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TUESDAY, NOVEMBER 9, 1999

SESSION OF 1999

183RD OF THE GENERAL ASSEMBLY

No. 49

SENATE

TUESDAY, November 9, 1999

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

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

PRAYER

The Chaplain, Father DANIEL MAHONEY, of Holy Name of Jesus Catholic Church, Harrisburg, offered the following prayer:

Today I am honored to be here as you conduct a tribute to Senator John Shumaker, a dear friend. And we have to ask ourselves when we pass on, how do we wish to be remembered? For none of us lives as his own master and none of us dies as his own master. While we live we are responsible to God, and when we die we die as his servants, so that both in life and death we belong to God.

We shall all have to appear before the judgment seat of God, as it is written. "As surely as I live," said the Lord, "every knee shall bend before me, every head shall bow, and every tongue shall give praise to God, and every one of us will give an account of his life to God."

And the final prayer: May you be in heaven a half hour before the devil knows you are dead.

God bless you all.

The PRESIDENT. The Chair thanks Father Mahoney, who is the guest today of Senator Piccola.

JOURNAL APPROVED

The PRESIDENT. A quorum of the Senate being present, the Clerk will read the Journal of the preceding Session of November 8, 1999.

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 BILL

The Clerk of the House of Representatives informed the Senate that the House has concurred in amendments made by the Senate to HB 394.

HOUSE CONCURS IN SENATE BILL

The Clerk of the House of Representatives returned to the Senate SB 602, with the information the House has passed the same without amendments.

HOUSE NONCONCURS IN SENATE AMENDMENTS TO HOUSE AMENDMENTS TO SENATE BILL

The Clerk of the House of Representatives informed the Senate that the House has nonconcurred in amendments made by the Senate to House amendments to SB 1100.

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

HOUSE CONCURS IN SENATE CONCURRENT RESOLUTION

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

Weekly adjournment.

BILLS SIGNED

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

SB 602 and HB 394.

REPORTS FROM COMMITTEES

Senator TOMLINSON, from the Committee on Communications and High Technology, reported the following bill:

SB 1077 (Pr. No. 1481) (Amended)

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for unlawful use of a computer.

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

SB 1097 (Pr. No. 1326)

An Act authorizing the Department of General Services, with the approval of the Governor, to sell and convey to Transitional Housing and Care Center of Columbia and Montour Counties certain land and a building, referred to as the Gatehouse, situate on Danville State Hospital, Montour County.

SB 1103 (Pr. No. 1343)

A Joint Resolution proposing an amendment to the Constitution of the Commonwealth of Pennsylvania, providing for retention election of justices of the peace.

SB 1134 (Pr. No. 1390)

An Act authorizing the release of Project 70 restrictions on certain lands owned by the Ridgway Township Municipal Authority, Elk County, in return for imposition of Project 70 restrictions on certain lands being conveyed to the Ridgway Township Municipal Authority, Elk County.

SB 1183 (Pr. No. 1479)

An Act authorizing and directing the Department of General Services, with the approval of the Governor, to grant and convey oil, gas and mineral rights, including coal, that the Commonwealth possesses in a certain parcel of land situate in Canaan Township, Wayne County, Pennsylvania, to the United States of America and releasing certain restrictions on that land.

HB 1150 (Pr. No. 1299)

An Act amending the act of December 19, 1990 (P.L.1200, No.202), known as the Solicitation of Funds for Charitable Purposes Act, further providing for reports by charitable organizations.

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

SB 639 (Pr. No. 676)

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, providing for the limited right of jurors to take notes.

SB 967 (Pr. No. 1122)

An Act amending Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, further providing for court orders relating to adoption records.

Senator HOLL, from the Committee on Banking and Insurance, reported the following bill:

SB 805 (Pr. No. 876)

An Act amending Title 13 (Commercial Code) of the Pennsylvania Consolidated Statutes, revising the division on letters of credit and making conforming amendments to Divisions 1, 2 and 9 of Title 13.

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

SB 1003 (Pr. No. 1201) (Rereported)

An Act amending the act of May 17, 1921 (P.L.789, No.285), entitled, as amended, The Insurance Department Act of 1921, providing capital requirements for health organizations.

Senator BELL, from the Committee on Consumer Protection and Professional Licensure, reported the nomination of Terrence J. Fitzpatrick to the Public Utility Commission, which was referred to the Committee on Rules and Executive Nominations.

RESOLUTION REPORTED FROM COMMITTEE

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

SR 98 (Pr. No. 1329)

A Concurrent Resolution amending Senate Resolution No. 8, adopted June 16, 1999, entitled "A concurrent resolution directing the Joint State Government Commission to create a bipartisan task force to study the feasibility of changing the date of general primary elections and municipal primary elections to September," further providing for the date of the report to the General Assembly.

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

LEGISLATIVE LEAVES

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

Senator MUSTO. Mr. President, I request a legislative leave for Senator Bodack, and a temporary Capitol leave for Senator Stout.

The PRESIDENT. Senator Musto requests a legislative leave for Senator Bodack, and a temporary Capitol leave for Senator Stout. Without objection, those leaves will be granted.

LEAVES OF ABSENCE

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

CALENDAR**HB 285 CALLED UP OUT OF ORDER**

HB 285 (Pr. No. 282) -- Without objection, the bill was called up out of order, from page 1 of the Third Consideration Calendar, by Senator LOEPER, as a Special Order of Business.

BILL LAID ON THE TABLE

HB 285 (Pr. No. 282) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of October 12, 1984 (P.L.964, No.188), referred to as the Philadelphia Quarter Sessions Clerk Fee Law, increasing fees; and providing for additional fees.

On the question,

Will the Senate agree to the bill on third consideration?

Senator LOEPER. Mr. President, I move that House Bill No. 285 be laid upon the table.

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

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

NAY-0

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

The PRESIDENT. House Bill No. 285 will be laid on the table.

**SPECIAL ORDER OF BUSINESS
MEMORIAL SERVICE FOR SENATOR
JOHN J. SHUMAKER**

The PRESIDENT. In a moment we will begin this special memorial ceremony. Mrs. Judy Shumaker is with us today, as well as John's family members. As a special order of business, we will now turn to the memorial ceremony for former Senator John J. Shumaker.

MEMORIAL RESOLUTION

The PRESIDENT. The Chair recognizes the gentleman representing the same county as that of former Senator Shumaker, Senator Piccola.

Senator PICCOLA. Mr. President, I have a resolution which I would like to offer at this time and I move its immediate adoption.

The PRESIDENT. Senator Piccola offers a condolence resolution and moves its immediate adoption.

SENATE RESOLUTION No. 117

WHEREAS, John J. Shumaker, retired member of the Senate of Pennsylvania, died on Wednesday, October 13, 1999, at the age of 70; and

WHEREAS, Senator Shumaker, raised in the City of Harrisburg and a lifelong resident of Dauphin County, was committed to the service of his community and served on the Board of Trustees of Community General Osteopathic Hospital, the Board of Trustees of Keystone Area Council of Boy Scouts of America and the Board of Trustees of Lebanon Valley College; and

WHEREAS, Senator Shumaker was a graduate of William Penn High School, Dickinson College and the Dickinson School of Law; and

WHEREAS, Senator Shumaker, a man of many talents and interests, served on active duty in the military, founded an insurance firm and was admitted to practice law in 1957; and

WHEREAS, Senator Shumaker was the founder of the Penn National Race Course where he served as general manager from 1973 to 1982; and

WHEREAS, Senator Shumaker was elected to represent the Fifteenth Senatorial district in the Senate by special election on March 22, 1983, and was reelected to the Senate for three additional terms, serving in that capacity until he retired in 1995; and

WHEREAS, During his tenure in the Senate, Senator Shumaker served on numerous committees and was the Chairman of the Law and Justice Committee, where he was instrumental in the passage of Act 14 of 1987 which enabled modernization of the State Store system and made sweeping changes to the Liquor Code and its enforcement; and

WHEREAS, Senator Shumaker was considered a dedicated friend to and a relentless advocate for his constituents; therefore be it

RESOLVED, That the Senate note with great sadness the passage of John J. Shumaker, a man of boundless energy, a tireless advocate for community and civic causes, a successful lawyer and businessman and a devoted family man whose reputation and extensive contributions to Dauphin County and this Commonwealth are noted with pride and respect; and be it further

RESOLVED, That the Senate express its heartfelt condolences to his wife, Judy, and daughters, Lori Lynn Tully, Lisa Kristen Stokes and Lianne Mell Costelli, and five grandchildren.

On the question,

Will the Senate adopt the resolution?

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

Senator PICCOLA. Mr. President, as you have so eloquently stated, we are here today to adopt a resolution memorializing and remembering our good friend, John Shumaker, and also to give thanks to Almighty God for allowing us to be enriched by the life of John Shumaker. There were so many aspects of John Shumaker's life. He was really a modern day renaissance man. He was John Shumaker, the Eagle Scout and Boy Scout leader; John Shumaker, the naval Commander and war veteran; John Shumaker, the attorney trained and learned in the law; John Shumaker, the business leader and entrepreneur; and most importantly, John Shumaker the father, grandfather, and devoted husband. But for over 12 years, he was first and foremost an effective and eloquent advocate for the people whom he represented here in Dauphin County and the 15th Senatorial District. And I know that many of us in this Chamber know that he brought honor and dignity to the Senate of Pennsylvania, and he was beloved by his colleagues on both sides of the aisle.

There are many things that we can learn from the life of John Shumaker. For example, he taught us that you do not solve a problem by simply talking about it or by tinkering with it around the edges or by handing it off to somebody else to solve. You dig out the problem, you dig it out by the roots to make sure that it will not grow back, and most importantly, you plant something better in its place. John Shumaker did that, and the examples of that have blossomed throughout our region here in central Pennsylvania.

For example, he saw many years ago that there was a void in the quality of training for firefighters. Some of us, lesser men than John Shumaker, might have found the way to help that problem by funding a new fire truck or perhaps buying some more hoses for the fire station. Senator Shumaker went a step further than that, a large step further. He found a way to create a public safety training center at the Harrisburg Area Community College, and that has become a magnet for fire departments through the Commonwealth and it has undoubtedly, because of the training given at that center, saved countless lives throughout this region and throughout this State. It is a real monument to him seen by thousands of motorists as they pass by every day on Interstate Route 81.

