

COMMONWEALTH OF PENNSYLVANIA

Legislative Journal

TUESDAY, NOVEMBER 16, 1999

SESSION OF 1999

183RD OF THE GENERAL ASSEMBLY

No. 52

SENATE

TUESDAY, November 16, 1999

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

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

PRAYER

The Chaplain, Reverend ANNE K. MYERS, of Pine Street Presbyterian Church, Harrisburg, offered the following prayer:

One of the former pastors of Pine Street Presbyterian Church began the service every single Sunday with these words: "It is a great day in Harrisburg." Let me say it is a great and windy day in Harrisburg. It is an honor for me to be here to lead you in prayer this afternoon.

Let us bow our heads for prayer. Let us pray.

Most gracious God, we thank You, first of all, for our Capitol building: beautiful, teeming with life and energy. We praise and thank You for the beauty and gift of this our State, the Commonwealth of Pennsylvania.

We pray now for the Senate of this great State, for all these assembled here today. We know that for everything there is a season and a time for every matter under heaven. We pray for our State, for changes and transitions, for those welcomed and those unwelcomed. We pray for our Senators, for those who may find themselves in the midst of transitions. Transitions are so difficult for us. We ask that You would walk with them. We ask now that You would direct and prosper all their deliberations and consultations.

We pray for the safety, honor, and welfare of all the people. May important matters be ordered and settled by their endeavors. We ask that peace and happiness, truth and justice be established among us. May all that is said and done, all that is spoken and unspoken, be for Your glory. Amen.

The PRESIDENT. The Chair thanks Reverend Myers, 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 15, 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 518.

SENATE BILLS RETURNED WITH AMENDMENTS

The Clerk of the House of Representatives returned to the Senate SB 179, 670 and 1135, with the information the House has passed the same with amendments in which the concurrence of the Senate is requested.

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

HOUSE BILL FOR CONCURRENCE

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

November 16, 1999

HB 1087 -- Committee on Game and Fisheries.

HOUSE RESOLUTION FOR CONCURRENCE

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

November 16, 1999

HR 310 -- Committee on Rules and Executive Nominations.

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:

Recess adjournment.**REPORTS FROM COMMITTEES**

Senator ARMSTRONG, from the Committee on Labor and Industry, reported the following bills:

SB 201 (Pr. No. 1513) (Amended)

An Act requiring a notice concerning employee rights regarding union membership to be placed in all public employee contracts and to be posted at all public employee worksites; and providing penalties.

SB 359 (Pr. No. 1514) (Amended)

An Act establishing liens and ownership rights in dies, molds and forms used in fabrication of plastic parts under certain conditions.

Senator ROBBINS, from the Committee on Military and Veterans Affairs, reported the following bill:

SB 1184 (Pr. No. 1480)

An Act amending Title 51 (Military Affairs) of the Pennsylvania Consolidated Statutes, further defining "qualified resident"; and further providing for eligibility for educational assistance and for amount of educational assistance grants.

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

SB 800 (Pr. No. 1523) (Rereported)

An Act providing for watershed protection and environmental stewardship; establishing the Environmental Stewardship Fund; conferring powers and duties on the Department of Conservation and Natural Resources, the Department of Environmental Protection and the Pennsylvania Infrastructure Investment Authority; imposing a recycling fee; providing for use of site-specific postclosure funds; making an appropriation; and making repeals.

SB 1197 (Pr. No. 1512) (Amended)

An Act establishing the Supplemental Individual Assistance Program for individuals suffering losses because of the floods of 1999 and the resulting flood emergency; authorizing grants to counties and municipalities for housing acquisition of certain properties; and providing for payment of the Commonwealth's share to secure individual assistance from the Federal Government; and establishing the Flood and Severe Storm Victims Assistance Program for individuals suffering losses because of the floods and severe storms of 1996 through 1999.

SB 1200 (Pr. No. 1497) (Rereported)

An Act amending the act of March 4, 1971 (P.L.6, No.2), entitled Tax Reform Code of 1971, further providing for the calculation of the manufacturing, processing, research and development exemptions.

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

SB 843 (Pr. No. 946)

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for driving under influence of alcohol or controlled substance.

HB 552 (Pr. No. 2684) (Amended)

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for criminal laboratory user fee; and providing for civil immunity for antidrug and town-watch volunteers.

BILLS INTRODUCED AND REFERRED

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

November 16, 1999

Senators COSTA and BELAN presented to the Chair **SB 1191**, entitled:

An Act amending the act of July 28, 1953 (P.L.723, No.230), entitled, as amended, Second Class County Code, further providing for employees eligible for retirement allowances.

Which was committed to the Committee on FINANCE, November 16, 1999.

Senators SCHWARTZ, TARTAGLIONE, COSTA, BODACK, WAGNER, STOUT, EARLL, STAPLETON and BOSCOLA presented to the Chair **SB 1192**, entitled:

An Act providing for supervision of child-care facilities; conferring powers and duties on the Department of Public Welfare; making an appropriation; and making a repeal.

Which was committed to the Committee on AGING AND YOUTH, November 16, 1999.

Senators THOMPSON, BELL, LAVALLE, CONTI, GERLACH, TOMLINSON, COSTA, FUMO, LEMMOND, RHOADES, EARLL, BOSCOLA, TARTAGLIONE, MUSTO and O'PAKE presented to the Chair **SB 1193**, entitled:

An Act amending the act of August 24, 1951 (P.L.1304, No.315), entitled, as amended, Local Health Administration Law, further providing for State grants to county departments of health and to certain municipalities.

Which was committed to the Committee on PUBLIC HEALTH AND WELFARE, November 16, 1999.

Senators MURPHY, MOWERY, KASUNIC, ROBBINS, WAGNER, COSTA, EARLL, TOMLINSON, WHITE, KUKOVICH, TARTAGLIONE, LEMMOND, WAUGH, STOUT, THOMPSON, O'PAKE, SCHWARTZ, WENGER, SLOCUM, BOSCOLA and BRIGHTBILL presented to the Chair **SB 1194**, entitled:

An Act providing for the confidentiality of patient prescription records; authorizing disclosures of prescription records under certain conditions; and providing for penalties.

Which was committed to the Committee on PUBLIC HEALTH AND WELFARE, November 16, 1999.

Senator MUSTO presented to the Chair **SB 1195**, entitled:

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

Which was committed to the Committee on EDUCATION, November 16, 1999.

Senators O'PAKE, MELLOW, STAPLETON, WAGNER, KASUNIC, STOUT, KUKOVICH, COSTA, EARLL, MOWERY, BRIGHTBILL, SCHWARTZ, WOZNIAK, BOSCOLA and LAVALLE presented to the Chair SB 1196, entitled:

An Act amending the act of May 29, 1931 (P.L.210, No.126), entitled, as amended, "An act to regulate the certification and the registration of persons qualified to teach in accredited elementary and secondary schools in this State; imposing certain duties upon the Department of Public Instruction and the State Board of Education; defining violations; providing penalties, and for appeal to the court of common pleas of Dauphin County," further providing for recordkeeping requirements of the Department of Education; and making an editorial change.

Which was committed to the Committee on EDUCATION, November 16, 1999.

Senator GERLACH presented to the Chair SB 1198, entitled:

An Act amending the act of June 10, 1931 (P.L.492, No.156), entitled "An act relating to the trespassing of live stock on improved lands; providing for the taking up, impounding and sale thereof; imposing duties on and fixing the fees of constables, justices of the peace, and viewers appointed in connection therewith; prescribing the procedure for repossession by the owner thereof; providing for the fixing and taxing of costs, including attorneys' fees; and repealing inconsistent legislation," further defining "live stock" to include goats.

Which was committed to the Committee on AGRICULTURE AND RURAL AFFAIRS, November 16, 1999.

Senators WOZNIAK, STOUT, COSTA, KITCHEN, KUKOVICH, BODACK, HART, O'PAKE, BELAN, SCHWARTZ and BOSCOLA presented to the Chair SB 1199, entitled:

An Act amending the act of May 17, 1921 (P.L.682, No.284), entitled The Insurance Company Law of 1921, providing for reimbursement for handcycles.

Which was committed to the Committee on BANKING AND INSURANCE, November 16, 1999.

Senator ARMSTRONG presented to the Chair SB 1201, entitled:

An Act amending the act of May 19, 1995 (P.L.43, No.4), entitled Industrial Sites Environmental Assessment Act, providing for definitions and for performance-based loans; and making editorial changes.

Which was committed to the Committee on ENVIRONMENTAL RESOURCES AND ENERGY, November 16, 1999.

Senator LEMMOND presented to the Chair SB 1202, entitled:

An Act repealing acts relating to enrollment taxes.

Which was committed to the Committee on FINANCE, November 16, 1999.

BILL SIGNED

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

HB 518.

LEGISLATIVE LEAVES

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

Senator MELLOW. Mr. President, I request legislative leaves for Senator Belan, Senator Bodack, Senator Fumo, Senator Kasunic, Senator Stout, and Senator Tartaglione.

The PRESIDENT. Senator Mellow requests legislative leaves for Senator Belan, Senator Bodack, Senator Fumo, Senator Kasunic, Senator Stout, and Senator Tartaglione. Without objection, those leaves are granted.

CALENDAR

HB 115 CALLED UP OUT OF ORDER

HB 115 (Pr. No. 2638) -- 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 AMENDED

HB 115 (Pr. No. 2638) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 53 (Municipalities Generally) of the Pennsylvania Consolidated Statutes, further providing for municipal police education and training.

On the question,

Will the Senate agree to the bill on third consideration?

Senator LOEPER offered the following amendment No. A4444:

Amend Title, page 1, line 4, by removing the period after "commission" and inserting ; and limiting the application of certain municipal ordinances.

Amend Bill, page 4, line 23, by striking out all of said line and inserting:

Section 4. Chapter 21 of Title 53 is amended by adding a subchapter to read:

SUBCHAPTER E EMPLOYEE BENEFITS

Sec.

2181. Health insurance ordinances.

§ 2181. Health insurance ordinances.

An ordinance adopted by a municipality which requires, or the effect of which is to require, the provision of health insurance or other employee health care benefits shall not apply to a State-owned or State-related college or university.

Section 5. Any municipal ordinance in effect on the effective date of the addition of 53 Pa.C.S. § 2181 that is inconsistent with that section shall be void as it relates to a State-owned or State-related college or university.

Section 6. This act shall take effect as follows:

- (1) The addition of 53 Pa.C.S. Ch. 21 Subch. E shall take effect immediately.
- (2) This section shall take effect immediately.
- (3) The remainder of this act shall take effect in 60 days.

On the question,

Will the Senate agree to the amendment?

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

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

**SPECIAL ORDER OF BUSINESS
GUEST OF SENATOR JEFFREY E.
PICCOLA PRESENTED TO THE SENATE**

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

Senator PICCOLA. Mr. President, I would like to welcome to the floor of the Senate a young lady by the name of Tara Christofes, who is shadowing me today. Tara is a senior at Lower Dauphin High School here in Dauphin County, and she is interested in pursuing a career in law. Would the Senate give her its warm welcome.

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

(Applause.)

**GUEST OF SENATOR MICHAEL A.
O'PAKE PRESENTED TO THE SENATE**

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

Senator O'PAKE. Mr. President, we hear a lot today about school violence and school safety. Our guest Page today is someone who is a leader at Reading High School. He was recently recognized for his outstanding work in peer mediation. He is a junior at Reading High School and is also very active in the Police Athletic League, staying after school to help tutor school children in the inner cities. I am really impressed with what he has done already and I am sure he has a great career ahead of him. I would like the Senate to recognize Ebişael Rivera, a junior at Reading High School.

The PRESIDENT. Would our guest Page, Mr. Rivera, please rise so the Senate may welcome you.

(Applause.)

**GUESTS OF SENATOR CHARLES W. DENT
PRESENTED TO THE SENATE**

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

Senator DENT. Mr. President, it is indeed my honor, privilege and pleasure today to introduce the Fountain Hill Connie Mack Baseball Team, which captured the 1999 State Championship title by defeating defending champion Harleysville in a best-of-three championship series. The players are here today, as well as their coaches, Chuck Malitsch, Curt Dries, and Bob Ruhe, and manager Larry Rapp.

Would the Senate give the Fountain Hill Connie Mack Baseball Team its customary warm welcome.

The PRESIDENT. Would our baseball champions please rise so that we may welcome you.

(Applause.)

**GUESTS OF SENATOR CHARLES D.
LEMMOND PRESENTED TO THE SENATE**

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

Senator LEMMOND. Mr. President, at the meeting of the Committee on Military and Veterans Affairs this morning we were delighted to have with us Austin Lamac, from Matamoras, Pennsylvania. The distinguishing feature about Austin is that he is in the eighth grade of Delaware Valley Middle School, and at age 13 he is the youngest person to be seeking funds for the creation of a World War II memorial. He is the chairman of the County Community Action Council in Pike County, and they are working toward raising \$50,000 to go with our \$2 million that the State is giving and between them they will have this memorial in hand.

Austin is forming a committee which will be responsible for distributing World War II brochures to every household in Pike County. He has already placed them in many of the central locations throughout the community. We were delighted to welcome him at the meeting of the Committee on Military and Veterans Affairs this morning. He is here at age 13 and has the day off from school to do it and let us know what the young people think about the World War II veterans.

I present to you Austin Lamac, his dad, Bill, his mother, Betty, and his delightful sister, Ashley.

The PRESIDENT. Would Austin and his family members please rise so that the Senate may welcome you.

(Applause.)

The PRESIDENT. On behalf of the Senate, we encourage you to keep up such important work.

CONSIDERATION OF CALENDAR RESUMED

HB 1268 CALLED UP OUT OF ORDER

HB 1268 (Pr. No. 2665) -- Without objection, the bill was called up out of order, from page 4 of the Third Consideration Calendar, by Senator LOEPER, as a Special Order of Business.

**BILL ON THIRD CONSIDERATION
AND FINAL PASSAGE**

HB 1268 (Pr. No. 2665) -- The Senate proceeded to consideration of the bill, entitled:

An Act designating the walkway which crosses I-279 from East Street to Howard Street in the City of Pittsburgh as Gerst Way; and designating a section of the Southern Tier Expressway in Erie County as the Hopkins-Bowser Highway.

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-50

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

NAY-0

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

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

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

**BILL ON THIRD CONSIDERATION
AND FINAL PASSAGE**

HB 115 (Pr. No. 2679) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 53 (Municipalities Generally) of the Pennsylvania Consolidated Statutes, further providing for municipal police education and training; and limiting the application of certain municipal ordinances.

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?

**GUESTS OF SENATOR ALLYSON Y.
SCHWARTZ PRESENTED TO THE SENATE**

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

Senator SCHWARTZ. Mr. President, I want to introduce some special guests to my colleagues here at the Senate, a class of some 11- and 12-year-olds who are studying State government. They are from the Pennsylvania School for the Deaf, which is in my district. If you have not visited the school, you are most welcome to. Joe Fischgrund, the director, is with them, as are some teachers, and, I would expect, parents.

If I recall my signing, which is not all that good, instead of applauding as we traditionally do, to applaud is like this (indicating sign language applause.) So if my colleagues would stand and acknowledge our special guests, 11- and 12-year-olds from the School for the Deaf, and applaud them.

The PRESIDENT. Thank you, Senator Schwartz. That is an important insight. I ask all Members to stand and applaud our special and accomplished guests in the gallery.

(Signing applause.)

The PRESIDENT. Thank you, Senator Schwartz. I think we all learned something here.

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-50

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

NAY-0

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

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

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 for the purpose of a Republican caucus to begin immediately in the first floor caucus room, with an expectation of returning to the floor at approximately 3:45 p.m.

The PRESIDENT. The Chair recognizes the gentleman from Indiana, Senator Stapleton.

Senator STAPLETON. Mr. President, we ask all Democrats to report to the Democratic caucus room.

The PRESIDENT. For purposes of Republican and Democratic caucuses, with the intention of returning at approximately 3:45 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

BILL ON CONCURRENCE IN HOUSE AMENDMENTS

SENATE CONCURS IN HOUSE AMENDMENTS

SB 405 (Pr. No. 1384) -- The Senate proceeded to consideration of the bill, entitled:

An Act providing a mechanism for parents to confer upon other persons the power to consent to medical and mental health care of their children; and regulating procedure.

On the question,

Will the Senate concur in the amendments made by the House to Senate Bill No. 405?

Senator LOEPER. Mr. President, I move that the Senate do concur in the amendments made by the House to Senate Bill No. 405.

On the question,

Will the Senate agree to the motion?

LEGISLATIVE LEAVES

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

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

The PRESIDENT. Without objection, that leave is granted.

The Chair recognizes the gentleman from Delaware, Senator Loeper.

Senator LOEPER. Mr. President, I request temporary Capitol leaves on behalf of Senator Helfrick and Senator Salvatore.

The PRESIDENT. Without objection, those leaves are granted.

And the question recurring,

Will the Senate agree to the motion?

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

YEA-50

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

Fumo	Loeper	Slocum
Gerlach	Madigan	Stapleton

NAY-0

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

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

LEGISLATIVE LEAVES

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

Senator LOEPER. Mr. President, Senator Hart and Senator Piccola have been called from the floor, and I request temporary Capitol leaves on their behalf.

The PRESIDENT. Without objection, those leaves are granted.

CONSIDERATION OF CALENDAR RESUMED

BILLS ON CONCURRENCE IN HOUSE AMENDMENTS

SENATE CONCURS IN HOUSE AMENDMENTS

SB 504 (Pr. No. 1489) -- The Senate proceeded to consideration of the bill, entitled:

A Supplement to the act of December 8, 1982 (P.L. 848, No.235), entitled Highway-Railroad and Highway Bridge Capital Budget Supplemental Act for 1999-2000, itemizing additional local and State bridge projects.

On the question,

Will the Senate concur in the amendments made by the House to Senate Bill No. 504?

Senator LOEPER. Mr. President, I move that the Senate do concur in the amendments made by the House to Senate Bill No. 504.

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-50

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

NAY-0

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

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

SENATE CONCURS IN HOUSE AMENDMENTS

SB 798 (Pr. No. 1482) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of April 14, 1972 (P.L.233, No.64), entitled The Controlled Substance, Drug, Device and Cosmetic Act, further providing for schedules of controlled substances; and providing for penalties.

On the question,

Will the Senate concur in the amendments made by the House to Senate Bill No. 798?

Senator LOEPER. Mr. President, I move that the Senate do concur in the amendments made by the House to Senate Bill No. 798.

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-50

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

NAY-0

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

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

SENATE CONCURS IN HOUSE AMENDMENTS

SB 983 (Pr. No. 1488) -- The Senate proceeded to consideration of the bill, entitled:

An Act authorizing the Department of General Services, with the approval of the Governor, to grant and convey to Mercer County certain lands situate in Coolspring Township, Mercer County; authorizing the Department of General Services, with the approval of the Governor, to grant and convey to the Capital Region Economic Development Corporation, a Pennsylvania nonprofit corporation, certain lands situate in the City of Harrisburg, Dauphin County; and authorizing the Depart-

ment of General Services, with the approval of the Governor and the Department of Transportation, to grant and convey to Oil City Community Development Corporation certain lands situate in the City of Franklin, Venango County, Pennsylvania.

On the question,

Will the Senate concur in the amendments made by the House to Senate Bill No. 983?

Senator LOEPER. Mr. President, I move that the Senate do concur in the amendments made by the House to Senate Bill No. 983.

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-50

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

NAY-0

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

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

THIRD CONSIDERATION CALENDAR

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 ON THIRD CONSIDERATION AND FINAL PASSAGE

SB 630 (Pr. No. 1226) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Titles 26 (Eminent Domain), 42 (Judiciary and Judicial Procedure) and 51 (Military Affairs) of the Pennsylvania Consolidated Statutes, adding provisions relating to eminent domain; and making repeals.

Considered the third time and agreed to,

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

On the question,
Shall the bill pass finally?

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

YEA-50

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

NAY-0

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

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

BILLS OVER IN ORDER

SB 708, SB 767, SB 847, HB 868, SB 958, SB 967, SB 1003 and SB 1077 -- Without objection, the bills were passed over in their order at the request of Senator LOEPER.

BILL AMENDED AND OVER IN ORDER TEMPORARILY

SB 1097 (Pr. No. 1326) -- The Senate proceeded to consideration of the bill, entitled:

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.

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

Senator LOEPER offered the following amendment No. A4458:

Amend Sec. 1, page 3, line 23, by removing the comma after "1929" and inserting a period

Amend Sec. 1, page 3, lines 23 through 26, by striking out "and conditions in section 2405-A of The Administrative" in line 23 and all of lines 24 through 26

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

It was agreed to.

Senator LOEPER. Mr. President, I move that Senate Bill No. 1097, as amended, go over temporarily.

The PRESIDENT. The bill will go over temporarily, as amended.

