware exactly what the Session days have been for the past 6 months. And, Mr. President, I would indicate, as the gentleman did, we have had an outstanding record of achievement in this Senate with the legislation that we have moved the first 6 months of this year.

Mr. President, I believe that when we return in September and when we return after the November election, there is ample and adequate time to address issues of concern to the majority of the Members of this Senate, and therefore I ask for an affirmative vote on the adjournment resolution.

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

Senator KITCHEN. Mr. President, I, too, rise to oppose this resolution and I oppose it because of a number of issues. Most of the issues that we did not deal with this Session affect the working people in the State of Pennsylvania, the poor people in the State of Pennsylvania.

For the past few weeks or maybe even more, 6 weeks, I have been working with the EBT program. For those who are not familiar with it, the EBT program had until the year 2002 to be implemented in the State of Pennsylvania. We went ahead and implemented the program early, and it has caused numerous problems to supermarket owners in my district as well as to EBT users. At the present time, I am having the review of the contract with Citibank, which contracted with the Welfare Department to carry out this program, and I think that if we could just be in Session a few more weeks, we may see that it just may take legislation to straighten this program out. It would be a shame if the supermarket owners in my district began to move their markets out because they cannot be reimbursed for food that is being bought by users, by purchasers in the EBT program.

Mr. President, I think by not dealing with this program immediately, we are putting at risk the way that poor people have been accustomed to feeding their family, and that is to go into the supermarket and shop. Also, supermarket owners have already lost thousands of dollars, and there is no precedent set in which they can regain that money.

So I am asking that we vote "no" on this resolution and that we stay in Session a few more weeks to deal with this issue and the other issues that affect the working people and the poor people here in the State of Pennsylvania.

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

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

YEA-29

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

NAY-18

Afflerbach	Kitchen	OPake	Wagner
Bodack	Kukovich	Schwartz	Williams
Costa	LaValle	Stapleton	Wozniak
Hughes	Mellow	Stout	
Kasunic	Musto	Tartaglione	

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

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

**SPECIAL ORDER OF BUSINESS
GUESTS OF SENATOR JAMES J. RHOADES
PRESENTED TO THE SENATE**

The PRESIDENT. The Chair recognizes the gentleman from Schuylkill, Senator Rhoades.

Senator RHOADES. Mr. President, today we have visiting with us on this kind of special end to prepare for summer recess friends who are looking and watching what we do. I think they probably are thinking there are an awful lot of things going on, and just what is going on. Believe me, we are doing an awful lot of different things today. They are here from Schuylkill County to see their State government in operation. They are my good friend, Bob Rarick, and accompanying him are Nancy Lechleitner, Dave and Joanne Eckert, Kevin Miller, and Stacey Andrefski. I would appreciate it if the Senate would extend to them its usual warm welcome.

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

(Applause.)

**GUESTS OF SENATOR J. BARRY STOUT
PRESENTED TO THE SENATE**

The PRESIDENT. The Chair recognizes the gentleman from Washington, Senator Stout.

Senator STOUT. Mr. President, I am honored today to have two young ladies from Washington County visiting Harrisburg and serving as Pages in the Senate. They are Michele Dufalla, of Washington, a seventh grade student at Mt. de Chantal Academy, who enjoys playing the piano, clarinet, and tennis. She is accompanied by her sister, Nicole, who will be entering the fifth grade at Mt. de Chantal Academy, and she, likewise, enjoys piano, tennis, and playing Monopoly.

The parents of these two young ladies are Mike and Penny Dufalla, personal friends of mine. Mike has distinguished service to Pennsylvania as our district engineer in District 12 in southwestern Pennsylvania. I know their family tradition: Every Friday evening when he comes back from his office in Uniontown, he works with his daughters and they prepare a delicious stir-fry meal, so I hope they get back to join their dad in cooking the family meal on Friday.

I would like these two young ladies, Michele and Nicole, to stand and be recognized and welcomed to the Senate of Pennsylvania.

The PRESIDENT. Would the guest Pages please rise so the Senate may acknowledge your presence and help today.

(Applause.)

**GUESTS OF SENATOR JAY COSTA
PRESENTED TO THE SENATE**

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

Senator COSTA. Mr. President, today I am very pleased to present to my colleagues here in the Senate two guest Pages who are here working. They are two of my children. My son Jessel is 11 years old and is a fifth grade student, soon to be a sixth grade student, at St. Maurice School in Forest Hills, and my son Anthony is 8 years old, and he just finished up very well as a third grade student at St. Maurice and is going on to the fourth grade. They both are very active in extracurricular activities in our community and both are baseball and soccer players, and I am very happy to have them working here with us today. If any of my colleagues need any errands run, my sons will be happy to accomplish that for them.

I am also joined today in the gallery by my wife, Roxanne, and my 3-year-old daughter, Rachel, to get a look at what it is their father does here in Harrisburg.

It is very nice that they are here today to join me, and I ask that my colleagues join me in giving them a warm reception.

The PRESIDENT. Senator Costa, on your behalf, I ask the entire Costa family to please rise, as well as our accomplished student athletes, and recognize their presence today.

(Applause.)

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

RECESS

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

Senator LOEPER. Mr. President, at this time I ask for a recess of the Senate, first for an opportunity for the Members to finish their lunch, and then to be followed immediately by a caucus in the Majority Caucus Room on the first floor at 1:30, with an expectation of returning to the floor as quickly as possible, hopefully about 2:45.

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

Senator BODACK. Mr. President, I ask the Democratic Members to meet in the rear of the Chamber for an immediate caucus.

The PRESIDENT. For purposes of Republican and Democratic caucuses, with the Democratic meeting to begin immediately, and with the intention of returning at approximately 2:45 p.m., this 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. 1

BILL REREPORTED FROM COMMITTEE AS AMENDED, AMENDED

HB 10 (Pr. No. 3731) -- The Senate proceeded to consideration of the bill, entitled:

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

On the question,

Will the Senate agree to the bill on third consideration?

Senator HELFRICK offered the following amendment No. A3331:

Amend Sec. 2 (Sec. 524), page 7, lines 6 through 18, by striking out all of lines 6 through 17 and "(4)" in line 18 and inserting: (3)

Amend Sec. 2 (Sec. 524), page 7, line 28, by striking out "(5)" and inserting: (4)

On the question,

Will the Senate agree to the amendment?

AMENDMENT WITHDRAWN

The PRESIDENT. The Chair recognizes the gentleman from Northumberland, Senator Helfrick.

Senator HELFRICK. Mr. President, I withdraw amendment No. A3331.

The PRESIDENT. Senator Helfrick has withdrawn amendment No. A3331.

And the question recurring,

Will the Senate agree to the bill on third consideration?

Senator HELFRICK offered the following amendment No. A3342:

Amend Sec. 1 (Sec. 3510), page 2, line 1, by striking out all of said line and inserting:

(b) Existing dams.--

(1) The department shall compile and

Amend Sec. 1 (Sec. 3510), page 2, by inserting between lines 16 and 17:

(2) If the permittee or owner of a run-of-the-river dam disagrees with the determination of the department, the permittee or owner shall file written notice with the Environmental Hearing Board within 30 days of receiving the determination. The Environmental Hearing Board shall reach a decision as soon as practicable. If the decision of the board upholds the determination of the department, the permittee or owner filing such notice shall have six months to comply with this section following the decision.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

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

LEGISLATIVE LEAVES

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

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

The PRESIDENT. Senator Mellow requests a temporary Capitol leave for Senator O'Pake, and a legislative leave for Senator Musto. Without objection, those leaves are granted.

CALENDAR

BILLS CALLED OUT OF ORDER

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

THIRD CONSIDERATION CALENDAR

BILLS AMENDED

HB 1778 (Pr. No. 2385) -- 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 obscene and other sexual materials.

On the question,

Will the Senate agree to the bill on third consideration?

Senator STOUT offered the following amendment No. A3289:

Amend Title, page 1, line 2, by inserting after "for": terroristic threats and for

Amend Sec. 1, page 1, line 6, by striking out "Section 5903(a)" and inserting: Sections 2706 and 5903(a)

Amend Sec. 1, page 1, line 7, by striking out "is" and inserting: are

Amend Sec. 1, page 1, by inserting between lines 7 and 8: § 2706. Terroristic threats.

(a) Offense defined.—A person is guilty of a misdemeanor of the first degree if he threatens to commit any crime of violence with intent to terrorize another or to cause evacuation of a building, place of assembly, or facility of public transportation, or otherwise to cause serious public inconvenience, or in reckless disregard of the risk of causing such terror or inconvenience.

(b) Restitution.—If the building, place of assembly or facility of public transportation is owned or occupied by a school district, the person convicted of violating this section shall, in addition to any other sentence imposed, be sentenced to pay the school district restitution in an amount equal to the cost of the evacuation, including, but not limited to, the transportation of students and staff from the building, place of assembly or facility.

(c) Preservation of private remedies.—No judgment or order of restitution shall debar the school district, by appropriate action, to recover from the offender as otherwise provided by law, provided that any civil award shall be reduced by the amount paid under the criminal judgment.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

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

HB 1272 (Pr. No. 2680) -- 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 the possession of weapons on school property and for restitution for injuries to person or property.

On the question,

Will the Senate agree to the bill on third consideration?

Senator LOEPER offered the following amendment No. A3232:

Amend Title, page 1, lines 3 and 4, by striking out "AND FOR RESTITUTION FOR INJURIES TO PERSON OR PROPERTY"

Amend Sec. 1, page 1, lines 7 through 9, by striking out all of said lines and inserting:

Section 1. Section 912 of Title 18 of the Pennsylvania Consolidated Statutes is amended to read:

Amend Sec. 1 (Sec. 1106), page 2, lines 24 through 30; pages 3 through 5, lines 1 through 30; page 6, lines 1 through 19, by striking out all of said lines on said pages

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 COSTA offered the following amendment No. A3220:

Amend Title, page 1, line 4, by removing the period after "PROPERTY" and inserting: ; and providing for retaliation against prosecutor or judicial official.

Amend Bill, page 6, by inserting between lines 19 and 20:

Section 2. Title 18 is amended by adding a section to read:

§ 4953.1. Retaliation against prosecutor or judicial official.

(a) Offense defined.—A person commits an offense if he harms or attempts to harm another or the tangible property of another by any unlawful act in retaliation for anything lawfully done in the official capacity of a prosecutor or judicial official.

(b) Grading.—The offense is a felony of the second degree if:

(1) The actor employs force, violence or deception, or attempts or threatens to employ force, violence or deception, upon the prosecutor or judicial official or, with the requisite intent or knowledge, upon any other person.

(2) The actor's conduct is in furtherance of a conspiracy to retaliate against a prosecutor or judicial official.

(3) The actor solicits another to or accepts or agrees to accept any pecuniary or other benefit to retaliate against a prosecutor or judicial official.

(4) The actor has suffered any prior conviction for any violation of this title or any predecessor law hereto, or has been convicted, under any Federal statute or statute of any other state, of an act which would be a violation of this title if committed in this Commonwealth.

(5) The actor causes property damage or loss in excess of \$1,000.

Otherwise the offense is a misdemeanor of the first degree.

(c) Definitions.—As used in this section, the following words and phrases shall have the meanings given to them in this subsection:

"Judicial official." Any person who is a:

(1) judge of the court of common pleas;

(2) judge of the Commonwealth Court;

(3) judge of the Superior Court;

(4) justice of the Supreme Court;

(5) district justice;

(6) judge of the Pittsburgh Magistrate's Court;

(7) judge of the Philadelphia Municipal Court;

(8) judge of the Traffic Court of Philadelphia; or

(9) master appointed by a judge of a court of common pleas.

"Prosecutor." Any person who is:

(1) an Attorney General;

(2) a deputy attorney general;

(3) a district attorney; or

(4) an assistant district attorney.

Amend Sec. 2, page 6, line 20, by striking out "2" and inserting:
3

On the question,

Will the Senate agree to the amendment?

It was agreed to.

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

HB 135 (Pr. No. 3472) -- The Senate proceeded to consideration of the bill, entitled:

An Act establishing an osteoporosis prevention and education program; and providing for additional duties of the Department of Health.

On the question,

Will the Senate agree to the bill on third consideration?

Senator LOEPER, on behalf of himself and Senator PICCOLA, offered the following amendment No. A3337:

Amend Title, page 1, lines 1 through 5, by striking out all of said lines and inserting:

Amending the act of April 9, 1929 (P.L.177, No.175), entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments, boards, commissions, and officers thereof, including the boards of trustees of State Normal Schools, or Teachers Colleges; abolishing, creating, reorganizing or authorizing the reorganization of certain administrative departments, boards, and commissions; defining the powers and duties of the Governor and other executive and administrative officers, and of the several administrative departments, boards, commissions, and officers; fixing the salaries of the Governor, Lieutenant Governor, and certain other executive and administrative officers; providing for the appointment of certain administrative officers, and of all deputies and other assistants and employes in certain departments, boards, and commissions; and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments, boards and commissions shall be determined," providing for an osteoporosis prevention and education program; eliminating the expiration period of televised international and interstate simulcastings of horse races; and making repeals.

Amend Bill, page 4, lines 10 through 30; page 5, lines 1 through 21, by striking out all of said lines on said pages

Amend Bill, page 12, lines 27 through 30; pages 13 through 16, lines 1 through 30; page 17, lines 1 through 19, by striking out all of said lines on said pages and inserting:

Section 1. The act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929, is amended by adding an article to read:

ARTICLE XXI-A

OSTEOPOROSIS PREVENTION AND EDUCATION PROGRAM
Section 2101-A. Scope.—This article governs osteoporosis prevention and education.

Section 2102-A. 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:

"Department" shall mean the Department of Health of the Commonwealth.

"Health care provider" shall mean a physician, registered nurse, dentist, podiatrist, psychologist, physical therapist, certified registered nurse practitioner, physician's assistant, chiropractor, home health provider, hospital, rehabilitation hospital or long-term care facility.

"Program" shall mean the Osteoporosis Prevention and Education Program established under section 2103-A.

Section 2103-A. Program.—(a) The department shall establish the Osteoporosis Prevention and Education Program.

(b) The department shall provide staff support and departmental resources as necessary to implement the program.

(c) The department shall identify appropriate public and non-public entities to assist in the implementation and operation of the program.