John Shumaker's story is really a quintessential story of America. He is the American dream brought to life. But it is more of a story of a boy who started life in Goat Town in the city of Harrisburg, who served this country, raised a family, and succeeded in business and politics. What really separated John Shumaker from the rest of us is that he never displayed a fear of failure. He would move forward with determination and with confidence, usually with a smile or a shrug of his shoulders, even when the odds for success were very small. Although he surely knew that everything worth doing carries the risk of losing, he was clearly more interested in the joy of winning. And that kind of leadership style you cannot pick up and learn from a book. You have to see it and you have to emulate it. And I daresay, Mr. President, that we can and have learned these valuable lessons from our dearly departed friend, John Shumaker.

Thank you, Mr. President.

The PRESIDENT. The Chair recognizes the President pro tempore of the Senate, Senator Jubelirer.

The PRESIDENT pro tempore. Mr. President, we gather here this day to remember with affection, with respect and admiration, a former colleague who contributed so much to so many and particularly to the people who are here today to share this experience with us. John Shumaker was an extraordinary individual who lived an immensely productive public and private life. John believed in and consistently exhibited the virtues of central Pennsylvania, his beloved central Pennsylvania: honor, decency, thrift, significant commitment to community. From the military, through law and business, to public service, what a natural progression it was for him. He showed exceptional character and an uncommon knack for bringing things out just right. He did so much in the way of service, but did it without self-promotion. He did it because it was right and because people and neighborhoods and the community at large needed something done.

While he considered his work to be a contribution, he was repaid with respect and affection from, oh my, so many. He was not your typical politician, you see, and maybe that accounts for his political success. It is a tough assignment having the State Capitol and most of State government right in your own backyard. You catch flack for what happens, for what does not happen, plus everyone you see is an absolute expert.

John never buckled under the extra layer of responsibility. When somebody would make an assumption about the area, John was always quick to respond, you do not understand. I met with these people and I looked at their situation. Here is what needs to be done. And he would press and cajole until he got the absolutely right and necessary result. No one, in my experience, was involved with more community groups or participated with more regularity in fundraising efforts than our friend and colleague, John Shumaker.

He would have been highly regarded even without the 12 years he spent as a Member of this body, but those years were satisfying and rewarding, a concluding chapter to an outstanding and absolutely remarkable career. What he wanted to achieve he worked relentlessly at; expanding the programs and services available at Harrisburg Community College, securing the funding for the automated fingerprinting system, moderniz-

ing the State liquor system, and getting Pennsylvania to implement collection of household hazardous waste.

John saw the quality and potential in people. While he was instrumental in giving a lot of people their start, there was perhaps one more special than the rest. He recommended his niece, Jill, to us, because of her work ethic and her eagerness to learn and her wonderful personality. She did extremely well in her time with the Senate, and now has built herself a remarkable career and terrific reputation in this town, just the way John thought she would.

Even with his career, his accomplishments, and contributions, John's greatest source of joy and pride was his family - Judy, his wonderful daughters, his sons-in-law, his grandchildren. It was just his legacy. It was impossible to hold a conversation of any length with John where he did not bring up Judy and the kids. You came away convinced that no man had a greater love, no man took more pride in his family than did John Shumaker.

It was a tremendously difficult decision for him to leave this Senate, for he had more to do, more to contribute, many causes to continue, some of which he was not even aware of yet. Yet, and I remember it well, that emotional day he said farewell, he said farewell with the dignity, the grace, and, yes, the absolute courage that marked his entire life.

So today, old friend, we say to you our farewell, hopeful that we can display the same dignity, the same grace, and, yes, at times, the same courage as we recall the contributions of a colleague, friend, and a fine gentleman. Farewell, rest in peace, old friend, you deserve it. God bless.

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

Senator MELLOW. Mr. President, I can only stand here and reflect upon the words that were just said by Senator Jubelirer and Senator Piccola about what an outstanding individual John Shumaker was. I can think back several weeks ago when most of us had the opportunity to attend the service at Holy Name of Jesus Church when Father Mahoney on that particular day talked about the virtues of what a wonderful person John Shumaker was, not only for his family but also for his community, which quite honestly was his extended family.

Mr. President, I had the opportunity of first meeting John long before he came into the Senate, and I would frequently joke with him. I would say, John, once you became an elected Member of the Senate my fundraising dried up, because he used to send me a political contribution every year before he became a Republican Member of the Senate. And I used to tease with him and say, now because you are on the other side of the aisle, do you think you might still be able to continue that political contribution?

He was a wonderful person. He was a great individual to work with because the one thing that John never did, and keep in mind each and every one of us in this Chamber, whether we have served in here for one day or for a major part of our entire life, we all have the same first name. It does not matter whether you are male or female serving in here, your first name in here is "Senator." And John was the type of person who I think felt

uncomfortable with the title of Senator, because I believe he much preferred to be called just by his first name, John.

I can recall very vividly as a member of the Committee on Law and Justice when we passed House Bill No. 1000, which was alluded to before in the resolution. And you may recall that House Bill No. 1000 was a sweeping reform for the Liquor Control Board. I can also recall like it happened just yesterday, when I would work with John, because he was put in a very difficult position here in this body as a veteran Member of the Senate, as chairman of the Committee on Law and Justice, when it came down to that very important issue of should we advance privatization of the LCB or not? Should I take the position of being possibly partisan or should I do what I enjoy doing the most, and that is try to work as a person who is conciliatory, an individual who wants to cooperate as opposed to a person who wants to be confrontational?

Because the one part about John that I found was that John was never confrontational. He was always the type of person who would come to you and say, if you have a bill in my committee that is important for your district that you need to have or is important for the industry, I will do everything I can to try to report that bill from committee. And I think each and every one of us in this Chamber appreciated that very much, because we knew that when you went to John he would do everything that he possibly could to answer the question that you had and to advance the position that you were trying to advocate.

And I can remember, and I do not know exactly the day of the week, but I know it was in the month of June of 1995, and Senator Jubelirer just reflected upon it for just a moment, and that was the day that we knew that John was going to resign from the Senate in several months and we knew that when we came back from our summer recess that he no longer would be a Member of this body. And those of us who negotiate a budget, and actually everyone in this body negotiates the budget, but when we were putting the budget discussion together and what we could do, it was suggested by John that as a gift to his constituents that he would like it if we in a nonpartisan or a bipartisan way could add one more additional nonpreferred appropriation to the appropriations.

John, in his own right, was partisan on election day, which was understood, but John also, in his own right, on the floor of this body was a person who was nonpartisan or bipartisan. He would work with you regardless of where you came from, where you sat in this particular Chamber, on which side of the aisle. And at that point in time we had a nonpreferred appropriation for the Museum of Scientific Discovery, which is now the Whitaker Center. Mr. President, I do not believe that we have had a new nonpreferred appropriation since that day, sometime I believe in 1995, and that was done at the request of John because of each and every Member in this body who respected him and who admired him and who loved to work with him because he was that type of an individual.

To his wife, Judy, his three lovely daughters, and his five grandchildren, I can only think about my own dad's passing several years ago and how elated I felt hearing the nice comments that people had to say about my father, even though I was devastated by his loss. I can only say to them that there was no

question that John was a loving husband. He talked about his family and his wife many, many times, and he talked about her in the first person. There was no question about the fact that he was a loving father, and when he would talk to me it was about his wonderful grandchildren and he would tell me, someday, Bob, you will be in a position to know what I am talking about. Well, John, if you can listen and hear what we are talking about here today, I am in a position to know what you are talking about because I have my own granddaughter, and I know how important it is to be able to establish and continue the love and the support of your family.

So, on behalf of the Democratic Members of the Senate, we had tremendous respect and admiration for John. He was a wonderful and outstanding addition and Member of this body, and he did everything he possibly could at all times in a very nonpartisan and bipartisan way. And the legacy that he will leave to us and the legacy we can gather from him on a daily basis is that if we work together for the well-being of the people we represent and put aside confrontation and do things in a very cooperative way, we will have learned a very, very strong lesson not only from Senator John Shumaker but also from family man John Shumaker.

Thank you very much.

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

Senator LOEPER. Mr. President, during his 12 years in the Senate, John Shumaker had more than his share of legislative accomplishments and career achievements. But I think, Mr. President, his greatest legacy is not particularly a law or a resolution, but rather his reputation for integrity, sincerity, and compassion, because John Shumaker was a man who always put other people first and who worked tirelessly for his community. And to John, his legislative district was a true community, not just a grouping of boroughs and townships but a community of real people with real concerns. And he did his best to look out for each and every one of his constituents. John cared deeply about veterans and schoolchildren and senior citizens and people struggling against great odds, not as demographic groups but as individuals.

John worked closely with the people of his district and when they brought their concerns to his attention he was never too busy to listen or to act. No issue was too small for him to tackle. On the contrary, if a problem was big enough to draw someone to his door for help, it certainly was big enough for him to devote his full attention to it and then eventually solve that problem.

To John, politics was always about people and public service, not power or partisanship. And that earned him the respect of his colleagues and the respect of those who demonstrated their faith in him at the polls for each reelection. He always reminded us that we are here first and foremost to serve and represent those who elected us.

There are many things that I could say about John Shumaker today, but I think the best measure of a man can be found in his own words. And I think as was referred to earlier by some of the previous speakers, remembering the day that John Shumaker left the Senate of Pennsylvania, he made the following remarks,

and I think they bear repeating because they say more about the kind of person he was and the kind of legislator he was than anything I could ever impart. And let me just take a moment and recall for you John Shumaker's comments:

Leaving for me is difficult. Serving in the Pennsylvania Senate has been the honor of my life and serving the people of Pennsylvania is really a pleasure, solving a small problem, making government work, staying up late, or spending a Sunday evening listening to a person who needs help. That is why I am so proud to be a Senator and so proud of the work that we do here in this Chamber together. Each of us is called to public service, and there is no higher calling than to be honored by our neighbors to be called "Senator." It is not a victory for us but an opportunity to make Pennsylvania a better place to live. It is my hope for each of you that no matter how long you spend as a Member of this fine body, that you know just a bit of the joy and pride that I have known every day as a State Senator.