BILL OVER IN ORDER TEMPORARILY

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

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

SB 1134 (Pr. No. 1500) -- The Senate proceeded to consideration of the bill, entitled:

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, and other consideration.

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-50

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

NAY-0

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

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

BILL AMENDED

SB 1183 (Pr. No. 1479) -- The Senate proceeded to consideration of the bill, entitled:

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.

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

Senator LEMMOND offered the following amendment No. A4417:

Amend Sec. 5, page 4, lines 15 and 16, by striking out "a five-year period" and inserting: ten years of the effective date of this act

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

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

Senator LEMMOND. Mr. President, this is a technical amendment that I believe has been agreed to. It allows going forward with construction of the new Federal prison in Wayne County.

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

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

BILL OVER IN ORDER TEMPORARILY

HB 1981 — Without objection, the bill was passed over in its order temporarily at the request of Senator LOEPER.

SECOND CONSIDERATION CALENDAR

BILLS OVER IN ORDER

SB 639, SB 805, HB 849, SB 1032, SB 1103, HB 1150 and SB 1169 — Without objection, the bills were passed over in their order at the request of Senator LOEPER.

BILL ON SECOND CONSIDERATION AND REREFERRED

HB 1569 (Pr. No. 2663) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of April 9, 1929 (P.L.343, No.176), known as The Fiscal Code, adding provisions relating to labeling and packaging, and further providing for penalties for certain sales or transfers of cigarettes and for report of property subject to custody and control of the Commonwealth.

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

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

SPECIAL ORDER OF BUSINESS ANNOUNCEMENT BY THE SECRETARY

The SECRETARY. Consent has been given for the Committee on Rules and Executive Nominations to meet in the Rules room during the Session to consider Senate Bill No. 670, House Resolution No. 310, and certain nominations.

RECESS

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

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

The PRESIDENT. For the purpose of a meeting of the Committee on Rules and Executive Nominations to begin immediately following this announcement, the Senate stands in brief recess.

AFTER RECESS

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

REPORT FROM COMMITTEE

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

SB 670 (Pr. No. 1502) (Rereported) (Concurrence)

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

RESOLUTION REPORTED FROM COMMITTEE

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

HR 310 (Pr. No. 2630)

A Concurrent Resolution recognizing the Meadowcroft Rockshelter as the 1999 "Commonwealth Treasure" of the Pennsylvania Historical and Museum Commission.

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

COMMUNICATION FROM THE GOVERNOR REPORTED FROM COMMITTEE ON RULES AND EXECUTIVE NOMINATIONS

Senator LOEPER, from the Committee on Rules and Executive Nominations, reported a communication from His Excellency, the Governor of the Commonwealth, recalling the following nomination, which was read by the Clerk as follows:

MEMBER OF THE NORTHUMBERLAND COUNTY BOARD OF ASSISTANCE

November 15, 1999

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated July 2, 1999 for the appointment of Robert B. Cellitti (Republican), 221 1/2 Walnut Street, Sunbury 17801, Northumberland County, Twenty-seventh Senatorial District, as a member of the Northumberland County Board of Assistance, to serve until December 31, 2001, and until his successor is appointed and qualified, add to complement.

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

THOMAS J. RIDGE
Governor

NOMINATION RETURNED TO THE GOVERNOR

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

The motion was agreed to.

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

**REPORT FROM COMMITTEE ON
RULES AND EXECUTIVE NOMINATIONS**

Senator LOEPER, 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 STATE BOARD
OF PHYSICAL THERAPY**

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, Ronald D. Goetsch, 1518 Evans Avenue, Prospect Park 19076, Delaware County, Ninth Senatorial District, for reappointment as a member of the State Board of Physical Therapy, to serve for a term of four years and until his successor is appointed and qualified, but not longer than six months beyond that period.

THOMAS J. RIDGE
Governor

**MEMBER OF THE UNEMPLOYMENT
COMPENSATION BOARD OF REVIEW**

October 6, 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. Ewanco, 1514 Broadway Avenue, McKees Rocks 15136, Allegheny County, Forty-second Senatorial District, for appointment as a member of the Unemployment Compensation Board of Review, to serve until July 1, 2003 and until his successor is appointed and qualified, vice Anthony J. Gallagher, Havertown, resigned.

THOMAS J. RIDGE
Governor

**MEMBER OF THE UNEMPLOYMENT COMPENSATION
BOARD OF REVIEW**

October 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, William A. Hawkins, 21 Appaloosa Way, Carlisle 17013, Cumberland County, Thirty-first Senatorial District, for reappointment as a member of the Unemployment Compensation Board of Review, to serve until July 1, 2005 and until his successor is appointed and qualified.

THOMAS J. RIDGE
Governor

NOMINATIONS LAID ON THE TABLE

Senator LOEPER. 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 LOEPER, that the Senate do now resolve itself into Executive Session for the purpose of considering certain nominations made by the Governor.

Which was agreed to.

NOMINATIONS TAKEN FROM THE TABLE

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

The Clerk read the nominations as follows:

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

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, Susan S. Belin, Box 53, Waverly 18471, Lackawanna County, Twenty-second Senatorial District, for appointment as a member of the Pennsylvania Cancer Control, Prevention and Research Advisory Board, to serve for a term of four years and until her successor is appointed and qualified, vice Michael A. Rackover, Elkins Park, whose term expired.

THOMAS J. RIDGE
Governor

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

May 7, 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 A. Hay, 21 Seneca Road, Mount Pocono 18344, Monroe County, Twenty-ninth Senatorial District, for reappointment as a member of the Council of Trustees of East Stroudsburg 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 PENNSYLVANIA HISTORICAL
AND MUSEUM COMMISSION

September 9, 1999

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Brian C. Mitchell, Ph.D., 125 Pelham Road, Camp Hill 17011, Cumberland County, Thirty-first Senatorial District, for reappointment as a member of the Pennsylvania Historical and Museum Commission, to serve until the third Tuesday of January 2003 and until his successor is appointed and qualified.

THOMAS J. RIDGE
Governor

MEMBER OF THE STATE BOARD
OF MEDICINE

October 25, 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, Daniel B. Kimball, Jr., M.D., 1303 Orchard Road, Reading 19611, Berks County, Eleventh Senatorial District, for reappointment 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.

THOMAS J. RIDGE
Governor

MEMBER OF THE STATE BOARD
OF PODIATRY

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, Barbara A. Davis-Kenion, D.P.M., 105 Gun Club Road, Palmerton 18071, Carbon County, Twenty-ninth Senatorial District, for reappointment as a member of the State Board of Podiatry, to serve for a term of four years or until her successor is appointed and qualified, but not longer than six months beyond that period.

THOMAS J. RIDGE
Governor

MEMBER OF THE BOARD OF TRUSTEES OF
POLK CENTER

October 6, 1999

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Robert L. Murray, 1144 Grandview Road, Oil City 16301, Venango County, Twenty-fifth Senatorial District, for appointment as a member of the Board of Trustees of Polk Center, to serve until the third Tuesday of January 2005, and until his successor is appointed and qualified, vice James F. Leahy, Pittsburgh, resigned.

THOMAS J. RIDGE
Governor

MEMBER OF THE STATE BOARD OF CERTIFIED
REAL ESTATE APPRAISERS

July 2, 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, Daniel M. Taylor, Jr., (Public Member), 1210 Reseca Place, Pittsburgh 15212, Allegheny County, Forty-second Senatorial District, for appointment as a member of the State Board of Certified Real Estate Appraisers, 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 Peter J. Krysik, Gibsonia, whose term expired.

THOMAS J. RIDGE
Governor

MEMBER OF THE ADAMS COUNTY
BOARD OF ASSISTANCE

July 2, 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, Carole S. Wolf-Siliezar (Republican), 180 Municipal Road, Hanover 17331, Adams County, Thirty-third Senatorial District, for appointment as a member of the Adams County Board of Assistance, to serve until December 31, 2001, and until her successor is appointed and qualified, vice Gladys A. McMillen, Gettysburg, resigned.

THOMAS J. RIDGE
Governor

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

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

YEA-50

Armstrong	Greenleaf	Mellow	Stout
Belan	Hart	Mowery	Tartaglione
Bell	Helfrick	Murphy	Thompson
Bodack	Holl	Musto	Tilghman
Boscola	Hughes	O'Pake	Tomlinson
Brightbill	Jubelirer	Piccola	Wagner
Conti	Kasunic	Punt	Waugh
Corman	Kitchen	Rhoades	Wenger
Costa	Kukovich	Robbins	White

Dent	LaValle	Salvatore	Williams
Earl	Lemmond	Schwartz	Wozniak
Fumo	Loeper	Slocum	
Gerlach	Madigan	Stapleton	

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

The motion was agreed to.

THIRD CONSIDERATION CALENDAR RESUMED

SB 1109 CALLED UP

SB 1109 (Pr. No. 1367) -- Without objection, the bill, which previously went over in its order temporarily, was called up, from page 4 of the Third Consideration Calendar, by Senator BRIGHTBILL.

BILL AMENDED

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.

On the question,

Will the Senate agree to the bill on third consideration?

Senator SLOCUM offered the following amendment No. A4448:

Amend Title, page 1, line 2, by inserting after "for": limitation on regulation of firearms and ammunition and for

Amend Bill, page 1, lines 6 and 7, by striking out all of said lines and inserting:

Section 1. Sections 6120 and 7325 of Title 18 of the Pennsylvania Consolidated Statutes are amended to read:

§ 6120. Limitation on [municipal] the regulation of firearms and ammunition.

(a) General rule.—No county, municipality or township may in any manner regulate the lawful ownership, possession, transfer or transportation of firearms, ammunition or ammunition components when carried or transported for purposes not prohibited by the laws of this Commonwealth.

(a.1) No right of action.—

(1) No political subdivision may bring or maintain an action at law or in equity against any firearms or ammunition manufacturer, trade association or dealer for damages, abatement, injunctive relief or any other relief or remedy resulting from or relating to either the lawful design or manufacture of firearms or ammunition or the lawful marketing or sale of firearms or ammunition to the public.

(2) Nothing in this subsection shall be construed to prohibit a political subdivision from bringing or maintaining an action against a firearms or ammunition manufacturer or dealer for breach of contract or warranty as to firearms or ammunition purchased by the political subdivision.

(b) [Definition.—For the purposes of this section, the term "firearms" has the meaning given in section 5515 (relating to prohibiting

of paramilitary training) but shall not include air rifles as defined in section 6304 (relating to sale and use of air rifles).] Definitions.—As used in this section, the following words and phrases shall have the meanings given to them in this subsection:

"Dealer." The term shall include any person engaged in the business of selling at wholesale or retail a firearm or ammunition.

"Firearms." This term shall have the meaning given to it in section 5515 (relating to prohibiting of paramilitary training), but shall not include air rifles as that term is defined in section 6304 (relating to sale and use of air rifles).

"Political subdivision." The term shall include any home rule charter municipality, county, city, borough, incorporated town, township, school district, vocational school district, or county institution district.

Amend Bill, page 2, line 1, by striking out all of said line and inserting:

Section 2. The amendment of 18 Pa.C.S. § 6120 shall apply to all actions pending on or brought after the effective date of this act.

Section 3. This act shall take effect as follows:

(1) The amendment of 18 Pa.C.S. § 6120 shall take effect immediately.

(2) This section shall take effect immediately.

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

On the question,

Will the Senate agree to the amendment?

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

Senator SLOCUM. Mr. President, I rise to strongly support this amendment today. This amendment would prohibit political subdivisions from suing gun manufacturers or gun dealers for the lawful practice of their business. Mr. President, the very need for this amendment is an indication of the sad state of affairs in this country. Those municipal leaders who have threatened to initiate the cost of lawsuits against gun manufacturers for violent crimes are sending a terrible message to our citizens. They are saying you do not have to be responsible for your own actions. If you shoot someone it is not your fault, we will blame the gun.

Maybe that has become the American way, Mr. President, but I hope not. If we are to permit these types of ridiculous and frivolous lawsuits, what is next? Are we going to sue alcohol producers for the cost of misuse of their products caused by drunk drivers? Are we going to sue automobile manufacturers for the accidents caused by speeding or reckless driving? Are we even going to sue our fast-food chains for creating the high medical costs for those of us with high cholesterol levels? As ridiculous as these may seem, Mr. President, they could be next if we do not today make a statement by passing this amendment.

A second major reason we should pass this amendment today is to prevent the judicial system from legislating gun control policies. To help see the mindset of some of those officials who propose such frivolous lawsuits, I quote Miami-Dade County Mayor Alex Penelas: "This is exactly what the courts are there to do, to fix inequities that you can't accomplish in the legislature." That is not what I learned in high school civics. I wonder where Mr. Penelas went to school.

Mr. President, these unwise and unwarranted attempts to promote gun control do not even make good economic sense. In areas where gun ownership is high, the crime rates are low. In

fact, Mr. President, for every 1 percent increase in gun ownership, violent crime goes down 3 percent. Using reasonable estimates, the benefits of defensive gun use exceed the cost of firearm crimes by as much as \$38.9 billion nationally, \$400 a year for every household in this country. The savings from these defensive gun uses to society offsets the cost of gun use in violent crime for those municipalities.

I would point out, Mr. President, that 13 States have already enacted such legislation and 14 other States, including Pennsylvania, have legislation introduced on this issue. Survey results done by Decision Quest back in January of 1999 show that 66.2 percent of the United States population surveyed opposed the government suing gun manufacturers, and only 19 percent supported the lawsuits. There have been 24 violent deaths on America's school grounds this year, including the horrible 15 at Columbine High School, and 3 suicides. In the last year in which figures are available, there were 53 deaths.

Unlike tobacco companies, gun manufacturers have strong arguments for the substantial benefits their products offer consumers. Every year in America guns are used three to five times more often for protection than they are misused by criminals. American crime rates are extremely low where gun ownership rates are highest. It is important to note that this legislation would still enable gun manufacturers to be sued for product liability such as product defects. But, Mr. President, knowing that some homeowners may be armed even discourages those from breaking into occupied dwellings.

I ask today, Mr. President, that my colleagues support this amendment and stop the ridiculous, frivolous lawsuits against gun manufacturers simply to try to put them out of business.

Thank you.

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

Senator SCHWARTZ. Mr. President, I rise to oppose this amendment, and there are so many reasons that I feel this amendment should be voted down that it is almost hard to begin to have this discussion, but let me start the discussion with why it might be reasonable for us to at least allow our local municipalities to sue gun manufacturers. We do not know how the gun manufacturers' lawsuits would actually end up working out, whether there would be any win to those lawsuits. We do know that there are two cities in Pennsylvania that are interested in pursuing this strategy, Pittsburgh and Philadelphia.

Pittsburgh is a little further ahead in having the discussion and a vote in city council to say they want to move ahead, and we are denying them that right to do so. We are saying that even if there might be a legitimate cause, even if it would be useful for us to have to call on gun manufacturers to explain more about their products and their sales, and in that process we may help to change their behavior and make sure that guns are not sold to felons, to help make sure that guns are safer, we do not want Pennsylvania cities and we do not want Pennsylvania citizens to have that option.

Whom are we protecting, Mr. President, by doing this legislation? We are certainly not seeking to protect the citizens of Pennsylvania. We are not seeking to protect the children of Pennsylvania or make our communities safer. What we are do-

ing instead is protecting gun manufacturers and dealers from having to defend themselves in court.

Let me back up a little bit and say why it might be legitimate for cities of any size to want to pursue this strategy. First of all, what we do not always understand is that the firearms industry is essentially one of the last unregulated consumer product manufacturers. There is no Federal safety oversight of guns. There are really minimal restrictions in commerce of guns, and certainly there has been essentially no State action, certainly not in the Senate. So the civil justice system is really one of the few if not the only mechanism for municipalities to hold gun manufacturers accountable for their conduct and for the cost that the conduct creates, and a number of other cities have pursued this course of action. If this legislation passes, municipalities will have nowhere to turn, even if they discover the evidence.

Let me give a few examples. Manufacturers have failed to implement available technologies that make guns safer. One of the reasons for the lawsuits is the fact that there are some who believe that guns could be safer and that gun manufacturers have decided not to do that. Smart gun technology is available and they should be pursuing that and offering owners that option, so that only the owner can fire the gun. There are devices that alert owners that there is a round in the chamber. There are a variety of other ways that guns could be safer, and there are many products that have been forced through the courts to be safer. We could certainly name many medications, we could certainly talk about some of those and what a difference it has made. Sometimes just to threaten the lawsuit has changed behavior on the part of a manufacturer. How significant that could be in the case of gun manufacturers if just the threat of a lawsuit, let alone the potential of a settlement, could lead to a change in their behavior.

Some of those cities that are suing manufacturers said that manufacturers fail to exercise adequate supervision or control over the distributors or the dealers who sell their products to the public, the result being the acquisition of firearms by those who are unauthorized or irresponsible. We have talked about it, and I know that many have heard about the notion of straw purchases, those going in and buying large quantities of guns and turning around to sell them illegally, and dealers participating in that by making it particularly easy to have that happen. The flooding of guns in certain places. We have seen it, and I know that the city of Chicago claims that there is an intentional effort, and they have done some investigations on this, that the dealers locate just across the street from the city limits deliberately selling to those they know are city residents to avoid the laws in the city, and that they knowingly sell those guns knowing that they will be sold to criminals.

Also that manufacturers intentionally design and advertise their products to appeal to those who illegally use weapons, that they highlight how the weapons can be concealed, they highlight rapid-fire and high-capacity magazines in spite of our interests, at least at the Federal level, in limiting those who can buy assault weapons. They try to get around that by advertising the rapid-fire and high-capacity magazines. They advertise guns that are fingerprint-resistant. Now, who, Mr. President, wants to be sure that their fingerprints do not stay on the material that

the gun is made of? It is specifically being manufactured and marketed to those who might want to make sure that their fingerprints do not appear on that gun. Only someone who is using that gun illegally or should not own it in the first place would be advertised to in that way.

So, Mr. President, whom are we protecting in this legislation? Again, we are protecting the gun manufacturers. And more importantly, whom are we not protecting by this amendment? We are not protecting those who are harmed by guns. What we do not know is whether they will be found culpable in any way, whether there would be any settlement that would change the behavior, whether there would be any settlement that would say that the high cost of gun violence in some of our communities warrants some reaction and compensation. If we just compensated all of the police officers who were shot by guns that are purchased illegally and used by felons, the cost of their hospitalization, the cost of taking care of them and the cost of taking care of their families is a cost that we readily respond to in this General Assembly. I am not sure that the courts would find the gun manufacturers responsible for those costs or for the costs of the children's lives that have been lost or for their families or for the care for those who have been injured or those I talked to most recently who are victims of domestic violence who have been shot, supposedly by loved ones.

I do not know that the courts would find the gun manufacturers responsible for those costs, but what this legislation would do is to say that if another city should go to court and the courts would find that the gun manufacturers are liable in this way, it would not apply to Pennsylvania citizens and Pennsylvania cities, that our cities are somehow not worthy of being able to gain any of the benefits from that. Our cities are not worthy of being safer, our children are not worthy of being protected, that somehow it is more important to protect the gun manufacturers than to protect our children and to protect our communities.

I do not see how anyone can vote for this legislation, how anyone would stand up and say, I do not even want to question the gun manufacturers in this way, I do not even want to raise these issues in a court of law, I do not even want to challenge gun manufacturers. Well, we should. We should hope that whether we find them liable in some way for the costs, whether they participate in the costs of gun violence. In Philadelphia alone, the costs have been determined to be \$58 million a year.

Even if we do not find that, what if the result of these lawsuits are that guns will be safer, will be more clearly only sold to law-abiding citizens, only sold to adults, only sold to people who legally should be able to have them? What if it results in making sure that children do not get these guns? That would not be true for Pennsylvania's children, it would only be true in some of the other cities that have engaged in suits: in Boston, Atlanta, Camden, Chicago, New Orleans, Newark, and St. Louis. Do they care more about having safe communities and protecting their children from gun violence than we do? Well, I do not, and I do not think that any of us should trade the possibility of a safer community and less gun violence in order to protect gun manufacturers from having to go to court.

Thank you, Mr. President.

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

Senator KITCHEN. Mr. President, I think my colleague said it all and said it very well. Ordinarily, I would have to agree with the sponsor of the amendment, but it is indeed a sad state of affairs in our country. These are exceptional times and we have to realize that. The fact that guns are ending up in the hands of young children and teenagers more and more makes a resolution of any kind acceptable by any means necessary, and I would think that the gun manufacturers should be on our side, the side of the public, who have created them into such a multi-million dollar business.

Mr. President, I do not think that we can look at ordinary solutions as we have in times gone by. No one can really tell us how the violence is occurring or why it is occurring all across America, from poor neighborhoods to middle-class neighborhoods to wealthy, and even very wealthy children are in trouble with guns and violence. And I think to restrict an entity's capacity to try to hold them responsible would be wrong.