(d) The department shall collect and maintain up-to-date scientific and other information that will increase public awareness and contribute to education programs, including, but not limited to: risk factors, appropriate diet and exercise, diagnostic procedures, Food and Drug Administration-approved drug therapies, rehabilitation and safety and injury prevention measures.

(e) The department shall develop relationships with governmental agencies, community and business leaders, community organizations, health care and human service providers and national osteoporosis organizations to coordinate efforts and maximize public and private resources in the areas of prevention, education and treatment.

Section 2104-A. Public Awareness and Education.—(a) The program shall include methods to raise public awareness and to educate consumers, health care professionals, teachers and human service providers and to engage in related activities as appropriate.

(b) The department shall use various methods for raising public awareness of the causes and effects of osteoporosis, personal risk factors, prevention, early detection and options for diagnosis and treatment, including, but not limited to:

(1) An outreach campaign utilizing print, radio and television public service announcements, advertisements, posters and other materials.

(2) Community forums.

(3) Distribution of information at public events.

(4) Targeting of at-risk populations.

(5) Provision of reliable information to policymakers.

(6) Distribution of information through county and district health offices, city and county health departments, schools, area agencies on aging, employer wellness programs, health care providers, insurers, including health maintenance organizations, and nonprofit and community organizations.

(c) The department shall use methods to educate consumers of osteoporosis-related services, including, but not limited to:

(1) The provision of available brochures, videotapes and other materials.

(2) The establishment of a Statewide capacity to provide information on all aspects of osteoporosis.

(3) The provision of educational information to consumers of osteoporosis-related services through the use of a toll-free number.

(4) The provision of assistance and encouragement to osteoporosis support groups.

(5) The provision of assistance to groups that conduct workshops and seminars for the public.

(d) The department shall use methods for educating health care and community service providers regarding prevention, diagnosis and treatment, detection and treatment, including Food and Drug Administration-approved medications and research advances, including, but not limited to:

(1) The identification and collection of educational materials for professionals.

(2) The increase in awareness among health care and human service providers regarding the importance of prevention, early detection, treatment and rehabilitation.

(3) The identification of available curricula for educating health care and human service providers and community groups and leaders on prevention, detection and treatment.

(4) The encouragement of workshops and seminars for professional development in the care and management of osteoporosis patients.

(5) The initiation of Statewide conferences on osteoporosis as appropriate.

Section 2105-A. Repository.—(a) The department shall develop and maintain a repository of information provided to the department regarding the following:

- (1) Research programs.
- (2) Information on technical assistance for health care and human service providers and organizations.
- (3) Services that may be required by osteoporosis patients.
- (4) Information on types of services available to osteoporosis patients in this Commonwealth.
- (5) Information received from health care providers relating to the number and location of appropriate bone density testing facilities providing services in this Commonwealth.

(b) The department shall provide health care and health service providers and organizations with information regarding the contents of the repository and procedures to access the information maintained in the repository.

Section 2106-A. Technical Assistance.—(a) The department shall provide technical assistance regarding the development of osteoporosis programs and materials, including, but not limited to:

- (1) Educational information and materials on the causes, prevention, detection, treatment and management of osteoporosis.
- (2) Training.
- (3) Health care professional education, which may include clinical conferences.
- (4) Support groups development.
- (5) Training of home health aides and nursing home personnel.

(b) The department may consult with national or State organizations with expertise in osteoporosis to obtain assistance in the implementation of the program.

Section 2107-A. Grant Acceptance.—The department may accept grants, services and property from the Federal Government, foundations, organizations, medical schools and other entities as may be available to carry out the provisions of this article.

Section 2108-A. Reporting.—On or before December 31 of each year, the department shall report to the General Assembly on the establishment, implementation and operation of the program.

Section 2. The following acts and parts of acts are repealed to the extent specified:

Section 4 of the act of June 7, 1993 (P.L.86, No.18), entitled "An act amending the act of December 17, 1981 (P.L.435, No.135), entitled 'An act providing for the regulation of pari-mutuel thoroughbred horse racing and harness horse racing activities; imposing certain taxes and providing for the disposition of funds from pari-mutuel tickets,' further providing for general powers of the commission, for the Pennsylvania Sire Stakes Fund and for simulcasting of horse races," absolutely.

Section 3. This act shall take effect as follows:

- (1) Section 2 of this act and this section shall take effect immediately.
- (2) The remainder of this act shall take effect in 60 days.

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

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

Senator LOEPER. Mr. President, for the information of the Members, this is the amendment we discussed in caucus regarding the extension of simulcasting for the sunset that will occur this year.

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

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

YEA-42

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

NAY-5

Armstrong	Helfrick	Wenger
Greenleaf	Jubelirer	

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 LOEPER.

BILL ON THIRD CONSIDERATION
AND FINAL PASSAGE

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

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

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

On the question,
Shall the bill pass finally?

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

YEA-47

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

NAY-0

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

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

EXECUTIVE NOMINATIONS

EXECUTIVE SESSION

Motion was made by Senator SALVATORE,

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

Which was agreed to.

NOMINATIONS TAKEN FROM THE TABLE

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

The Clerk read the nominations as follows:

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

May 22, 1998

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Robert C. Wonderling, 575 Paterno Drive, Harleysville 19438, Montgomery County, Twenty-fourth Senatorial District, for appointment as a member of the Council of Trustees of Cheyney University of Pennsylvania of the State System of Higher Education, to serve until the third Tuesday of January 2001, and until his successor is appointed and qualified, vice Samuel Johnson, Ph.D., Harrisburg, whose term expired.

THOMAS J. RIDGE
Governor

MEMBER OF THE STATE BOARD OF CHIROPRACTIC

May 22, 1998

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Georgia L. King (Public Member), 11592 Kimberly Drive, Greencastle 17225, Franklin County, Thirty-third Senatorial District, for appointment as a member of the State Board of Chiropractic, to serve for a term of four years or until her successor is appointed and qualified, but not longer than six months beyond that period, vice Michael J. Hampsey, Waterford, whose term expired.

THOMAS J. RIDGE
Governor

MEMBER OF THE STATE BOARD OF COSMETOLOGY

May 22, 1998

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Sandra Evans (Public Member), 5416 Wyndale Avenue, Philadelphia 19193, Philadelphia County, Seventh Senatorial District, for appointment as a member of the State Board of Cosmetology, to serve for a term of three years and until her successor is appointed and qualified, but not longer than six months beyond that period, vice Michele K. Bote, Millersville, whose term expired.

THOMAS J. RIDGE
Governor

MEMBER OF THE STATE FARM PRODUCTS SHOW COMMISSION

May 22, 1998

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Bob Mazza, 11580 East Lake Road, North East 16428, Erie County, Fiftieth Senatorial District, for appointment as a member of the State Farm Products Show Commission, to serve for a term of four years and until his successor is appointed and qualified, vice C. Guy Rudy, Centre Hall, whose term expired.

THOMAS J. RIDGE
Governor

MEMBER OF THE HEALTH POLICY BOARD

April 14, 1998

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Thomas Coyne, 10 Valley Road, Indiana 15701, Indiana County, Forty-first Senatorial District, for appointment as a member of the Health Policy Board, to serve for a term of three years and until his successor is appointed and qualified, vice Carmen M. Wey, Lewisburg, whose term expired.

THOMAS J. RIDGE
Governor

MEMBER OF THE PENNSYLVANIA HISTORICAL AND MUSEUM COMMISSION

June 4, 1998

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Andrea Ferenci-Fitting, 113 Sunridge Drive, Pittsburgh 15234, Allegheny County, Thirty-seventh Senatorial District, for appointment as a member of the Pennsylvania Historical and Museum Commission, to serve until the third Tuesday of January 1999 and until her successor is appointed and qualified, vice John A. Herbst, Pittsburgh, resigned.

THOMAS J. RIDGE
Governor

MEMBER OF THE PENNSYLVANIA HISTORICAL AND MUSEUM COMMISSION

May 8, 1998

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Brian C. Mitchell, 125 Pelham Road, Camp Hill 17011, Cumberland County, Thirty-first Senatorial District, for appointment as a member of the Pennsylvania Historical and Museum Commission, to serve until the third Tuesday of January 1999 and until his successor is appointed and qualified, vice Timothy Buchanan, Harrisburg, resigned.

THOMAS J. RIDGE Governor

DISTRICT JUSTICE

May 8, 1998

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Barbara J. Easton, R. R. 2, Box 144B, Coudersport 16915, Potter County, Twenty-fifth Senatorial District, for appointment as District Justice, in and for the County of Potter, Magisterial District 55-4-01, to serve until the first Monday of January 2000, vice Donna Fetzer, resigned.

THOMAS J. RIDGE Governor

MEMBER OF THE WARREN COUNTY BOARD OF ASSISTANCE

May 1, 1998

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Nora Doyle Mahan (Republican), 2727 Penn Avenue, West, Warren 16365, Warren County, Twenty-fifth Senatorial District, for appointment as a member of the Warren County Board of Assistance, to serve until December 31, 2000, and until her successor is appointed and qualified, vice Bettie A. Ford, Warren, whose term expired.

THOMAS J. RIDGE Governor

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

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

YEA-47

Table with 4 columns of names: Afflerbach, Armstrong, Bell, Bodack, Conti, Corman, Helfrick, Holl, Hughes, Jubelirer, Kasunic, Kitchen, Mowery, Murphy, Musto, O'Pake, Piccola, Punt, Stout, Tartaglione, Thompson, Tilghman, Tomlinson, Uliana

Table with 4 columns of names: Costa, Delp, Earll, Gerlach, Greenleaf, Hart, Kukovich, LaValle, Lemmond, Loeper, Madigan, Mellow, Rhoades, Robbins, Salvatore, Schwartz, Slocum, Stapleton, Wagner, Wenger, White, Williams, Wozniak

NAY-0

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

NOMINATIONS TAKEN FROM THE TABLE

Senator SALVATORE. Mr. President, I call from the table certain nominations and ask for their consideration. The Clerk read the nominations as follows:

MEMBER OF THE PENNSYLVANIA GAME COMMISSION

May 8, 1998

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Robert J. Gilford (District 1), P. O. Box 69, Lickingville 16332, Clarion County, Twenty-first Senatorial District, for reappointment as a member of the Pennsylvania Game Commission, to serve for a term of eight years or until his successor is appointed and qualified, but not longer than six months beyond that period.

THOMAS J. RIDGE Governor

MEMBER OF THE PENNSYLVANIA GAME COMMISSION

May 8, 1998

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, George Venesky (District 7), 1327 Heslop Road, Mountaintop 18707, Luzerne County, Fourteenth Senatorial District, for appointment as a member of the Pennsylvania Game Commission, to serve for a term of eight years or until his successor is appointed and qualified, but not longer than six months beyond that period, vice Edward L. Vogue, Jr., Dupont, whose term expired.

THOMAS J. RIDGE Governor

MEMBER OF THE PENNSYLVANIA LIQUOR CONTROL BOARD

May 22, 1998

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Robert P. Fohl, 127 Marie

Drive, Pittsburgh 15237, Allegheny County, Fortieth Senatorial District, for reappointment as a member of the Pennsylvania Liquor Control Board, to serve until the third Tuesday in May 2002.

THOMAS J. RIDGE
Governor

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

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

YEA-47

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

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

The motion was agreed to.

THIRD CONSIDERATION CALENDAR RESUMED

BILL AMENDED

HB 1479 (Pr. No. 3701) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 15 (Corporations and Unincorporated Associations) of the Pennsylvania Consolidated Statutes, further providing for trademark fees; and providing for certain acquisitions and proposed acquisitions involving banks, bank and trust companies, national banks and bank holding companies.

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

Senator HELFRICK offered the following amendment No. A3329:

Amend Sec. 2 (Sec. 524), page 4, line 11, by striking out "AND"
Amend Sec. 2 (Sec. 524), page 4, line 14, by striking out all of said line and inserting: promoted; and

(6) the applicant has not been protected by the department from an acquisition transaction. The department shall not approve an acquisition transaction application which is submitted by an applicant which has itself been the target of a potential acquisition transaction and been protected from the acquisition by the department.

On the question,
Will the Senate agree to the amendment?
It was agreed to.

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

**SPECIAL ORDER OF BUSINESS
SUPPLEMENTAL CALENDAR No. 6**

**SENATE CONCURS IN HOUSE AMENDMENTS
AS AMENDED**

SB 1163 (Pr. No. 2076) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 51 (Military Affairs) of the Pennsylvania Consolidated Statutes, further providing for advisory councils for veterans' homes and for pay of members on special duty; and providing for the charitable status of certain veterans' organizations.

On the question,
Will the Senate concur in the amendments made by the House, as amended by the Senate, to Senate Bill No. 1163?

Senator LOEPER. Mr. President, I move that the Senate do concur in the amendments made by the House, as amended by the Senate, to Senate Bill No. 1163.

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

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

Senator BELL. Mr. President, on the motion to concur, I would like to read into the record that it is the legislative intent of the Senate that the pay scales of the personnel of the Pennsylvania National Guard shall be the pay scale set by the Federal government, applicable not only to the grades but to the grades and ranks of the personnel of the National Guard.

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

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

YEA-47

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

NAY-0

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

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

THIRD CONSIDERATION CALENDAR RESUMED

BILLS ON THIRD CONSIDERATION AND FINAL PASSAGE

SB 1157 (Pr. No. 2066) -- The Senate proceeded to consideration of the bill, entitled:

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

Considered the third time and agreed to,

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

On the question,
Shall the bill pass finally?

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

YEA-47

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

NAY-0

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

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

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

An Act amending the act of December 5, 1972 (P.L.1280, No.284), entitled Pennsylvania Securities Act of 1972, further providing for definitions; further providing, in the securities area, for registration, for exemptions, for registration by coordination, for registration in general, for registration sanctions, for records and for retroactive registration; providing for Federally covered securities; further providing, in the area of broker-dealers, agents and investment advisers, for registration, for exemptions, for registration procedure, for postregistration procedure, for registration sanctions; further providing for prohibitions, for contract requirements and for misrepresentations; providing for school district prohibitions; further providing for civil liability, for enforcement, for investigations and for criminal penalties; providing for barring activities and for rescission; further providing for fees, for assessments, for administrative files, for powers of the

Pennsylvania Securities Commission and for regulations and orders; and canceling Federal preemption.