I think, Mr. President, that I certainly was one who was proud to have served with John Shumaker and was honored to call him a friend. The joy and pride that he found in public service were apparent in the way that he carried out the responsibilities and duties of his job and the reputation that he leaves here in this Chamber.

We wish again to offer our condolences to the family of John Shumaker and are so pleased to have them here with us today for this tribute to a fine man and a fine Senator.

Thank you, Mr. President.

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

Senator O'PAKE. Mr. President, it is always difficult to say goodbye to a friend with whom you served for 12 years and whom you knew for many more years before that. It occurred to me that in a day when public officials are so closely scrutinized and oftentimes scorned, John Shumaker stands out as a positive force for good, who was people-oriented, who got into politics for all the right reasons, and who was a credit to the Senate of Pennsylvania.

At the memorial service at a Catholic church, it occurred to me that John Shumaker was truly an ecumenical man. He was a lifelong and dedicated member of the Methodist Church, who spent some time in a Jewish home, and was buried from a Catholic church. He truly reflected the whole cross-section of his constituency, and did so very, very well.

John had the good fortune while he was here to hear all the nice things that some people had to say about him prior to his retirement back in June of 1995. And as I said at that time, my first experience with John was back in 1964. I was not yet a member of the bar, but I was helping Bob Kane, who was then counsel to the Democratic State Committee and later became Attorney General, and we were involved in an absentee ballot election challenge in Juniata County. It was a very critical House seat and it was my first test, my first taste really of election law. And John was on the other side and, of course, he won. John knew how to work with the judges and everybody else in a truly professional and very effective way. The proceedings were sometimes very, very contentious, but John was a true gentleman and a true professional. I have fond memories of that

day and was very pleased when many years later I had the privilege of serving with him here in the Senate. And even though in those years from 1964 to 1983 John would become a very successful attorney and businessman, he was still the same person that I knew and worked with back in 1964 in Juniata County.

As a Senator, John was always a good listener and he always respected opposing viewpoints. He was not intensely partisan and he was very gracious as a true gentleman. His first priority was always his people, his constituents. The index cards of constituents are legendary. And of course he was a strong advocate for this area, and particularly the city of Harrisburg. That support was reciprocated over and over again by the voters in the 15th district.

I think that all of us here today who knew him or had the privilege of serving with him are better persons as a result of that opportunity. He showed us the good side of politics, he was very effective, he was very committed, and he always had his people as his top priority. John may no longer be with us physically, but he will always be fondly remembered.

To his wife and children, who are here today, I offer my sincere condolences on the loss of their husband and father, and for the Senate of Pennsylvania, the loss of a truly outstanding, effective public servant.

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

Senator WENGER. Mr. President, John Shumaker was a man of many talents and many accomplishments. I knew him as a distinguished attorney, as an astute businessperson, and as a very able and effective State Senator. To me, John was not only a trusted colleague but he was a friend. For the last several years of his tenure here in this Senate he sat directly behind me on the Senate floor, and during that time we had an opportunity for various conversations about many different subjects. But in reflecting upon those conversations today, I remember that you did not get too far into the conversation until John would be expressing his concern for his constituents.

And if the conversation went on much beyond that, it would reflect his deep and abiding interest in his wife, Judy, and in the family that he was so proud of. John Shumaker was a husband, he was a father, he was a friend, he was a Senator, and he was always a gentleman.

John will be missed, and we will, of course, have fond memories of when we had him here in the Senate and when his family had him for themselves. He will be missed, we know that, but nevertheless, we do have the consolation of those memories. My condolences to Judy and to the family that he loved so very much.

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

Senator RHOADES. Mr. President, I rise to speak not of John the Senator or John the public servant or John the entrepreneur. I rise to speak of John the friend. During his 12 years he and I were roomies here in the Senate on three occasions. We started off down in Room 171. Talk about the odd couple, that was us.

But one thing I have to say, I enjoyed John's company. I enjoyed his presence. You could always feel comfortable whenever you met and sat and talked with him. He always made you feel important, he made you feel special. He had a great personality because he was a great man.

I think the other thing I liked about him, too, was his sense of conscience. I think his commitment, too, probably drove him more than anything else, because when it came into his mind it went into his heart, it went into his body, and he worked and worked and worked. And we talked many times because we were close together, whether it was on the first floor, on the third floor, or back to the first floor. And one thing you always knew, John had a good heart because he had a big heart.

I do not know a man who was busier. He was always on the go. I remember asking to see his schedule and I asked how he managed to get an extra 8 hours into the day, because somewhere he could always squeeze it in. If he was not in northern Dauphin County he was in southern, eastern, western, and about five places in between, but he enjoyed it. He really enjoyed it.

I also enjoyed the fact that he and I probably agreed more than we disagreed. Of course, I could not convince him about the pigeon shoot because he told me Judy would not let him come home then.

I miss John, and not because of his passing. I missed John the day he walked off the floor of this Senate because he was a buddy. We all know that when the body dies our mortality perishes, but our spirit goes on with Almighty God. It is nice to know that I have a friend who walks and talks with God. Thank you, God, for John. And John, how about doing a little lobbying for us and putting in a word for us, too. I want to let you know, John, we do miss you.

Thank you, Mr. President.

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

The PRESIDENT. All those in favor of the resolution and wish to honor the memory of former Senator John Shumaker, please rise for a moment of silence for the gentleman from Dauphin County.

(Whereupon, the Senate en bloc stood in a moment of silence in solemn respect to the memory of former Senator JOHN J. SHUMAKER.)

The PRESIDENT. The Chair declares the resolution unanimously adopted.

For a moment while the family departs, this Senate will be at ease. The Chair thanks all of the speakers, each Member of the Senate for their very positive and meaningful reflections.

(The Senate was at ease.)

SPECIAL ORDER OF BUSINESS ANNOUNCEMENT BY THE SECRETARY

The SECRETARY. Consent has been given for the Committee on Rules and Executive Nominations to meet during today's Session in the Rules room to consider certain nominations.

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, joining us today in the gallery is the Blue Mountain High School Envirothon Team from Schuylkill County. The Blue Mountain School District encompasses parts of the legislative districts of Representative Dave Argall and Representative Bob Allen. Of course, I am fortunate because I have all of them.

The Envirothon is a high school level competition among students from across the nation involving testing and problem-solving on a different environmental issue each year. Pennsylvania has held an Envirothon competition for 16 years, and national competitions have been held for 12 years. Blue Mountain's Envirothon Team has won the Schuylkill County Envirothon competition for 13 years in a row and has been State champion for the past 4 years consecutively and a total of seven times. Each year that Blue Mountain competed in States the team has finished in the top three. Blue Mountain has been national champ four times, most recently in 1997. The team finished seventh nationally in 1998 and 1999. Blue Mountain High School is the only school to win the national title four times.

With us today in the gallery are the 1999 team members. They are Neal Lutz, now a student at Bucknell University; Denise Johnson, now a student at East Stroudsburg University; Jeb Charles, now a student at Lincoln Tech; Frank Tamulonis, a senior at Blue Mountain; and Bryn Witmier, a senior at Blue Mountain. Also their team advisors are here, too. They are Richard Eckert, Christopher Brommer, and Glenn Luckenbill, along with the school superintendent, Dr. Jon Rednak, and Mr. Jack Wabby.

We have two other people from our Schuylkill Conservation District, district manager Craig Morgan and "Porcupine" Pat McKinney, environmental education coordinator.

The PRESIDENT. Will our special guests, the Envirothon Team members and educational leaders, please rise so the Senate may welcome you.

(Applause.)

GUESTS OF SENATOR ROBERT J. THOMPSON PRESENTED TO THE SENATE

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

Senator THOMPSON. Mr. President, it is my pleasure to introduce two guest Pages, both seniors at West Chester's B. Reed Henderson High School in Chester County. They are Alex Beachy, of Westtown Township, and Nick Martin, of West Whiteland Township.

Alex is senior class president, a cross-country runner, sports editor of the yearbook, and hopes to go into a career in computer engineering.

Nick is senior class vice president, member of the prom committee and homecoming committee, and his grandfather, Harold Martin, was the person who first recommended and worked for the rest of his life on the completion of the Exton Bypass. So could we welcome both of those guest Pages today.

The PRESIDENT. Would our guest Pages please rise so the Senate may welcome you.

(Applause.)

CONSIDERATION OF CALENDAR RESUMED

SB 670 CALLED UP OUT OF ORDER

SB 670 (Pr. No. 1475) -- Without objection, the bill was called up out of order, from page 2 of the Third Consideration Calendar, by Senator LOEPER, as a Special Order of Business.

**BILL ON THIRD CONSIDERATION
AND FINAL PASSAGE**

SB 670 (Pr. No. 1475) -- The Senate proceeded to consideration of the bill, entitled:

An Act relating to the licensure and regulation of pediatric extended care centers in this Commonwealth.

Considered the third time and agreed to,

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

On the question,
Shall the bill pass finally?

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

Senator MURPHY. Mr. President, I would like to speak for a moment about Senate Bill No. 670, of which I am the prime sponsor. It is a simple piece of legislation, but sometimes it is those simple things which have a profound effect upon so many lives. What this bill does is establish a licensing procedure for pediatric extended care centers. Now that does not seem like much, but let me explain that if I could for a moment.

Before I came to the Senate, I had the pleasure of working in hospitals such as Children's Hospital in Pittsburgh, Magee-Women's Hospital, and Mercy Hospital. Many of my days were filled working in the newborn intensive care units, and at those centers oftentimes I would be involved in the evaluation and care of babies who were not really much bigger than the size of my hand, weighing just a pound or two, perhaps being born to mothers who were addicted to crack cocaine, babies born prematurely, babies with severe trauma, a head injury, or babies who had a life ahead of them certainly filled with difficulty. Following their discharge from the hospital, as oftentimes was the case, many of these babies did well, but some continued to languish with ongoing medical problems and found them at home in a situation where they required 24 hours of medical care, so nurses would be in the home or parents would oftentimes be there with equipment, with IVs, with medicine, taking care of these babies every day.