So, Mr. President, I ask that we do not support this amendment, and think about the many, many children and how we can help keep guns from their hands.

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

Senator HUGHES. Mr. President, well, I finally found the industry that has more arrogance than the tobacco industry. I finally found it, and it is the gun manufacturers. I did not think it was possible. I did not think it was possible by having labeled each pack of cigarettes that it will kill you, okay, and have a national lawsuit and a national agreement resulting in billions of dollars, and then the tobacco industry wants to introduce new brands of cigarettes, I thought that was arrogant, and it was and it is. And I said, there is no one worse than those guys. Well, guess what? Here we go. We found them. It is the gun manufacturers. Okay?

This is the height of arrogance and the height of insensitivity to say to a legal constitutional entity that you cannot sue them, and even more, that you cannot move down the path of filing suit. To just restrict their capacity for redress is incredible, absolutely incredible. This befuddles me. Why should this industry have free rein? Why? They do not deserve it. They control the manufacturing, the sales, and the distribution from their point on items that destroy and kill people. Why should they have free rein? They could do much more than what they are doing right now.

Every time you try to reach an agreement with the folks in this industry, they take you up. Yeah, well, we might be able to agree on this and, yeah, we might be able to agree on that and just when we get to an agreement they back off. Oh, that is not good enough. That is not good enough. These guys are out of control, and you guys who represent their interests are out of control. Come to the emergency wards. See the destruction that their items cause on our communities, on your communities.

POINT OF ORDER

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

Senator BRIGHTBILL. Mr. President, point of order.

The PRESIDENT. The gentleman will state his point.

Senator BRIGHTBILL. Mr. President, I believe the appropriate debate would require the gentleman to address his comments to the Chair.

Senator HUGHES. Mr. President, I am.

The PRESIDENT. The gentleman's point is well-taken. Senator Hughes, I think you are conversant enough in Senate rules to direct your remarks to the Chair.

Senator HUGHES. Mr. President, I respect your comments. I believe I have been doing so, but if I need to keep in more control, I will do that. I just wish the manufacturers of these death weapons would do the same also. I wish they would, because they are not.

To try to rein in any city, any community, any rural communities, any community at all to have an opportunity for redress for their wrongs is wrong. Tell the police officers. Tell the F.O.P. Tell FBI agents and all the agents and all our law enforcement people that, well, you know, guys, we have to let the gun manufacturers do their thing. When gun manufacturers are implicitly involved not just in the trading of firearms but international trading of firearms, as the Senator said earlier, that target themselves in specific communities, they are in that. They make the weapons. Do not say that they do not know where they go. They know exactly where they go.

We should enforce, and the other route, what is it? We should enforce the laws that are on the books. We have heard that from the National Rifle Association. Enforce the laws that are on the books. Well, the laws have all been stripped down by the NRA and the people who represent them in this body and all the bodies all around.

And then the argument, listen to this one, listen to this one, Mr. President, listen to this one: If everybody had more guns and everybody was armed, we would all be a safer society. All right, let us take that snapshot, Mr. President. If all the staff people in the room and the Chamber would stand up and we put a firearm on them and all the Senators would be walking around the room with a firearm, we should all be packing guns rights now. And I guess the students at Columbine High School would have been much safer if each and every one of them had had a weapon on them. I guess they all would have been safer if they all had had a weapon on them. That makes a lot of sense.

Tell the police officers again in all of the communities around the State of Pennsylvania that they would really love it if everybody walking around had a gun. They would really love that. That would be a real joy. They would feel real good about that. Tell the judges in our judiciary, okay, that we here in Pennsylvania feel that every criminal walking the street should have access to a firearm, or every individual who might think about doing something wrong should have access to a firearm. That is the argument that was made earlier today, Mr. President. That is what I heard uttered on this floor. That is what is in the books. That is what has been recorded, that everybody should have access to a firearm and we would all be a safer society.

What it really comes down to, Mr. President, and we have all heard this in our offices as the representatives of the gun manufacturers have strolled through the halls of this Chamber, we have all heard what it really comes down to, so that everyone understands, is that this is a direct attack on the new mayor of the city of Philadelphia, because the new mayor of the city of Philadelphia is probably going to be much more aggressive about the city pursuing the path of a lawsuit against the gun manufacturers. So this amendment right here, this amendment right here, right now, is a direct attack on his interests and the concerns of the majority of people of the city of Philadelphia, and I would daresay the majority of the people of the surrounding counties of the city of Philadelphia.

Tell our good friends in Lower Merion that we do not have the opportunity to pursue action against gun manufacturers. Tell them that. I am sure they would like that. Tell our friends all over the Commonwealth that they do not have access, that they are limited in terms of pursuing the devastation that happens when there is free rein in the gun manufacturing industry. That is what this amendment is trying to do, Mr. President, to prevent innocent people from trying to get redress from individuals who create and promote death and destruction.

There is no game that is available to an AK-47. You do not do sport shooting with a Tech-9. You do not do it. That was the agreement that everyone agreed to back when we were dealing with some gun control legislation. Everybody said you do not do that. The police officers, the District Attorney's Association, everybody said that. But when we tried to get a rein on all of that, no, no, no, no, could not get it done. The height of arrogance, right here in front of us on the floor of this Chamber. Right here. We cannot pursue this particular industry. Cannot get at them. Cannot get at them. They deserve a special protection.

How do they deserve a special protection? What have they done to deserve special protection, Mr. President? What has this industry done to deserve special protection? Nothing but build weapons and create weapons that destroy and kill and maim.

LEGISLATIVE LEAVES

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

Senator BRIGHTBILL. Mr. President, I request a temporary Capitol leave for Senator Holl, who has been called to his office.

The PRESIDENT. Without objection, that leave is granted.

The Chair recognizes the gentleman from Indiana, Senator Stapleton.

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

The PRESIDENT. Without objection, that leave is also granted.

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

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

YEA-39

Armstrong	Hart	Mellow	Slocum
Bell	Helfrick	Mowery	Stapleton
Boscola	Holl	Murphy	Stout
Brightbill	Jubelirer	Musto	Thompson
Conti	Kasunic	O'Pake	Tomlinson
Corman	Kukovich	Piccola	Waugh
Dent	LaValle	Punt	Wenger
Earl	Lemmond	Rhoades	White
Furno	Loeper	Robbins	Wozniak
Gerlach	Madigan	Salvatore	

NAY-11

Belan	Greenleaf	Schwartz	Wagner
Bodack	Hughes	Tartaglione	Williams
Costa	Kitchen	Tilghman	

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

The PRESIDENT. The bill will go over, as amended.

HB 1981 CALLED UP

HB 1981 (Pr. No. 2628) -- Without objection, the bill, which previously went over in its order temporarily, was called up, from page 4 of the Third Consideration Calendar, by Senator BRIGHTBILL.

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

HB 1981 (Pr. No. 2628) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of June 3, 1937 (P.L.1333, No.320), known as the Pennsylvania Election Code, providing for election district alteration and data reporting; further providing for the date of the general primary election in the year 2000; making an editorial change; and making a repeal.

Considered the third time and agreed to,

On the question,
Shall the bill pass finally?

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

Senator KUKOVICH. Mr. President, this being an Election Code bill, I have stated many times in the past that an Election Code is germane to any amendment dealing with campaign finance reform. For many years, political experts and Members of both parties and both Chambers--

POINT OF ORDER

Senator BRIGHTBILL. Mr. President, point of order.

The PRESIDENT. For what purpose does the gentleman rise?

Senator BRIGHTBILL. Mr. President, this may be my fault here, but I am not sure what amendment the gentleman is offering, and I ask that he offer an amendment first and then begin his debate so we know what we are focusing on.

The PRESIDENT. Does the gentleman intend to--
Senator KUKOVICH. Mr. President, it is amendment No. 4246.

The PRESIDENT. Senator Kukovich is offering an amendment and moves its adoption.

Senator BRIGHTBILL. Mr. President, we also need to revert. We are apparently on final passage.

RECONSIDERATION OF VOTE

Senator KUKOVICH. Mr. President, I move that the Senate reconsider the vote by which House Bill No. 1981 was agreed to on third consideration.

The motion was agreed to.

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

KUKOVICH AMENDMENT A4246

Senator KUKOVICH offered the following amendment No. A4246:

Amend Title, page 1, line 13, by inserting after "2000;": providing for public financing for candidates for the office of Governor and Lieutenant Governor; establishing the Pennsylvania Fair Campaign Fund; providing qualifications for funding, for payments, for use of funds, for authorized expenditures, for limitation on contributions, for return of funds and for penalties; making an appropriation;

Amend Bill, page 1, lines 20 through 22; page 2, line 1, by striking out all of said lines on said pages and inserting:

Section 1. The title of the act of June 3, 1937 (P.L.1333, No.320), known as the Pennsylvania Election Code, is amended to read:

AN ACT

Concerning elections, including general, municipal, special and primary elections, the nomination of candidates, primary and election expenses and election contests; creating and defining membership of county boards of elections; imposing duties upon the Secretary of the Commonwealth, courts, county boards of elections, county commissioners; imposing penalties for violation of the act, and codifying, revising and consolidating the laws relating thereto; [and] repealing certain acts and parts of acts relating to elections; providing for public financing for candidates for the office of Governor and Lieutenant Governor, establishing the Pennsylvania Fair Campaign Fund; providing qualifications for funding, for payments, for use of funds, for authorized expenditures, for limitation on contributions, for return of funds and for penalties; and making an appropriation.

Section 2. Article V heading of the act, amended April 2, 1965 (P.L.7, No.7), is amended and the article is amended by adding a subdivision to read:

Amend Sec. 2, page 4, line 28, by striking out "2" and inserting:

3

Amend Bill, page 5, by inserting between lines 13 and 14:
Section 5. The act is amended by adding an article to read:

ARTICLE XVII-A

Gubernatorial Public Financing Act

Section 1701-A. Short Title of Article.--This article shall be known and may be cited as the Pennsylvania Gubernatorial Public Financing Act.

Section 1702-A. Definitions.--As used in this article, the following words have the following meanings:

(a) The word "commission" shall mean the State Ethics Commission.

(b) The word "contribution" shall mean any payment, gift, subscription, assessment, contract, payment for services, dues, loan, forbearance, advance or deposit of money or any valuable thing to a candi-

date or political committee made for the purpose of influencing any election in this Commonwealth or for paying debts incurred by or for a candidate or committee before or after any election. The term includes the purchase of tickets for events such as dinners, luncheons, rallies and all other fund-raising events; the granting of discounts or rebates not available to the general public; the granting of discounts or rebates by television and radio stations and newspapers not extended on an equal basis to all candidates for the same office; and any payments provided for the benefit of any candidate, including any payments for the services of any person serving as an agent of a candidate or committee by a person other than the candidate or committee or a person whose expenditures the candidate or committee must report under this act. The word "contribution" includes any receipt or use of anything of value received by a political committee from another political committee and also includes any return on investments by a political committee.

(c) The words "declaration of candidacy" shall mean the point in a person's campaign for political office at which that person becomes in compliance with section 1622.

(d) The word "expenditure" shall mean:

(1) The payment, distribution, loan or advancement of money or any valuable thing by a candidate, political committee or other person for the purpose of influencing the outcome of an election.

(2) The payment, distribution, loan, advance or transfer of money or other valuable thing between or among political committees.

(3) The providing of a service or other valuable thing for the purpose of influencing the outcome of a nomination or election of any person to any public office to be voted for in this Commonwealth.

(4) The payment or providing of money or other valuable thing by any person other than a candidate or political committee to compensate any person for services rendered to a candidate or political committee.

(e) The word "fund" shall mean The Pennsylvania Fair Campaign Fund established in section 1705-A.

(f) The words "independent expenditure" shall mean an expenditure by a person made for the purpose of influencing an election without cooperation or consultation with any candidate or any political committee authorized by that candidate and which is not made in concert with or at the request or suggestion of any candidate or political committee or agent thereof.

(g) The words "major political party" shall mean a political party whose candidate for Governor received either the highest or second highest number of votes in the preceding gubernatorial election.

Section 1703-A. Application of Article.—(a) The provisions of this act shall be applicable to candidates for the offices of Governor and Lieutenant Governor.

(b) For the purposes of this article insofar as it relates to funding of nominated candidates in the general election, a political party's or political body's nominated candidates for Governor and Lieutenant Governor shall be considered as one candidacy, and the provisions specifically applicable to the Governor shall be applicable to the combined candidacy.

Section 1704-A. Administration.—The provisions of this article shall be administered by the State Ethics Commission. The commission may adopt rules and regulations as may be required to implement the provisions of this article and to carry out its purpose.

Section 1705-A. Pennsylvania Fair Campaign Fund established.—There is hereby established a special restricted receipts fund in the State Treasury to be known as the Pennsylvania Fair Campaign Fund. Payments shall be made into this fund pursuant to section 1706-A, and disbursements shall be made from the fund only upon the warrant of the commission and a warrant of the State Treasurer. As much of the moneys in the fund as are necessary to make payments to candidates as provided in this article are appropriated from the Pennsylvania Fair Campaign Fund on a continuing basis for the purpose of such payments.

Section 1706-A. Funding the Pennsylvania Fair Campaign.—(a) Beginning with tax years commencing January 1, 1999, and thereafter, each individual subject to the tax imposed by Article III of the act of March 4, 1971 (P.L. 6, No. 2), known as the "Tax Reform Code of 1971," whose tax liability for the year is five dollars (\$5) or more may designate five dollars (\$5) of his personal income taxes to be paid into

the fund. In the case of married taxpayers filing a joint return, each spouse may designate five dollars (\$5) to be paid into the fund if their tax liability is ten dollars (\$10) or more. All of these designated tax revenues shall be paid into the fund. The check-off and instructions shall be prominently displayed on the first page of the return form. The instructions shall readily indicate that these designations neither increase nor decrease an individual's tax liability.

(b) The General Assembly shall appropriate money to the Fair Campaign Fund sufficient to fully fund all requirements of this article including the administrative, investigative and enforcement responsibilities of the State Ethics Commission. Upon notice by the commission, the General Assembly shall appropriate to the commission out of the General Fund such additional sums as may be required to carry out the purposes of this article if the sums first appropriated become inadequate.

Section 1707-A. Certification of Moneys in Fund.—By June 30 of each year, the State Treasurer shall certify to the commission the current balance available in the fund.

Section 1708-A. Qualification for Funding.—(a) Any candidate for the offices of Governor and Lieutenant Governor may apply for funding under this article if the candidate meets the contributory thresholds established in subsection (b) and otherwise conforms to the requirements of this article. No candidate shall be obligated to apply for funding under this article and if any candidate elects not to apply, the provisions of this article pertaining to limits on expenditures or the use of his personal funds shall be inapplicable to the person and his candidacy. Any candidate electing to receive funding under this article shall declare his intention to do so and specify the office for which he is a candidate. No candidate for the office of Governor may elect to receive funding under this article for a general election unless the candidate elected to receive funding under this article for the primary election. Any committee authorized to receive contributions or make expenditures for the candidate who has so declared shall abide by the provisions of section 1716-A. Any candidate who for any reason has his name withdrawn from the ballot, after receipt of funds under this article, shall return to the fund all unspent money received from the fund.

(b) (1) In order to qualify for funding in a general election, a candidate for Governor must receive subsequent to the date of that candidate's primary election but prior to the date of the candidate's general election two hundred thousand dollars (\$200,000) in qualifying contributions.

(2) In order to qualify for funding in a primary election, a candidate must receive prior to the date of the primary election, but subsequent to January 1 of the year in which that candidate runs for office. The following amounts:

Office	Qualifying Contributions Required
(i) Governor	\$100,000
(ii) Lieutenant Governor	50,000

(3) (i) The term "qualifying contribution" includes any contribution which has all of the following characteristics:

(A) Made by an individual resident of Pennsylvania.

(B) Made by a written instrument which indicates the contributor's full name and mailing residence and is not intended to be returned to the contributor or transferred to another political committee or candidate.

(ii) If a contributor receives goods or services of value in return for his contribution, the qualifying contribution shall be calculated as the original contribution, minus the fair market value of the goods or services received.

(c) Evidence of qualifying contributions.—Each candidate who elects to apply for funding under this article shall provide evidence that the candidate has raised the qualifying contributions required by this section which evidence shall be verified and certified as correct by the auditors of the State Ethics Commission.

(d) A candidate who has accepted public funding under this article may apply to the commission for a waiver of the contribution limits set forth in section 1710-A and/or the spending limits contained in section 1713-A if the amount of independent expenditures for communications advocating the defeat of the candidate or election of his opponent require the candidate applying for the waiver to spend above the limits specified in section 1713-A in order to answer the communica-

tions paid for by the independent expenditures. The commission shall issue regulations setting guidelines for granting or denying requests for a waiver submitted under this section.

(e) The commission shall conduct a complete audit of all candidates receiving funds under this article. Such audits shall be conducted the year following the election for which funds were distributed. The Secretary of the Commonwealth shall provide the commission at no cost all reports of contributions and expenditures filed pursuant to Article XVI by candidates for Governor and Lieutenant Governor, their political committees and all other political committees who have contributed to such candidates.

(f) The auditors shall conduct their audit in accord with sound accounting principles and shall make findings of any possible violations of this article. All audited candidates and their committees shall furnish any records to the accountants which the accountants deem necessary for the completion of their work.

(g) The commission shall make public the report of the auditors and shall provide a copy to the Attorney General for the institution of such criminal proceedings as he or she shall deem necessary.

Section 1709-A. Funding Formula.—(a) Every candidate who qualifies for funding for an election pursuant to section 1708-A shall receive matching payments from the fund in the amount of two dollars (\$2) for each dollar of qualifying contribution.

(b) The two dollars (\$2) for each dollar of qualifying contributions provided by this section shall be provided only for qualifying contributions raised which exceed the threshold amounts specified in section 1708-A and not to those qualifying contributions which are attributable to meeting the threshold amounts necessary to qualify for funding under this article.

(c) (1) Only those qualifying contributions made during the period between January 1 of the year in which the candidate runs for office and the primary election shall be eligible for matching payments from the fund for the primary election.

(2) Only those qualifying contributions made during the period between the primary election and the general election of the year in which that candidate runs for office shall be eligible for matching payments from the fund for the general election.

(d) Matching funds shall not be provided for any qualifying contributions unless the reporting requirements required by the commission are satisfied.

Section 1710-A. Limitations on Funding.—(a) Every candidate who qualifies for and receives funding pursuant to the formula established by this article shall be entitled to receive no more than the maximum amount specified in subsection (b) for the office the candidate is seeking.

(b) (1) The maximum amount of funding available for each candidate for Governor at a general election under this article shall be five million two hundred thousand dollars (\$5,200,000).

(2) The maximum amount of funding available for the primary election for each candidate under this article shall be as follows:

Office	Maximum Pennsylvania Fair Campaign Funding
(i) Governor	\$2,600,000
(ii) Lieutenant Governor	600,000

(c) Notwithstanding any other provisions of this article, no funding shall be provided to the following:

(1) Candidates in the general election who have received the nomination of both major political parties and have no opposition.

(2) Candidates in the primary election who are unopposed for the nomination.

Section 1711-A. Time of Payments.—Beginning 90 days prior to the relevant election, the commission shall make payments authorized by this article at least every two weeks. However, except for the final payment, no payment shall be due or paid if the payment does not equal at least five thousand dollars (\$5,000).

Section 1712-A. Use of Funds by Candidates.—(a) Funds distributed to candidates pursuant to this article may be used only for the election for which they are distributed and only for the purposes set forth in this article except that no fund moneys may be used:

(1) To transfer to other candidates or to committees of other candidates or to political committees.

(2) To pay for expenditures incurred after the date of the general election.

(b) Funds distributed to a candidate pursuant to this article shall be placed in a single bank account. Expenditures from this account shall be made only for campaign expenses listed in subsection (a).

Section 1713. Expenditures.—(a) Expenditures made by a candidate for Governor and his authorized committees, for all purposes and from all sources, including, but not limited to, amounts of funds distributed under this article, proceeds of loans, gifts, contributions from any source or personal funds, subsequent to the date of the primary election but prior to the date of the general election, may not exceed eight million dollars (\$8,000,000).

(b) Expenditures made by a candidate and his authorized committees, subsequent to January 1 of the year in which the candidate runs for office but prior to the date of the primary election, may not exceed the following unless otherwise provided:

Office	Total Expenditure Limits
(1) Governor	\$4,000,000
(2) Lieutenant Governor	1,000,000

(c) Notwithstanding any other provision of this article, a candidate who accepts public funding pursuant to the formula established, but whose major political party opponent in a general election elects not to apply for the public funding, shall not be bound by the expenditure limits specified in this section. A candidate who accepts public funding shall be eligible to qualify for those fair campaign funds which would have otherwise been available to the opponent who has chosen not to apply for funding from the fund.