Considered the 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 Montgomery, Senator Holl.

Senator HOLL. Mr. President, very briefly, I would like to advise the Members of the Senate that this bill updates the Pennsylvania Securities Act, bringing a new measure of protection to Pennsylvanians who invest in securities.

Recently we have had a surge of problems with individuals who practice in an illicit way, and this would take care of the problem by putting more teeth into the law and increasing consumer protection by beefing up the ability of the Pennsylvania Securities Commission to enforce sanctions against those who break the law.

By passing Senate Bill No. 1385, we do more than modernize the Pennsylvania Securities Act. We increase the protection offered to Pennsylvanians who purchase securities. We also give a boost to small businesses that are so important for the economic growth of Pennsylvania.

The balance of my comments I will submit to the Chair for inclusion in the record.

Thank you.

(The following prepared statement was made a part of the record at the request of the gentleman from Montgomery, Senator HOLL:)

Senate Bill No. 1385 updates the Pennsylvania Securities Act while bringing a new measure of protection to Pennsylvanians who invest in securities.

Senate Bill No. 1385 amends the Pennsylvania Securities Act by: reallocating regulatory duties between the federal government and the Pennsylvania Securities Commission; reducing the filing requirements for small businesses and allowing them to file documents with the Pennsylvania Securities Commission electronically; increasing consumer protection by beefing up the ability of the Pennsylvania Securities Commission to enforce sanctions against those who break the law; increasing compliance assessments levied on brokers and individuals and firms; and reclaiming jurisdiction from the federal government over the regulation of the securities activities of charitable organizations.

Perhaps the most notable provisions of Senate Bill No. 1385 are those that promise increased protection to consumers. As more Pennsylvanians invest their hard-earned money in securities, the need for consumer protection is also increasing. Senate Bill No. 1385 provides this protection by: expanding the Pennsylvania Securities Commission's authority to deny, suspend, revoke or condition a securities dealer's license; giving the Pennsylvania Securities Commission authority to petition the courts to hold a person in civil contempt for willfully violating certain Commission orders; increasing the fine for a criminal violation from \$10,000 to \$50,000 if the prohibited conduct involved individuals aged 65 or older to better protect our State's senior citizens; authorizing special additional assessments of up to \$25,000 if: the prohibited conduct involved high pressure, telephone sales tactics or; the violator has a significant previous disciplinary history.

The act also furthers the Pennsylvania Securities Commission's program of bringing regulatory relief to small businesses while enhancing their capital formation opportunities by: eliminating several current filing requirements; making certain registration provisions for small businesses in Pennsylvania uniform with those in other States; clarifying that officers, directors or employees of a company issuing its own securities do not have to register with the Pennsylvania Securities Commission as agents, provided they do not receive any compensation for selling the company's securities.

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

Senator COSTA. Mr. President, I also rise to support Senate Bill No. 1385, and I want to take a moment also, a very brief moment, to, first of all, indicate to my colleagues on the Democratic side that we have had the opportunity to work with Senator Holl and also other Members of the Senate Committee on Banking and Insurance and also the Securities Exchange Commission here in Pennsylvania.

Mr. President, there is one particular part of this legislation that I particularly like, and that is an issue that developed as a result of hearings of the Senate Democratic Policy Committee that we had a few months back relating to our school districts and the misappropriation of various dollars our school districts had invested. Mr. President, specifically what our amendment that has been added to this bill does is provides that individuals, as I refer to them and as they have been referred to as middlemen, with regard to making advisory recommendations to either school district members or municipalities, and as such those individuals have an opportunity and they are required to disclose to the members they are advising if in fact they are receiving a benefit for their recommendation. So we were successful in getting that amendment in.

I appreciate the opportunity of working with my colleague, the Majority chairperson of the Senate Committee on Banking and Insurance. I thank him for his input, and I ask my Senate Democratic colleagues to support this measure as well.

Thank you.

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

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

NAY-0

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

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

SPECIAL ORDER OF BUSINESS
SUPPLEMENTAL CALENDAR No. 2

BILL ON THIRD CONSIDERATION
AND FINAL PASSAGE

HB 1778 (Pr. No. 3738) -- 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 terroristic threats and for obscene and other sexual materials.

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 Delaware, Senator Loeper.

Senator LOEPER. Mr. President, I would remind some Members of our Caucus that this was a bill we had some discussion on in caucus today.

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

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

NAY-0

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

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

**SPECIAL ORDER OF BUSINESS
SUPPLEMENTAL CALENDAR No. 6 RESUMED
SENATE CONCURS IN HOUSE AMENDMENTS
AS AMENDED**

SB 1164 (Pr. No. 2077) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of April 12, 1951 (P.L.90, No.21), entitled, as reenacted, Liquor Code, providing for alcoholic cider; further providing for certain performing arts facilities, for wine auction permits, for malt and brewed beverages licenses, stadium or arena permits, for distributors and importing distributors restrictions, for interlocking business, for malt or brewed beverages manufactured outside this Commonwealth, for exceptions to limiting the number of retail licenses issued in each municipality, for incorporated units of National veterans organizations, for licenses not assignable, for application filing dates, for the filing of license renewal applications, for display of prices of alcoholic beverages, for licensee's outside advertisements, for special occasion permits and for licensee's employed by others.

On the question,

Will the Senate concur in the amendments made by the House, as amended by the Senate, to Senate Bill No. 1164?

Senator LOEPER. Mr. President, I move that the Senate do concur in the amendments made by the House, as amended by the Senate, to Senate Bill No. 1164.

On the question,

Will the Senate agree to the motion?

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

YEA-37

Afflerbach	Holl	O'Pake	Tilghman
Bodack	Jubelirer	Piccola	Tomlinson
Conti	Kasunic	Punt	Uliana
Corman	Kukovich	Rhoades	Wagner
Costa	Lemmond	Robbins	White
Delp	Loeper	Salvatore	Williams
Earll	Mellow	Slocum	Wozniak
Gerlach	Mowery	Stapleton	
Greenleaf	Murphy	Stout	
Hart	Musto	Thompson	

NAY-10

Armstrong	Hughes	Madigan	Wenger
Bell	Kitchen	Schwartz	
Helfrick	LaValle	Tartaglione	

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 RESUMED

**BILL ON THIRD CONSIDERATION
AND FINAL PASSAGE**

HB 1480 (Pr. No. 3643) -- The Senate proceeded to consid-

eration of the bill, entitled:

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

Considered the third time and agreed to,

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

On the question,

Shall the bill pass finally?

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

YEA-47

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

NAY-0

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

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

**SENATE CONCURRENT RESOLUTION
No. 182, ADOPTED**

Senator LOEPER, without objection, called up from page 6 of the Calendar, **Senate Concurrent Resolution No. 182**, entitled:

A Concurrent Resolution memorializing the Congress of the United States to enact comprehensive reform of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 in the 105th Congress.

On the question,

Will the Senate adopt the resolution?

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

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

SENATE RESOLUTION No. 183, ADOPTED

Senator LOEPER, without objection, called up from page 6 of the Calendar, **Senate Resolution No. 183**, entitled:

A Resolution urging the United States Government to fulfill its financial obligation under the Susquehanna River Basin Compact.

On the question,

Will the Senate adopt the resolution?

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

HOUSE CONCURRENT RESOLUTION

No. 352, ADOPTED

Senator LOEPER, without objection, called up from page 6 of the Calendar, **House Concurrent Resolution No. 352**, entitled:

A Concurrent Resolution memorializing the Congress of the United States to create job and housing opportunities by supporting legislation to increase the private activity bond cap and low-income housing tax credit allocation.

On the question,

Will the Senate concur in the resolution?

Senator LOEPER. Mr. President, I move that the Senate do concur in House Concurrent Resolution No. 352.

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

GUESTS OF SENATOR ROBERT M.

TOMLINSON PRESENTED TO THE SENATE

The PRESIDENT. The Chair recognizes the gentleman from Bucks, Senator Tomlinson.

Senator TOMLINSON. Mr. President, today we have guests from Franklin Delano Roosevelt Middle School in Bristol Township, and they are here today to help present a program for which they won a national contest to study wetlands and flooding problems, and the program is called "Flooding Destroys Resources, Sharing Knowledge to Save the Watershed."

I would like to recognize what we call our "flood kids," and also with them are the 1997 "canal kids," kids who have studied the Delaware Canal and lagoon projects and who volunteer time to help clean up the canal. They have been very, very instrumental in bringing awareness of the great treasure that we have in Lower Bucks County, and that is the Delaware Canal.

I would like to welcome them and their counselor, Kathy Horwatt, to the Capitol today.

The PRESIDENT. Our special guests are at the top of the gallery, and would the Senate please extend its usual warm welcome to our young guests.

(Applause.)

The PRESIDENT. We wish you continued success, and thank you for your interest in being with us, and, of course, your work in matters of the environment.

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

SENATE RESOLUTIONS ADOPTED

Senators SLOCUM, PUNT, RHOADES, BELL, WENGER, PICCOLA, SALVATORE, CORMAN, EARLL, THOMPSON, HELFRICK, KUKOVICH, WHITE, STOUT, GERLACH, CONTI, ULIANA, MURPHY, COSTA, LAVALLE, KASUNIC, WOZNIAK, ARMSTRONG, TOMLINSON, MOWERY, ROBBINS and MADIGAN, by unanimous consent, offered **Senate Resolution No. 214**, entitled:

A Resolution designating the month of July 1998 as "Recreation and Parks Month" in Pennsylvania.

On the question,

Will the Senate adopt the resolution?

The PRESIDENT pro tempore. The Chair recognizes the gentleman from Warren, Senator Slocum.

Senator SLOCUM. Mr. President, this resolution designates the month of July 1998 as Recreation and Parks Month in Pennsylvania. Inasmuch as Pennsylvania is blessed in that we have 16 national parks, 116 State parks, and over 270 local parks and recreation departments, and July is normally the vacation month for many of our residents across the State, I think it is entirely fitting that we recognize July as Recreation and Parks Month in Pennsylvania.

Thank you.

And the question recurring,

Will the Senate adopt the resolution?

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

Senators O'PAKE, AFFLERBACH, EARLL, STAPLETON, BELAN, COSTA, WAGNER, KITCHEN, HELFRICK, STOUT and MADIGAN, by unanimous consent, offered **Senate Resolution No. 215**, entitled:

A Resolution memorializing the Citizens' Stamp Advisory Committee of the United States Postal Service to consider and recommend to the United States Postal Service Board of Governors the issue of a commemorative stamp marking the 150th anniversary of the Irish Hunger Period.

Which was read, considered and adopted.

SPECIAL ORDER OF BUSINESS

SUPPLEMENTAL CALENDAR No. 9

SENATE CONCURS IN HOUSE AMENDMENTS TO SENATE AMENDMENTS

HB 114 (Pr. No. 3694) -- The Senate proceeded to consideration of the bill, entitled:

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

On the question,
Will the Senate concur in the amendments made by the House to Senate amendments to House Bill No. 114?

Senator LOEPER. Mr. President, I move that the Senate do concur in the amendments made by the House to Senate amendments to House Bill No. 114.

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

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

Senator MELLOW. Mr. President, I ask for a negative vote.

LEGISLATIVE LEAVES

Senator MELLOW. Mr. President, I also request temporary Capitol leaves for Senator Afflerbach, Senator Hughes, and Senator Stapleton.

The PRESIDENT pro tempore. Senator Mellow requests temporary Capitol leaves for Senator Afflerbach, Senator Hughes, and Senator Stapleton.

The Chair recognizes the gentleman from Delaware, Senator Loeper.

Senator LOEPER. Mr. President, I also request temporary Capitol leaves on behalf of Senator Conti, Senator Punt, Senator Thompson, Senator Tomlinson, and Senator Rhoades, who have been called from the floor.

The PRESIDENT pro tempore. Senator Loeper requests temporary Capitol leaves for Senator Conti, Senator Punt, Senator Thompson, Senator Tomlinson, and Senator Rhoades.

Without objection, all the leaves are granted.

LEAVE CHANGED

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

Senator MELLOW. Mr. President, I would like to change Senator Belan's personal leave to legislative leave.

The PRESIDENT pro tempore. Senator Mellow requests that Senator Belan's personal leave be changed to legislative leave. Without objection, that leave is granted.

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

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

YEA-27

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

NAY-21

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

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 TO SENATE AMENDMENTS

SB 284 (Pr. No. 2028) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of December 18, 1984 (P.L.1005, No.205), entitled Municipal Pension Plan Funding Standard and Recovery Act, further providing for additions to the actuarial valuation report, for supplemental State assistance and for a home rule municipality formerly classified as a city of the second class; authorizing the reestablishment of initial unfunded actuarial accrued liability; specifying a new 40-year amortization period; prescribing the calculation of the amortization contribution for the pension funds; and providing for alternative funding mechanism.

On the question,

Will the Senate concur in the amendments made by the House to Senate amendments, as further amended by the House, to Senate Bill No. 284?

Senator LOEPER. Mr. President, I move that the Senate do concur in the amendments made by the House to Senate amendments, as further amended by the House, to Senate Bill No. 284.

On the question,

Will the Senate agree to the motion?

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

YEA-48

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

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

An Act providing for a procedure and method of execution; and making repeals.

On the question,

Will the Senate concur in the amendments made by the House to Senate Bill No. 252?

Senator LOEPER. Mr. President, I move that the Senate do concur in the amendments made by the House to Senate Bill No. 252.

On the question,

Will the Senate agree to the motion?

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

YEA-42

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

NAY-6

Helfrick	Kitchen	Schwartz	Williams
Hughes	Kukovich		

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 RESOLUTION No. 203, ADOPTED

Senator LOEPER, without objection, called up from page 2 of Supplemental Calendar No. 9, Senate Resolution No. 203, entitled:

A Resolution congratulating the United Supreme Council on its 117th anniversary.

On the question,

Will the Senate adopt the resolution?

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

SENATE RESOLUTION No. 204, ADOPTED

Senator LOEPER, without objection, called up from page 2 of Supplemental Calendar No. 9, Senate Resolution No. 204, entitled:

A Resolution designating the week of June 22 through 28, 1998, as "Pool Safety Awareness Week" in Pennsylvania.