Child's Way in Pittsburgh is the first center in Pennsylvania of its type to really allow a place for prescribed pediatric care for these infants, a place that has nurses, nursing students, and therapists who can perform medical procedures and therapy, a place that allows parents to go back to work during the day, and a place that really quite excitedly allows babies to be surrounded by the laughter of other children rather than to be in their own homes and bedrooms in the silence of those homes. But interaction is really the best way to help medically fragile children and enables them to see a part of the world they otherwise would not see. It expands their environment by letting them out of their homes and out of 24-hour nursing care, and gives them an opportunity to be part of the world.

Many people worked on this legislation, but in particular I want to single out the staff of Children's Home of Pittsburgh and Child's Way, whose tenacious efforts were a big part of this. People to be thanked for helping with this legislation are Pamela Schanwald, CEO, Children's Home of Pittsburgh; Nancy Mayer, Executive Director of Child's Way; Lori Gerhard, former Acting Deputy Secretary for Quality Assurance, Department of Health; Anne Mentzer, Deputy Secretary for Legislative Affairs, Governor's Office; Deborah Griffiths, Director, Legislative Office of the Department of Health; Dennis Walsh, Buchanan Ingersoll, P.C., and Debbie Martella, Buchanan Ingersoll, P.C. Many other people in the Governor's Office also worked with us on this bill.

Time is of the essence in passing this bill as the center is literally at the point where they have been operating on grants and donations to keep things going for these children under age 3. If we pass this bill, it will finally allow them to be licensed as a center, the first one in Pennsylvania, and allow them to receive reimbursement from insurance companies which will help them go on.

So I want to thank everybody involved in this very important project and ask my colleagues to pass this bill unanimously for the sake of all those young children and their families, and give them hope for a new life.

Thank you very much, Mr. President.

And the question recurring,
Shall the bill pass finally?

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

YEA-48

Armstrong	Greenleaf	Madigan	Slocum
Belan	Hart	Mellow	Stapleton
Bell	Helfrick	Mowery	Stout
Bodack	Holl	Murphy	Thompson
Boscola	Hughes	Musto	Tilghman
Brightbill	Jubelirer	O'Pake	Tomlinson
Conti	Kasunic	Piccola	Wagner
Corman	Kitchen	Punt	Waugh
Costa	Kukovich	Rhoades	Wenger
Dent	LaValle	Robbins	White
Earl	Lemmond	Salvatore	Williams
Gerlach	Loeper	Schwartz	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 present said bill to the House of Representatives for concurrence.

LEGISLATIVE LEAVE CANCELLED

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

RECESS

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

Senator LOEPER. Mr. President, at this time I request a recess of the Senate, first for the purpose of a meeting of the Committee on Rules and Executive Nominations to meet immediately in the Rules room at the rear of the Senate Chamber, to be followed by a Republican caucus in the first floor caucus room, with an expectation of returning to the floor at approximately 4 o'clock.

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

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

The PRESIDENT. For purposes of a meeting of the Committee on Rules and Executive Nominations, and the Chair would emphasize that meeting is to be held immediately in the Rules room at the rear of the Senate Chamber, to be followed immediately by Republican and Democratic caucuses, with the intention of returning at 4 p.m., this Senate stands in recess.

AFTER RECESS

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

CONSIDERATION OF CALENDAR RESUMED

THIRD CONSIDERATION CALENDAR

BILL AMENDED

SB 8 (Pr. No. 1450) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of April 3, 1992 (P.L.28, No.11), entitled Tuition Account Program and College Savings Bond Act, expanding the scope of the act, further providing for tuition account programs, and establishing scholarship programs.

On the question,

Will the Senate agree to the bill on third consideration?

Senator LOEPER, on behalf of Senator JUBELIRER offered the following amendment No. A4090:

Amend Sec. 1 (Title), page 2, line 1, by striking out "one of which is"

Amend Sec. 1 (Title), page 2, lines 1 and 2, by striking out "the other of which is"

Amend Sec. 3 (Sec. 302), page 5, line 24, by striking out "deposits" and inserting: a contribution

Amend Sec. 3 (Sec. 302), page 5, line 26, by striking out "deposit" and inserting: contribution

Amend Sec. 3 (Sec. 302), page 6, line 4, by striking out "deposits made pursuant to"

Amend Sec. 3 (Sec. 302), page 6, line 6, by striking out "deposit" and inserting: contribution

Amend Sec. 3 (Sec. 302), page 6, line 7, by striking out "deposit" and inserting: contribution

Amend Sec. 3 (Sec. 302), page 6, line 9, by striking out "deposits made pursuant to"

Amend Sec. 3 (Sec. 303), page 6, line 22, by striking out "one of which is"

Amend Sec. 3 (Sec. 303), page 6, lines 22 and 23, by striking out "the other of which is"

Amend Sec. 3 (Sec. 303), page 6, line 24, by striking out "deposited" and inserting: contributed

Amend Sec. 3 (Sec. 303), page 6, line 28, by striking out "deposited" and inserting: contributed

Amend Sec. 3 (Sec. 303), page 7, line 2, by striking out "deposited" and inserting: contributed

Amend Sec. 3 (Sec. 305), page 10, line 12, by striking out "deposits" and inserting: contributions

Amend Sec. 3 (Sec. 306), page 12, line 14, by striking out "deposits" and inserting: contributions

Amend Sec. 3 (Sec. 306), page 13, line 24, by striking out "deposits" and inserting: contributions

Amend Sec. 3 (Sec. 308), page 17, line 4, by striking out "deposited" and inserting: contributed

Amend Sec. 3 (Sec. 309), page 17, line 9, by striking out "deposit" and inserting: contribution

Amend Sec. 3 (Sec. 309), page 17, line 17, by striking out "deposits" and inserting: contributions

Amend Sec. 3 (Sec. 309), page 19, line 2, by striking out "deposit" and inserting: contribution

Amend Sec. 3 (Sec. 309), page 19, line 6, by striking out "Deposits" and inserting: Contributions

Amend Sec. 3 (Sec. 309), page 19, line 9, by striking out "deposit" and inserting: contribution

Amend Sec. 3 (Sec. 309), page 19, line 11, by striking out "deposit" and inserting: contribution

Amend Sec. 3 (Sec. 309), page 19, line 13, by striking out "deposits" and inserting: contributions

Amend Sec. 3 (Sec. 309), page 19, line 17, by striking out "deposit" and inserting: contribution

Amend Sec. 3 (Sec. 309), page 19, line 21, by striking out "deposit" and inserting: contribution

Amend Sec. 3 (Sec. 309), page 20, line 23, by striking out "[] tuition" and inserting: tuition] qualified higher education expenses

Amend Sec. 3 (Sec. 309), page 21, line 20, by striking out "different"

Amend Sec. 3 (Sec. 309), page 21, line 20, by inserting after "institution": other

Amend Sec. 3 (Sec. 309), page 25, line 21, by striking out "deposits" and inserting: contributions

Amend Sec. 3 (Sec. 309), page 25, line 24, by striking out "deposits" and inserting: contributions

Amend Sec. 3 (Sec. 309), page 26, line 2, by striking out "deposits" and inserting: contributions

Amend Sec. 3 (Sec. 309), page 26, line 18, by striking out "deposits" and inserting: contributions

Amend Sec. 3 (Sec. 309), page 28, line 9, by striking out "deposit" and inserting: contribution

Amend Sec. 4 (Sec. 309.1), page 28, line 29, by striking out "deposits" and inserting: contributions

Amend Sec. 4 (Sec. 309.1), page 29, line 3, by striking out "deposits" and inserting: contributions

Amend Sec. 4 (Sec. 309.2), page 29, line 19, by striking out "deposit" and inserting: contribution

Amend Sec. 4 (Sec. 309.2), page 29, line 21, by striking out "deposit" and inserting: contribution

Amend Sec. 4 (Sec. 309.2), page 29, line 25, by striking out "de-
posit" and inserting: contribution

Amend Sec. 4 (Sec. 309.2), page 29, line 27, by striking out "de-
posited" and inserting: contributed

Amend Sec. 4 (Sec. 309.2), page 30, line 11, by striking out "de-
posit" and inserting: contribution

Amend Sec. 4 (Sec. 309.2), page 30, line 18, by striking out "de-
posits" and inserting: contributions

Amend Sec. 5 (Sec. 311), page 31, line 12, by striking out "depos-
its" and inserting: contributions

Amend Sec. 5 (Sec. 313), page 34, line 7, by striking out "depos-
its" and inserting: contributions

Amend Sec. 5 (Sec. 313), page 34, line 10, by striking out "de-
posit" and inserting: contribution

Amend Sec. 5 (Sec. 313), page 34, line 16, by striking out "depos-
its" and inserting: contributions

Amend Sec. 5 (Sec. 313), page 34, line 20, by striking out "depos-
its" and inserting: contributions

Amend Sec. 5 (Sec. 313), page 34, line 22, by striking out "depos-
its" and inserting: contributions

Amend Sec. 5 (Sec. 313), page 34, line 23, by striking out "depos-
its" and inserting: contributions

Amend Sec. 5 (Sec. 313), page 35, line 17, by striking out "depos-
its" and inserting: contributions

Amend Sec. 5 (Sec. 313), page 35, line 22, by striking out "depos-
its" and inserting: contributions

Amend Sec. 5 (Sec. 316), page 37, line 1, by striking out "Depos-
its—Deposits" and inserting: Contributions—Contributions

Amend Sec. 5 (Sec. 316), page 37, line 3, by striking out "depos-
its" and inserting: contributions

Amend Sec. 5 (Sec. 317), page 37, line 16, by striking out "depos-
its" and inserting: contributions

Amend Sec. 5 (Sec. 317), page 37, line 18, by striking out "depos-
its" and inserting: contributions

Amend Sec. 6 (Sec. 318), page 38, line 12, by striking out "De-
posits" and inserting: Contributions

Amend Sec. 6 (Sec. 318), page 38, line 12, by striking out "depos-
its" and inserting: contributions

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.