(d) Notwithstanding any other provision of this article, a candidate who accepts public funding pursuant to the formula established, but whose major political party opponents in a primary election elect to not apply for the public funding, shall not be bound by the expenditure limits specified in this section. If there is more than one candidate in a major political party in a primary election, the fair campaign funds which would have otherwise been available to each opponent who has elected to not apply for the public funding shall be divided equally among the candidates who accept public financing.

Section 1714-A. Annual Report.—The commission shall report annually to the Governor and the General Assembly on the operations of funding as provided by this article. This report shall include, but not be limited to, the revenues and expenditures in the fund, the amounts distributed to candidates, the results of any audits performed on candidates in compliance with this article and any prosecutions brought for violations of this article.

Section 1715. Return of Excess Funds.—(a) All unexpended campaign funds in a candidate's and his authorized committees' possession sixty (60) days after a primary election shall be returned to the State board for deposit in the fund, up to the amount of the funds which were distributed to the candidate under this article for the primary election.

(b) All unexpended campaign funds in a candidate's and his authorized committees' possession sixty (60) days after a general or municipal election shall be returned to the State board for deposit in the fund, up to the amount of the funds which were distributed to the candidate under this article for the general election.

Section 1716-A. Limitations on Certain Contributions.—(a) Aggregate contributions, including in-kind contributions, from any person or political committee to any candidate for Governor or Lieutenant Governor, his authorized committee or agent shall not exceed two thousand dollars (\$2,000) for each election. Furthermore, for each election, no candidate, his authorized committee or agent shall accept or receive more than two thousand dollars (\$2,000) in aggregate contributions, including in-kind contributions from any person.

(b) A gift, subscription, loan, advance or deposit of money or anything of value to a candidate shall be considered a contribution both by the original source of the contribution and by any intermediary or conduit if the intermediary or conduit:

(1) exercises any direction over the making of the contribution; or
 (2) solicits the contribution or arranges for the contribution made and directly or indirectly makes the candidate aware of such intermediary or conduit's role in soliciting or arranging the contribution for the candidate.

(c) For purposes of subsection (g), a contribution shall not be considered to be a contribution by an intermediary or conduit to the candidate if:

(1) the intermediary or conduit has been retained by the candidate's committee for the purpose of fundraising and is reimbursed for expenses incurred in soliciting contributions;

(2) in the case of an individual, the candidate has expressly authorized the intermediary or conduit to engage in fundraising, or the individual occupies a significant position within the candidate's campaign organization; or

(3) in the case of a political committee, the intermediary or conduit is the authorized committee of the candidate.

(d) No candidate for Governor or Lieutenant Governor who accepts public funding in accordance with this article may contribute more than twenty five thousand dollars (\$25,000) per election from personal funds.

(e) The provisions of this section apply to any contribution made for the purpose of influencing any election to the office of Governor or Lieutenant Governor.

(f) For purposes of this section, any contribution made to a candidate for Governor or Lieutenant Governor in a year other than the calendar year in which the election is held with respect to which such contribution is made is considered to be made during the calendar year in which such election is held.

Section 1717-A. Interactive Gubernatorial Primary and General Election Debates; Participation by Candidates.—(a) In any year in which a primary election is to be held to nominate candidates for the offices of Governor and Lieutenant Governor, there shall be held among the several candidates for each nomination a series of interactive primary debates in which all candidates who have filed nomination petitions in accordance with this act, for these offices and have applied or intend to apply to receive money for election campaign expenses from the fund shall participate and in which any other candidate for that nomination may elect to participate, provided that the other candidate notifies the commission of the candidate's intent to participate no later than twenty (20) days before the date of the debate. In any year in which no candidate or only one candidate for a nomination is required or elects to participate, no primary debate shall be required to be held under this subsection.

(b) In any year in which a general election is to be held for the offices of Governor and Lieutenant Governor, there shall be held a series of interactive debates in which all candidates who have received nominations for these offices at the primary or through the filing of nomination papers in accordance with this act and have applied or intend to apply to receive money for election campaign expenses from the fund shall participate and in which any other candidate for election may participate, provided that the other candidate notifies the commission of the candidate's intent to participate no later than 20 days before the date of the debate. In any year in which no candidate or only one such candidate for a nomination is required or elects to participate, no debate shall be required to be held under this subsection.

Section 1718-A. Time and Contents; Sponsors.—(a) There shall be two gubernatorial and two lieutenant gubernatorial primary debates. Each of the debates shall be at least one hour in duration. The first debate shall occur not earlier than the date on which the names of candidates to appear on the primary ballot are certified by the Secretary of the Commonwealth in accordance with section 916 of this article and the second debate shall occur not later than the Tuesday preceding the primary election.

(b) There shall be three gubernatorial and three lieutenant gubernatorial debates. Each of the debates shall be at least one hour. The first debate shall occur not earlier than fifty (50) days before the date of the general election, and the second debate shall occur not later than the Tuesday preceding the election.

(c) Private organizations which are not affiliated with any political party or with any holder of or candidate for public office, which have not endorsed any candidate in the pending primary or general election for the office of Governor, and which have previously sponsored one or more televised debates for Statewide office since 1986 shall be eligible to sponsor one or more interactive gubernatorial primary de-

bates or interactive gubernatorial election debates under subsection (a) or (b), respectively.

(d) The commission shall accept applications from eligible private organizations to sponsor one or more of the interactive debates. Applications to sponsor debates under subsection (a) shall be submitted to the commission no later than March 15 of any year in which a primary election is to be held to nominate candidates for the office of Governor and Lieutenant Governor, and applications to sponsor debates under subsection (b) shall be submitted to the commission no later than July 1 of any year in which a general election is to be held to fill the office of Governor.

(e) Where the number of eligible applicants to sponsor primary debates or election debates exceed the number prescribed under subsection (a) and (b), respectively, the commission shall select the private organizations from among the applicants within thirty (30) days of the last day for submitting those applications, as provided under this subsection. To the maximum extent practicable and feasible, the commission shall select a different private organization to sponsor each of the interactive gubernatorial debates, but shall not be precluded from selecting the same private organization to sponsor more than one debate.

(f) The private organizations selected by the commission shall be responsible for selecting the date, time and location of the debates, subject to the limitations set forth in this section. The rules for conducting each debate shall be solely the responsibility of the private organizations so selected, but shall not be made final without consultation with both the chairman of the State committee of each political party in the case of primary debates, and with a representative designated by each of the participating candidates in the case of election debates.

Section 1719-A. Failure of Candidate to Participate in Debates; Complaint; Hearing; Determination; Penalties.—(a) The commission shall have the power and duty, upon receipt of a complaint against a candidate for nomination for election or for election for the office of Governor or Lieutenant Governor who is required to participate in primary debates or election debates, respectively, to hold a hearing to determine whether that candidate has failed to participate in debates. If, at the conclusion of a hearing under this section, the commission determines by majority vote that a candidate required to participate under this article has failed to do so, the chairman shall immediately inform the candidate in writing of that determination, identifying in that writing the date and circumstances of the failure. If, after having found that a candidate required to participate in a primary or election debate has failed to do so, the commission further finds that the failure occurred under circumstances which were beyond the control of the candidate and were of such a nature that a reasonable person, taking into account the purposes of this article and the relevant facts of the case, would find the failure justifiable or excusable, then the candidate shall not be subject to any penalty or liability for failing to participate. The candidate charged with failure to participate shall have the burden of showing justification or excuse.

(b) The campaign of any candidate or former candidate who shall have been required to participate in a primary debate or election debate under this article, but who has been found to have failed to do so without reasonable justification or excuse, shall be liable for return of moneys previously received for use by the candidate to pay primary election campaign expenses or general election campaign expenses, respectively. The commission shall determine the total amount of moneys for election campaign expenses in that year by the commission to the candidate under this article, as appropriate, and shall notify the campaign treasurer of the candidate of the liability as of the date of the notice, for the repayment of those moneys plus interest on the unpaid amount of that liability from that date at the rate of 1% for each month or fractional part of a month during which that amount remains unpaid.

Section 1720-A. Penalties.—(a) A person who violates the provisions of this article and who, as a result, obtains funds under this article to which he is not entitled commits a misdemeanor of the first degree and shall, upon conviction, be subject to a fine not to exceed the greater of ten thousand dollars (\$10,000), or three times the amount of funds wrongfully obtained or to imprisonment for up to five years, or both.

(b) A person who violates section 1712-A or 1713-A of this article commits a misdemeanor of the first degree and shall, upon conviction, be subject to a fine not to exceed the greater of ten thousand dollars (\$10,000), or three times the amount of funds that were wrongfully used or expended or to imprisonment for up to five years, or both.

(c) Except as provided in subsections (a) and (b), a person who violates any provision of this article commits a misdemeanor of the third degree and shall, upon conviction, be subject to a fine of not more than one thousand dollars (\$1,000), or to imprisonment for up to one year, or both.

(d) All fines and penalties assessed pursuant to this article shall be deposited in the Pennsylvania Fair Campaign Fund.

Section 1721-A. Appropriation.—The sum of seven hundred fifty thousand dollars (\$750,000) is hereby appropriated to the State Ethics Commission for fiscal year 1999-2000 to implement the requirements of this article.

(b) The dollar figures contained in this article shall be adjusted annually at a rate equal to the average percentage change in the All-Urban Consumer Price Index for the Pittsburgh, Philadelphia and Scranton standard metropolitan statistical areas as published by the Bureau of Labor Statistics of the United States Department of Labor, or any successor agency, occurring in the prior calendar year. The base year shall be 1998. The average shall be calculated and certified annually by the commission by adding the percentage increase in each of the three areas and dividing by three. The calculation and resulting new dollar figures shall be published in March in the Pennsylvania Bulletin. The checkoff referred to in section 1706-A shall be rounded to the nearest dollar.

Section 1722-A. Severability.—The provisions of this article are severable. If any provision of this article or its application to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of this article which can be given effect without the invalid provision or application.

Section 1723-A. Applicability.—This article shall be applicable to returns of taxpayers of calendar years commencing January 1, 2000, and thereafter. Funding from the Pennsylvania Fair Campaign Fund shall be provided to candidates for Statewide office beginning with the primary election of 2002 and in each gubernatorial primary and election thereafter.

Amend Sec. 3, page 5, line 14, by striking out "3" and inserting:

6

Amend Sec. 4, page 5, line 17, by striking out "4" and inserting:

7

On the question,

Will the Senate agree to the amendment?

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

Senator KUKOVICH. Mr. President, this amendment deals solely with the gubernatorial races in the Commonwealth. For many years, there has been extensive discussion and debate in committees and caucuses and on the floor of the House—I do not believe on the floor of the Senate—regarding the funding of campaigns, and more specifically the gubernatorial race. We have seen an unbelievable upward spiral of campaign costs for gubernatorial elections in this Commonwealth with each succeeding election cycle. Normally, the incumbent, be it a Democrat or Republican, has a tremendous advantage whenever they run for their second term. Most of the other jurisdictions in America have tried to deal with this in some way or another by limiting individual campaign contributions, by trying to level the playing field.

This amendment most closely mirrors New Jersey, one of our neighboring States, by doing a number of things, not only putt-

ing a limit on contributions and a cap on expenditures, but setting up a voluntary fund, voluntary, quite frankly, in two ways. It is voluntary for the candidates who may or may not choose to opt for the program, pursuant to the Supreme Court cases, primarily *Buckley v. Valeo*, and also voluntary for taxpayers who may or may not check off on their income tax for money to go into a fund. It is something that has been done nationally for the presidential races. Historically, Pennsylvanians usually check off around the rate of anywhere from about 19 to 24 percent on their Federal income tax return.

In New Jersey, for about five election cycles this has been in place. Candidates from both parties have won, but more importantly, it has created a level playing field financially for candidates who are Democrats and Republicans, incumbents and nonincumbents, and as a result there have been vigorous debates. The electorate has been much more involved in those elections in terms of participation than in Pennsylvania.

The primary purpose of this legislation is to try to begin to restore faith in the system, to let those who feel disenfranchised, those who no longer participate in the system, that money will not be the main priority of whether or not someone not only gets elected but also whether or not someone even becomes a candidate. In essence, the practical effect of this is to force potential candidates for Governor and Lieutenant Governor to spend more time not only talking about issues and the things that matter to the people of this Commonwealth, but also to spend more time raising smaller amounts of money from many more people. It reduces the constant phone calls to wealthy contributors and enhances the possibility of candidates reaching out to many, many more Pennsylvanians. It is probably the single most important thing we can do to begin to restore faith in the system.

I am aware that many times in the past this was often viewed in a very partisan way. That is not the way it has operated in every other State that has adopted some form of campaign finance reform. We are one of the most backward States in America when it comes to how we fund our campaigns. This is a chance to bring some rationality and some evenhandedness to the process, and I ask the Members for an affirmative vote.

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

Senator BRIGHTBILL. Mr. President, I ask for a negative vote. We have an issue here that is very, very serious and would have a dramatic effect upon the ability of people to participate in an election for Governor or Lieutenant Governor, and as I read through this amendment, which I have only had for a few minutes, it raises for me as many questions as it perhaps attempts to answer.

First off, this clearly provides that taxpayer money would be funneled to candidates to be used in their campaign, and it would be \$2 for each dollar that would be raised, so it does not discontinue the practice of having someone run for Governor and going out to raise money. In fact, what it does is it says that if you are a good fundraiser, the State is going to give you \$2 for each dollar you raise. It does, however, put an additional qualifier out which would require that someone who wants to run for public office, namely, Governor or Lieutenant Governor, would not only have to obtain a certain number of signatures, but

would have to ascertain whether they can and must reach certain contributory thresholds, and contributory thresholds simply means that they have to be able to raise a certain amount of money to participate in the process of running for Governor. So not only must you get signatures in so many counties and have so many signatures, but you must actually be able to raise money in order to participate.

On lines 26, 27, 28, and 29, of page 4, it says that for someone to qualify to receive contributions to run for Governor, they have to raise \$100,000, and for Lieutenant Governor, \$50,000. While those numbers are not big in this day and age, it certainly does not eliminate the so-called evil that I believe the gentleman is attempting to address. It puts limits on funding, and I think that clearly if we are going to say that the total expenditure limits for someone running for Governor are \$4 million, well, then we might as well go to 8-year terms for Governor because, clearly, an incumbent who runs, wins a four-year term, and has an opponent who is going to spend only \$4 million is certainly going to be in a position where he or she can succeed.

Finally, one of the provisions that fascinates me the most is found on page 9, section 1719-A, and the title of that section is "Failure of Candidate to Participate in Debates; Complaint; Hearing; Determination; Penalties." And certainly when we are talking about constitutional rights and free speech rights, it creates a very interesting concept, which is that a candidate for nomination for election who is required to participate in primary or election debates, if he does not or she does not, they are required to hold a hearing to determine whether that candidate has failed to participate in the debates. Now, can you imagine that? Here we have an election and we have a debate and the government is going to pass a law that says that you have to participate in that debate, and if you do not, you have to show up at a hearing and explain why you have not.

Mr. President, I think this amendment is certainly well-intended, but in light of the urgency that is required for the passage of House Bill No. 1981 and the fact that it is going to impact on the primary election next year, I ask for a negative vote.

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

Senator KUKOVICH. Mr. President, I think I need to clarify the errors that were made by the quick interpretation of this. First of all, when the speaker speaks to page 4, lines 26 through 29, it says it is a new burden on candidates because now they have to go out and raise these moneys to run, they do not have to do that. They only have to do that to qualify for the matching funds. Again, this is purely voluntary. If someone does not want to comply with this, they do not have to. They can go about the system the way they have in the past. The purpose of that section is to make sure that spurious candidates or perhaps single-issue candidates do not automatically qualify for funds. They have to prove that there is enough support for them and their ideas that they can raise a threshold amount. Again, this is certainly not revolutionary. It is done at the Federal level and at many, many other State levels.

In terms of there being an advantage to the incumbent because the challenger could only have a certain amount, keep in

mind that if everybody plays by these rules, they can possibly have roughly the same amount. Not that one candidate may be having 15 to 1, the amount that was the disparity in the last election, or the types of broad disparities we have seen in previous elections. On the contrary, this makes it more equitable for not only those candidates, but it makes it possible for some candidates who have good ideas, who have the ability to campaign, and to at least raise the bare minimum necessary to maybe be viable in a gubernatorial race, at least to give the voters an opportunity to hear their arguments in a primary. They might not end up being a nominee, but at least they can participate in the process. Our current system precludes that from ever happening.

The issue that had the previous speaker so exercised had to do with the debate. Again, if someone does not want to opt for this, they know going in that they do not have to do it. But if they want to accept matching funds, then the very least they can do is accept reasonable boundaries for debates. If they do not want to do that, they do not have to accept the matching funds. And again, they know all this going in. This is nothing new, this does not create anything unreasonable. All it does is say that it is time that Pennsylvania get into the 20th century before we reach the 21st century.

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

Senator SCHWARTZ. Mr. President, the other side of the aisle has indicated that they are calling for a "no" vote on this amendment, and I wanted to indicate that on this side of the aisle we are in favor of not only this amendment but the broad concept of reforming the way we raise money and spend money in campaigns. The maker of this amendment and a number of us have spoken out publicly on the need to build public confidence in campaigns, to help communicate to voters that it is not only big donors, it is not only reaching out to donors that is so much an important part of campaigns, but the exchange of ideas, the exchange of time with voters, the time for debate should be a public one and it is one that cries out for greater public confidence. It is one that we certainly on this side of the aisle feel very strongly about, and we want to make sure that people who want to run for office have the opportunity for a more level playing field. We have seen this certainly. It was suggested by the opposition to this amendment that a challenger would have a very difficult time under this system. The fact is that the opposite is true, that this creates a level playing field.

There are examples all across the country in States that have already done this certainly in the biggest races, for Governor and Lieutenant Governor. In New Jersey, just an election ago, where there is campaign finance reform and there is a level playing field, you had an incumbent Governor seriously challenged by the other party, and what was so interesting about that was while she did win reelection, she had to address to the voters critical interests of theirs. She had to talk about auto insurance, she had to talk about the cost of health care and the uninsured. She had to talk about education and what she would do to create more equitable funding for education. These were issues she then had to deal with in her second term in the Governor's office. It was an opportunity for the public to hear ideas, for candidates to exchange ideas about the way they would in-

vest in the future, the way they would lead a State forward in the future.

This is the point that is being made by the maker of this amendment. It is an opportunity to create and build that confidence. It is a voluntary system. I think the amendment has put together a variety of very good ideas, and if in fact the other side of the aisle likes the idea of reforming campaign finance in this State and wants to have a serious discussion of exactly how we do that, I think that is one we would be very interested in having that kind of debate. In the meantime, we would say vote for this amendment and let us move forward in trying to at least address one of the largest races that we are confronted with, that is the Governor's race, create a level playing field, build public confidence, build a greater public interest in assuring that there is a fair exchange of ideas and not just a raising of money to get those ideas across in the next election.

Thank you, Mr. President.

LEGISLATIVE LEAVES CANCELLED

The PRESIDENT. Senator Hart and Senator Piccola have returned, and their temporary Capitol leaves are cancelled.

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

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

The PRESIDENT pro tempore. Mr. President, as I look at the bill, I notice that there are limits on spending in the bill, and I suggest to the maker of the amendment that there have been a number of Supreme Court cases that have indicated that when you limit spending, that is a First Amendment issue. And when you take that First Amendment away, the Supreme Court, on a number of occasions, declared that is unconstitutional. Until we deal with that issue, I do not know how we could possibly pass this amendment, recognizing that there are clear-cut constitutional issues out there on the limitations of spending. I think you can limit campaign contributions, you can limit PACs, but you cannot limit spending and get past the First Amendment to the United States Constitution.

Mr. President, I urge the maker of the amendment to seriously consider that. I think there are a number of good ideas. Perhaps there is no such thing as perfect campaign reform. I have not found a silver bullet yet, but I think this amendment is fallacious with that in it, and I urge the Members to reject it, certainly for a number of reasons, but the one main reason would be that it is a violation of the United States Constitution.

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

Senator KUKOVICH. Mr. President, the explanation of why it is not in violation of the Constitution is that this, again, is voluntary. You can put limits on, according to *Buckley v. Valeo*, if someone opts into the public financing system. What would make it unconstitutional is if we would put limits on an individual's ability to contribute to their own campaign. The court is very clear that that is a violation of the First Amendment right

to free speech. This has been carefully crafted to comply with the Supreme Court decisions. The voluntarism of it and the fact that those campaign expenditures can only be applied if someone voluntarily opts into the system and accepts the public financing means it is constitutional. I am sure a more thorough reading would bear that out.

LEGISLATIVE LEAVES

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

Senator BRIGHTBILL. Mr. President, I request temporary Capitol leaves for Senator White and Senator Loeper.

The PRESIDENT. Without objection, those leaves will be provided.