On the question,

Will the Senate adopt the resolution?

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

SPECIAL ORDER OF BUSINESS SUPPLEMENTAL CALENDAR No. 7

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

HB 10 (Pr. No. 3739) -- The Senate proceeded to consideration of the bill, entitled:

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

Considered the third time and agreed to,

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

On the question,

Shall the bill pass finally?

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

YEA-48

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

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. 3

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

HB 135 (Pr. No. 3736) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of April 9, 1929 (P.L.177, No.175), entitled The Administrative Code of 1929, providing for an osteoporosis prevention and education program; eliminating the expiration period of televised international and interstate simulcastings of horse races; and making repeals.

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

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

Senator LOEPER. Mr. President, I would remind the Members that this is the bill dealing with the extension of simulcasting.

And the question recurring,
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-43

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

NAY-5

Armstrong	Helfrick	Jubelirer	Wenger
Greenleaf			

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.

LEGISLATIVE LEAVE CANCELLED

The PRESIDENT pro tempore. The Chair notes the presence of Senator Rhoades on the floor, and his temporary Capitol leave is cancelled.

SPECIAL ORDER OF BUSINESS
SUPPLEMENTAL CALENDAR No. 4

BILL ON THIRD CONSIDERATION
AND FINAL PASSAGE

HB 1272 (Pr. No. 3737) -- 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 the possession of weapons on school property; and providing for retaliation against prosecutor or judicial official.

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

On the question,
Shall the bill pass finally?

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

YEA-48

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

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. 5

BILL REREPORTED FROM COMMITTEE
AS AMENDED OVER IN ORDER

HB 601 (Pr. No. 3732) -- 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 advance notification of pesticide application within schools, school grounds, athletic fields and playgrounds; further providing for the definition of school year, for the withholding of certain State payments, for distress in school districts of the first class, for the contractual powers of the Chancellor of the State System of Higher Education and for pupil transportation reimbursement; providing for community education councils; and establishing the Police Officer and Firefighter Child Beneficiary Education Program.

On the question,
Will the Senate agree to the bill on third consideration?
Senator RHOADES offered the following amendment No. A3348:

Amend Title, page 1, line 10, by inserting after "CLASS,": for continuing professional development, including continuing education,

Amend Bill, page 20, by inserting between lines 5 and 6:

Section 6. Section 1205.1 of the act, amended or added December 15, 1986 (P.L.1602, No.178) and March 30, 1988 (P.L.321, No.43), is amended to read:

Section 1205.1. Continuing Professional Development.—(a) [By January 1, 1989, every school district, joint school district, intermediate unit and area vocational-technical school shall submit to the Secretary of Education for approval a continuing professional development plan, developed pursuant to the provisions of subsection (b) and including, at a minimum, the elements provided for in subsection (c). The secretary shall determine approximately one-third of the school districts, joint school districts, intermediate units and area vocational-technical schools which shall submit two-year plans, one-third which shall submit three-year plans and one-third which shall submit four-year plans by January 1, 1989. Thereafter, upon] Upon the expiration of the existing professional development plan, each school [district, joint school district, intermediate unit and area vocational-technical school] entity shall submit to the secretary for approval a [two-year] professional development plan, according to an implementation schedule developed by the secretary.

(b) The professional development plan provided for in subsection (a) shall be prepared by a committee consisting of teacher representatives divided equally among elementary, middle and high school teachers chosen by the teachers, educational specialist representatives chosen by educational specialists and administrative representatives chosen by the administrative personnel of the school [district, joint school district, intermediate unit or area vocational-technical school and shall then be approved by the board of directors prior to submission to the secretary for approval.] entity. The committee shall also include parents with children attending a school in the district, local business leaders and other individuals from the community. These individuals shall be appointed by the school board of directors. The plan shall be approved by the board of directors prior to submission to the department for approval. Amendments to the plan must be recommended by the continuing professional development committee and approved by the board of directors of the school entity. The secretary may specify the time at which and the form in which such plans are to be submitted. The State Board of Education shall promulgate regulations, subject to the act of June 25, 1982 (P.L.633, No.181), known as the "Regulatory Review Act," establishing the minimal content of such plans. The provisions of section 2552 shall apply to any school [district, joint school district, intermediate unit or area vocational-technical school] entity failing to comply with the provisions of this section.

(c) (1) The professional development plan of each school [district, joint school district, intermediate unit and area vocational-technical school] entity shall be designed to meet the educational needs of that school entity and its professional employees. Each school entity shall annually review its plan to determine that it continues to reflect the needs of the school entity and its strategic plan. Each school entity shall also annually review the plan so it reflects the needs of its professional employees, the students and the community and amend the plan as necessary.

(2) Each plan shall include options for professional development [and for fulfilling the professional development requirements of subsection (d), including activities such as professionally related graduate level coursework, obtaining a professionally related master's degree, Department of Education approved inservice courses, curriculum development work, attendance at professional conferences and supervised classroom observations of other professional employees. In its professional development plan, a school district, joint school district, intermediate unit or area vocational-technical school may provide for undertaking joint or cooperative professional development activities with another school entity or an institution of higher education.] which shall specify the continuing professional education collegiate studies, courses or activities and learning experiences approved for continuing professional education under section 1205.2(a)(2)(iv), provided that the plan specifies the professional development need met by completion of each continuing professional education option

and its relevance to areas of assignment and certification or potential administrative certification. Such options may include, but shall not be limited to:

- (i) collegiate studies;
- (ii) continuing professional education courses;
- (iii) curriculum development work and other program design and delivery activities at the school district or grade level as determined by the school entity and approved by the board of directors;
- (iv) participation in professional conferences and workshops;
- (v) educators in the workplace, where the work relates to the area of assignment and certification and has received approval from the board of directors;
- (vi) review, redesign and restructuring of the school entity, school programs, organization and functions as determined by the school entity;
- (vii) school entity in-service programs as reviewed by the department;
- (viii) early childhood and child development activities for professional employes in assignments in kindergarten through third grade classrooms; or

(ix) department-sponsored activities or courses.
(3) In its professional development plan, a school entity may provide for undertaking joint or cooperative professional development activities with another school entity or an institution of higher education.

(4) The continuing professional development plan shall include a section which describes how the professional development plan meets the educational and staff development needs of the school entity, its professional employes, the students and the community. The continuing professional development plan shall also include a section which identifies the persons who developed the plan and how these persons were selected to develop the plan.

(d) All professional employes of school [districts, joint school districts, intermediate units or area vocational-technical schools receiving] entities holding their initial Pennsylvania teaching certificate or administrative [certification, as provided for in this article, on or after June 1, 1987,] certificate or letter of eligibility shall be required at least once during every five-year period[, commencing upon receipt of a permanent teaching certificate or an initial administrative certificate,] to participate in professional development activity pursuant to the professional development plan of that professional employe's school [district, joint school district, intermediate unit or area vocational-technical school. A professional employe who obtains a professionally related master's degree shall be deemed to have complied permanently with the provisions of this subsection] entity. The chief school administrator of every school [district, joint school district, intermediate unit and area vocational-technical school] entity shall certify annually to the secretary the names of professional employes who have [received their initial Pennsylvania teaching or administrative certification on or after June 1, 1987, and the professional development activities in which these employes have participated. The certification shall be made at such time and in such form as the secretary may require.] satisfied the professional development requirements of this act in a manner prescribed by the department. The board of directors of the school entity shall approve this certification prior to submission of the names of the employes to the department. The department shall establish a procedure to verify completion of the professional development requirements of this act.

(e) The provisions of State Board of Education regulations in 22 Pa. Code § 49.17(a) and (b), promulgated September 13, 1984, are hereby specifically declared to be contrary to the provisions of this section and therefore null and void. Nothing in this section shall be deemed to affect the provisions of 22 Pa. Code § 49.17(c), (d) and (e).]

Section 7. The act is amended by adding a section to read:
Section 1205.2. Program for Continuing Professional Education.—(a) A continuing professional education program is hereby established for educators in this Commonwealth.

(1) The program shall contain the following elements:

(i) For the school year 1999-2000 up through the school year 2004-2005 satisfactory completion of one hundred eighty (180) hours of continuing professional education every five (5) years, which shall include any combination of the following:

(A) six (6) credits of collegiate study;

(B) six (6) credits of continuing professional education courses;

or

(C) one hundred eighty (180) hours of continuing professional education activities and learning experiences.

(ii) For the school year 2005-2006, and each year thereafter satisfactory completion of two hundred seventy (270) hours of continuing professional education every five (5) years, which shall include any combination of the following:

(A) nine (9) credits of collegiate study;

(B) nine (9) credits of continuing professional education courses;

or

(C) two hundred seventy (270) hours of continuing professional education activities and learning experiences.

For the purposes of calculating hours and credits of continuing professional education, one (1) credit of collegiate studies or continuing professional education courses shall be equivalent to thirty (30) hours of continuing professional education activities and learning experiences. In the initial year of the implementation of the continuing education requirement the Secretary of Education may evaluate and approve credits or continuing professional education courses which were completed on or after June 1, 1998, to be applied to the continuing education requirement.

(2) The hours of continuing professional education set forth in clause (1) shall be satisfied by any of the following:

(i) Successful completion of credits of collegiate studies in programs or courses related to any area of an educator's assignment and certification conducted at institutions of higher education approved by the department to provide continuing professional education collegiate studies.

(ii) Successful completion of credits of continuing professional education courses related to any area of the educator's assignment and certification.

(iii) Successful completion of credits or hours of continuing professional education activities and learning experiences related to any area of an educator's assignment and certification and provided by the Department of Education.

(iv) Successful completion of credits or hours completed in any collegiate studies, continuing professional education courses or continuing professional education activities and learning experiences included in the professional development plan of the educator's entity approved pursuant to section 1205.1(c)(2).

(v) Successful completion of hours or credits not included in subclauses (i) through (iv) which satisfy the requirements of clause (3).

(vi) Education in the workplace where the work relates to the area of assignment and certification and has received approval from the board of directors.

(vii) Successful completion of hours or credits required to obtain administrator certification.

(viii) Successful completion of hours or credits for an area outside of a current employe's area of assignment and certification for an employe who may be transferred by the board of directors to another assignment. The board of directors shall approve the hours or credits for each employe.

Credits and hours offered by providers of continuing professional education shall be high quality and designed to significantly advance the goals of improving and updating the professional skills of educators in this Commonwealth and improving the opportunities to convey knowledge to Pennsylvania's school students.

(3) The board of directors of the school entity may approve or disapprove the activity, experience, in-service course or collegiate credits for certifiable credits or hours if any portion of the activity, experience, in-service course or collegiate credits is to be paid by the

school entity. The continuing professional development committee may approve or disapprove the activity, experience or course for certifiable credits or clock hours if the cost of the activity, experience, in-service course or collegiate credits is to be paid by the individual participant, without any school entity expenditure.

(4) The Department of Education shall provide annually for opportunities for continuing professional education courses involving subjects determined by the department to be of significant Statewide importance to Pennsylvania's educators. In providing the courses, the department shall seek to use the most efficient and cost-effective means possible, including the use of advanced technology. Programs provided by the department shall include academic standards and technology.

(b) (1) All educators who wish to be employed in a school entity in this Commonwealth shall participate in the program.

(2) (i) Upon receipt of notification by the chief school administrator under section 1205.1(d), the department shall notify, in writing, any educator who fails to comply with the provisions of this section and the chief school administrator of the educator's school entity that educator's certification is inactive.

(ii) In the case of an educator who has not complied with the provisions of this section and who is certified but not employed by a school entity, the department shall notify the educator in writing that the educator's certification is inactive.

(iii) An educator shall be entitled to notice and an opportunity to be heard pursuant to 2 Pa.C.S. Chs. 5 (relating to practice and procedure) and 7 (relating to judicial review) prior to determination under subclauses (i) and (iii).

(iv) The department shall issue a notification reinstating active certification upon a showing of compliance with this section by the educator.

(3) The board shall establish a procedure for the department to grant an extension to fulfill the requirements of this section due to extenuating circumstances.

(4) (i) Educators certified in this Commonwealth who are not employed by a Commonwealth school entity as a professional or temporary professional employe in this Commonwealth may apply to the department for inactive certification.

(ii) Inactive certification shall act to suspend the requirements of this section until inactive certification is removed. Upon removal of inactive certification, an educator shall have the same number of continuing professional education hours to complete and the same amount of time in which to complete those hours as existed for the educator at the time inactive certification was granted.

(iii) The department shall remove inactive certification under this paragraph upon application by the educator and upon evidence of completion of thirty (30) hours of continuing professional education within the previous twelve (12) month period. The department shall establish criteria to identify acceptable courses for the removal of inactive certification status.

(5) No educator with inactive certification shall be employed by a school entity as a professional or temporary employe but can be used as a temporary substitute teacher as long as the time of employment does not exceed ninety (90) days during any school year.

(c) (1) The Department of Education shall establish and maintain a system of reporting and recordkeeping for all continuing professional education. The chief school administrator of the school entity shall develop a procedure for prompt identification and notification of educators who have not met the requirements of this section and shall afford any educator reasonable opportunity to access all reports and records relating to that educator's continuing professional education. No later than twelve (12) months prior to the end of an educator's compliance period, the chief school administrator of a school entity shall provide to the educator written notice of the educator's recorded credits and hours.

(2) The Secretary of Education shall submit an annual report to the chairman and minority chairman of the Appropriations Committee and the Education Committee of the Senate and the chairman and

minority chairman of the Appropriations Committee and the Education Committee of the House of Representatives regarding professional development and certification. The report shall include information concerning the continuing professional education overseen by the department under this act, including the cost to the department of providing continuing professional education; the number of educators in each compliance period who have met the continuing professional education requirements of this section and the number of educators in each compliance period who have not met the continuing professional education requirements of this section.

(d) Definitions.—As used in this section, the following words and phrases shall have the meanings given to them in this subsection:

"Area of educator's assignment and certification" shall mean any component of the education profession as it relates to the current job title or description of the educator and to any area of certification listed on the educator's Pennsylvania certification and to any type of certificate or endorsement held by the educator.

"Board" shall mean the State Board of Education of the Commonwealth.

"Collegiate studies" shall mean a formal program or course of study at an institution of higher education leading to the award of academic credit.

"Compliance period" shall mean the five (5) year period in which an educator must comply with the requirements of this section.