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

SB 242 (Pr. No. 930) -- The Senate proceeded to consider-
ation of the bill, entitled:

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

Considered the third time and agreed to,

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

On the question,

Shall the bill pass finally?

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

YEA-48

Armstrong	Greenleaf	Madigan	Slocum
Belan	Hart	Mellow	Stapleton
Bell	Helfrick	Mowery	Stout
Bodack	Holl	Murphy	Thompson
Boscola	Hughes	Musto	Tilghman
Brightbill	Jubelirer	O'Pake	Tomlinson
Conti	Kasunic	Piccola	Wagner
Corman	Kitchen	Punt	Waugh
Costa	Kukovich	Rhoades	Wenger
Dent	LaValle	Robbins	White
Earl	Lemmond	Salvatore	Williams
Gerlach	Loeper	Schwartz	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 present said bill to
the House of Representatives for concurrence.

LEGISLATIVE LEAVES

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

Senator LOEPER. Mr. President, Senator Conti has been
called from the floor, and I request a legislative leave for the
remainder of today's Session. I also request a temporary Capitol
leave for Senator Thompson.

The PRESIDENT. Without objection, those leaves are
granted.

The Chair recognizes the gentleman from Indiana, Senator
Stapleton.

Senator STAPLETON. Mr. President, I request a temporary
Capitol leave for Senator Stout.

The PRESIDENT. Without objection, that leave is granted.

THIRD CONSIDERATION CALENDAR RESUMED

BILLS OVER IN ORDER

SB 300 and **SB 380** -- Without objection, the bills were
passed over in their order at the request of Senator LOEPER.

BILL AMENDED

HB 518 (Pr. No. 1040) -- The Senate proceeded to consider-
ation of the bill, entitled:

An Act amending Title 23 (Domestic Relations) of the Pennsylv-
ania Consolidated Statutes, providing for face-to-face contact for high
risk abused children.

On the question,

Will the Senate agree to the bill on third consideration?

Senator STAPLETON, on behalf of Senator MELLOW, of-
fered the following amendment No. A4047:

Amend Sec. 1 (Sec. 6362), page 2, line 1, by inserting after
"abuse": or neglect

On the question,
 Will the Senate agree to the amendment?
 It was agreed to.
 Without objection, the bill, as amended, was passed over in its order at the request of Senator LOEPER.

BILLS OVER IN ORDER

SB 598, SB 708 and SB 767 -- Without objection, the bills were passed over in their order at the request of Senator LOEPER.

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

SB 842 (Pr. No. 1445) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, prohibiting the simulation of legal process and related acts; prohibiting the use of unofficial license plates; and imposing penalties.

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

On the question,
 Shall the bill pass finally?

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

YEA-48

Armstrong	Greenleaf	Madigan	Slocum
Belan	Hart	Mellow	Stapleton
Bell	Helfrick	Mowery	Stout
Bodack	Holl	Murphy	Thompson
Boscola	Hughes	Musto	Tilghman
Brightbill	Jubelirer	O'Pake	Tomlinson
Conti	Kasunic	Piccola	Wagner
Corman	Kitchen	Punt	Waugh
Costa	Kukovich	Rhoades	Wenger
Dent	LaValle	Robbins	White
Earll	Lemmond	Salvatore	Williams
Gerlach	Loeper	Schwartz	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 present said bill to the House of Representatives for concurrence.

BILL LAID ON THE TABLE

SB 958 (Pr. No. 1090) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for confidential communications with sexual assault counselors.

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

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

SB 997 (Pr. No. 1474) -- The Senate proceeded to consideration of the bill, entitled:

An Act requiring purchasers of real estate with buildings thereon to bring the buildings into compliance with municipal codes; providing for nuisance abatement; and imposing penalties.

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

On the question,
 Shall the bill pass finally?

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

YEA-48

Armstrong	Greenleaf	Madigan	Slocum
Belan	Hart	Mellow	Stapleton
Bell	Helfrick	Mowery	Stout
Bodack	Holl	Murphy	Thompson
Boscola	Hughes	Musto	Tilghman
Brightbill	Jubelirer	O'Pake	Tomlinson
Conti	Kasunic	Piccola	Wagner
Corman	Kitchen	Punt	Waugh
Costa	Kukovich	Rhoades	Wenger
Dent	LaValle	Robbins	White
Earll	Lemmond	Salvatore	Williams
Gerlach	Loeper	Schwartz	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 present said bill to the House of Representatives for concurrence.

BILL AMENDED

SB 1047 (Pr. No. 1419) -- 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 institutional sexual assault.

On the question,
 Will the Senate agree to the bill on third consideration?
 Senator STAPLETON, on behalf of Senator MELLOW, offered the following amendment No. A4028:

Amend Sec. 1, page 1, lines 7 and 8, by striking out " , added December 21, 1998 (P.L. 1240, No.157)."

Amend Sec. 1 (Sec. 3124.2), page 1, line 10, by inserting brackets before and after "A" and inserting immediately thereafter: Except as provided in subsection (a.1), a

Amend Sec. 1 (Sec. 3124.2), page 1, line 15, by inserting brackets before and after "misdemeanor" and inserting immediately thereafter: felony

Amend Sec. 1 (Sec. 3124.2), page 1, line 16, by inserting brackets before and after "first" and inserting immediately thereafter: third

Amend Sec. 1 (Sec. 3124.2), page 1, by inserting after line 18: (a.1)

Scope.—This section applies to acts by employees or agents of the department or a county correctional authority, youth development center, State or county juvenile detention facility, other licensed residential facility serving children and youth or mental health or mental retardation facility or institution which are not punishable under section 3121 (relating to rape) or 3123 (relating to involuntary deviate sexual intercourse).

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.

BILL OVER IN ORDER

HB 1268 — Without objection, the bill was passed over in its order at the request of Senator LOEPER.

SECOND CONSIDERATION CALENDAR

BILL REREPORTED FROM COMMITTEE AS AMENDED ON SECOND CONSIDERATION

SB 1038 (Pr. No. 1452) — The Senate proceeded to consideration of the bill, entitled:

An Act establishing the Fair Credit Extension Uniformity Act; and providing for debt collection trade practices and penalties.

Considered the second time and agreed to,

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

BILL OVER IN ORDER

SB 528 — Without objection, the bill was passed over in its order at the request of Senator LOEPER.

BILL ON SECOND CONSIDERATION

SB 847 (Pr. No. 950) — The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, prohibiting criminal transmission of human immunodeficiency virus/acquired immune deficiency syndrome.

Considered the second time and agreed to,

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

BILL OVER IN ORDER

HB 849 — Without objection, the bill was passed over in its order at the request of Senator LOEPER.

BILL ON SECOND CONSIDERATION

SB 850 (Pr. No. 953) — The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, prohibiting the illegal use of a laser pointer.

Considered the second time and agreed to,

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

BILLS OVER IN ORDER

HB 868 and **SB 1032** — Without objection, the bills were passed over in their order at the request of Senator LOEPER.

BILL ON SECOND CONSIDERATION

SB 1109 (Pr. No. 1367) — 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 discrimination on account of guide dog.

Considered the second time and agreed to,

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

BILL REREFERRED

SB 1163 (Pr. No. 1437) — The Senate proceeded to consideration of the bill, entitled:

An Act providing for the adoption of capital projects to be financed from current revenues of the Game Fund.

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

BILL OVER IN ORDER

HB 1445 — Without objection, the bill was passed over in its order at the request of Senator LOEPER.

REPORT FROM COMMITTEE ON RULES AND EXECUTIVE NOMINATIONS

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

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

May 26, 1999

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Reverend Stephen D. Rosendahl, 6815 Townsend Drive, Erie 16505, Erie County, Forty-ninth Senatorial District, for appointment as a member of the Pennsylvania Cancer Control, Prevention and Research Advisory Board, to serve for a term of four years and until his successor is appointed and qualified, vice Patricia Halpin-Murphy, Harrisburg, whose term expired.

THOMAS J. RIDGE
Governor

MEMBER OF THE STATE
CIVIL SERVICE COMMISSION

July 9, 1999

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Katherine Holtzinger Conner, 1772 Kendall Drive, Mechanicsburg 17055, Cumberland County, Thirty-third Senatorial District, for appointment as a member of the State Civil Service Commission, to serve until April 9, 2002 or until her successor is appointed and qualified, but not longer than six months beyond that period, vice Charles J. Lieberth, Pittsburgh, resigned.

THOMAS J. RIDGE
Governor

MEMBER OF THE MUNICIPAL POLICE OFFICERS'
EDUCATION AND TRAINING COMMISSION

July 12, 1999

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Richard J. Herron, 1032 Vauclain Avenue, Woodlyn 19094, Delaware County, Ninth Senatorial District, for appointment as a member of the Municipal Police Officers' Education and Training Commission, to serve until February 21, 2001 and until his successor is appointed and qualified, vice Paul L. Pennypacker, Downingtown, whose term expired.

THOMAS J. RIDGE
Governor

MEMBER OF THE PENNSYLVANIA
PUBLIC UTILITY COMMISSION

September 15, 1999

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Terrance J. Fitzpatrick, Esquire, 282 Pine Street, Hummelstown 17036, Dauphin County, Fifteenth Senatorial District, for appointment as a member of the Pennsylvania Public Utility Commission, to serve until April 1, 2004, or until his successor is appointed and qualified, but not longer than six months beyond that period, vice David W. Rolka, Camp Hill, whose term expired.

THOMAS J. RIDGE
Governor

MEMBER OF THE COUNCIL OF TRUSTEES OF
SLIPPERY ROCK UNIVERSITY OF PENNSYLVANIA
OF THE STATE SYSTEM OF HIGHER EDUCATION

May 10, 1999

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Arlene R. Quinlan, 103 Ojibwa Drive, Butler 16001, Butler County, Twenty-first Senatorial District, for reappointment as a member of the Council of Trustees of Slippery Rock University of Pennsylvania of the State System of Higher Education, to serve until the third Tuesday of January 2005, and until her successor is appointed and qualified.

THOMAS J. RIDGE
Governor

NOMINATIONS LAID ON THE TABLE

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

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

EXECUTIVE NOMINATIONS

EXECUTIVE SESSION

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

Which was agreed to.