The Chair recognizes the gentlewoman from Philadelphia, Senator Schwartz.

Senator SCHWARTZ. Mr. President, I request a temporary Capitol leave for Senator Williams.

The PRESIDENT. Without objection, that leave will be provided.

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

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

YEA-20

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

NAY-30

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

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

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

KUKOVICH AMENDMENT A4341

Senator KUKOVICH offered the following amendment No. A4341:

Amend Title, page 1, line 13, by inserting after "2000": and for the form of official primary ballots; providing for funding of certain State-wide elections; limiting certain contributions; imposing powers and duties on the Department of State

Amend Title, page 1, line 14, by inserting after "CHANGE;":
providing penalties;

Amend Bill, page 5, by inserting between lines 13 and 14:
Section 3. Section 1002(b) of the act, amended December 2, 1976
(P.L. 1221, No. 269), is amended to read:

Section 1002. Form of Official Primary Ballot.—* * *

(b) On the back of each ballot shall be printed in prominent type the words "OFFICIAL PRIMARY BALLOT OFPARTY FOR" followed by the designation of the election district for which it is prepared, the date of the primary and the facsimile signatures of the members of the county board of elections. [The] Except in the case of candidates for State-wide judicial office, the names of candidates shall [in all cases] be arranged under the title of the office for which they are candidates, and be printed thereunder in the order determined by the casting of lots as provided by this act. The names of all candidates for a State-wide judicial office shall be arranged in a group under the title of that office and shall be rotated from one county to another. The Department of State shall develop a lottery system to assure that the name of each State-wide judicial candidate will be rotated so that it will appear, insofar as may be reasonably possible, substantially an equal number of times at the beginning, at the end and at each intermediate place, if any, of the group in which such name belongs. Under the title of such offices where more than one candidate is to be voted for, shall be printed "Vote for not more than" (the blank space to indicate the number of candidates to be voted for the particular office.) At the right of the name of each candidate there shall be a square of sufficient size for the convenient insertion of a cross (x) or check () mark. There shall be left at the end of the list of candidates for each office (or under the title of the office itself in case there be no candidates who have filed nomination petitions therefor) as many blank spaces as there are persons to be voted for, for such office, in which space the elector may insert the name of any person whose name is not printed on the ballot as a candidate for such office. [Opposite or under the name of each candidate, except candidates for the office of President of the United States and candidates for delegate or alternate delegate to a National Party Convention, who is to be voted for by the electors of more than one county, shall be printed the name of the county in which such candidate resides; and opposite or under the name of each candidate except candidates for delegate or alternate delegate to a National Party Convention who is to be voted for by the electors of an entire county or any congressional, senatorial or representative district within the county, shall be printed the name of the city, borough, township or ward, as the case may be, in which such candidate resides.]

* * *

Section 4. Section 1621(e) of the act, added October 4, 1978 (P.L. 893, No. 171), is amended to read:

Section 1621. Definitions.—As used in this article, the following words have the following meanings:

* * *

(e) The words "independent expenditure" shall mean an expenditure by a person [made for the purpose of influencing an election without cooperation or consultation with any candidate or any political committee authorized by that candidate and which is not made in concert with or at the request or suggestion of any candidate or political committee or agent thereof.] or political committee, other than a candidate's campaign committee, that expressly advocates the election or defeat of a clearly identified candidate, that is made without cooperation or consultation with any candidate or committee or agent of the candidate and that is not made in concert with or at the request or suggestion of a candidate or any committee or agent of the candidate. An expenditure is not an independent expenditure if any of the following applies:

(1) Any officer, member, employe or agent of the political committee making the expenditure is also an officer, member, employe or agent of the committee of the candidate whose election or whose opponent's defeat is being advocated by the expenditure or an agent of the candidate whose election or whose opponent's defeat is being advocated by the expenditure.

(2) There is an arrangement, coordination or direction with respect to the expenditure between the candidate or the candidate's agent

and the person making the expenditure, including any officer, director, employe or agent of that person.

(3) In the same election, the person making the expenditure, including any officer, director, employe or agent of that person, is or has been:

(i) Authorized to raise or expend moneys on behalf of the candidate or the candidate's authorized committees.

(ii) Receiving any form of compensation or reimbursement from the candidate, the candidate's committees or the candidate's agent.

(4) The expenditure is based on information about the candidate's plans, projects or needs or those of his campaign committee, provided to the expending person by the candidate or by the candidate's agents or any officer, member or employe of the candidate's campaign committee with a view toward having the expenditure made.

* * *

Section 5. The act is amended by adding a section to read:

Section 1633.1. Contributions or Expenditures by Partnerships.—It is unlawful for any partnership operating under the laws of this State or any other state or any foreign country to make a contribution or expenditure in connection with any State-wide judicial office. Furthermore, it shall be unlawful for any candidate running for State-wide judicial office, political committee or other person to knowingly accept or receive any contribution prohibited by this section or for any partner of any partnership to consent to any contribution or expenditure prohibited by this section.

Section 6. The act is amended by adding an article to read:

ARTICLE XVI-A

Pennsylvania Fair Campaign Fund

Section 1601-A. Definitions.—As used in this article, the following words have the following meanings:

"Declaration of candidacy" shall mean the point in a person's campaign for political office at which that person becomes in compliance with section 1622 of this act.

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

"Fund" shall mean the Pennsylvania Fair Campaign Fund established under section 1604-A.

"Major political party" shall mean a political party whose candidate for Governor received either the highest or second highest number of votes in the preceding gubernatorial election.

"Secretary" shall mean the Secretary of the Commonwealth.

Section 1602-A. Application of Article.—Except as provided in section 1613-A, the provisions of this article shall be applicable to candidates for the following State-wide offices who elect to apply for campaign funding under this article:

(1) Supreme Court Justice.

(2) Superior Court Judge.

(3) Commonwealth Court Judge.

Section 1603-A. Administration.—The provisions of this article shall be administered by the department. The department may adopt rules and regulations as may be necessary for the implementation of this article.

Section 1604-A. Pennsylvania Fair Campaign Fund Established.—There is hereby established a special restricted receipts fund in the State Treasury to be known as the Pennsylvania Fair Campaign Fund. Payments shall be made into this fund pursuant to section 1605-A and disbursements shall be made from the fund only upon the warrant of the secretary and a warrant of the State Treasurer. As much of the moneys in the fund as are necessary to make payments to candidates as provided in this article are appropriated from the Pennsylvania Fair Campaign Fund to the Department of State on a continuing basis for the purpose of such payments. No moneys of the General Fund shall be used for the purposes of the Pennsylvania Fair Campaign Fund.

Section 1605-A. Allocation of Certain Tax Proceeds to Fund.—Beginning with tax years commencing January 1, 2000, and thereafter, each individual subject to the tax imposed by Article III of the act of March 4, 1971 (P.L. 6, No. 2), known as the "Tax Reform Code of 1971," whose tax liability for the year is two dollars (\$2) or more may designate two dollars (\$2) of his personal income taxes to be paid into the Pennsylvania Fair Campaign Fund. In the case of married

taxpayers filing a joint return, each spouse may designate two dollars (\$2) to be paid into the Pennsylvania Fair Campaign Fund if their tax liability is four dollars (\$4) or more. All of these designated tax revenues shall be paid into the fund. The check-off and instructions shall be prominently displayed on the first page of the tax return form. The instructions shall readily indicate that these designations neither increase nor decrease an individual's tax liability.

Section 1606-A. Certification of Moneys in Fund.—By June 30 of each year, the State Treasurer shall certify to the department the current balance available in the fund.

Section 1607-A. Qualification for Funding.—(a) Any candidate for office as described in section 1602-A may apply for funding under this article if the candidate meets the contributory thresholds established in subsection (b) and otherwise conforms to the requirements of this article. No candidate shall be obligated to apply for funding under this article and if any candidate elects not to apply, the provisions of this article pertaining to limits on expenditures or the use of his personal funds shall be inapplicable to the person and his candidacy. Any candidate electing to receive funding under this article shall declare his intention to do so and specify the office for which he is a candidate. No candidate may elect to receive funding under this article for a general or municipal election unless the candidate elected to receive funding under this article for the primary election. A candidate who is nominated by his party to fill a vacancy which occurs after the primary or who is placed on the ballot by petition and qualifies for funding pursuant to section 1607(b) is eligible to receive funding under this article for a general or municipal election. Any and all committees authorized to receive contributions or make expenditures for the candidate who has so declared shall abide by the provisions of section 1613-A. Any candidate who for any reason has his name withdrawn from the ballot for an election, after receipt of funds under this article, shall return to the fund all unspent money received from the Pennsylvania Fair Campaign Fund.

(b) (1) In order to qualify for funding in a general election, a candidate must receive subsequent to the date of that candidate's primary election but prior to the date of that candidate's general election qualifying contributions of the following amounts:

Office	Qualifying Contributions Required
(i) Supreme Court Justices	\$30,000
(ii) Superior Court Judges	30,000
(iii) Commonwealth Court Judges	30,000

(2) In order to qualify for funding in a primary election, a candidate must receive prior to the date of the primary election, but subsequent to January 1 of the year in which that candidate runs for office, one-half of the amount specified in clause (1) for the appropriate office.

(3) (i) The term "qualifying contribution" shall include any contribution, as defined in section 1621(b), which has all of the following characteristics:

(A) Made by an individual resident of Pennsylvania.

(B) Made by a written instrument which indicates the contributor's full name and mailing address and is not intended to be returned to the contributor or transferred to another political committee or candidate.

(ii) If a contributor receives goods or services of value in return for his contribution, the qualifying contribution shall be calculated as the original contribution, minus the fair market value of the goods or services received.

(iii) Contributions by an individual which exceed two hundred fifty dollars (\$250) in the aggregate shall be deemed only a two hundred fifty dollar (\$250) qualifying contribution for the purposes of this section and for the matching payment provisions of section 1608-A.

(c) The department shall select an auditor pursuant to the provisions of section 1635(a). Each candidate who elects to apply for funding under this article shall provide evidence that the candidate has raised the qualifying contributions required by this section which evidence shall be verified and certified as correct to the department by the auditor selected under this article. The department shall establish a deadline for the certification and a process for verification by the auditor selected under this article.

Section 1608-A. Funding Formula.—(a) Every candidate who qualifies for funding for either the primary or the general election pursuant to section 1607-A shall receive matching payments from the fund in the amount of one dollar (\$1) for each dollar of qualifying contribution as defined in section 1607-A(b)(3).

(b) (1) Only those qualifying contributions made during the period between January 1 of the year in which the candidate runs for office and the primary election shall be eligible for matching payments from the fund for the primary election.

(2) Only those qualifying contributions made during the period between the primary election and the general election of the year in which that candidate runs for office shall be eligible for matching payments from the fund for the general election.

(c) Matching funds shall not be provided for any qualifying contributions unless the reporting requirements of section 1626(b) are satisfied.

Section 1609-A. Limitations on Funding.—(a) Every candidate who qualifies for and receives funding pursuant to the formula established in section 1608-A shall be entitled to receive no more than the maximum amount specified in subsection (b) for the office the candidate is seeking.

(b) (1) The maximum amount of funding available for the general election for each candidate under this article shall be as follows:

Office	Maximum Pennsylvania Fair Campaign Funding
(i) Supreme Court Justices	\$200,000
(ii) Superior Court Judges	200,000
(iii) Commonwealth Court Judges	200,000

(2) The maximum amount of funding available for the primary election for each candidate under this article shall be one-half the appropriate figure in clause (1).

(c) Notwithstanding any other provisions of this article no funding shall be provided to the following:

(1) Candidates in the general election who have been nominated by both major political parties.

(2) Candidates in the primary election who are unopposed for the nomination.

Section 1610-A. Time of Payments.—(a) Beginning ninety (90) days prior to the relevant primary or general election, the department shall make payments authorized by this article at least every two (2) weeks. However, except for the final payment, no payment shall be due or paid if the payment does not equal at least five thousand dollars (\$5,000) in amount.

(b) If in the secretary's opinion insufficient funds exist in the fund to provide the anticipated full funding to eligible candidates in a given primary or general election, the department shall distribute the available funds to qualified candidates on a pro-rata basis. In determining whether sufficient funds are available, the secretary shall not take into consideration the needs of any subsequent primary or general elections but shall base the decision solely on the immediate primary or election at hand.

Section 1611-A. Use of Funds by Candidates.—(a) Funds distributed to candidates pursuant to this article may be used only for the election for which they are distributed and only for the purposes set forth in section 1634.1 except that no fund moneys may be used:

(1) To transfer to other candidates or to committees of other candidates or to political committees.

(2) To pay for expenditures incurred after the date of the general election.

(b) Funds distributed to a candidate pursuant to this article shall be placed in a single bank account. Expenditures from this account shall be made only for campaign expenses listed in subsection (a).

Section 1612-A. Expenditures.—(a) Expenditures made by a candidate and his authorized committees, for all purposes and from all sources, including, but not limited to, amounts of funds distributed under this article, proceeds of loans, gifts, contributions from any source or personal funds, subsequent to the date of the primary election, but prior to the date of the general election, may not exceed the amounts specified below:

Office	Total Expenditure Limits
--------	--------------------------

(i) Justice of the Supreme Court	\$400,000
(ii) Judge of the Superior Court	400,000
(iii) Judge of the Commonwealth Court	400,000

(b) Expenditures made by a candidate and his authorized committees, subsequent to January 1 of the year in which the candidate runs for office but prior to the date of the primary election, may not exceed one-half of the amount specified in subsection (a).

(c) Notwithstanding any other provision of this article, a candidate who accepts public funding pursuant to the formula established in section 1608-A, but whose major political party opponent in a general or municipal election elects not to apply for the public funding, shall not be bound by the expenditure limits specified in this section. A candidate who accepts public funding shall be eligible to qualify for those fair campaign funds which would have otherwise been available to an opponent who has chosen not to apply for funding from the Pennsylvania Fair Campaign Fund.

(d) Notwithstanding any other provision of this article, a candidate who accepts public funding pursuant to the formula established in section 1608-A, but whose major political party opponents in a primary election elect to not apply for the public funding, shall not be bound by the expenditure limits specified in this section. If there is more than one candidate in a major political party in a primary election, the fair campaign funds which would have otherwise been available to each opponent who has elected to not apply for the public funding shall be divided equally among the candidates who accept public financing.

Section 1613-A. Limitations on Certain Contributions.—(a) Any candidate for the office of Justice of the Supreme Court or Judge of the Superior Court or Commonwealth Court shall not accept contributions from an individual or political action committee which in the aggregate exceed two hundred fifty dollars (\$250) for any primary, general or special election. However, the candidate and spouse may contribute up to thirty thousand dollars (\$30,000) in the aggregate for each primary, general or special election in which that candidate is running for office.

(b) A gift, subscription, loan, advance or deposit of money or anything of value to a candidate shall be considered a contribution both by the original source of the contribution and by any intermediary or conduit if the intermediary or conduit—

(1) exercises any control or any direction over the making of the contribution; or

(2) solicits the contribution or arranges for the contribution to be made and directly or indirectly makes the candidate aware of such intermediary or conduit's role in soliciting or arranging the contribution for the candidate.

(c) For purposes of subsection (b), a contribution shall not be considered to be a contribution by an intermediary or conduit to the candidate if—

(1) the intermediary or conduit has been retained by the candidate's committee for the purpose of fund-raising and is reimbursed for expenses incurred in soliciting contributions;

(2) in the case of an individual, the candidate has expressly authorized the intermediary or conduit to engage in fund-raising, or the individual occupies a significant position within the candidate's campaign organization; or

(3) in the case of a political committee, the intermediary or conduit is an authorized committee of the candidate.

(d) This section shall apply to any candidate for any office set forth in this section, regardless of whether or not the candidate receives funding from the fund.

Section 1614-A. Inflation Indexing of Certain Limitations.—The dollar figures contained in sections 1607-A, 1609-A and 1612-A shall be adjusted annually during March at a rate equal to the average percentage change in the All-Urban Consumer Price Index for the Pittsburgh, Philadelphia and Scranton standard metropolitan statistical areas as published by the Bureau of Labor Statistics of the United States Department of Labor, or any successor agency, occurring in the prior calendar year. The base year shall be 1998. The average shall be calculated and certified by the secretary annually by adding the percentage increase in each of the three areas and dividing by three. The

calculation and resulting new figures shall be published in the Pennsylvania Bulletin during March.

Section 1615-A. Annual Report.—The secretary shall report annually to the Governor and the General Assembly on the operations of funding as provided by this article. This report shall include, but not be limited to, the revenues and expenditures in the fund, the amounts distributed to candidates, the results of any audits performed on candidates in compliance with this article and any prosecutions brought for violations of this article.

Section 1616-A. Return of Excess Funds.—(a) All unexpended campaign funds in a candidate's and his authorized committees' possession sixty (60) days after a primary election shall be returned to the secretary for deposit in the Pennsylvania Fair Campaign Fund, up to the amount of the funds which were distributed to the candidate under this article for the primary election.

(b) All unexpended campaign funds in a candidate's and his authorized committee's possession sixty (60) days after a general or municipal election shall be returned to the secretary for deposit in the Pennsylvania Fair Campaign Fund, up to the amount of the funds which were distributed to the candidate under this article for the general or municipal election.

Section 1617-A. Penalties.—(a) A person who violates the provisions of this article and who, as a result, obtains funds under this article to which he is not entitled commits a misdemeanor of the first degree and shall, upon conviction, be subject to a fine not to exceed the greater of ten thousand dollars (\$10,000) or three times the amount of funds wrongfully obtained or to imprisonment for up to five (5) years, or both.

(b) A person who violates section 1611-A or 1612-A commits a misdemeanor of the first degree and shall, upon conviction, be subject to a fine not to exceed the greater of ten thousand dollars (\$10,000) or three (3) times the amount of funds that were wrongfully used or expended or to imprisonment for up to five (5) years, or both.

(c) Except as provided in subsections (a) and (b), a person who violates any provision of this act commits a misdemeanor of the third degree and shall, upon conviction, be subject to a fine of not more than one thousand dollars (\$1,000) or to imprisonment for up to one (1) year, or both.

Section 7. Article XVI-A shall apply to returns of taxpayers of calendar years commencing January 1, 2000, and thereafter. Funding from the Pennsylvania Fair Campaign Fund shall be provided to candidates for office beginning with the primary election of 2002 and in each primary, municipal and general election thereafter.

Amend Sec. 3, page 5, line 14, by striking out "3" and inserting:

8

Amend Sec. 4, page 5, line 17, by striking out "4" and inserting:

9

On the question,

Will the Senate agree to the amendment?

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

Senator KUKOVICH. Mr. President, this amendment is also a campaign finance reform amendment, however it is substantially different from the previous one. First of all, this only affects the statewide appellate judiciary. That is the case for a number of reasons. First of all, there have been numerous complaints about the unseemliness of large contributions coming from law firms or individual attorneys who often practice before the appellate judiciary, which breeds disrespect for our system of justice.

Just last Session, a blue ribbon panel of previous Bar Association presidents appointed by the State Supreme Court prepared an extensive study after months of polling and gathering information inside the Commonwealth, and outside actually. That

report was presented to Senator Lemmond and those of us on the Committee on State Government last Session. Basically, the requests and recommendations from that report were used in this amendment, which has been previously introduced as a bill. It, too, tries to comply with the *Buckley v. Valeo* decision, so it is constitutional. It asks for a check-off, sets up a fund, makes it purely voluntary.

There is one other difference in this amendment, and that has to do with the argument that was presented that in primaries there are often many candidates, and since the canons of ethics preclude judges from campaigning on the basis of specific issues, often the luck of the draw in ballot position has much to do with who gets elected judge. So there is a provision in this amendment that establishes a rotating ballot, again something recommended by the blue ribbon commission, that says from county to county the ballot would be rotated so that no one would always be number one on the ballot or stuck in the middle or be at the end. It would just be another way to try to promote fairness in the way judges are chosen.

I think there have been a number of Republican Members who have been able to vote for something like this in the past, and there are some Republican House Members who have voted for this who are now in the Senate. I think this is an equitable way of trying to deal with the issues of the statewide appellate judiciary in a fair and even-handed way, and I ask for an affirmative vote.

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

The PRESIDENT pro tempore. Mr. President, before I make my remarks, I want to commend the gentleman from Westmoreland County, who has been a stalwart in his efforts to reform campaign financing. As I said, I know of no silver bullet, but I believe Senator Kukovich is sincere in his efforts to try to make a difference and to change the way we finance various statewide elective campaigns. And I share with him, and he and I have talked about this many times, the need to change the way our judges are currently elected and the way they finance their campaigns.