"Continuing professional education courses" shall mean courses for credit, other than collegiate studies, conducted by approved providers.

"Department" shall mean the Department of Education of the Commonwealth.

"Educator" shall mean any professional educator who holds a Pennsylvania teaching, educational specialist or administrative certification and any staff member of a charter school who holds an appropriate State certification.

"Program" shall mean the continuing professional education program established in this section.

"School entity" shall mean a school district, an intermediate unit, a joint school district, an area vocational-technical school, the Scotland School for Veterans' Children and the Scranton School for the Deaf or any of these acting jointly.

Amend Sec. 6, page 20, line 6, by striking out "6" and inserting:

8

Amend Sec. 7, page 24, line 15, by striking out "7" and inserting:

9

Amend Sec. 8, page 24, line 28, by striking out "8" and inserting:

10

Amend Sec. 9, page 26, line 11, by striking out "9" and inserting:

11

Amend Bill, page 33, by inserting between lines 7 and 8:

Section 12. The provisions of this act shall not supersede or preempt any provisions of a collective bargaining agreement, negotiated by a school entity and the employee organization, that is in effect on the effective date of this act.

Section 13. The provisions of section 1205.2 of the act shall apply to the school year 1999-2000 and each school year thereafter.

Amend Sec. 10, page 33, line 8, by striking out "10" and inserting:

14

Amend Sec. 11, page 33, line 10, by striking out "11" and inserting:

15

On the question,

Will the Senate agree to the amendment?

The PRESIDENT pro tempore. The Chair recognizes the gentleman from Schuylkill, Senator Rhoades.

Senator RHOADES. Mr. President, thank you for the opportunity to discuss a very important piece of legislation. This is an issue that has been debated repeatedly as part of the chapter 49 regulations that have been considered and discussed in the

State Board of Education over the last 10 years. Also, the House debated this bill both last Session and this Session, and this bill was under consideration last Session in the Senate. It is an initiative of, shall we say, those looking at educational reform as a key part of improving public schools.

A cursory examination of our record indicates that bills offered on this subject of professional development include Senate Bill No. 159, Senate Bill No. 1388, Senate Bill No. 706, House Bill No. 2100, and in past Sessions House Bill No. 2376, House Bill No. 1633, and Senate Bill No. 1410. Recent meetings on this issue alone have been held in the House and Senate Committees on Education on the following dates: May 7, 1996; May 22, 1997; October 8, 1997; November 17, 1997; November 25, 1997; January 1, 1998; and April 17, 1998.

Enormous amounts of time have been devoted to the work on this legislation, and we can continue to work on this bill or we can get on with designing a system of professional development that we can all be proud of. Teacher or educator requirements for professional development need improvement. Just as we are establishing standards for student education, we need to improve teacher education, educators' education.

The major debate on this issue is how many hours, credits, or learning activities educators will need to do to maintain active certification. This is a ridiculous argument pertaining to this bill. For the first 6 years, educators will need 6 credits, 6 hours, or 180 hours, and after that requirement, after 5 years, the first cycle, it will increase to 9 credits, 9 in-service credits, or 270 hours. How can we in good conscience ask our students to put in the time on education when we do not promote our educators opportunities to enhance their skills?

I respectfully ask that you consider the benefits of this legislation. We will never have 100 percent agreement on this bill, although we do have the support of the School Boards Association, and I think many others who have had an opportunity to look at this bill on its merits.

And let me talk about it. Professional education, what we are attempting to do is focus by ensuring that the professional development activities are relevant to classroom and school needs. We are looking for quality in these programs by ensuring rigorous standards and reliance, and we are looking for accountability by establishing a recertification process which ensures that all educators participate in rigorous, relevant, professional development.

In 1984 when I started teaching, it took 24 years for information to double. In other words, from 1940 to 1964, the amount of information in the world doubled. When we got to about 1990, it was taking around 7 or 8 years. Now I think we are down to probably approximately 3 years when the amount of information in the world is doubling. U.S. News and World Report had an article in on one of their conferences that by the year 2015, every 72 to 73 days the amount of information in the world will double. No one can learn all that information, no one can teach all that information. So with this kind of information explosion, we must legitimately discern what is important to be learned, what is not, and how best to teach it.

In education, we need to assist our educators to be aware of the information, the techniques, and the skill developments in

a very purposeful, directed, and focused manner. We are talking about academic standards. These are issues which we will see over the summer and after we come back. If we are going to implement these in the schools, then it is important that our professional development activities be geared to making sure that these academic standards are adhered to and learned.

We talk about technology. If you do not know how to use the computer and how it can function effectively in your classroom, we lose the effort of academic standards, we lose the effort of technology, we lose time. Professional development will help us to attain that level. The amendment I propose is a combination of Senate Bill No. 706, Senate Bill No. 1388, and House Bill No. 2100. It requires a professional development plan for our school entities.

Number one, it establishes a professional development committee. Teachers select their teachers. The thing I have added that is new to this though is that the teachers selected have to be equally divided between the high school, the middle school, and the elementary school. You say, why? Because too many times the teachers could be hired or selected out of the high school and they do not understand middle school or elementary teaching, so we have said equally divided among the three groups. Specialists will select the specialists, administrators will pick the administrators, and the school board will be responsible for picking parents with children attending schools in the district, our local business leaders--and remember, we keep talking about workplace development and having that type of input, this is that opportunity--and other individuals from the community who have a stake and a responsibility to education. The plan must be approved by the school board, and it should be in line with our strategic plan. It is a plan that should meet the needs of our professional employees, our students, and our community.

The second part of this amendment, you say, well, what courses or what do we have to take? Similar to Senate Bills No. 706, 2100, and 1388: collegiate study, continuing professional education courses, curriculum work--all very much similar to what we do with Act 80 days--professional conferences, and workshops. A new one added is educators in the workplace. This is where a chemistry teacher can go to work, say, for Air Products, or a biology teacher can go to work in a microbiology lab in a hospital. These are examples of what educators in the workplace can be all about.

Also you can look at reviewing, redesigning, and restructuring of any of the school entities, the school programs, its organization and functions. And what we have added, too, is school entity in-service programs. We all have at least three, four, five, or more in-service programs during the year. Along with that are early childhood and child development programs in K through 3 and DPE-sponsored activities or courses. These are to be in your area of assignment and certification, although there are exceptions, and that would be granted through your professional development committee if you are paying for the credits, through the board if you are not.

Third, these efforts can be singularly done by the school entity or jointly and cooperatively with your IU, other school districts, or any other entity that you care to. Superintendents

will be responsible for keeping the records, and 1 year before the 5 years are up, they will be responsible to notify all of the educators who are not complying with this professional development activity. They will then forward it on to DPE, which will then send a notice out to the respective educators who have not met this level.

The other section in here is a clause that during the first cycle, which is 5 years, 6 credits, 6 in-service credits, or 180 hours; the second cycle will be 9 credits, 9 in-service credits, or 270 hours. If you look at the date that this will take effect, it is different than what has been proposed. It is not 1998 but July 1 of 1999, which means that any educator will have 6 years in this first cycle. As a matter of fact, we put an amendment into that and changed it to say that if you are taking courses during that time, if they are approved, these will count toward your 5-year period.

There is due notice in here; as I said, 1 year by the superintendent and DPE. There is due process in here. This is something that was important. I think it was in House Bill No. 2100 and it is here again. You can have extensions granted if you do not have your activities completed in sufficient time. Inactive status will be determined by DPE and stay there. You can reactivate. If you are not teaching, you can reactivate your certification by taking 30 hours of in-service time during the year prior to your going back into service.

Another thing that has been added, too, that was not addressed, it said that all employees must be certified. The issue came down to, does that mean substitute teachers? If we require that of substitute teachers, I would say as difficult as it is now to obtain substitute teachers, we would not have any at all. So what we have done is modify that to say that you can teach up to 90 days in a school year. If you go beyond 90 days, if you go into the 91st day, you then must go into a professional development plan. It also calls for an annual report to the Committees on Education and Appropriations of the House and Senate, both Minority and Majority chairs, which includes the cost of this program and the educators who have complied and have not complied with this. And the effective date is July 1, 1999, which, as I said before, is the exception to the rule.

That, in essence, is what is in this amendment to develop a professional development program within the Commonwealth which will serve our students and our educators. How difficult will this be? Let us say we have an average of 4 in-service days a year. An average day is 7 1/2 hours. So if I multiply 4 by 7 1/2, I have 30 hours a year that every educator puts in for in-service activities. Over a 5-year period, that is 150 hours. If you look at your Act 80 days, which are your curriculum development days, and let us say you have 2 days there, that is 7 1/2, that is 15 hours. If you multiply that by 5, that is 75 hours. When you add your 150 and your 75, you have 225 hours of in-service time or credit which you do within your regular program. You say, what is the difference? We now begin to focus on our in-service programs to make sure that they are not times where you are doing budget, times where you are doing other things outside of what you should be concentrating on, which is the learning activities for our kids.

So, in essence, when you look at what we are doing for two college courses over a 5-year period, or if you want to do an educator in the workplace for 35 hours a week, 8 weeks during the summertime, in one summer you end up with 280 hours. So you can see there are many opportunities, and I have only mentioned two or three of them. There are many more available to our educators to be able to fulfill, to be able to meet this requirement for recertification.

I think it is a very effective proposal, and I think it will get the job done without creating any hardship. It will enable us to better prepare our children for the future, and I ask for its adoption.

LEGISLATIVE LEAVE CANCELLED

The PRESIDENT pro tempore. The Chair recognizes the presence on the floor of Senator Conti, and his temporary Capitol leave is cancelled.

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

The PRESIDENT pro tempore. The Chair recognizes the gentleman from Bucks, Senator Conti.

Senator CONTI. Mr. President, I rise to respectfully ask my colleagues to consider this issue very carefully. The amendment offered by my friend and colleague from Schuylkill County is a very worthy amendment. We have worked very hard on this in this Chamber and in the other Chamber. I plan to offer an amendment after this amendment, hopefully, which will be the product of the bipartisan negotiations between all the interest groups on this issue that have taken place over the last year.

There are several differences between the amendment we are reviewing now and the one I intend to offer. They begin with the number of hours. My amendment will be 6, 6, and 180, and will not have an increase 5 to 6 years from now. Also, there are different changes in the courses that can be counted and the areas of certification and assignment. Most importantly in my mind, the proposal that I will offer will include the charter school uncertified teachers in this program, which I think is an important provision. The development of courses by the Department of Education is also included in my proposal, which I will offer hopefully in a few moments. Approved providers, the providers of this professional development, must be approved by our Department of Education, which I think is something that is good and has been agreed to.

So there are several other nuances and differences, and in all candor I rise almost with a heavy heart, because I think we are very close on this issue. I would have preferred that we had been able to handle this in the normal course of committee review and proper floor debate instead of doing it as we are doing it today in the final Session before we break for the summer, so I offer it as an alternative to what is the agreed-to product of an awful lot of work that has gone into this over the years, going back to my time on the House Education Committee and things I have been working on recently.

I respectfully request my colleagues to consider the amendment I will offer once this one has been properly reviewed.

Thank you, Mr. President.

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

Senator SCHWARTZ. Mr. President, I, too, want to just make some very brief comments about this to support the immediate previous speaker's comments. Senator Conti's comments really spoke very much to my feelings about this. Professional development is very important. To me it is a very important part of assuring quality education for all of our children in this Commonwealth. There is a great deal of work that has gone into it. The chairman of the Committee on Education did refer to a variety of hearings and discussions. All of those really reflected much more the kind of work that Senator Conti was referring to.

And I, too, feel that this is something we are so close on. I am sorry that it was not done in a way that we could all be just congratulating each other on what a fine job we have done. Instead, I think there are some very key elements that are problematic in the amendment being offered right now, and I think we have to be very clear that we want to make sure that many of our teachers are able to take advantage of quality approved courses and programs. I believe also that if we feel strongly about professional development, that the Department of Education, the State Department of Education, has to have a hand in assuring the quality of those courses and offering some of those courses as well to make sure that it is not a burden on school districts across the Commonwealth. It can be done that way. We will have an alternative to vote on that will assure that it is done that way.

So I ask my colleagues to vote "no" on this first amendment and to enthusiastically embrace the second amendment we will be offered and to really recognize the kind of work that has gone on in many years beforehand, certainly in the last 2, and we can all together embrace and support professional development for our teachers so they can do what they need to do to stay as current as possible for the new standards we will be having and for all the new technology that is out there. So I will look forward to voting "yes" on the second amendment. On this first amendment, though, I will ask for a "no" vote.

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

Senator PICCOLA. Mr. President, I rise to very strongly support the amendment being offered by Senator Rhoades. Before I discuss the specifics of the amendment and comment on some of the remarks that have been made on this subject, I would like to commend Senator Rhoades for the work that he has done on this particular amendment. Senator Rhoades has a reputation as chairman of the Senate Committee on Education for his fairness, his educational expertise, and his vast knowledge of how the educational system in this Commonwealth works. He and I do not always agree on what should or should not go into a particular piece of education legislation, but in this particular case, I strongly back the work product that the Senator has come up with.

This issue goes back a number of years. In fact, if you go back to the last Session, I introduced one of the bills that Senator Rhoades was referring to, Senate Bill No. 1410. He and I worked together to come up with a product that was considered by the Senate Committee on Education and was unanimously reported out of the Senate Committee on Education in the last Session, and that was Senate Bill No. 1410. Unfortunately, it was late in the last Session and we were unable to get that legislation considered here on the floor of the Senate, but that bill was reintroduced in identical form, in the form of Senate Bill No. 706, in the current Session. And using that as a starting point, Senator Rhoades, working with many of us here in the General Assembly, developed the fine piece of legislation which he is offering to this Senate today.

He has taken the better points of Senate Bill No. 706, House Bill No. 2100, Senator Conti's bill, and he has added a number of touches of his own, some things that people, quite frankly, did not even think of when we were developing the professional development legislation, and he has come up with this proposal which is in the form of the amendment before the Senate. And I think we should adopt this amendment because professional development is extremely important for the reform of our educational system here in the Commonwealth.