NOMINATIONS TAKEN FROM TABLE

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

The Clerk read the nominations as follows:

MEMBER OF THE PENNSYLVANIA COUNCIL
ON AGING

October 13, 1999

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Annetta S. Kraus, 116 West Possum Hollow Road, Wallingford 19086, Delaware County, Ninth Senatorial District, for reappointment as a member of the Pennsylvania Council on Aging, to serve until October 8, 2002 and until her successor is appointed and qualified.

THOMAS J. RIDGE
Governor

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

June 4, 1999

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Robert J. Gibble, 524 Arrowhead Trail, Sinking Springs 19608, Berks County, Forty-eighth Senatorial District, for appointment as a member of the Council of Trustees of Bloomsburg University of Pennsylvania of the State System of Higher Education, to serve until the third Tuesday of January 2005, and until his successor is appointed and qualified, vice Kevin M. O'Connor, Birchwood Hills, whose term expired.

THOMAS J. RIDGE
Governor

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

May 26, 1999

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Reverend Stephen D. Rosendahl, 6815 Townsend Drive, Erie 16505, Erie County, Forty-ninth Senatorial District, for appointment as a member of the Pennsylvania Cancer Control, Prevention and Research Advisory Board, to serve for a term of four years and until his successor is appointed and qualified, vice Patricia Halpin-Murphy, Harrisburg, whose term expired.

THOMAS J. RIDGE
Governor

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

September 28, 1999

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Mary A. Simmonds, M.D., 1811 Warren Street, New Cumberland 17070, Cumberland County, Thirty-first Senatorial District, for reappointment as a member of the Pennsylvania Cancer Control, Prevention and Research Advisory Board, to serve for a term of four years and until her successor is appointed and qualified.

THOMAS J. RIDGE
Governor

**MEMBER OF THE STATE
CIVIL SERVICE COMMISSION**

July 9, 1999

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Katherine Holtzinger Conner, 1772 Kendall Drive, Mechanicsburg 17055, Cumberland County, Thirty-third Senatorial District, for appointment as a member of the State Civil Service Commission, to serve until April 9, 2002 or until her successor is appointed and qualified, but not longer than six months beyond that period, vice Charles J. Lieberth, Pittsburgh, resigned.

THOMAS J. RIDGE
Governor

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

July 23, 1999

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Sheryle L. Long, 270 Beacon Road, Renfrew 16053, Butler County, Twenty-first Senatorial District, for appointment as a member of the Council of Trustees of Clarion University of Pennsylvania of the State System of Higher Education, to serve until the third Tuesday of January 2001, and until her successor is appointed and qualified, vice Michael R. Keefer, Summersville, whose term expired.

THOMAS J. RIDGE
Governor

**MEMBER OF THE BOARD OF DIRECTORS OF
THE PENNSYLVANIA ECONOMIC DEVELOPMENT
FINANCING AUTHORITY**

September 30, 1999

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Sandor Yelen, 650 Charles Avenue, Kingston 18704, Luzerne County, Twentieth Senatorial District, for reappointment as a member of the Board of Directors of the Pennsylvania Economic Development Financing Authority, to serve for a term of four years and until his successor is appointed and qualified.

THOMAS J. RIDGE
Governor

**MEMBER OF THE STATE FARM PRODUCTS
SHOW COMMISSION**

October 5, 1999

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Harry H. Bachman, 138 College Avenue, Annville 17003, Lebanon County, Forty-eighth Senatorial District, for reappointment 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.

THOMAS J. RIDGE
Governor

**MEMBER OF THE STATE FARM PRODUCTS
SHOW COMMISSION**

October 5, 1999

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Beverly K. Gruber, 5265 Sell Road, New Tripoli 18066, Lehigh County, Forty-eighth Senatorial District, for reappointment as a member of the State Farm Products Show Commission, to serve for a term of four years and until her successor is appointed and qualified.

THOMAS J. RIDGE
Governor

**MEMBER OF THE STATE BOARD
OF MEDICINE**

October 20, 1999

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Charles D. Hummer, Jr., M.D., 20 Guernsey Road, Swarthmore 19081, Delaware County, Twenty-sixth Senatorial District, for appointment as a member of the State Board of Medicine, to serve for a term of four years or until his successor is appointed and qualified, but not longer than six months beyond that period, vice Solomon C. Luo, M.D., Orwigsburg, whose term expired.

THOMAS J. RIDGE
Governor

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

July 12, 1999

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Richard J. Herron, 1032 Vauclain Avenue, Woodlyn 19094, Delaware County, Ninth Senatorial District, for appointment as a member of the Municipal Police Officers' Education and Training Commission, to serve until February 21, 2001 and until his successor is appointed and qualified, vice Paul L. Pennypacker, Downingtown, whose term expired.

THOMAS J. RIDGE
Governor

**MEMBER OF THE STATE BOARD OF
OCCUPATIONAL THERAPY EDUCATION
AND LICENSURE**

May 26, 1999

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Jerry Johnson, Ed.D., 118 N. Mole Street, Philadelphia 19102, Philadelphia County, First Senatorial

District, for appointment as a member of the State Board of Occupational Therapy Education and Licensure, to serve for a term of three years and until her successor is appointed and qualified, vice Ruth L. Schemm, Ed.D., Chalfont, whose term expired.

THOMAS J. RIDGE
Governor

**MEMBER OF THE PENNSYLVANIA
PUBLIC UTILITY COMMISSION**

September 15, 1999

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Terrance J. Fitzpatrick, Esquire, 282 Pine Street, Hummelstown 17036, Dauphin County, Fifteenth Senatorial District, for appointment as a member of the Pennsylvania Public Utility Commission, to serve until April 1, 2004, or until his successor is appointed and qualified, but not longer than six months beyond that period, vice David W. Rolka, Camp Hill, whose term expired.

THOMAS J. RIDGE
Governor

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

May 10, 1999

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Martha A. King, 455 Sheldon Road, Valencia 16059, Butler County, Fortieth Senatorial District, for appointment as a member of the Council of Trustees of Slippery Rock University of Pennsylvania of the State System of Higher Education, to serve until the third Tuesday of January 2005, and until her successor is appointed and qualified, vice Mabel R. Paige, Ph.D., New Castle, whose term expired.

THOMAS J. RIDGE
Governor

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

May 10, 1999

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Arlene R. Quinlan, 103 Ojibwa Drive, Butler 16001, Butler County, Twenty-first Senatorial District, for reappointment as a member of the Council of Trustees of Slippery Rock University of Pennsylvania of the State System of Higher Education, to serve until the third Tuesday of January 2005, and until her successor is appointed and qualified.

THOMAS J. RIDGE
Governor

MEMBER OF THE MCKEAN COUNTY BOARD OF ASSISTANCE

September 30, 1999

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Shirley J. Reed (Republican), 44 Elm Street, P.O. Box 392, Eldred 16731, McKean County, Twenty-fifth Senatorial District, for appointment as a member of the McKean County Board of Assistance, to serve until December 31, 2001, and until her successor is appointed and qualified, vice Judith Anne LeRoy, Bradford, resigned.

THOMAS J. RIDGE Governor

MEMBER OF THE MCKEAN COUNTY BOARD OF ASSISTANCE

September 30, 1999

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Marcia H. Shuman (Republican), P.O. Box 135, Rixford 16745, McKean County, Twenty-fifth Senatorial District, for appointment as a member of the McKean County Board of Assistance, to serve until December 31, 2001, and until her successor is appointed and qualified, vice George R. Tufts, Smethport, resigned.

THOMAS J. RIDGE Governor

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

QUESTION DIVIDED

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

Senator MELLOW. Mr. President, may we have a separate roll-call vote on Terrance Fitzpatrick, nominee for the Pennsylvania Public Utility Commission.

The PRESIDENT. The question will be divided. The clerk will call the roll on the balance of the nominations.

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

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

YEA-48

Table with 4 columns: Armstrong, Belan, Bell, Greenleaf, Hart, Helfrick, Madigan, Mellow, Mowery, Slocum, Stapleton, Stout

Table with 4 columns: Bodack, Boscola, Brightbill, Corti, Corman, Costa, Dent, Earll, Gerlach, Holl, Hughes, Jubelirer, Kasunic, Kitchen, Kukovich, LaValle, Lemmond, Loeper, Murphy, Musto, O'Pake, Piccola, Punt, Rhoades, Robbins, Salvatore, Schwartz, Thompson, Tilghman, Tomlinson, Wagner, Waugh, 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.

On the question, Will the Senate advise and consent to the nomination of Terrance J. Fitzpatrick to the Public Utility Commission?

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

Senator BOSCOLA. Mr. President, this morning the Senate Committee on Consumer Protection and Professional Licensure voted unanimously to report the nomination of Terry Fitzpatrick to the full Senate. But before I cast my vote this morning, I talked about how I really had to struggle with this nomination. On the one hand, I believe that Attorney Fitzpatrick is very well qualified to serve on the PUC. But on the other hand, I do not believe that the PUC should be made up of five Republican Members. Mr. President, you have to look all the way back to the 1940s to find another time when the Public Utility Commission was controlled by one party. If you look, you will find the PUC was actually made up of all Republicans twice during the 1940s, but not once in the history of the PUC has the commission been controlled by all Democrats. As I told Attorney Fitzpatrick this morning, I have nothing against him personally. I hope he will try to do the right thing on the PUC, but I only wish that the Governor had done the right thing and not tried to pack this commission with five Republicans.

Mr. President, I do not believe that the Senate of Pennsylvania should be made up of 50 Republicans or, for that matter, 50 Democrats. I do not believe the House of Representatives should be made up of 203 Republicans or 203 Democrats. I know some of you are saying, well, maybe I would like it to be that way. I think we all know instinctively at the very fundamental level that it would not be right and it would not be fair. Most of our constituents I believe would also feel uncomfortable and would suspect that something was dramatically wrong with this picture.