Mr. President, if I had my druthers, and I do not speak for Senator Kukovich but I suspect he would say, too, I would like to see this body and this State, in a constitutional amendment, adopt merit selection of judges. I think it is the only way to go, and I believe that it would be the best thing that the people of the Commonwealth could do if they ever got a chance, if this General Assembly would pass a merit selection bill, something I have offered in many, many Sessions of the General Assembly, to have the House and Senate pass it in two successive Sessions and get it on the ballot so that the people of Pennsylvania could change their Constitution to have their judges selected by merit, and so forth, et cetera. That is not what Senator Kukovich offers today. What he offers today is a means by which elected judges finance their campaigns and how it is done.

Mr. President, I am a member of an ad hoc task force appointed by the Chief Justice of Pennsylvania, John Flaherty, and chaired by a distinguished attorney from Allegheny County, Evans Rose. That commission is made up of various judges of the Commonwealth Court and the Superior Court. It is made up

of I think at least one other legislator and citizens of the Commonwealth. That task force was impaneled by Justice Flaherty to deal with the Mundy Report. The Mundy Report was a report by a former president of the Pennsylvania Bar Association, James Mundy, that called into question the way in which judges were not just being elected but the way they raise campaign contributions and how they ran their various elections.

Mr. President, that commission is still very active. I believe that commission should have an opportunity to finish its work. The next meeting likely will be, and I talked to Mr. Rose today, right after the first of the year, and certainly it has staff and it is doing research.

I raise the issue again of the constitutionality of the limitation of spending, even though Senator Kukovich responds in the sense that it is voluntary and that meets the freedom-of-speech test. I question whether it is indeed voluntary when the pressure is on one to adopt that kind of process. Whatever. The courts would have to decide that. I think it is at least a gray area.

Mr. President, I ask again that the Senate reject Senator Kukovich's amendment, and it is hard for me to do that because I respect what he is trying to do, and I agree with the purpose of it, particularly in the area of appellate court judges, but I do believe that the commission created by Chief Justice Flaherty and chaired by Mr. Rose, on which I serve and others serve across this Commonwealth, should have an opportunity to do its work and not be undercut at this time. When that report is in, I think it will be, in fact I am sure it will be made public and a report will be issued to the Members of the General Assembly. Then and then only I think would be the appropriate time to do this amendment.

For those various purposes, and with all the respect I have for the maker of the amendment, I ask for a negative vote.

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

Senator SCHWARTZ. Mr. President, I want to just remind our Members that in contrast to the comments, part in agreement and ending with a different conclusion from the previous speaker, I would say that the Democrats on this side of the aisle are going to be supportive of this amendment, that we feel particularly strongly on the appellate level judges that there be this kind of level playing field, that there be voluntary public financing for the system, and we look forward to an affirmative vote from the Democrats.

Thank you, Mr. President.

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

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

YEA-21

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

NAY-29

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

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

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

WAGNER AMENDMENT A4473

Senator WAGNER offered the following amendment No. A4473:

Amend Sec. 2 (Sec. 603), page 5, lines 5 and 6, by inserting a bracket before "fourth" in line 5 and after "April" in line 6 and inserting immediately thereafter: second Tuesday of March

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

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

Senator WAGNER. Mr. President, I rise to offer this amendment today to House Bill No. 1981, which all of us know is an Election Code bill. Basically what my amendment does is moves the primary up 3 weeks, as it presently stands in House Bill No. 1981, keeping in mind that House Bill No. 1981, which passed the House of Representatives, moved the primary up from the fourth Tuesday in April to the first Tuesday in April for the presidential primary in the year 2000. Mr. President, this amendment was a good amendment made by Representative Freeman. I believe, though, the reason behind it was to address a conflict with religious holidays next year as it relates to the presidential primary, both Good Friday and Passover, and a conflict with the election coming up soon thereafter.

Mr. President, my amendment does much more. It begins to address an inequity that exists within the Commonwealth of Pennsylvania and has existed for too long, which basically is that Pennsylvania is not a player in the primary election for presidential politics. It is really that simple, Mr. President. We are an afterthought as a State in the primary every 4 years for Pennsylvania. And, Mr. President, I think it is really about time that we need to make a change. We need to be a little bit more progressive in Pennsylvania than we have been in the past. The date I am suggesting, Mr. President, is the second Tuesday of March, which is the same date when six Southern States have their primary, and those six Southern States are Texas, Tennessee, Oklahoma, Mississippi, Louisiana, and Florida.

Mr. President, they are pretty smart down South. They group together to have the presidential primary and have a force in the process in doing so. Now, I could introduce an amendment to

move the primary up another week, but it may in fact conflict with signatures and petitions and many other things and is the reason why I have agreed to the second Tuesday in March rather than the first Tuesday in March, which is Super Tuesday.

But, Mr. President, I referred to the Southern States and I did that for a reason. It is not by coincidence, Mr. President, that the present President of the United States is a southerner, and a number of previous Presidents have been southerners. And at some point I hope the Midwest and the Northeast begin to wake up and understand that we are not players in a process, that other States are very early on and have more of a determination as to who the nominees are for the major parties, and Pennsylvania presently is not doing that.

Mr. President, we are the fifth largest State in the country, but one of the last to have our primary elections presently. Presently, the way it sits today in law, 36 other States have primary elections before Pennsylvania, and 75 percent of the delegates for both the Republican and Democratic parties are chosen. So Pennsylvania, Mr. President, is truly an afterthought. A person who is quoted quite often, Terry Madonna, a political science professor at Millersville University, has stated that Pennsylvania has not been a player in the presidential primary since 1976. A quarter of a century almost, Mr. President. We have given away the vote of the people in Pennsylvania and have basically said we are not important.

Mr. President, this is truly a public policy issue, and it is really for a number of reasons. First and foremost, the voice of the people of Pennsylvania does not count as it is presently structured, and maybe that is the reason, Mr. President, no one is listening.

Senator MELLOW. Mr. President, may we have some order in the Chamber, please.

The PRESIDENT. The Senate will come to order.

Senator WAGNER. Mr. President, there is apathy out there when Election Day comes around. In other words, the public is not voting, and that certainly is the case in presidential years in presidential primaries, even though 25 years ago we lowered the voting age from 21 to 18 and the registration ranks went up, but still less people voted. And just several years ago, Mr. President, this body and the House of Representatives passed motor-voter registration, and more people became registered, but still again less people are voting. And I believe that one of the reasons why less people are voting in presidential primaries is that the public knows their vote in Pennsylvania does not count.

There are other important reasons. When we do not have an early primary in Pennsylvania, we are bypassed by the candidates. Therefore, the issues of Pennsylvania are not being addressed by the very people whom we want to address them, the presidential candidates. And I could talk about a multitude of issues, such as the fall of the steel industry, Mr. President.

The PRESIDENT. Will the gentleman yield.

Senator WAGNER. Thank you, Mr. President.

Such as the fall of the steel industry 15, 20 years ago in this Commonwealth. It really was not addressed by presidential candidates. Just recently, in the last month, the Federal government took away a direct flight from Pittsburgh to London. We in the western part of the State, Pittsburgh, will not have the opportu-

nity to air that issue the way it should be aired, with presidential candidates, and it should be aired out with them. But, no, they are going to bypass Pennsylvania, and in doing so they are going to bypass the issues of Pennsylvania.

Many times, Mr. President, candidates are out of the race by the time the presidential primary hits Pennsylvania. So in essence, we do not have a choice. Our people do not have a choice, and it is about time we wake up and give them a choice.

There is another very, very important issue, and it is money. Presidential candidates spend money. They come to a State and they come with groups of people. They travel, they stay in hotels, they buy advertising in newspapers, on TV, on the radio. They employ people when they come to Pennsylvania. That does not happen in Pennsylvania because they are bypassing us. For instance, on Super Tuesday, the first Tuesday of March, when New York, Ohio, and Maryland have primaries, they are cutting through Pennsylvania going from one State to another and never stopping. They are getting on an airplane or taking a bus going from New York to Maryland or Maryland to Ohio. They are driving on the Pennsylvania Turnpike, and that is it. They are not even stopping in Pennsylvania.

Mr. President, we have a problem here in Pennsylvania, and this legislation can correct it. We are referred to in the Pennsylvania Manual as the Keystone State. And in that manual it indicates, "The word 'keystone' comes from architecture and refers to the central, wedge-shaped stone in an arch, which holds all the other stones in place." That is the reason why we are called the Keystone State. "At a Jeffersonian Republican victory rally in October 1802," as indicated in the Pennsylvania Manual, "Pennsylvania was toasted as 'the keystone in the federal union,' and in the newspaper Aurora the following year the state was referred to as 'the keystone in the democratic arch.' The modern persistence of this designation is justified in view of the key position of Pennsylvania", as indicated in the manual, "in the economic, social, and political development of the United States."

Well, I am here to say, Mr. President, that does not exist when it comes to presidential primaries, and I hope we would have support for the amendment in front of us to move it up so that Pennsylvania becomes a player.

Thank you.

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

Senator MOWERY. Mr. President, I would just like to make a comment regarding the former speaker. I think he is very much on the ball with his comments. I would like to remind him that we recently passed Senate Resolution No. 8, which called for the development of a task force with both Senate and House Members to study this very issue, and it was the hope that maybe we could have done something with next year's presidential election. We found out that there just was not enough time and we recently asked for their time for reporting back to be September of next year.

I think that the things he spoke about are extremely important for consideration and not only just for the presidential election, but our task force has been asked also to look into the areas regarding the regular elections, that rather than having the pri-

mary in May, having consideration for maybe a primary in September, leading very quickly into the general election, for all the many reasons and so forth that the previous speaker spoke about. So, I ask that since we will be having hearings in the near future, I hope that maybe he would consider testifying and bringing those thoughts and ideas to the committee. So I ask for consideration to be given to that rather than considering the amendment, and I ask for a negative vote.

Thank you very much, Mr. President.

And the question recurring,

Will the Senate agree to the amendment?

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

YEA-20

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

NAY-30

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

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

And the question recurring,

Will the Senate agree to the bill on third consideration?

WAGNER AMENDMENT A4472

Senator WAGNER offered the following amendment No. A4472:

Amend Sec. 2 (Sec. 603), page 5, lines 5 and 6, by inserting brackets before and after "fourth Tuesday of April" and inserting immediately thereafter: third Tuesday of March

On the question,

Will the Senate agree to the amendment?

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

Senator WAGNER. Mr. President, I will be brief in the explanation. I appreciate the support I got on the previous bill, which was the second Tuesday in March of the year 2000. This amendment would move it to the third Tuesday in March, which would be March 21 of the year 2000. Mr. President, Pennsylvania would have its primary with one other State and one other

State only: Illinois. On that day and for an entire week, Pennsylvania would be the focus of the nation in terms of presidential politics, along with one other State, and I hope that my colleagues would give this amendment more support than the previous one.

Thank you.

LEGISLATIVE LEAVES CANCELLED

The PRESIDENT. Senator White and Senator Wozniak have returned, and their temporary Capitol leaves are cancelled.

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

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

Senator BRIGHTBILL. Mr. President, I think that the key here is severalfold. One is that we as a General Assembly have held hearings and are going to hold additional hearings on this important issue. But number two is that if we simply change the primary date, which is what this amendment does, and it does nothing more because it does not rewrite the whole timetable, so what that means is that you would have the opportunity if you are a candidate, in fact almost the obligation, to be circulating your petition on December 19, which means that during the holidays, the Christmas holidays, campaigns and campaign workers would be circulating their petitions.

Clearly, if this General Assembly wants to move up the primary date, the whole schedule has to be compressed. It is a far more complex issue than simply changing the date, and I again ask for a negative vote.

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

Senator WAGNER. Mr. President, if I may respond, this is not a new issue and I did not just throw it on the floor today as an amendment. I have had legislation in the hopper for three consecutive legislative terms. This issue is one that I have been pursuing for 5 years, and I understand that dates need to be moved, just as the previous speaker indicated they need to be moved. Mr. President, simply look at the bill in front of us, House Bill No. 1981. The election next year has been moved up a couple of weeks, but it has not put Pennsylvania in a competitive position, and that is really what this is all about. He indicated the key to this. We are the Keystone State, and I want to see us remain that in regard to this issue.

Thank you.

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

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

YEA-20

Belan	Hughes	Mellow	Stout
Bodack	Kasunic	Musto	Tartaglione
Boscola	Kitchen	O'Pake	Wagner

Costa	Kukovich	Schwartz	Williams
Fumo	LaValle	Stapleton	Wozniak

NAY-30

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

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

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

WAGNER AMENDMENT A4475

Senator WAGNER offered the following amendment No. A4475:

Amend Sec. 2, page 4, line 29, by inserting after "AMENDED": and the section is amended by adding a subsection

Amend Sec. 2 (Sec. 603), page 5, by inserting between lines 13 and 14:

(c) Notwithstanding subsection (a), the General primary for 2004 shall be held on the second Tuesday of March 2004.

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

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

Senator WAGNER. Mr. President, what this amendment does is takes away the whole issue of the year 2000 for the presidential primary and really addresses what some of the previous speakers have referred to, which is that we need time to react to this situation. What this amendment does is moves up the presidential primary to the second Tuesday of March in the year 2004, 4 1/2 years off, Mr. President. I do not want to be standing in this position 4 years from now continuing to hear what I have heard before and what I have heard today, that moving up the election, there is not enough time, that the issue needs to be studied. Let us be proactive and do something today, 4 years out. Let us work towards it, and let us make sure that Pennsylvania is not bypassed in the future.

Thank you.

LEGISLATIVE LEAVE CANCELLED

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

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

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

YEA-20

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

NAY-30

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

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

And the question recurring,
Will the Senate agree to the bill on third consideration?
It was agreed to.

On the question,
Shall the bill pass finally?

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

YEA-50

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

NAY-0

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

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

**SPECIAL ORDER OF BUSINESS
SUPPLEMENTAL CALENDAR No. 3**

SENATE CONCURS IN HOUSE AMENDMENTS

SB 670 (Pr. No. 1502) -- 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.

On the question,
Will the Senate concur in the amendments made by the House to Senate Bill No. 670?

Senator BRIGHTBILL. Mr. President, I move that the Senate do concur in the amendments made by the House to Senate Bill No. 670.

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

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

YEA-50

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

NAY-0

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

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

**HOUSE CONCURRENT RESOLUTION
No. 310, ADOPTED**

Senator BRIGHTBILL, without objection, called up from page 1 of Supplemental Calendar No. 3, **House Concurrent Resolution No. 310**, entitled:

A Concurrent Resolution recognizing the Meadowcroft Rockshelter as the 1999 "Commonwealth Treasure" of the Pennsylvania Historical and Museum Commission.

On the question,
Will the Senate concur in the resolution?

Senator BRIGHTBILL. Mr. President, I move that the Senate do concur in House Concurrent Resolution No. 310.

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

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

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

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

BILL OVER IN ORDER TEMPORARILY

SB 800 — Without objection, the bill was passed over in its order temporarily at the request of Senator BRIGHTBILL.

BILL ON SECOND CONSIDERATION

SB 1200 (Pr. No. 1497) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of March 4, 1971 (P.L. 6, No. 2), entitled Tax Reform Code of 1971, further providing for the calculation of the manufacturing, processing, research and development exemptions.

Considered the second time and agreed to,

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

CONSIDERATION OF CALENDAR RESUMED

SB 1097 CALLED UP

SB 1097 (Pr. No. 1326) -- Without objection, the bill, which previously went over in its order temporarily, as amended, was called up, from page 4 of the Third Consideration Calendar, by Senator BRIGHTBILL.

BILL AMENDED

SB 1097 (Pr. No. 1326) — The Senate proceeded to consideration of the bill, entitled:

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.

And the question recurring,

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

Senator WAGNER offered the following amendment No. A4486:

Amend Title, page 1, line 5, by removing the period after "County" and inserting ; and authorizing the Department of Transportation, with the approval of the Governor, to sell and convey to the Public Auditorium Authority of Allegheny County certain land situate in the City of Pittsburgh, County of Allegheny, Commonwealth of Pennsylvania.

Amend Bill, page 3, by inserting between lines 29 and 30:

Section 2. Conveyance to Public Auditorium Authority, Allegheny County.

(a) Authorization.—The Department of Transportation, with the approval of the Governor and the Federal Highway Administration, is hereby authorized on behalf of the Commonwealth of Pennsylvania to grant and convey to the Public Auditorium Authority of Allegheny County for fair consideration as determined by the Department of Transportation the tract of land described in subsection (b).

(b) Description.—The property to be conveyed pursuant to subsection (a) is the following tract of land situate in the 21st Ward, City of Pittsburgh, Allegheny County, bounded and described as follows:

BEGINNING at a point at the western right of way line of Allegheny Avenue, said point being located south 2 degrees 31 minutes 51 seconds West 49.98 feet from Station 1039+56.99 feet at the centerline of the Southbound lane of Legislative Route 1039. Thence south 14 degrees 02 minutes 43 seconds East 17.26 feet to a point of curvature of the western right of way line of Allegheny Avenue, said line being 32.00 feet from centerline of Allegheny Avenue, the true point of beginning. Thence by a curve bearing to the right with a radius of 1064.60 feet for an arc distance of 156.35 feet to a point of tangency on the western right of way line of Allegheny Avenue. Thence along the western right of way line of Allegheny Avenue, south 05 degrees 37 minutes 50 seconds East a distance of 20.57 feet, to a point on the northern right of way line of relocated Reedsdale Street. Thence along the northern right of way line of Reedsdale Street south 74 degrees 49 minutes 43 seconds West 209.83 feet to a point of curve of a curve bearing to the right with a radius of 296.00 feet for an arc distance of 51.61 feet to a point of tangency. Thence south 84 degrees 49 minutes 05 seconds West a distance of 6.64 feet to a point at the intersection of the northern right of way line of Reedsdale Street (relocated) and the eastern line of Walker Street. Thence by the easterly line of Walker Street (a 40 feet right of way) north 14 degrees 04 minutes 42 seconds West a distance of 239.73 feet. Thence by a new line, the following five courses and distances: north 84 degrees 59 minutes 58 seconds East, a distance of 25.54 feet, south 79 degrees 51 minutes 34 seconds East a distance of 65.41 feet, south 88 degrees 20 minutes 15 seconds East a distance of 79.40 feet, north 75 degrees 43 minutes 59 seconds East a distance of 80.46 feet and south 87 degrees 37 minutes 24 seconds East a distance of 42.33 feet to the point of beginning.

Containing an area of 1.30 acres according to a survey by L. Robert Kimball and Associates dated April 29, 1999.

This conveyance is comprised of a portion of the property as conveyed to the Commonwealth of Pennsylvania by the Urban Redevelopment Authority of the City of Pittsburgh by deed dated August 24, 1994, and recorded in Deed Book Volume 9930, Page 151 in the Records Office of Allegheny County.

(c) Condition.—Prior to execution of a deed of conveyance, the slope of State Route 65 adjacent to the tract of land described in subsection (b) shall be stabilized and returned to its original condition in a manner acceptable to the Department of Transportation.

(d) Easements.—The conveyance shall be made under and subject to all easements, and rights of others, including, but not confined to, streets, roadways and rights of any telephone, telegraph, cable, water, electric, sewer, gas or pipeline companies, as well as under and subject to any interest, estates or tenancies vested in third persons, whether or not appearing of record, for any portion of the land or improvements erected thereon.

(e) Execution.—The deed of conveyance shall be approved as provided by law and shall be executed by the Secretary of General Services in the name of the Commonwealth of Pennsylvania.

(f) Costs.—All other costs and fees, including, but not limited to, appraisal fees, title insurance and surveys incidental to this conveyance, shall be borne by the grantee.

(g) Disposition of proceeds.—Revenue from the sale authorized by this act shall be deposited in the Motor License Fund.

Amend Sec. 2, page 3, line 30, by striking out "2" and inserting:
3

On the question,

Will the Senate agree to the amendment?

It was agreed to.

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

SB 800 CALLED UP

SB 800 (Pr. No. 1416) -- Without objection, the bill, which previously went over in its order temporarily, was called up from page 1 of Supplemental Calendar No. 2, by Senator BRIGHTBILL.

BILL AMENDED

SB 800 (Pr. No. 1416) -- The Senate proceeded to consideration of the bill, entitled:

An Act providing for watershed protection and environmental stewardship; establishing the Environmental Stewardship Fund; conferring powers and duties on the Department of Conservation and Natural Resources, the Department of Environmental Protection and the Pennsylvania Infrastructure Investment Authority; imposing a recycling fee; making an appropriation; and making repeals.

On the question,

Will the Senate agree to the bill on third consideration?

TILGHMAN AMENDMENT A4176

Senator TILGHMAN offered the following amendment No. A4176:

Amend Title, page 1, line 6, by inserting after "fee;": providing for use of site-specific postclosure funds;

Amend Sec. 4, page 14, line 12, by striking out "(1)"

Amend Sec. 4, page 14, line 15, by striking out "SECTION 13(B)" and inserting: section 12(b)

Amend Sec. 4, page 14, line 17, by striking out "14" and inserting:
13

Amend Sec. 4, page 14, lines 18 through 23, by striking out all of said lines

Amend Sec. 5, page 17, line 29, by striking out "5%" and inserting: 2%

Amend Sec. 6, page 18, by inserting between lines 23 and 24:

(c) Definition.—As used in this section, the term "agency" means the Department of Conservation and Natural Resources, the Department of Environmental Protection or the Pennsylvania Infrastructure Investment Authority.