Some of the issues that have been discussed as being a drawback to the passage of this amendment, I think, to the contrary, are strengths of this particular amendment. First of all, the number of hours. We have a general consensus that we should start this program with 6 academic credits, 6 approved department courses, and 180 hours of in-service work by a teacher for a 5-year period. Now, you have to keep in mind the 6, 6, and 180, is to cover a 5-year period. And actually, the first 5-year period is a 6-year period, because we will not go into the next 5-year period until the year 2005.

Now, some have suggested we should just keep that flat for all time. But if one looks around at other professions in this Commonwealth that are engaging in professional development, continuing legal education, continuing education for accountants, continuing education for all of the professions, you will notice that all of them escalate the number of hours that the members of that profession are required to take each year. I know from a personal example that for attorneys in this Commonwealth, each year the Supreme Court adds on a couple of hours that are required for our continuing legal education.

So it seems to me entirely appropriate, entirely appropriate that after a 5-year period, actually a 6-year period from today, that we add on to the requirement for professional development of our educators what Senator Rhoades is proposing in his amendment, and that is going to a level of 9 hours, 9 hours, and 270 hours. I do not think that is out of line at all. The example that Senator Rhoades espoused in terms of in-service requirements that are presently being required of teachers, he came up with about 225 hours, they are not that far off from what the 270 would require. And if you talk to teachers, rank-and-file teachers, good teachers in this Commonwealth, they are already engaging in professional development, probably to an extent much greater than what this bill will require.

Secondly, one of the criticisms was that it does not apply to charter schools. It does not have to apply to charter schools. You have to look at the context of the Charter School Law. We enacted a Charter School Law to relieve charter schools of some of the straitjackets that our Education Code puts upon educational establishments, and one of them is the recertification program. Now, we did put in the Charter School Law the requirement that each charter school, as part of its application and part of its charter, have a professional development plan, and so all of the professionals employed by a charter school must engage in professional development as that charter will require.

In addition, we have a requirement in our Charter School Law that 75 percent of all of the employees of that charter school must be certified. If those certified teachers in a charter school want to maintain their certification and their eligibility for employment, they are going to engage in a State-approved professional development program so that they can maintain their certification, and any charter school worth its credentials and worth its salt is going to require that they maintain their certification. All we are doing by not putting it into this bill is we are not putting that straitjacket on the charter school. We are saying to them, do it, but do it the way that you think is appropriate for your professionals. It does not have to be in this bill, and I do not think it should be in this bill, and that is a strength of this bill, not a weakness.

Finally, I would say another strength of this bill is the fact that it does not put any burden upon the Department of Education to actually provide all of the course work necessary and to pay for the course work necessary for a teacher to become recertified during that particular 5-year period. Some of the alternative amendments and bills that have been around would put that burden and cost upon the Commonwealth. I believe Senator Rhoades has come up with a plan that will not overburden the Commonwealth, will not overburden the individual school districts, and, most importantly, will not overburden individual teachers. It is not punitive, and I know having worked with Senator Rhoades now for almost 3 years as a Member of the Committee on Education, he would not propose anything that would be punitive to teachers.

This is a good amendment, it is a necessary amendment, it is an amendment which will improve the teaching profession in this Commonwealth, and I urge the Senate to adopt the Rhoades amendment.

The PRESIDENT pro tempore. The Chair recognizes the gentleman from Bucks, Senator Conti.

Senator CONTI. Mr. President, I rise one final time to discuss a few merits of the amendment. Let me begin by saying if anybody thinks this is the last time we are going to discuss teacher professional development in this Chamber I think they are sadly mistaken. The idea beginning with the hours of 6, 6, and 180, I think is something we all recognize we are going to have to look at in the future.

And I would like to make a prediction. I think it will be the teachers who will want to increase those provisions in the

future. I believe it is the teachers who really want this professional development bill, and in the future they will be energized by participating in this program and they will be looking for more professional development in the future. At least that is my hope, and that is my feeling from working with the various interest groups, the school boards, the teachers, and everybody involved in this over the last 2 years. So to me the hours are not really an issue, because 6 years from now we are not going to be at 6, 6, 180, we will be at something different, and I look forward to that debate in the future.

Second of all, for those of you in rural Pennsylvania, pay close attention to the area of assignment and certification. If there is a shortage of special education teachers in rural Pennsylvania and we would like to take a math teacher and encourage them to take the course requirements to become a special education teacher, the proposal I am about to offer will be much more beneficial and helpful in that area than what I think is before us today in this current amendment.

Secondly, the charter schools debate issue is one I think I will have to agree to disagree with some of the previous speakers. The last mandate I want to remove in charter schools has to do with teacher professional development and performance in the classroom, and I understand there are perhaps some provisions in the charter school legislation we did where we think there is room for some professional development, but I think this can only make the teaching stronger in the charter schools, which are a wonderful addition to our educational mix here in the Commonwealth.

But perhaps most importantly, when it comes to the involvement of our own Department of Education, this is where I think I differ the most with the previous speakers on this amendment. The Department of Education has a wonderful opportunity to provide courses to the teachers of Pennsylvania. This current amendment is silent on that issue. It does not encourage, it does not require the Department of Education to provide courses in teacher professional development. Do they provide those? I guess they do. Have we funded those programs? I hope we have. But once again, in the inner city and particularly in rural Pennsylvania, I think we are missing an opportunity to get professional development out to the teachers in a manner that hopefully would be productive for them in the classrooms.

Finally, I very much believe that our Department of Education should approve the providers who are providing this professional development. Once again, this amendment is silent on that provision, so the oversight to ensure that the training that goes on is not as strong as I would like to see it.

So in closing, I really do compliment the gentleman from Schuylkill County and the gentleman from Dauphin County for the hard work they have done. It is a good amendment, but I believe in a few moments I will be able to offer a better amendment for teacher professional development here in the Commonwealth.

Thank you, Mr. President.

LEGISLATIVE LEAVES CANCELLED

The PRESIDENT pro tempore. The Chair notes the presence on the floor of Senator Punt, Senator Tomlinson, Senator Afflerbach, and Senator Thompson, and their temporary Capitol leaves are cancelled.

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

The PRESIDENT pro tempore. The Chair recognizes the gentleman from Schuylkill, Senator Rhoades.

Senator RHOADES. Mr. President, the issue has come up as to the amount of cost, and I thank my colleague from Dauphin County, Senator Piccola, because as I said, I might be crazy, but I am not stupid in terms of trying to put any kind of added burden onto anyone, be it the local school district or be it the educator. If this is run as it has been now, it should not cost the district any more money than what they are spending right now. The numbers that go across the Commonwealth right now I think have been some that we spend right now around \$66 million on in-service work at this particular point. It will be a more focused \$66 million.

The second thing with that, too, is the department has \$9.13 million in an Eisenhower grant that it is going to be able to put out for science and math programs for in-service work for certification. There is \$3 million that we just passed in the budget going out for our teaching academics. There is money coming into special education. With the amendments to IDEA, the Individuals with Disabilities Education Act, of 1997 and the Feds pushing it, there is some money that follows that to prepare the special education teachers in the process. So looking at where this is, if done properly, and I think the local control is there, the local emphasis is there, the local decision is there, this should not be a significant, if any, type of increase at all. That is one of the things that I am looking for.

The other thing, too, there has been an issue of saying that, you know, we say in your area of assignment and certification, and say, well, now we should leave that open. We have flexibility within this program where the local school districts will determine what the certification needs are, and if they, in turn, want to pay for an employee to go back and pick up those credits, they can do that. They can do that now, but there is nothing that is going to force them to do that. The other thing is the option is available to you as an individual educator, because if you want to take a course, you could have it approved by your professional development committee. Now if you want the district to pay for it, then the school board has to approve it, but if you are going to pay for it, it just has to be approved by your professional development committee. You can do that.

We have added administration as an area that you can go into in here. I am going to add something myself. As many of you know, I have added up that in a 2-, 2 1/2-year period, I took 27 graduate credits and then a comprehensive at the same time. So I am saying if I can do it with my schedule running

around, I am certain we can do it within. In 1965, when I started my master's program at Lehigh University, I took two courses starting in the spring, two in the summer, two in the fall, two in the spring, and then two in the fall, and got my 30 and my master's. The reason I bring that up is I was also coaching football and teaching at the same time. Now, the only thing is, I was determined to do it. There is no way, no way that I would add that kind of effort or pressure on any of our teachers. I am looking at 5 years, a program that is in place, which can be expanded and can be used. So I will tell you right now, I think this is a golden opportunity.

You know, when we did sunset review, the doctors, the lawyers, the engineers, the accountants, and real estate agents came to us and asked us for professional development programs. Unfortunately, we, as legislators, have to put it into education. I do not think that is the case, and believe me, this is not punitive, this is professional.

Thank you.

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

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

YEA-21

Corman	Jubelirer	Punt	Uliana
Delp	Lemmond	Rhoades	Wenger
Earl	Loeper	Robbins	White
Gerlach	Mowery	Salvatore	
Hart	Murphy	Slocum	
Helfrick	Piccola	Thompson	

NAY-27

Afflerbach	Greenleaf	Madigan	Tartaglione
Armstrong	Holl	Mellow	Tilghman
Belan	Hughes	Musto	Tomlinson
Bell	Kasunic	O'Pake	Wagner
Bodack	Kitchen	Schwartz	Williams
Conti	Kukovich	Stapleton	Wozniak
Costa	LaValle	Stout	

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

RECONSIDERATION OF AMENDMENT A3348

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

Senator LOEPER. Mr. President, I move to reconsider the vote by which the Rhoades amendment A3348 to House Bill No. 601 failed.

The motion was agreed to.

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

AMENDMENT WITHDRAWN

The PRESIDENT pro tempore. The Chair recognizes the gentleman from Schuylkill, Senator Rhoades.

Senator RHOADES. Mr. President, I move to withdraw the amendment.

The PRESIDENT pro tempore. Senator Rhoades withdraws the amendment. Without objection, the amendment is withdrawn.

Senator LOEPER. Mr. President, I request that House Bill No. 601 go over in its order.

The PRESIDENT pro tempore. The bill will go over in its order.

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

SPECIAL ORDER OF BUSINESS
SUPPLEMENTAL CALENDAR No. 8

BILL ON THIRD CONSIDERATION
AND FINAL PASSAGE

HB 1479 (Pr. No. 3741) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 15 (Corporations and Unincorporated Associations) of the Pennsylvania Consolidated Statutes, further providing for trademark fees; and providing for certain acquisitions and proposed acquisitions involving banks, bank and trust companies, national banks and bank holding companies.

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 Lancaster, Senator Armstrong.

Senator ARMSTRONG. Mr. President, I am going to vote against this bill. I do not think we have to micromanage business in Pennsylvania. Particularly as a Republican, I think we believe in the free enterprise system, and if we are doing this, why do we not -- Conrail got taken over the other day in Philadelphia. I was talking to some legislators in Philadelphia, and they are very upset about that. We should have done something to make sure that the Commerce Secretary had veto power over that, so that you could not take over Conrail in Philadelphia. I mean, this is not our role to micromanage takeovers in Pennsylvania.

I guess in a way I am involved in this. Years ago Armstrong World Industries in my own district was being taken over by the Belzbergs of Canada, and obviously, I sympathize with people because I was in the same predicament and we fought for 6 months to have antitakeover legislation, and I think there are some good points to it. But the ironic part of it is that Armstrong World Industries right now is in a hostile takeover bid for a Canadian company. So they wanted protection on one side, but now it is their turn to have a hostile takeover in Canada.

I do not think it is necessary. I do not think it is the role of government to be micromanaging business, and I think we should vote against the bill.

Thank you.

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-43

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

NAY-5

Armstrong	Helfrick	Uliana	White
Earll			

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.

HOUSE MESSAGES

SENATE BILL RETURNED WITH AMENDMENTS

The Clerk of the House of Representatives returned to the Senate **SB 91**, with the information the House has passed the same with amendments in which the concurrence of the Senate is requested.

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

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

The Clerk of the House of Representatives informed the Senate that the House has concurred in amendments made by the Senate to House amendments to **SB 220**, by further amending said amendments, in which concurrence of the Senate is requested.

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

HOUSE CONCURS IN SENATE AMENDMENTS BY AMENDING SAID 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 by amending said amendments to **HB 413**, in which concurrence of the Senate is requested.

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

HOUSE CONCURS IN SENATE AMENDMENTS TO HOUSE AMENDMENTS TO SENATE BILL

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 640**.

RECESS

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

Senator LOEPER. Mr. President, at this time I request a brief recess of the Senate for the purpose of a meeting of the Committee on Rules and Executive Nominations to take place immediately in the Rules room at the rear of the Senate Chamber. I ask all Members of the Committee on Rules and Executive Nominations to please report to the Rules room.

The PRESIDENT pro tempore. Senator Loeper has requested a recess of the Senate for the purpose of a meeting of the Committee on Rules and Executive Nominations to begin immediately in the Rules room to the rear of the Senate. The Chair would ask that all Members of the Committee on Rules and Executive Nominations report immediately to the Rules room for a meeting.

For that purpose, the Senate will stand in recess.

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.

REPORTS FROM COMMITTEE

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

SB 91 (Pr. No. 2082) (Rereported) (Concurrence)

An Act amending the act of May 17, 1921 (P.L.682, No.284), entitled The Insurance Company Law of 1921, providing for automobile insurance issuance, renewal, cancellation and refusal; providing for quality health care accountability and protection, for responsibilities of managed care plans, for disclosure, for utilization review, for complaints and grievances, for departmental powers and duties and for penalties; providing for comprehensive health care for uninsured children; and making repeals.

SB 220 (Pr. No. 2075) (Rereported) (Concurrence)

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

SB 1296 (Pr. No. 2073) (Rereported) (Concurrence)

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

**SPECIAL ORDER OF BUSINESS
SUPPLEMENTAL CALENDAR No. 10**

SENATE CONCURS IN HOUSE AMENDMENTS

SB 91 (Pr. No. 2082) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of May 17, 1921 (P.L.682, No.284), entitled The Insurance Company Law of 1921, providing for automobile insurance issuance, renewal, cancellation and refusal; providing for quality health care accountability and protection, for responsibilities of managed care plans, for disclosure, for utilization review, for complaints and grievances, for departmental powers and duties and for penalties; providing for comprehensive health care for uninsured children; and making repeals.

On the question,

Will the Senate concur in the amendments made by the House to Senate Bill No. 91?