Mr. President, I do not think the PUC should be made up of all Democrats or all Republicans, just as I do not believe the PUC should be made up of entirely all men or women or African-Americans or all Caucasians, or all Irish or all Italian Commissioners. Diversity brings a different perspective to any decisionmaking progress, including the PUC. But once you eliminate diversity, you also eliminate the opportunity to come to any decision that is truly representative of all the people who will be affected by that decision.

Now, we all know that the Commissioners cannot vote to approve lower utility rates for Republican ratepayers or vote to

approve higher utility rates for Democratic ratepayers, but the underlying philosophy among five Republicans on the PUC is going to be very different from the underlying philosophy of three Republicans and two Democrats. I think it was a tremendous loss, and I know it was a tremendous loss for consumers when the Governor refused to renominate Dave Rolka solely because he was a Democrat. That was wrong. But I would like to say around here, everybody is going to say, well, that is just politics.

Mr. President, I will be voting for confirmation today because I believe in always voting for the person, not the party. But I really think it is wrong that the Governor wants to pack this PUC with five Republicans. What is really going on here is he is making the Public Utility Commission into the Republican Utility Commission. Democracy means fighting for everyone's voice to be heard in a democratic process, and that means not sitting in my seat and watching as the PUC goes quietly Republican today.

But I have to admit that I feel a little bit like the character in Hans Christian Andersen's fairy tale about the emperor's new clothes. This is a story about all the emperor's subjects who are afraid to tell him that they cannot see his new clothes because, of course, he is not wearing any. But because he is the Governor -- I mean, the emperor, all of his subjects and even the members of his royal court were afraid to tell him the truth, so as the procession passed by, all the subjects remarked about the beautiful colors and fabrics of the Governor's -- I mean, the emperor's new clothes. There was a small child, however, who had no important job and could only see things as his eyes showed them to him. This small child went up to the carriage and said simply, the emperor had nothing on, and he was right.

Well, Mr. President, my Republican colleagues may talk about the beautiful colors of the Governor's new clothes because he is their leader and they do not want to make him mad, and my Democratic colleagues may be talking about the beautiful fabric of the Governor's new clothes because they are reluctant to oppose someone who is going to be confirmed anyway. But I can only see things as my eyes show them to me, and I see a Republican Governor, a Republican Senate, a Republican House of Representatives, and now a Republican Utility Commission.

I hope Attorney Fitzpatrick will do the right thing on the PUC, Mr. President, but I really, really wish that the emperor -- I mean, the Governor would have done the right thing, too.

Thank you, Mr. President.

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

Senator PICCOLA. Mr. President, I was not going to get up and speak in favor of the confirmation of my constituent Terry Fitzpatrick to be a member of the Public Utility Commission, but after listening to the remarks of the lady from Northampton, I feel compelled to rise not only in defense of Mr. Fitzpatrick but also in defense of the Governor because, in my estimation, the Governor unequivocally and without any doubt in my mind did do the right thing. And what is the right thing? The right thing, Mr. President, is to nominate the most qualified, able, trustworthy, honest person that he can find willing to serve on the very important agency known as the Pennsylvania Public

Utility Commission, and I believe that with Terry Fitzpatrick the Governor of this Commonwealth did exactly that, and when you do that in government, that is the right thing.

Now, with respect to diversity, it means a lot of different things. It does not just mean party label. People register within a particular party for a whole lot of different reasons, and being a Republican in one part of this State means a lot of different things than it means in other parts of this State, as being a Democrat in one part of the State means something different than being a Democrat in another part of the State. There is diversity within the various parties, and I think if you look over the history of the Pennsylvania Public Utility Commission you will find that the votes on that commission do not necessarily break down along party lines. It is not an institution that has a history for partisanship. Diversity is already present on the Pennsylvania Public Utility Commission. There is an African-American who sits on the Pennsylvania Public Utility Commission. There is a woman. The chairman of the Pennsylvania Public Utility Commission, John Quain, who is eminently qualified for that position, has a sight impairment and would be considered disabled. The Public Utility Commission does mirror the diversity of this Commonwealth.

And I think, Mr. President, that the Pennsylvania Public Utility Commission and the Governor are very well dressed, they are wearing very fine clothing, and I think the confirmation of Terry Fitzpatrick to be the fifth member of the Pennsylvania Public Utility Commission will put a very, very fine crowning touch to that suit of clothes that is being worn by this commission. They are doing an excellent job in monitoring the very many changes, important changes that are going on in this State relative to the various utilities, the telecommunications, the gas and the electric. And Mr. Fitzpatrick is eminently qualified to handle this role and to serve with great distinction and dignity and honesty on our commission, and I urge the Senate to confirm him.

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

Senator MELLOW. Mr. President, I did not hear in Senator Boscola's speech any reference to the fact that Mr. Fitzpatrick is not qualified to serve as a member of the Public Utility Commission. In fact, I think what I heard her say and what she said in our caucus was that Mr. Fitzpatrick is eminently qualified to serve as a member of the Public Utility Commission. So there should be no one misled on the floor of this Senate about what was said by Senator Boscola with regard to the qualifications of the nominee whose name has been submitted by the Governor to serve as a member of the Public Utility Commission.

Mr. President, what she was saying was that it is not good government and therefore it is not good politics to have a commission with the awesome responsibility of a regulatory agency as the Public Utility Commission, which quite frankly is in a position to have a greater impact on the increase of utility bills in Pennsylvania than we are as elected officials of the Commonwealth to impact tax bills in Pennsylvania, it is not proper to have five members of one political party represent the Public Utility Commission.

Mr. President, I am aware of the history, I have been here a few years, and I am aware of the history of Mr. Quain. As the record would indicate, I was the one who recommended John Quain's appointment to Governor Casey, because it was important at that particular time that a Republican be appointed who was qualified as a member of the Public Utility Commission.

Mr. President, the Senator from Dauphin said that the Governor appointed the most qualified, able, and trustworthy person to serve on the Public Utility Commission. Mr. President, the gentleman he is replacing, David Rolka, is as qualified and able and trustworthy as anyone Governor Ridge could have selected, except he is a Democrat. Now for us to think anything other than that David Rolka is a very qualified person would be an unfortunate statement on the floor of this Senate, and it certainly would not be putting David Rolka in the position and in the light in which he so badly deserves to be placed. I think it is important once again for history to show that Dave Rolka started his employment with the Public Utility Commission as a clerk to then Commissioner Michael Johnson. And I believe all of his adult working life Mr. Rolka has been employed by the Public Utility Commission as a highly qualified person, with extreme ability and very, very trustworthy. No one has ever questioned the integrity of David Rolka.

Mr. President, the last time, it was pointed out also by Senator Boscola, that there were five members of the Public Utility Commission of the same political party was in January of 1947, when James Duff served as Governor of Pennsylvania, and he appointed five Republicans and that period lasted from 1947 to 1951. So the Governors on both sides of the aisle, both Democrat and Republican, since 1951, some 48 years, thought it was in the best interests of the people of Pennsylvania to have Minority party representation on the Public Utility Commission. I have been serving in this body since 1970, and since 1970 the Public Utility Commission has been as bipartisan in its makeup as physically possible. I can also remember the time, and again the Legislative Journal will be very clear on it, when we used to say in the 1970s that the Public Utility Commission basically was not speaking in the best interests of the public, but in fact we thought, and we talked about it on the floor of this Chamber, that we should remove "public" from the utility commission and make it what it was at that particular time, truly a utility commission, because it increased rates dramatically with little or no regard for the consumer public in Pennsylvania.

And I think, Mr. President, what the lady is saying, and rightfully so, and I could not agree with her more, and if you want to get out of the bipartisan discussion and talk to people outside of this Chamber, they will tell you the same thing, that representation on the Public Utility Commission should be bipartisan, and there should be Minority party representation. I do not care who the Governor is, whether it is Governor Ridge, whether it is Governor Casey, whether it is Governor Thornburgh, whether we are back to Governor Shapp or Governor Leader or Governor Scranton or Governor Shafer, it does not matter in recent history who the Governor was. The Public Utility Commission should be and must have Minority party representation.

Terrance Fitzpatrick is a very qualified person. There is no question about it. There probably will not be a negative vote in this Chamber. I do not believe there will be a negative vote on this side of the aisle, and that is based on his ability. But if we had to do it, Mr. President, based on his politics, based on the fact that he contributed to the Republican candidate for Governor in the last election, who is now the Governor of Pennsylvania, then we would not vote for him. But to even address the issue and to say that he is the most qualified, able, and trustworthy person to serve on the Public Utility Commission, when you consider who the opposition was at that point in time and whose position he took, Mr. David Rolka, who has worked with every Member of this body, is not a fair statement to make on the floor of this Senate. And I do support Mr. Fitzpatrick, but I also support the opportunity someday of putting a Democrat who is just as qualified, and perhaps that Democrat, once again, would be Dave Rolka, back on the Public Utility Commission, because I do not ever want to get into the days that we had back in the 1970s when the Public Utility Commission was a true utility commission and did not represent the best interests of the public.

Thank you, Mr. President.

And the question recurring,

Will the Senate advise and consent to the nomination?

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

YEA-48

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

EXECUTIVE SESSION RISES

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

The motion was agreed to.

UNFINISHED BUSINESS DISCHARGE PETITIONS

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

In the Senate, November 9, 1999

A PETITION

To place before the Senate the nomination of Beverly A. Hay, as a member of the Board of Trustees of East Stroudsburg University

TO: The President Officer of the Senate:

WE, The undersigned members of the Senate, pursuant to section 8 (b) of Article IV of the Constitution of Pennsylvania, do hereby request that you place the nomination of Beverly A. Hay, as a member of the Board of Trustees of East Stroudsburg University, before the entire Senate body for a vote, the nomination not having been voted upon within 15 legislative days:

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

In the Senate, November 9, 1999

A PETITION

To place before the Senate the nomination of Arlene R. Quinlan, as a member of the Board of Trustees of Slippery Rock University.

TO: The President Officer of the Senate:

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

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

In the Senate, November 9, 1999

A PETITION

To place before the Senate the nomination of Claire L. Wentz, as a member of the York County Board of Assistance.

TO: The President Officer of the Senate:

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

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

In the Senate, November 9, 1999

A PETITION

To place before the Senate the nomination of Martha A. King, as a member of the Board of Trustees of Slippery Rock University.