Amend Sec. 9, page 21, line 20, by striking out "WHEN" and inserting: when

Amend Sec. 9, page 21, line 23, by removing the period after "PLANT" and inserting: ; or

Amend Sec. 9, page 21, line 24, by striking out "WHEN" and inserting: when

Amend Sec. 9, page 21, line 28, by removing the period after "2000" and inserting: ; or

Amend Sec. 9, page 21, line 29, by striking out "WHEN" and inserting: when

Amend Sec. 10, page 22, line 12, by striking out "SECTION 17(A)" and inserting: section 16(a)

Amend Sec. 12, page 23, lines 20 through 30; page 24, lines 1 through 30; and page 25, lines 1 through 10, by striking out all of said lines on said pages

Amend Sec. 13, page 25, line 11, by striking out "13" and inserting: 12

Amend Sec. 14, page 25, line 23, by striking out "14" and inserting: 13

Amend Sec. 14, page 25, line 26, by striking out "30%" and inserting: 40%

Amend Sec. 15, page 26, line 4, by striking out "15" and inserting:
14

Amend Sec. 15, page 27, by inserting between lines 15 and 16:

(c) Applicability.—This section shall not apply to any county of the third class having a population under the 1990 Federal Decennial Census of greater than 225,000 but less than 242,500.

Amend Sec. 16, page 27, line 16, by striking out "16" and inserting: 15

Amend Sec. 17, page 27, line 28, by striking out "17" and inserting: 16

Amend Sec. 18, page 28, line 18, by striking out "18" and inserting: 17

On the question,

Will the Senate agree to the amendment?

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

Senator TILGHMAN. Mr. President, Senate Bill No. 800 is funded from three sources - the hazardous sites cleanup fund, the recycling fund, and the realty transfer tax. This amendment would fund the legislation from one source, that is the realty transfer tax, and would not touch the funds in the hazardous sites cleanup fund and the recycling fund. Those two funds would be kept whole.

The bill before us has a total of \$125 million in it. If this amendment is accepted, the same amount of money will be included in the fund, namely \$125 million. The present bill takes 30 percent of the realty transfer tax and places it in the fund for the Growing Greener initiatives. This amendment would increase that 30 percent to 40 percent, and the \$120 million would come out of the realty transfer tax. The \$5 million that makes the total of \$125 million is kept the same in my amendment as it is in the original bill.

Briefly, what this does, it protects the two funds that need to do the work they need to do throughout Pennsylvania and takes the total amount of money from the realty transfer fund.

I thank you, Mr. President.

The PRESIDENT. The Chair recognizes the gentlewoman from Venango, Senator White.

Senator WHITE. Mr. President, I rise to oppose the proffered amendment. This was a very carefully crafted piece of legislation that has been in the works over the summer and throughout the rest of this legislative year. Basically, the administration took the position early on that before we put new money into what is now called Growing Greener, which is Senate Bill No. 800, that we should look at existing funds and see if all of them are being used to their best ability. It was felt, rightly or wrongly, that at the present time the recycling fund, which is funded with \$2 a ton on solid waste, had a surplus. I recognize that there are people in the environmental community who do not agree with that assessment. Nevertheless, we have been able to complete all of the programs that are in place, and what Senate Bill No. 800 does as a compromise for taking a portion of those funds now, is it guarantees that the level of funding for recycling in Pennsylvania, which has been a huge success, will not be decreased during the life of this 5-year program. It further extends that \$2 a ton funding for an additional funding year.

For that reason, Mr. President, it is my understanding that most, but not all, of the recycling community has agreed that a temporary diversion of some of the recycling funds for the other good causes in Growing Greener, namely watershed protection, water and sewage, farmland preservation, and State parks is appropriate so long as their funding stream is protected, and I believe that Senate Bill No. 800 provides that protection.

Thank you.

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

Senator MUSTO. Mr. President, I join with Senator White in asking for a negative vote on this amendment. I was very concerned about the recycling funding and also our recycling program, but I am thoroughly convinced that Senate Bill No. 800 would provide adequate funding for recycling, and as a result I oppose the amendment.

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

Senator TILGHMAN. Mr. President, I urge you to all be patient. We are waiting for the agreed-to amendment a little later on.

I would just like to point out a couple of things relative to the recycling fund which has been mentioned here, and the sheets of paper that I have in my hand are from the Department of Environmental Protection. These are not my figures, these are their figures. They first proposed a certain amount of income to this fund on May 30, and their income projections were listed on these documents. If those income projections were in fact correct on May 30, this fund at the end of 5 years would have a deficit of \$22 million. If those income projections are correct, this will not work.

So how do we get to the fact that the income projections were changed? I do not particularly know, but I can tell you that they were revised on September 30. The income projections were revised and they were carried out for 5 years at \$47 million per year every year. The previous projections had been down around \$35 million and they varied a little bit throughout the 5 years. But from May to September, the projections changed. They went up to \$47 million, and if that is correct, the recycling fund at the end of 5 years will have \$12 million left in it. As of this minute, this year, it has \$100 million in it. I hope the revised figures of revenue projections are correct. If they are not correct, we are in big trouble.

Thank you, Mr. President.

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

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

YEA-12

Bodack	Greenleaf	Kukovich	Schwartz
Boscola	Holl	LaValle	Tilghman
Costa	Kitchen	Punt	Wagner

NAY-38

Armstrong	Hart	Murphy	Tartaglione
Belan	Helfrick	Musto	Thompson
Bell	Hughes	O'Pake	Tomlinson
Brightbill	Jubelirer	Piccola	Waugh
Conti	Kasunic	Rhoades	Wenger
Corman	Lemmond	Robbins	White
Dent	Loeper	Salvatore	Williams
Earll	Madigan	Slocum	Wozniak
Fumo	Mellow	Stapleton	
Gerlach	Mowery	Stout	

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

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

GREENLEAF AMENDMENT A4331

Senator GREENLEAF offered the following amendment No. A4331:

Amend Title, page 1, line 2, by inserting after "Environmental": and Heritage

Amend Title, page 1, line 5, by striking out "and" and inserting a comma

Amend Title, page 1, line 6, by inserting after "Authority": , the Department of Agriculture, the Department of Community and Economic Development, the Department of Education, the Pennsylvania Historical and Museum Commission, the Pennsylvania Fish and Boat Commission and the Pennsylvania Game Commission

Amend Sec. 1, page 11, lines 18 and 19, by striking out "WATERSHED PROTECTION AND ENVIRONMENTAL" and inserting: Environmental and Heritage

Amend Sec. 3, page 13, by inserting between lines 4 and 5:

"Commissions." The Pennsylvania Fish and Boat Commission, the Pennsylvania Game Commission and the Pennsylvania Historical and Museum Commission.

Amend Sec. 3, page 13, line 5, by inserting after "THE": Department of Agriculture, the Department of Community and Economic Development, the

Amend Sec. 3, page 13, line 6, by inserting after "RESOURCES": , the Department of Education

Amend Sec. 3, page 13, by inserting between lines 26 and 27:

"Sound land use practices." Practices that are generally consistent with the inventory of land use practices published by the Governor's Center for Local Government Services in the Department of Community and Economic Development. The inventory of practices should, through the balancing of economic growth and affordable housing, with the protection of the environment, promote regional cooperation, discourage sprawl development, seek to minimize the impact on the environment, open space and farmland and encourage development in previously developed areas or in locally designated growth areas.

Amend Sec. 4, page 14, line 8, by inserting after "ENVIRONMENTAL" and Heritage

Amend Sec. 4, page 14, lines 11 through 23, by striking out all of said lines and inserting:

(b) Sources.—Money appropriated by the General Assembly, interest earned by the fund, penalties, money received from the Federal Government or other sources and the monthly transfer of a portion of State realty transfer tax revenue authorized by section 14, shall be deposited in the fund.

Amend Sec. 4, page 14, line 25, by inserting after "DEPARTMENTS": , the commissions

Amend Sec. 4, page 14, lines 28 through 30; page 15, lines 1 and 2, by striking out all of said lines on said pages and inserting:

(d) Allocation.—The money appropriated in subsection (c) shall be allocated annually as follows: 32% to the Department of Conservation and Natural Resources; 23% to the Department of Environmental Protection; 16% to the Pennsylvania Infrastructure Investment Authority; 8% to the Pennsylvania Historical and Museum Commission; 6% to the Department of Community and Economic Development; 3% to the Pennsylvania Fish and Boat Commission; 3% to the Pennsylvania Game Commission; 8% to the Department of Agriculture; and 1% to the Department of Education.

Amend Sec. 5, page 17, by inserting between lines 21 and 22:

(c) The Department of Agriculture.—The Department of Agriculture shall utilize its allocation from the fund for farmland preservation. An expenditure for farmland preservation must comply with the act of

June 30, 1981 (P.L. 128, No. 43), known as the Agricultural Area Security Law.

(d) The Department of Community and Economic Development.—The Department of Community and Economic Development shall utilize its allocation from the fund for planning assistance, downtown revitalization and tourism development.

(e) The Department of Education.—The Department of Education shall utilize its allocation from the fund for library capital improvements.

(f) The Pennsylvania Fish and Boat Commission.—The Pennsylvania Fish and Boat Commission shall utilize its allocation from the fund for planning, acquisition, development and rehabilitation of fishing and boating areas, recreation areas, natural areas, hatcheries and aquatic resources.

(g) The Pennsylvania Game Commission.—The Pennsylvania Game Commission shall utilize its allocation from the fund for planning, acquisition, development and rehabilitation of game lands, recreation areas, natural areas and wildlife habitat.

(h) The Pennsylvania Historical and Museum Commission.—The Pennsylvania Historical and Museum Commission shall utilize its allocation from the fund for planning, acquisition, mitigation, development and rehabilitation of publicly and privately owned historic sites.

Amend Sec. 5, page 17, line 22, by striking out "(C)" and inserting:

(i) Amend Sec. 5, page 17, line 26, by striking out "(D)" and inserting:

(j) Amend Sec. 5, page 17, line 26, by inserting after "DEPARTMENTS": , the commissions

Amend Sec. 5, page 17, line 30, by striking out "(E)" and inserting:

(k) Amend Sec. 5, page 18, line 5, by striking out "(F)" and inserting:

(l) Amend Sec. 13, page 25, line 12, by striking out "(A) RECYCLING FEES.—"

Amend Sec. 13, page 25, lines 16 through 22, by striking out all of said lines

Amend Sec. 14, page 25, line 25, by striking out "2004" and inserting: 2009

Amend Sec. 14, page 25, line 26, by inserting after "ENVIRONMENTAL": and Heritage

Amend Sec. 15, page 26, lines 4 through 30; page 27, lines 1 through 15, by striking out all of said lines on said pages

Amend Sec. 16, page 27, line 16, by striking out "16" and inserting: 15

Amend Sec. 17, page 27, line 28, by striking out "17" and inserting: 16

Amend Sec. 17, page 28, lines 10 through 12, by striking out all of said lines

Amend Sec. 18, page 28, line 18, by striking out "18" and inserting: 17

On the question,

Will the Senate agree to the amendment?

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

Senator GREENLEAF. Mr. President, I rise to offer an amendment that would substantially increase the resources to preserve open space and the general quality of life in Pennsylvania. It is an issue, particularly in the southeast but all over Pennsylvania, that open space and farmland are being lost at record levels, and of course we know that they are not making anymore open space once a shopping center or a house or some other development is placed on it.

What this amendment would do is create an Environmental and Heritage Stewardship Fund that would create a dedicated source of funding, particularly 30 percent of the real estate

transfer tax, for 10 years. That percentage would raise \$90 million a year, or \$900 million over a 10-year period. It is important for us to provide a dedicated form of funding for this because it would be difficult then to change it at a later time. The present bill and the amendment that will be offered in the future will not have a dedicated form of funding, it will just direct that moneys be appropriated in future budgets for this purpose. It will be a smaller amount of money, and in addition, the sources of the moneys that Senate Bill No. 800 would address would come out of this recycling fund and the hazardous sites cleanup fund and the landfill closure accounts, all of which are important funds, important activities, and in the end it is important not to obtain open space at the cost of our environment, namely the landfill, hazardous waste, and the recycling funds.

The proposal that I am making here this evening would appropriate \$288 million to the Department of Conservation and Natural Resources, which would provide a stable funding source for the Wildlife Resource Conservation Fund, acquire priority parcels of land as they become available, fund the backlog of State Park and Forest maintenance projects, and meet the demand for additional community parks and recreational projects. In addition, it would appropriate \$207 million to the Department of Environmental Protection to provide funding to make significant progress toward acid mine remediation. It would put \$144 million into PENNVEST that would fund water and sewer projects in local communities to better our water and sewer projects and access to them. It would put \$72 million into the Pennsylvania Historical and Museum Commission for funding for maintenance and rehabilitation of public historical sites and properties, and funding for Keystone Historic Preservation Grants and programs for matching grants to nonprofit and local governments for rehabilitation of historic properties. Certainly, we can have all the open space in the world, and if we do not preserve the historical properties in the Commonwealth, which are open space areas and which come with sometimes hundreds of acres of open space, we are losing a great opportunity, both an historical opportunity and also an open-space opportunity.

It would also provide \$27 million to the Pennsylvania Fish and Boat Commission for the rehabilitation of Fish and Boat Commission facilities, and also the protection and restoration of fish species, which are of concern and are the responsibility of the Pennsylvania Fish and Boat Commission.

It would also provide to the Department of Agriculture Bureau of Farmland Preservation \$72 million to increase funding to address and preserve farmland in Pennsylvania. It would provide \$27 million to the Pennsylvania Game Commission for acquisition and protection of wildlife habitats, and it would provide for \$54 million to the Department of Community and Economic Development to increase funding for State planning assistance grants, encourage multimunicipal and multicounty planning efforts and also increase funding for the Main Street development and revitalization programs, and finally would provide \$9 million for capital improvements for libraries all over the Commonwealth.

This legislation would accomplish the things that I believe the citizens of Pennsylvania want: the preservation of open lands, the preservation and saving of agricultural lands, but it

also deals with quality of life issues such as libraries and fish habitats and other important issues such as that, because we can have open space, but without these other issues addressed, our quality of life will not be as good. As a result of that, I would like to request that we pass this amendment.

Thank you.

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

Senator SCHWARTZ. Mr. President, I rise in support of this amendment. It was commented to me that we cannot do everything in this bill, and I do commend those who have been working quite a bit on this legislation for the fine work they have done and the degree to which they have moved the original proposal from the administration to be a stronger proposal to dedicate funding and to really make a much stronger investment, and I will be happy to vote for Senate Bill No. 800.

But I would say that this amendment would strengthen Senate Bill No. 800. As the maker of the amendment said, it does put into this legislation some aspects of the kinds of investments that we ought to make in addition to farmland preservation, in addition to some of the really important work we would be doing in terms of acid mine drainage and cleanup. There is no question we need to do some of that work and I am very excited about making that kind of investment for 5 years, which Senate Bill No. 800 does.

What this amendment would do, though, is make a somewhat bigger investment over a longer period of time, which means that we could do more, that the investment will be more serious, that it is a longer term investment of 10 years, a commitment to be able to do the kind of farmland preservation that we need to do, the kind of conservation and protection of natural resources that we need to do.

In addition, it does add two other aspects that I am particularly interested in. It recognizes that if we are to protect open space in the State, one of the ways we do that is to piggyback. It also recognizes the need to do the kind of urban revitalization community development in our older communities that are very important and need to be a partner in protecting open space and if we can encourage the revitalization and renovation of some of our older communities, not necessarily in urban areas but certainly in some of our downtowns and some of our cities, we have some wonderful spaces that could be reclaimed and should be reclaimed and it might encourage people to use some of the land that has already been developed by redeveloping it in wonderful ways that protect and are respectful of our heritage.

I will say that the other part of this amendment that I really like as well is the inclusion of historic sites and their renovation and the small amount of money that could be spent to go a long way in recognizing our historic sites in the State. I just returned a few minutes ago from a reception across from the Capitol that is honoring a woman by the name of Eleanor Morris. Some of you may remember Samuel Morris, who served in the House of Representatives. Well, Mrs. Morris was recognized for her work over many years of not only historic preservation but of recognizing the connection between historic preservation and the environment and open space. It is connected. It is important for us to protect our heritage that is both historic preservation and

open-space preservation. The inclusion of that language in this amendment goes a long way, I believe, with a small amount of money to be able to enhance the kind of work that would be very meaningful in our communities.

And third, it does not take money from important environmental programs and transfer that fund into other important environmental programs. It should not be a question of dividing the same piece of the pie in many different places.

So, I think this is the way we should do it. It is a commitment over the next 10 years, and I look forward to us making that kind of commitment and to a number of us voting for this amendment and encouraging us to move in that direction and to make this bill stronger as we move forward in protecting our spaces for our communities and for our children.

Thank you, Mr. President.

The PRESIDENT. The Chair recognizes the gentlewoman from Venango, Senator White.

Senator WHITE. Mr. President, I rise to ask for a "no" vote on the amendment. However, I am aware that Growing Greener Plus, which is one of the nicknames that has been given to the amendment just described, is a worthy effort that came out of a group called Heritage 21, which came up with a huge list of desirable projects for this Commonwealth and developed a plan that would run over a 10-year period to address them.

It is certainly true that our bill with the amendments that we are proposing today does not include museums, it does not include historic preservation, it does not include the Fish and Boat Commission or downtown revitalization programs, but that is not to say that we regard these issues or these matters as unimportant or not worthy of attention or funding. What it does tell you is that when we set about to develop a true Growing Greener proposal for the Commonwealth, we elected to focus on those critical environmental needs of this Commonwealth, and the ones we have come up with are some of the ones mentioned by the gentleman from Montgomery County, and they include acid mine drainage, watershed protection, farmland preservation, open space, water and sewage, the critical environmental issues facing Pennsylvania.

Some of the differences between our two proposals are that Senate Bill No. 800 would put \$125 million into these initiatives for a 5-year period. The amendment would give us \$90 million a year for 10 years. A couple of policy questions become obvious when you compare and contrast those two proposals.

First of all, a lot has been made about money being moved around or reallocated, but keep your eye on the ball. We are talking about \$125 million a year for 5 years, of which only \$30 million is not new money. The rest is new money going for important environmental initiatives.

The planning issues are critical, and we recognize those were a big part of the 21st Century Commission recommendations, but the decision was made in trying to put together a good, workable, passable environmental bill that we would cut in half the environmental piece from the planning piece. So because the planning piece is not in here, do not assume that it is not going to happen or is not going to be considered by this Senate, because it will be.

The other question is how long should this Senate attempt to bind future administrations and future legislatures? And I would suggest to you that a 10-year spending program, locking in extensive funding for a particular subject for a 10-year plan is simply too long. Five years is difficult enough, because obviously we will not have the existing Governor for that entire period and perhaps we will not have this existing Senate through that entire period, but a 5-year plan puts a sizable chunk of money, over \$600 million, over a half-billion dollars into new environmental initiatives and it does so in a way that does not break the bank. It comes out of current revenues. We are spending it out of our existing money. And to correct the record, the omnibus amendment which we will be presenting very shortly, Senator Musto and I, does contain dedicated funding.

So, this is a wonderful initiative and because it does not include a lot of other things is not a reason to abandon it. I urge that we reject the Growing Greener Plus and move on with Senate Bill No. 800, as amended.

Thank you.

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

Senator MUSTO. Mr. President, just a few additional items. Senate Bill No. 800 will actually contain dedicated funding, and of that funding, the Department of Environmental Protection will receive over \$50 million per year, DCNR will receive over \$32 million a year. PENNVEST, a very, very important and successful program, will receive \$32 million a year, and the Department of Agriculture will receive \$20 million a year. So Senate Bill No. 800 certainly addresses the environmental problems that we want to correct out there.

Now, what Senate Bill No. 800 will do is include acid mine drainage cleanup and watershed improvement. No one spoke about plugging abandoned oil and gas wells and involving water and sewer infrastructure, watershed cleanup, greenways, trails, open space, recreational facilities, river corridors, community and heritage parks, forest conservation, biological diversity protection, and community conservation and beautification. Senate Bill No. 800 is a good bill. It addresses our environmental problems and it certainly will improve our quality of life. I ask for a negative vote on this amendment.