Senator LOEPER. Mr. President, I move that the Senate do concur in the amendments made by the House to Senate Bill No. 91.

On the question,

Will the Senate agree to the motion?

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

Senator LOEPER. Mr. President, Senate Bill No. 91 represents a compilation of many months and years, if you will, of work on the part of many dedicated Members of this Senate and the House. However, one issue that has emerged that particularly was one of concern to all the Members here in the Senate, both Democrats as well as Republicans, dealt with the issue of pharmaceutical carve-out. It was an issue that was debated in the House, it was one that was of much concern by many Members of the Senate. Senator Mellow has expressed to me the concern on behalf of the Members of his Caucus, as well as the Members of our Caucus who have expressed concern about this issue, and I would like, Mr. President, just to try to very briefly address that issue this evening before we consider Senate Bill No. 91.

Mr. President, at this point in time we have contacted the administration, the Governor's Office, as well as the Secretary of the Department of Public Welfare, to express our concern as far as the issue of local pharmacists and the reimbursement rates, particularly under the Medicaid program, that they are receiving in addition to the reimbursements that have come from the contractors in the HealthChoices program.

Mr. President, I would like to take just a moment and read into the record a piece of correspondence I have received from the Secretary of the Department of Public Welfare, addressed to me, dated June 8, indicating a willingness on her part to try to be considerate and address this most critical issue. If I may, Mr. President, the content of the letter is as follows:

It is my understanding that during discussions related to the amended provisions in Senate Bill 100 which would require that pharmaceutical services be carved out from any capitation program under contract with the Department, representatives from the pharmacy community presented information that merits close examination.

The department is monitoring changes in the market place and watching pharmacy trends carefully to evaluate the program and contractual structure that will best serve our consumers and the Commonwealth. As such, I am willing to meet with the representatives of the pharmacy community to listen to their position and share with them some of our concerns.

It is signed, "Sincerely, Feather O. Houstoun, Secretary of the Department of Public Welfare."

In addition to that, Mr. President, the Majority has also determined that the chairman of the Committee on Public Health and Welfare, Senator Mowery, will conduct public hearings as to the various points of view and merits of this issue during the summer recess to try to actually conduct a two-pronged approach to this problem to try to solve and resolve some of the outstanding issues before it.

Mr. President, I believe that Senate Bill No. 91 represents a true compromise in managed care for all Pennsylvanians, and I ask at this time that you recognize, in my view, the chief architect of this piece of legislation, Senator Murphy.

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

Senator MURPHY. Mr. President, today, after almost 2 years of work, we have before us a groundbreaking and innovative health care reform plan that will guarantee greater protections to 5 million Pennsylvanians enrolled in managed care. This bill we are about to vote on also contains provisions for children's health insurance, which is championed by Senator Tomlinson, and the original language of Senate Bill No. 91, sponsored by Senator Holl.

All together, this bill will help to ensure that doctors can serve as advocates for their patients without reprisal. It will give managed care consumers a strong avenue for recourse when they want to appeal complaints and grievances, and it will provide health care consumers with the information they need to make informed choices about their health care. It is a strong bill, a well-crafted bill, and one that will improve managed care plans without driving up the costs for all consumers. It is the culmination of many months of work and deserves our support.

All along the way we heard from many citizens who came forward and told us about their experiences with managed care, and they wanted to make it better. Their tales and the critical need to better regulate a fast-changing industry prompted us to take action and develop legislation that will give patients and health care providers a strong bill of rights. We knew that we could not solve every problem, but we wanted to develop a responsible and realistic framework for reform, and we have before us such a bill today.

This bill combines a patient bill of rights, which I sponsored, along with a health provider's bill of rights, which Representative Pat Vance sponsored in the House. It creates a comprehensive framework for regulating managed care and one that will provide strong protections without driving up costs. It addresses the major concerns that we have heard over the past year and a half, that patients want information, that patients want access to quality care, and they want the right to appeal decisions that they feel are unfair. And the doctors want to be advocates for their patients, and that patient care is always the number one concern.

For nearly 16 months I have worked with legislators, interest groups, health care representatives, and consumers to craft a bipartisan and balanced bill that will do just that. Most importantly, this will guarantee that Pennsylvania moves ahead quickly, decisively, and responsibly in regulating an industry that is growing. We need a framework in place now, not a year or two from now, so those patients have the protections that will guarantee them good health care. And I might add, it is done with a comprehensive approach, not in piecemeal fashion. This is a solid foundation upon which we will continue to build.

Mr. President, I would be remiss if I did not thank a number of people who worked with me over the past year or so to make this important legislation a reality. My colleagues, Senator Mowery and Senator Williams, who chair the Senate Committee on Public Health and Welfare, joined me in hearings around the State. I might add a moment that sticks in my mind during one of those hearings when Senator Mowery and I were sitting next to each other, and after hearing some particularly moving testimony from some disabled gentleman, Senator Mowery leaned toward me and said, we need this legislation. His energy was key in moving this through.

Also President pro tempore Jubelirer and Majority Leader Loeper helped to shepherd this bill through the Senate and gain support. House colleague Representative Pat Vance, a former nurse who shares my passion for the issue of quality health care, helped to craft crucial portions of this bill, and, of course, Representative Nick Micozzie did considerable work as chairman of the House Committee on Insurance. Also let us remember Governor Tom Ridge, who played a very active role in keeping this legislation energized. All 10 of the consumer protections that he called for are included in this bill. And we also thank Senator Kukovich and Senator Schwartz, who were very active throughout this bill and played an important role in its wording.

Finally, there are many Senate staffers who gave much of their time to this cause. Let me thank Donna Malpezzi, Scott

Johnson, Drew Crompton, Michele Hansarick, and Steve Tuckey. They deserve a great deal of credit for their months of hard work.

I want to stress that this bill is not about partisanship or credit-taking, it is about protecting the doctor/patient relationship and giving consumers more rights when it comes to their health care needs.

Let me end with this one last story from my distant past. I was at one time working with the Red Cross in a town that had been ravaged by a flood that wiped out many homes, and that evening when I was with some of the refugees from that town, I met briefly with one fellow who in the devastating flood had lost his wife, children, and parents, lost his entire family. Later that evening I also met a gentleman who was in the same flood, but he managed to get his wife and his two children out of there, and he recalled rushing up the hill as fast as he could run with the flood waters rising behind him. When I reminded him of what great value there was nonetheless in having his family survive compared to the other gentleman who lost everything, he paused for a moment and said, you know what the difference is between that man and me? He said, I listened. It was as simple as that. He said all the signs were there that there was an emergency, but he listened.

And I believe that is what has taken place here. A year or so ago when we first introduced this bill, there were many who said this would never see the light of day, but many of those whom I already mentioned in this brief talk were among those who listened, among those who cared, and among those who saw to it that on this day in June of 1998 Pennsylvanians will finally have a health care bill of rights.

Thank you, Mr. President.

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

Senator KUKOVICH. Mr. President, I rise to ask for a concurrence vote. There was extensive debate which held us up from getting this bill for a while, and it had to do with a couple dozen amendments that were placed in Senate Bill No. 100 a few weeks ago. I do not think any of the debate was generated against much of the language here, except maybe for a few definitions. I would like to tell the Members that the portion of the bill that deals with managed care is substantially the same as the way this body passed it before, except there is a grievance procedure in it, and I am very glad that the maker of the bill, Senator Murphy, and everyone he talked about saw fit to put that in, and I think that even improves on the bill that we passed.

I would also say that about 10 or 11 days ago the Federal government approved the State plan for the CHIP program, so we need this legislation, and the latter part of this bill which deals with this is very similar, if not identical, to Senate Bill No. 1440, which we also passed last month. By passing this legislation, we will complete the final step in beginning to draw down roughly \$80 million a year to expand the Children's Health Insurance Program.

So for all those reasons, I ask for a concurrence vote. I would also like to say that I think we will be back next Session on both of these issues. There is still some more that we

can do to expand CHIP, and I think we will still be continuing to face managed care issues in the future, especially as we see managed care evolve in the private sector in the marketplace.

Thank you.

The PRESIDENT. The Chair recognizes the gentleman from Schuylkill, Senator Rhoades.

Senator RHOADES. Mr. President, I would just like to take a brief moment or two to endorse Senate Bill No. 91. I do have some concerns that still linger. I am still concerned about the point-of-service or out-of-service for pharmacists and chiropractors. I would really like to see an accelerated grievance procedure more specific to consumers for drug and alcohol problems, and, as Senator Loeper said, carve the pharmacy services out.

I applaud Senator Loeper for the initiative he has taken, and I am glad to see that my Majority Leader has offered to work with the pharmacies, the administration, Senator Mowery, and I offer my services, too, so that this issue can be addressed. Looking at the bill, as I said, it is not perfect, but, boy, it does go quite a long distance to be able to provide managed care, the type that I think the citizens of this Commonwealth deserve. So at this particular point I ask for a positive vote on this measure.

Thank you.

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

Senator SCHWARTZ. Mr. President, I, too, rise in support of this legislation, and I am pleased, of course, to see the authorization that changes in the CHIP legislation. I am very pleased to see that the Federal government did endorse our plan and that we are moving ahead on that. Along with Senator Kukovich and the many others who have been pushing to make sure that we provide greater access for health insurance to all of our children, I think that this is a good step, an important step forward. I am glad we did get this done on the last day before summer so that we will not in any way delay the outreach to many of the children and families who need health insurance.

Secondly, on the managed care bill, I listened and understood some of the frustration at not doing more, and as someone who often pushes my colleagues to do more, particularly when it comes to health care and consumer rights, I do think that there are some important provisions in this legislation. Again, I am very pleased that the direct access language to assure women direct access to obstetricians and gynecologists and other providers of obstetrics and gynecology remains in this legislation, and I think that will in and of itself go a long way in helping to address a major issue for women under a managed care system. I assume the other provisions are very important that have been outlined.

I agree, too, with the previous speaker who said this will not be the end-all and be-all in legislation assuring consumers' and providers' rights, assuring quality health care for all Pennsylvanians, not just those covered by managed care. There are many, many issues for those who have insurance, those who do not, and all of us who are concerned both with access and with quality health care. There will be much more work to be

done in this coming year and in the years ahead as we take seriously our role of making sure that the health industry in this State is responsive to consumer and provider issues.

So I look forward to the additional legislation we will see not only on the pharmacy issue but on others as well, and I look forward today to voting for this legislation and helping to assure greater access, greater quality, greater consumer and provider rights within the health insurance sector, and providing better quality services for all Pennsylvanians.

Thank you, Mr. President.

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

Senator AFFLERBACH. Mr. President, I believe Senator Murphy said it accurately when he described the bill as a foundation upon which to build. I share the same concerns as those expressed by Senator Rhoades and Senator Schwartz. I am disappointed that we have not adequately addressed point-of-service in the legislation, and I feel that there is really insufficient language within the bill to truly prevent provider discrimination that presently occurs.

But perhaps my greatest concern is that there exists a potentially fatal flaw within the bill, and that fatal flaw is the failure of the bill to specifically define "medical necessity." As long as we allow the insurers to continue to define medical necessity in their own terms and unilaterally company by company, I believe we will find that the problems we are trying to address will not be adequately addressed, and I believe we will find that in the next Session those Members of this body who are interested in this legislation will have to come back and come to grips with the definition of medical necessity if in fact the safeguards of this bill are truly to be implemented.

Nevertheless, I, too, concur that it is a foundation. It has come a great distance over the past 18 months, farther than I frankly thought it would come in this legislature. And to send a bill of this nature to the Governor's desk at this time I think is an appropriate thing to do, and I certainly will join with the others in concurring in this legislation.

And the question recurring,

Will the Senate agree to the motion?

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

YEA-48

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

NAY-0

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

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

**SPECIAL ORDER OF BUSINESS
SUPPLEMENTAL CALENDAR No. 11**

**SENATE CONCURS IN HOUSE AMENDMENTS
TO SENATE AMENDMENTS**

SB 220 (Pr. No. 2075) -- The Senate proceeded to consideration of the bill, entitled:

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

On the question,

Will the Senate concur in the amendments made by the House to Senate amendments, as further amended by the House, to Senate Bill No. 220?

Senator LOEPER. Mr. President, I move that the Senate do concur in the amendments made by the House to Senate amendments, as further amended by the House, to Senate Bill No. 220.

On the question,

Will the Senate agree to the motion?

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

YEA-48

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

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 1296 (Pr. No. 2073) -- The Senate proceeded to consideration of the bill, entitled:

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

On the question,

Will the Senate concur in the amendments made by the House to Senate Bill No. 1296?

Senator LOEPER. Mr. President, I move that the Senate do concur in the amendments made by the House to Senate Bill No. 1296.

On the question,

Will the Senate agree to the motion?

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

YEA-48

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

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.

**UNFINISHED BUSINESS
SENATE RESOLUTIONS ADOPTED**

Senators THOMPSON, SALVATORE, GERLACH, WHITE, TOMLINSON and CONTI, by unanimous consent, offered **Senate Resolution No. 216**, entitled:

A Resolution urging the Federal Government to fulfill its financial obligation under the Delaware River Basin Compact.

Which was read, considered and adopted.

Senators WAGNER, TILGHMAN, SALVATORE, ARMSTRONG, LAVALLE and BODACK, by unanimous consent, offered **Senate Resolution No. 218**, entitled:

A Resolution urging Congress to pass legislation protecting the area surrounding the Iwo Jima Memorial from future encroachment.

On the question,
Will the Senate adopt the resolution?

Senator LOEPER. Mr. President, originally Senator Wagner had scheduled this resolution for tomorrow. However, he asked me if we could have unanimous consent to consider it this evening, and at this time I would like to grant unanimous consent to Senator Wagner for his resolution.

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

Senator WAGNER. Mr. President, first, I would like to thank the Majority Leader for the opportunity to present this resolution today. Actually, the resolution is the result of an article that was presented by Marine Corps Captain Gibson Armstrong in the Lancaster News this past Sunday, an excellent article from which this resolution was written.

Mr. President, the resolution calls on Congress to stop the United States Air Force and the National Capital Planning Commission from constructing an Air Force Memorial in front of the Iwo Jima Marine Corps Memorial in Washington, D.C.