TO: The President Officer of the Senate:

WE, The undersigned members of the Senate, pursuant to section 8 (b) of Article IV of the Constitution of Pennsylvania, do hereby request that you place the nomination of Martha A. King, as a member of the Board of Trustees of Slippery Rock University, before the entire Senate body for a vote, the nomination not having been voted upon within 15 legislative days:

Raphael J. Musto
Michael A. O'Pake
Richard A. Kasunic
J. Barry Stout

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

CONGRATULATORY RESOLUTIONS

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

Congratulations of the Senate were extended to Charles M. Forry by Senator Armstrong.

Congratulations of the Senate were extended to Mr. and Mrs. Clarence Drischler by Senator Bodack.

Congratulations of the Senate were extended to Kirkland Matthew Macminn by Senator Conti.

Congratulations of the Senate were extended to Baldwin Emergency Medical Services of Allegheny County by Senator Costa.

Congratulations of the Senate were extended to Men of La Salle of Wyndmoor by Senator Greenleaf.

Congratulations of the Senate were extended to the Steuben Society of America, Pastorius Unit No. 38 of Philadelphia, by Senators Greenleaf and Conti.

Congratulations of the Senate were extended to Highland Firemen's Association of Pittsburgh by Senator Hart.

Congratulations of the Senate were extended to Brian Habermehl and to Stephen Major by Senator Helfrick.

Congratulations of the Senate were extended to Upper Salford Volunteer Fire Company by Senator Holl.

Congratulations of the Senate were extended to Herman Wooden by Senator Kitchen.

Congratulations of the Senate were extended to Edward J. Quarrick by Senator Kukovich.

Congratulations of the Senate were extended to the Honorable Barbara La Rosa by Senator Loeper.

Congratulations of the Senate were extended to Mr. and Mrs. Andrew Ondek by Senator Mellow.

Congratulations of the Senate were extended to Kevin Wolfe by Senator Mowery.

Congratulations of the Senate were extended to Baker Elementary School of Upper St. Clair by Senator Murphy.

Congratulations of the Senate were extended to Mr. and Mrs. Michael J. Fortunato by Senator Stapleton.

Congratulations of the Senate were extended to Mr. and Mrs. Charles Kolence by Senator Stout.

Congratulations of the Senate were extended to Carol R. Brown by Senator Wagner.

Congratulations of the Senate were extended to Roosevelt Barlow, James Baker, Sylvester M. Johnson, Curtis Johnson, Dalman Edmunds, Clarence Brogden, John Wardlaw, Randolph Walker, Alfred Ward, Walter Lindsay, Waldo G. Gentry and to Lloyd Ama by Senator Williams.

Congratulations of the Senate were extended to Ronald Repak, Susan Whisler and to Melvyn Wingard 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 Leland W. Myers by Senator Rhoades and others.

Condolences of the Senate were extended to the family of the late Charles Greenleaf Sweet by Senator Stout.

BILLS ON FIRST CONSIDERATION

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

The motion was agreed to.

The bills were as follows:

SB 639, SB 805, SB 967, SB 1077, SB 1097, SB 1103, SB 1134, SB 1183 and HB 1150.

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

SB 630 AND SB 958 TAKEN FROM THE TABLE

Senator LOEPER. Mr. President, I move that Senate Bill No. 630, Printer's No. 1226, and Senate Bill No. 958, Printer's No. 1090, be taken from the table and placed on the Calendar.

The motion was agreed to.

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

PETITIONS AND REMONSTRANCES

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

Senator SCHWARTZ. Mr. President, I rise this afternoon to offer some remarks on our environmental legislative initiatives currently being debated here in the Senate and the House. We talked briefly about this before we recessed for the election and are now back and wanted to begin our last few weeks here before we break in December, and I wanted to talk about what should be our top priority in this environmental debate that we are engaged in. And I believe, Mr. President, that this debate about the environment is actually about our children. The envi-

ronment is not an abstraction, it is about the health and safety of our children and our families. If we use this as our starting point, then our path is clear. The State must do as much as we can to protect the environment for the future generations of Pennsylvanians. Their quality of life depends on the actions we take today and in the next few days. That means recognizing that the State must make a serious investment in the environment, not because it is a luxury we can afford in good economic times but because Pennsylvania's farmlands and open spaces are rapidly disappearing. Cleanup projects are awaiting our attention. We must act now to leave a legacy of a healthy environment.

If we need to put a price tag on that need, we can. The environmental needs assessment conducted by Heritage 21, a coalition of over 80 statewide organizations, identified pressing State environmental projects with a price tag of \$1.4 billion. That includes a backlog of 200,000 acres of farmland to be protected under the farmland preservation program. It includes cleaning up the pollution from acid mine drainage that affects 3,200 miles of streams in 45 of our 67 counties. Parks, fisheries, historic sites, and libraries all need necessary repairs that have long gone unaddressed. Governor Ridge deserves credit for helping to put the issue of the environment and land use on the table for debate. The report of his 21st Century Environment Commission was a serious and clear call to action. Local communities across the Commonwealth are seeking to do what they can and also are looking to us to respond to this call to action. They cannot do it alone.

Unfortunately, the Governor's Growing Greener initiative is a timid response to that serious call to action, and his continuing insistence on an incremental, slow approach has made the administration an impediment, rather than a driving force, to meeting the challenge before us. We must now look seriously at the far more realistic bipartisan proposals that are being offered by Senate and House Members, including Members who have already worked in committee and worked bipartisanly right here in this Senate. We must step forward with a bold, new proposal, one that would make a significant investment in cleaning up our streams and our rivers and our land and protect our farms and our fields and our forests from uncontrolled growth.

Our neighboring States of New York and New Jersey, both led by Republican governors just as we are, have stepped forward to offer far more expansive initiatives with far more State investment. New York's Governor Pataki has launched a \$1.75 billion cleanup program to clean up water and air pollution. New Jersey's Governor, Christine Todd Whitman, has proposed a similar \$1.8 billion plan for land preservation. Governor Ridge's environmental proposal pales in comparison to these far-reaching plans. If we accept the premise that any environmental initiatives passed in this legislative season will serve as a road map in the State for the next decade, and many have said it will, then it is even more important for us to take bold and decisive and meaningful action.

I rise today to offer my support for a proposal by the Heritage 21 coalition. This proposal has significant bipartisan support in the House of Representatives, where House Bill No. 1200 has been approved by the Committee on Environmental Resources

and Energy. House Bill No. 1200 is the kind of bold action that we need if we are to respond adequately to the conclusion of Governor Ridge's commission on the 21st century that, quote, "A healthy environment, a dynamic economy, and the well-being of our communities are directly linked." House Bill No. 1200 meets the challenge by funding the backlog of State parks and forest maintenance projects, by expanding our heritage parks and tourism initiatives, by making real progress toward acid mine remediation, funding water and sewer projects in local communities, funding maintenance and rehabilitation of public historic sites and properties, by renovating Fish and Boat Commission facilities, by funding the backlog in the farmland preservation program, by protecting wildlife habitat, by funding Main Street development and urban revitalization programs, by including library capital improvements. The primary source of funding for House Bill No. 1200 is actually a mixture of money from our General Fund and a dedicated source for ongoing needs in some of these areas. An important part of that funding source is also a \$675 billion bond issue.

Let us set the record straight about the bond issue. Issuing bonds is a legitimate tool for making significant investments that will bring positive economic and quality of life returns for our citizens. House Bill No. 1200 will do that. We can afford a bond issue. For those who have raised the issue of burdening our children with debt, as though we had never issued bonds before or that there was no legitimate reason to issue bonds, allow me to quote from a recent editorial in the Harrisburg Patriot News. I thought they got it quite right. They said, quote, "It is doubtful that our children will protest any added debt burden due to protecting the environment as much as they surely would blast today's stewards for failing to provide for a decent and healthy environment." Clean drinking water, safe neighborhood parks, economic infrastructure, more jobs in our tourism and recreation industries, controlling suburban sprawl with sound land use and management practices and land preservation, revitalizing our town centers instead of paving over open space, preserving farm land, preserving the material and natural treasures of our Commonwealth, these are the features of a bold and necessary vision for the future.

These are the issues that we must address now, and that we must decide how and how much to invest in our environment and in our communities. We have to consider ourselves stewards for tomorrow. Let us not be timid. Let us not shy away from our responsibility to our children. Let us do the right thing for today and for future generations. Let us not be concerned about our children chastising us for taking too little action. We really have to be concerned about what they will say if we take not enough action. They are counting on us, as are our communities across the Commonwealth, to do the right thing as we talk about the Growing Greener proposal, and let us take a serious and bold step in protecting our environment for the future.

Thank you, Mr. President.

ANNOUNCEMENTS BY THE SECRETARY

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

SENATE OF PENNSYLVANIA

COMMITTEE MEETINGS

WEDNESDAY, NOVEMBER 10, 1999

9:30 A.M.	LAW AND JUSTICE (to consider House Bill No. 115)	Room 461 Main Capitol
10:00 A.M.	STATE GOVERNMENT (to consider House Bill No. 1981)	Rules Cmte. Conf. Rm.
10:30 A.M.	LABOR AND INDUSTRY (to consider Senate Bills No. 201, 203, 204 and 359) (P O S T P O N E D)	Rules Cmte. Conf. Rm.

TUESDAY, NOVEMBER 16, 1999

9:30 A.M.	COMMUNITY AND ECONOMIC DEVELOPMENT (public hearing on House Bill No. 1109)	Room 8E-B East Wing
10:30 A.M.	LABOR AND INDUSTRY (public hearing to consider the nominations of Robert J. Ewanco and William A. Hawkins to the Unemployment Compensation Board of Review; and a committee meeting to consider Senate Bills No. 201, 203, 204 and 359)	Rules Cmte. Conf. Rm.

ADJOURNMENT

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

Senator LOEPER. Mr. President, I move that the Senate do now adjourn until Wednesday, November 10, 1999, at 11 a.m., Eastern Standard Time.

The motion was agreed to.

The Senate adjourned at 5:33 p.m., Eastern Standard Time.