Mr. President, I am not opposed to this memorial, nor are my colleagues who have cosponsored this resolution: Senator Tilghman, Senator Salvatore, Senator Armstrong, Senator Bodack, and Senator LaValle. Mr. President, the problem is the memorial is to be very big, very large, as indicated in this article. It will be 20,000 square feet, five stories high, and an interactive multimedia complex. There is no question that there is merit for the structure and there is no question that a structure like this would be more appropriate in front of the Air and Space Museum in Washington, D.C. As a matter of fact, the National Capital Planning Commission approved the location in front of the Air and Space Museum by a 7-4 vote.

Mr. President, this structure would, in essence, block out the Marine Corps Memorial. It is important to note, Mr. President, that the Iwo Jima Memorial is a very significant memorial. The battle was the most costly in Marine Corps history, and, Mr. President, one of our colleagues, the Senator from Montgomery County, fought in that battle. Senator Tilghman is a decorated Marine Corps veteran from that war and from that battle. In 36 days of fighting there were 25,851 casualties, more casualties than in any battle in the history of this country in a short period of time. More Medals of Honor were won on Iwo Jima than during any other battle in U.S. history.

Mr. President, I stand today as a former Marine, along with my colleagues Senator Tilghman, Senator Salvatore, Senator Armstrong, Senator Bodack, and Senator LaValle, all Marines also, to ask for unanimous adoption of this resolution to send a message to the National Capital Planning Commission and our representatives in Congress to find a more appropriate location.

Thank you, Mr. President.

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

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

CONGRATULATORY RESOLUTIONS

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

Congratulations of the Senate were extended to A.B.E. Doors & Windows of Allentown by Senators Afflerbach and Gerlach.

Congratulations of the Senate were extended to Mr. and Mrs. Henry Breneisen, Mr. and Mrs. Earl Schlegelmilch, Mr. and Mrs. J. Charles Walter, Mr. and Mrs. Gerald Rannels, Mr. and Mrs. Harold Barley, Mr. and Mrs. Frank Pannell, John Thomas, Wing Kan So, P. Blair Hodge, Mark Waltz, Jessica Eshleman, Rebecca Hubley and to Thomas Kepler by Senator Armstrong.

Congratulations of the Senate were extended to Mr. and Mrs. Stanley Leitsch, Mr. and Mrs. James Springfield, Mr. and Mrs. Charles Cardile, Valerie Closs and to Corrine Van Cleve by Senator Bell.

Congratulations of the Senate were extended to John R. Green by Senator Bodack.

Congratulations of the Senate were extended to Betty Roach by Senator Conti.

Congratulations of the Senate were extended to Mercyhurst Preparatory School of Erie by Senator Earll.

Congratulations of the Senate were extended to Timothy R. Young by Senator Greenleaf.

Congratulations of the Senate were extended to Ted Lutz and to Erin Eidenshink by Senator Hart.

Congratulations of the Senate were extended to Florence A. Campbell by Senator Hughes.

Congratulations of the Senate were extended to Mary Lou Gregory, Herbert C. Scott and to the Esther Grand Court Ladies of the Circle of Perfection of Philadelphia by Senators Kitchen and Williams.

Congratulations of the Senate were extended to Mr. and Mrs. William Casterline, Mr. and Mrs. William Smith, Wanda Godumski and to Reverend Michael A. Bealla by Senator Lemmond.

Congratulations of the Senate were extended to Mr. and Mrs. Alphonse Balzano by Senator Musto.

Congratulations of the Senate were extended to Eleanor Koplovitz by Senator Piccola.

Congratulations of the Senate were extended to the York-Adams Area Council of the Boy Scouts of America by Senator Punt.

Congratulations of the Senate were extended to Mark S. Blaskey and to the Honorable James C. Rosapepe by Senator Salvatore.

Congratulations of the Senate were extended to Mary L. Uehlein by Senator Schwartz.

Congratulations of the Senate were extended to Robert J. Kervin and to Dylan L. Sanford by Senator Slocum.

Congratulations of the Senate were extended to Mr. and Mrs. George Longwell, Mr. and Mrs. Stephen Cup, Mr. and Mrs. Merle S. Lookabaugh, Mr. and Mrs. Russell Hawk and to Mr. and Mrs. Anthony Villella by Senator Stapleton.

Congratulations of the Senate were extended to Mr. and Mrs. Joseph Reale, Mr. and Mrs. Paul Craig and to Paul Richard Liptak by Senator Stout.

Congratulations of the Senate were extended to Marilyn Caltabiano by Senator Tilghman.

Congratulations of the Senate were extended to the Franklin Delano Roosevelt 1997 Canal Kids by Senator Tomlinson.

Congratulations of the Senate were extended to James L. Posko and to Easton's First Annual Promotion Day by Senator Uliana.

Congratulations of the Senate were extended to William Jennings Bryan McDanel by Senator White.

Congratulations of the Senate were extended to Rodolfo A. Fernandez-Dieppa and to Charles E. Jones, Jr., by Senator Williams.

Congratulations of the Senate were extended to Cecil K. Leberknight, St. Luke Lutheran Church of Lilly and to Johnstown High School Class of 1948 by Senator Wozniak.

CONDOLENCE RESOLUTIONS

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

Condolences of the Senate were extended to the family of the late Dr. John Clenmore Andrews and to the family of the late Madeline S. Barnako by Senator Uliana.

BILL ON FIRST CONSIDERATION

Senator WHITE. Mr. President, I move that the Senate do now proceed to consideration of the bill reported from committee for the first time at today's Session.

The motion was agreed to.

The bill was as follows:

HB 1636.

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

PETITIONS AND REMONSTRANCES

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

Senator GREENLEAF. Mr. President, I rise and thank the Senate for passing Senate Bill No. 1387 yesterday, which dealt with the need to keep the streets of our Commonwealth safe from the menace of habitual vehicle law offenders.

The need for this measure came to my attention by the way of a tragedy last month. Two Baptist clergymen were killed in my district when the driver of another car collided with their vehicle. The driver was a habitual offender charged with driving under the influence while driving under suspension, and his license had been suspended until the year 2019. But obviously and tragically for two innocent ministers, suspension does not deter habitual offenders. What we need is a law that will stop

the people who abuse the privilege of driving and use their vehicles like weapons against law-abiding motorists.

The intent of the bill which we passed is to keep habitual offenders off the streets and prevent further tragedies. Under the bill, anyone classified as a habitual offender by the Bureau of Motor Vehicles who commits a subsequent violation would be charged with a misdemeanor in the Court of Common Pleas. Under current law, habitual offenders who drive under suspension are subject to prosecution in traffic court or come before a district justice for a summary offense, and when they are arrested for a traffic offense they are not able to be arrested. They are given a citation, they drive off, even if they are under suspension, and they do not have to actually appear in front of the district justice. They can send in their citation and pay the fine and get another suspension for another 20 years and just ignore the process, which they all too often do, or not even respond to the citation.

Furthermore, under this proposal, if a habitual offender is charged with a felony or misdemeanor offense, in addition to driving under suspension, the charge would be increased by one degree. A second-degree misdemeanor, for instance, would be raised to a first-degree misdemeanor for the purpose of enhancing sentencing. So under this proposal they would both face a misdemeanor charge, instead of a traffic citation, and also they would be prosecuted in county court.

As I said, this measure is amended to the Crimes Code instead of the Vehicle Code, because habitual offenders who continue to flaunt the law should have to deal with the district attorney in regard to their prosecution. It is time that these repeat offenders are forced to take the law seriously and face the serious consequences. The way it is now, the law-abiding citizens are the ones who face the deadly consequences of leaving habitual offenders at liberty to re-offend. This measure applies only to those classified as habitual offenders and would not affect the average citizen. To be classified as a habitual offender, a driver would have to have three convictions arising from separate serious traffic offenses. Such offenses include driving under the influence, homicide by vehicle, fleeing a police officer, driving without lights to avoid arrest, aggravated assault by vehicle while under the influence, and reckless driving. Sending habitual offenders to county court is sending the message that further violations can result in incarceration.

Further, they will look at longer sentences for serious violations because of their status as habitual offenders. If the idea of serving time does not deter these people, then spending time in jail certainly will keep them off the roads. I thank the Senate for the passage of this legislation.

COMMUNICATIONS FROM THE GOVERNOR

NOMINATIONS REFERRED TO COMMITTEE

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

**MEMBER OF THE STATE BOARD
OF EDUCATION**

June 9, 1998

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Walter D. Palmer, 1506 Pine Street, Philadelphia 19102, Philadelphia County, First Senatorial District, for appointment as a member of the State Board of Education, to serve until October 1, 2000 or until his successor is appointed and qualified, vice William E. Strickland, Jr., Pittsburgh, resigned.

THOMAS J. RIDGE
Governor

**MEMBER OF THE STATE HARNESS
RACING COMMISSION**

June 9, 1998

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, C. Edward Rogers, Jr., 200 Westview Drive, Mechanicsburg 17055, Cumberland County, Thirty-first Senatorial District, for reappointment as a member of the State Harness Commission, to serve for three years and until his successor is appointed and qualified, but not longer than six months beyond that period.

THOMAS J. RIDGE
Governor

HOUSE MESSAGES

**HOUSE CONCURS IN SENATE AMENDMENTS
TO HOUSE AMENDMENTS TO SENATE BILL**

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 1164**.

**HOUSE CONCURS IN SENATE
CONCURRENT RESOLUTIONS**

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

Senate Concurrent Resolution No. 134
Recess adjournment.

BILLS SIGNED

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

SB 91, SB 220, SB 640, SB 1164 and SB 1296.

PETITIONS AND REMONSTRANCES
(Continued)

The PRESIDENT. The Chair recognizes the gentleman from Washington, Senator Stout.

Senator STOUT. Mr. President, it is my understanding that in a short time we are going to be considering Senate Bill No. 185, the highway capital budget bill. This bill is kind of like the prodigal son. We have been waiting for about 3 years to get a highway capital budget bill. We passed it over a year and a half ago here in the Senate, and now it is coming back from the House.

This bill is extremely important to the Commonwealth of Pennsylvania because it contains a multibillion dollar investment in our highway infrastructure. This bill will have an impact on all 67 counties in improving our highway system in the Commonwealth and will have major economic impact upon all the counties and cities in this Commonwealth and also major contributions to improved highway safety contained in these projects.

This bill was able to move forward because this General Assembly about a year and a half ago had the foresight to increase highway funding for transportation in Pennsylvania, and we provided the extra revenue that made a lot of these projects available. Since I serve, along with Senator Corman, as a member of the State Transportation Commission, about a year and a half ago we had to remove many projects from this list because we did not have the funding, but by providing additional State funding we were able to finance these projects.

And it is also very fitting that we pass this bill this evening, because I understand that President Clinton will be signing the next ISTEA bill tomorrow in Washington, D.C., which will increase highway funding for Pennsylvania, going from about \$800 million to \$1.4 billion. This will have a significant impact in improved highway infrastructure in the Commonwealth.

I want to thank my colleague, Majority chairman Senator Corman, for his work and the members of his staff and my staff who worked to put this together and the cooperation received from the respective chairmen of the Committee on Appropriations, Senator Tilghman and Senator Fumo, for their work and their staffs' input into this. This is a very important day for the economic future of Pennsylvania.

Thank you, Mr. President.

REMAINING CALENDAR REREFERRED

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

Senator LOEPER. Mr. President, at this time, going back to today's original Calendar, I move that the remainder of today's Calendar be rereferred to the Committee on Rules and Executive Nominations.

The PRESIDENT. Senator Loeper moves that the balance of today's Calendar be rereferred to Committee on Rules and Executive Nominations.

The motion was agreed to.

The PRESIDENT. Those bills are rereferred to the Committee on Rules and Executive Nominations.

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

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 10, 135, 1480, 1502 and 1778.**

SENATE BILL RETURNED WITH AMENDMENTS

The Clerk of the House of Representatives returned to the Senate **SB 185**, with the information the House has passed the same with amendments in which the concurrence of the Senate is requested.

RULE XIV SUSPENDED

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

Senator **LOEPER**. Mr. President, I move that Rule XIV, section 5, be suspended, insofar as it requires referral of Senate Bill No. 185, as a bill on concurrence, to the Committee on Rules and Executive Nominations, and further that Senate Bill No. 185 be placed on the Calendar.

The **PRESIDENT pro tempore**. Senator Loeper moves that Rule XIV, section 5, be suspended so that Senate Bill No. 185 can appear on the Calendar.

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

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

YEA-48

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

NAY-0

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

The **PRESIDENT pro tempore**. Rule XIV, section 5, is suspended.

SPECIAL ORDER OF BUSINESS SUPPLEMENTAL CALENDAR No. 12

SENATE CONCURS IN HOUSE AMENDMENTS

SB 185 (Pr. No. 2083) -- The Senate proceeded to consideration of the bill, entitled:

An Act providing for the highway capital budget project itemization for the fiscal year 1996-1997.

On the question,
Will the Senate concur in the amendments made by the House to Senate Bill No. 185?

Senator **LOEPER**. Mr. President, I move that the Senate do concur in the amendments made by the House to Senate Bill No. 185.

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

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

YEA-48

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

NAY-0

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

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

BILLS SIGNED

The **PRESIDENT pro tempore** (Robert C. Jubelirer) in the presence of the Senate signed the following bills:

SB 185, SB 252, SB 284, HB 10, HB 114, HB 135, HB 1480, HB 1502 and HB 1778.

ADJOURNMENT

Senator **LOEPER**. Mr. President, I move that the Senate do now adjourn until Monday, September 28, 1998, at 2 p.m., Eastern Daylight Saving Time, unless sooner recalled by the President pro tempore.

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

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

YEA-29

Armstrong	Hart	Murphy	Tilghman
Bell	Helfrick	Piccola	Tomlinson
Conti	Holl	Punt	Uliana
Corman	Jubelirer	Rhoades	Wenger
Delp	Lemmond	Robbins	White

Earll	Loeper	Mowery	Slocum
Gerlach	Madigan	Salvatore	Thompson
Greenleaf			

NAY-18

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

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

The PRESIDENT pro tempore. The Senate stands adjourned until Monday, September 28, 1998, at 2 p.m., Eastern Daylight Saving Time, unless sooner recalled by the President pro tempore.

The Senate adjourned at 7:30 p.m., Eastern Daylight Saving Time.