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

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

YEA-12

Bodack	Greenleaf	Kitchen	Punt
Boscola	Holl	Kukovich	Schwartz
Costa	Hughes	LaValle	Tilghman

NAY-38

Armstrong	Hart	Musto	Thompson
Belan	Helfrick	O'Pake	Tomlinson
Bell	Jubelirer	Piccola	Wagner
Brightbill	Kasunic	Rhoades	Waugh

Conti	Lemmond	Robbins	Wenger
Corman	Loeper	Salvatore	White
Dent	Madigan	Slocum	Williams
Earll	Mellow	Stapleton	Wozniak
Fumo	Mowery	Stout	
Gerlach	Murphy	Tartaglione	

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

LEGISLATIVE LEAVE CANCELLED

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

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

KUKOVICH AMENDMENT A4468

Senator KUKOVICH offered the following amendment No. A4468:

Amend Title, page 1, line 6, by inserting after "fee,": authorizing the incurring of indebtedness, with the approval of the electors, of \$1,000,000,000 for loans for the acquisition, repair, construction, reconstruction, rehabilitation, extension, expansion and improvement of water supply and sewage treatment systems;

Amend Bill, page 27, by inserting between lines 15 and 16:
Section 16. Authorization for additional indebtedness.

(a) Submission.—The question of incurring indebtedness of \$1,000,000,000 for loans for the acquisition, repair, construction, reconstruction, rehabilitation, extension, expansion and improvement of water supply and sewage treatment systems shall be submitted to the electors at the next primary, municipal or general election following enactment of this section.

(b) Certification.—The Secretary of the Commonwealth shall certify the question under subsection (a) to the county boards of elections.

(c) Form of question.—The question under subsection (a) shall be in substantially the following form:

Do you favor the incurring of indebtedness by the Commonwealth of \$1,000,000,000 for loans for the acquisition, repair, construction, reconstruction, rehabilitation, extension, expansion and improvement of water supply and sewage treatment systems?

(d) Election.—The election shall be conducted in accordance with the act of June 3, 1937 (P.L.1333, No.320), known as the Pennsylvania Election Code.

(e) Proceeds.—Proceeds of borrowing shall be used for loans under the act of March 1, 1988 (P.L.82, No.16), known as the Pennsylvania Infrastructure Investment Authority Act.

Amend Sec. 16, page 27, line 16, by striking out "16" and inserting: 17

Amend Sec. 17, page 27, line 28, by striking out "17" and inserting: 18

Amend Sec. 18, page 28, line 18, by striking out "18" and inserting: 19

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

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

Senator KUKOVICH. Mr. President, this is just a technical amendment.

(Laughter.)

I just wanted to see if you were still awake.

Seriously, I think that Senator White and Senator Musto have done an excellent job over the last 5 or 6 months in crafting this bill, and that is why this amendment does not deal directly with their language or what is about to be offered as the omnibus amendment to the bill. What it does do is authorize a \$1 billion bond issue to go into PENNVEST for the purposes of water delivery and sewage.

It was about 3 years ago that I and my staff at home did an assessment of 34 municipalities in Westmoreland County, which focused primarily on infrastructure needs. I was taken aback at the unbelievable need for adequate water and some of the problems associated with inadequate public sewage. I was even more surprised to find out that in southwestern Pennsylvania there are about 160,000 households without water, and there are over 300,000 households without a public sewage system. I talked to individuals who in summer when it gets dry, or recently during the drought had no water at all from their springs or their wells. I talked to people who live in fairly pricey homes who cannot let their children go out in the back yard because of open sewage. It is 1999, and we have Pennsylvanians who do not have clean drinking water. Some I have talked to have gone 5 years without adequate drinking water, and we still have communities that have open sewage flowing in their back yards and down their streets.

We are in a unique position. We have budget surpluses, our bond rating is the highest it has ever been, which means that the interest rates we pay on those bonds are the lowest possible. We have an opportunity to pass a bond issue, we have the financial means, we can pass at least \$1 billion. Quite frankly, that sounds like a big number, but it is conservative, and we would still not get overextended on the bond market.

When I look to some other States and I see that Governor Pataki in New York is talking about a \$1.75 billion cleanup, and in New Jersey Governor Whitman is talking about a \$1.8 billion land preservation bond, and I see our State unwilling to even have a nickel of money whenever it is financially prudent to do so, I begin to question when, if not now, will we ever be able to make that investment? I am not talking about an investment in water and sewage that is going to lead to more sprawl or more developments. I am not even necessarily talking about just addressing the problems of systems that are 50 and 60 years old, I am talking about communities and individuals who are not supplied with the basic services that a lot of us take for granted.

I can remember around 1984 or 1985 when we had outbreaks of giardiasis in places like Scranton and McKeesport, and that led to the creation of the PENNVEST program. And I remember debating on the House floor on behalf of that program and I remember some of the same arguments against it then as I hear now. But there was a confluence of events that made sure that we had to develop something new. The issues of the time demanded it. I would submit that if we do not take advantage of this rare opportunity that we have, and I hope I am wrong, but I would suggest that within a rather short period of time, maybe within 5 years, we are going to see some more outbreaks of giardiasis, and we are going to see more Pennsylvanians become

ill because of water-borne diseases, because of sanitation systems that are inadequate, water delivery systems that are antiquated. We have an opportunity to do something about that this evening. We have the financial means to do something about that this evening. It does not intrude on the carefully crafted package that has been put together in Senate Bill No. 800.

I ask the Members to take a step that is not even that bold but is one that I think would even be embraced by the House. Many times I have been here before when we have gone through crafting these packages, and I know how difficult it can be to make sure we have both sides of the aisle on board, to make sure the administration is on board, and then the question always arises, all right, if we get them on board, what will the House do? Well, I think we have had a message that the House probably wants to do more. They have been dealing with legislation in a bipartisan way that would also ask for a bond issue in the \$625 million to \$675 million range. So, I think there is a strong likelihood that the House could amend this with a bond anyway. This is not the kind of an amendment that necessarily destroys that delicate compromise. To the contrary, I think it adds to it.

I ask the Members to think very carefully about the few opportunities we have to actually affect people's lives as directly and basically as we can this evening and vote in the affirmative.

Thank you, Mr. President.

The PRESIDENT. The Chair recognizes the gentlewoman from Venango, Senator White.

Senator WHITE. Mr. President, I rise to ask for a "no" vote on this amendment. However, I will certainly say that the gentleman from Westmoreland has raised some very interesting and provocative and valid issues. There is a need throughout this State for a greater emphasis on water and sewage. Senator Musto and I recognized that when we put this bill together, and we are not pretending that what we are proposing here today is the entire solution to our entire problem, but it is a very good start. It is over a half-billion dollars in mostly new money over 5 years directed at real issues, and we are not borrowing from our children to pay for it, we are doing it out of today's revenues.

So I would ask for a "no" vote here today, with the understanding that we have not heard the last of water and sewage issues, and I would certainly anticipate that this body will continue, as will the House, to review the needs and address the very serious water and sewage needs of this Commonwealth, but I ask for a "no" vote on it today because I think Growing Greener is an agreed-upon package that is a very healthy and responsible start in dealing with this problem.

Thank you.

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

Senator MUSTO. Mr. President, sometime in the future we may consider a bond issue or take a good look at it, but as Senate Bill No. 800 contains funding for over \$600 million over a 5-year period, at the present time I do not believe a bond issue is necessary, and I ask for a negative vote.

And the question recurring,

Will the Senate agree to the amendment?

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

YEA-8

Bodack	Costa	Kitchen	LaValle
Boscola	Hughes	Kukovich	Schwartz

NAY-42

Armstrong	Hart	Musto	Thompson
Belan	Helfrick	O'Pake	Tilghman
Bell	Holl	Piccola	Tomlinson
Brightbill	Jubelirer	Purt	Wagner
Conti	Kasunic	Rhoades	Waugh
Corman	Lemmond	Robbins	Wenger
Dent	Loeper	Salvatore	White
Earll	Madigan	Slocum	Williams
Fumo	Mellow	Stapleton	Wozniak
Gerlach	Mowery	Stout	
Greenleaf	Murphy	Tartaglione	

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

And the question recurring,

Will the Senate agree to the bill on third consideration?

WHITE-MUSTO AMENDMENT A4491

Senator WHITE, on behalf of herself and Senator MUSTO, offered the following amendment No. A4491:

Amend Title, page 1, line 6, by inserting after "fee;": providing for use of site-specific postclosure funds;

Amend Sec. 2, page 12, line 7, by inserting after "GREENWAYS,": recreational

Amend Sec. 2, page 12, line 14, by removing the period after "CONCERNS" and inserting: including odor abatement problems at sewage treatment plants.

Amend Sec. 3, page 13, line 5, by inserting after "OF": Agriculture, the Department of

Amend Sec. 3, page 13, by inserting between lines 12 and 13:

"Interior land." Land that has at least 65% of its boundary lines immediately bordered by either State forest or State park lands.

Amend Sec. 3, page 13, line 16, by inserting after "AND" where it appears the second time: recreational

Amend Sec. 3, page 13, by inserting between lines 23 and 24:

"Recreational trail." A thoroughfare or track across water, land or snow used for motorized and/or nonmotorized recreational purposes.

Amend Sec. 4, page 14, line 30; page 15, lines 1 through 3, by striking out "35% TO THE DEPARTMENT OF CONSERVATION AND" in line 30, page 14 and all of lines 1 through 3, page 15 and inserting:

(1) For fiscal year 1999-2000, 28.4% to the Department of Conservation and Natural Resources; 43.7% to the Department of Environmental Protection; and 27.9% to the authority.

(2) For fiscal years 2000-2001 through 2003-2004, 24.1% to the Department of Conservation and Natural Resources; 37.4% to the Department of Environmental Protection; 14.8% to the Department of Agriculture; and 23.7% to the authority.

(e) Legislative oversight.—

(1) An annual expenditure plan for

Amend Sec. 4, page 15, by inserting between lines 9 and 10:

(2) The Secretary of the Budget, in conjunction with the Secretary of Environmental Protection, shall provide quarterly financial statements showing the status of the Recycling Fund, the Hazardous Sites Cleanup Fund and the Environmental Stewardship

Fund to the chairman and minority chairman of the Appropriations Committee of the Senate and the chairman and minority chairman of the Appropriations Committee of the House of Representatives. Such statements shall be provided within 30 days of the close of each quarter of the fiscal year and shall commence with the quarter ending March 31, 2000.

Amend Sec. 5, page 15, lines 17 through 19, by striking out all of said lines and inserting: of lands contiguous to State parks and State forests and interior land which the Department of Conservation and Natural Resources determines will protect or enhance State parks or State forests. No moneys from the fund may be used for the purchase of noninterior lands unless the purchaser obtains the approval of all counties in which the land to be purchased is situated.

Amend Sec. 5, page 15, line 24, by inserting after "GREENWAYS,": recreational

Amend Sec. 5, page 15, line 29, by striking out "DIRECT"

Amend Sec. 5, page 15, line 30, by inserting a period after "PARAGRAPH"

Amend Sec. 5, page 15, line 30; page 16, lines 1 and 2, by striking out "OR PAYMENT OF DEBT SERVICE BY A" in line 30 on page 15 and all of lines 1 and 2 on page 16

Amend Sec. 5, page 17, by inserting between lines 21 and 22:

(c) Department of Agriculture.—Funds allocated to the Department of Agriculture under this act shall be deposited in the Agricultural Conservation Easement Purchase Fund and are subject to the provisions of the act of June 30, 1981 (P.L. 128, No.43), known as the Agricultural Area Security Law.

Amend Sec. 5, page 17, line 22, by striking out "(C)" and inserting: (d)

Amend Sec. 5, page 17, line 24, by inserting after "FOR": storm water,

Amend Sec. 5, page 17, line 26, by striking out "(D)" and inserting: (e)

Amend Sec. 5, page 17, line 29, by striking out "5%" and inserting: 2%

Amend Sec. 5, page 17, line 30, by striking out "(E)" and inserting: (f)

Amend Sec. 5, page 18, line 4, by inserting after "PRODUCTS."

This subsection shall not apply to funds used by counties or municipalities for the purchase or improvement of parkland to be used for public recreation or to funds used by the Department of Conservation and Natural Resources pursuant to subsection (a)(1)(i).

Amend Sec. 5, page 18, line 5, by striking out "(F)" and inserting: (g)

Amend Sec. 8, page 20, line 6, by inserting after "THE" where it appears the first time: wild resource

Amend Sec. 8, page 20, line 6, by inserting after "MANAGEMENT": objectives

Amend Sec. 8, page 20, lines 9 through 17, by striking out "THE" where it appears the third time in line 9 and all of lines 10 through 17

Amend Sec. 9, page 21, line 9, by inserting after "PLANTS": , provided that their sewage treatment plant operations implement odor abatement programs as necessary

Amend Sec. 9, page 21, line 20, by striking out "WHEN" and inserting: when

Amend Sec. 9, page 21, line 23, by removing the period after "PLANT" and inserting a semicolon

Amend Sec. 9, page 21, line 24, by striking out "WHEN" and inserting: when

Amend Sec. 9, page 21, line 28, by removing the period after "2000" and inserting: ; or

Amend Sec. 9, page 21, line 29, by striking out "WHEN" and inserting: when

Amend Sec. 10, page 22, line 12, by striking out "17" and inserting: 16

Amend Sec. 10, page 22, line 15, by inserting after "ACT": , provided that their sewage treatment plant operations implement odor abatement programs as necessary

Amend Sec. 11, page 22, line 30, by striking out "IMPLEMENT" and inserting: install or implement

Amend Sec. 11, page 23, line 3, by striking out "OR"

Amend Sec. 11, page 23, line 5, by removing the period after "IMPROVEMENTS" and inserting: ; or

Amend Sec. 11, page 23, by inserting between lines 5 and 6:

(4) implement odor abatement programs in their operations.

Amend Sec. 12, page 24, line 29, by striking out "1998-1999" and inserting: 1999-2000

Amend Sec. 14, page 25, line 26, by striking out "30%" and inserting: 33%

Amend Sec. 15, page 27, by inserting between lines 15 and 16:

(c) Applicability.—This section shall not apply to any county of the third class having a population under the 1990 Federal Decennial Census of greater than 225,000 but less than 242,500.

Amend Sec. 17, page 28, line 14, by striking out "AND 13"

On the question,

Will the Senate agree to the amendment?

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

Senator MUSTO. Mr. President, I believe the amendment is agreed to.

And the question recurring,

Will the Senate agree to the amendment?

It was agreed to.

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

Senator LOEPER. Mr. President, may we be at ease for a moment.

The PRESIDENT. At the request of Senator Loeper, the Senate will be at ease.

(The Senate was at ease.)

SENATE RESOLUTION ADOPTED

Senators HUGHES, STAPLETON, EARLL, DENT, TARTAGLIONE, MADIGAN, THOMPSON, CONTI, WAGNER, KITCHEN, MURPHY, STOUT, MELLOW, PUNT, JUBELIRER, BELAN, FUMO, TOMLINSON, MUSTO, GERLACH, O'PAKE, BODACK, WHITE, SALVATORE, RHOADES, SCHWARTZ and BOSCOLA, by unanimous consent, offered Senate Resolution No. 116, entitled:

A Resolution honoring the career accomplishments of basketball champion Wilt Chamberlain, who died on October 12, 1999.

On the question,

Will the Senate adopt the resolution?

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

Senator HUGHES. Mr. President, I sent out memos to all of my colleagues, and we have prepared a special resolution honoring the memory and the work and history of one of Pennsylvania's best, an individual who grew up in the Seventh Senatorial District and whose family still resides there, and that is a resolution honoring Wilt Chamberlain, who, as we all know, passed away I guess approximately a month ago. I will not go into the details about the history of his career, about his work, about his performance on the basketball court, and all of his athletic endeavors. What we have come to find out over the last several

weeks, Mr. President, is that the untold story of this individual is the story of a person who was a great humanitarian and a truly committed and loyal friend to those individuals he had known for many years throughout the course of his life. His assistance to individuals and organizations who were, if you will, downtrodden and in difficult situations has just now come out, pretty much because it was not something that he used to spend a lot of time talking about in a public fashion. It was not a badge that he would wear about how he helped individuals, but in fact it was a badge that was a part of his life and his work, to make sure he was there for others, and the great mass of wealth that he accumulated he shared with others, and his great commitment both emotionally and to the personal situations of other people is really the story that needs to be told.

This will be part, Mr. President, of a series of things that we are going to try to do to remember the life and times of this great Pennsylvania citizen and done in such a way with dignity and respect and in as personal a fashion as we can directly to the remaining members of his family.

I am not sure, Mr. President, what the appropriate terminology is at this point, but if we could get unanimous passage of this resolution, I think that would be most appropriate for this body.

The PRESIDENT. Senator Hughes asks for a unanimous vote on this resolution, which is a resolution concerning the life and times of an accomplished Pennsylvanian, Wilt Chamberlain.

And the question recurring,

Will the Senate adopt the resolution?

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

PERMISSION TO ADDRESS

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

Senator MOWERY. Mr. President, I would just like to make a few comments on Senate Bill No. 405, which we voted and passed unanimously earlier this evening. This legislation provides a mechanism for parents who place their children temporarily in the care of another adult to convey the authority to consent to medical examinations and treatment for children in their care. It is estimated that there are approximately 230,000 children who live in kinship care settings where relatives and friends and family provide temporary care to families in a time of crisis. Currently, Pennsylvania law only permits parents, legal guardians, or legal custodians to consent to medical, dental, and mental health treatment. Therefore, kinship caregivers have no authority to consent to necessary medical care for the children who have been placed in their care.

The Medical Consent Act provides that authority, enabling parents to authorize a kinship caregiver to consent to medical examinations and treatment for their children. The medical consent authorization does not undermine or infringe upon any parent's rights, and of course, the parent can revoke the consent authority at any time. The House has amended this bill to clarify that no additional rights are created for kinship caregivers beyond those given to a parent or guardian.

I want to thank my colleagues for the unanimous vote for this legislation. I hope that the Governor will sign it quickly because it really will make a major impact for those kids under kinship care in Pennsylvania.

Thank you, Mr. President.

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

**BILL ON THIRD CONSIDERATION
AND FINAL PASSAGE**

SB 1183 (Pr. No. 1517) – The Senate proceeded to consideration of the bill, entitled:

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.

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-50

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

NAY-0

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

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

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

**BILL ON THIRD CONSIDERATION
AND FINAL PASSAGE**

SB 1097 (Pr. No. 1516) – The Senate proceeded to consideration of the bill, entitled:

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; and authorizing the Department of Transportation, with the approval of the Governor, to sell and convey to the Public Auditorium Authority of Allegheny County certain land situate in the City of Pittsburgh, County of Allegheny, Commonwealth of Pennsylvania.

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-50

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

NAY-0

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

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

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

**BILL ON THIRD CONSIDERATION
AND FINAL PASSAGE**

SB 800 (Pr. No. 1518) -- The Senate proceeded to consideration of the bill, entitled:

An Act providing for watershed protection and environmental stewardship; establishing the Environmental Stewardship Fund; conferring powers and duties on the Department of Conservation and Natural Resources, the Department of Environmental Protection and the Pennsylvania Infrastructure Investment Authority; imposing a recycling fee; providing for use of site-specific postclosure funds; making an appropriation; and making repeals.

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

On the question,
Shall the bill pass finally?

The PRESIDENT. The Chair recognizes the gentlewoman from Venango, Senator White.

Senator WHITE. Mr. President, I of course rise, as no surprise, to ask for the approval of Senate Bill No. 800. This is somewhat anticlimactic because we have been talking about the amendment all evening and in our caucuses. Most people know what it says, and I will not go through a detailed listing again. I simply want to say that this Environmental Stewardship Fund will make an additional \$625 million over the next 5 years, most of which is new money, available for some very, very good causes, including acid mine drainage remediation, sewer treatment, water, just open space, farmland preservation. If you like it and it is environmental, it is probably in here.

However, certainly it is not everyone's dream bill, and I recognize that it does not do everything, but it is not a baby step, Mr. President. This is a big step, a giant step forward over the next 5 years. And I would be remiss if I did not acknowledge the great assistance I received from Senator Musto, on the other side of the aisle, who is my cohort on the Senate Committee on Environmental Resources and Energy. His staff, Ron Ramsey, Patrick Henderson of my staff, Senator Loeper's office, the Governor's Office, the people at DEP and DCNR, this has been a true collaborative effort to try to reconcile our dreams with our realities. I think that is exactly what we have done here. I think it is a fine piece of work. I am proud to have my name on it, and I am proud to be associated with Senator Musto in that effort.

Thank you.

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

Senator MUSTO. Mr. President, I was privileged to serve on the 21st Environmental Commission, along with Senator White, and the commission had taken under consideration all the environmental problems we have in Pennsylvania and responded to our Pennsylvanians, and as a result of Senate Bill No. 800 and the fine work and leadership of Senator White, we were able to craft a good bill to send over to the House of Representatives. I would like to especially give a big thank you to Senator White and all the members of the Senate for considering this very important bill and for their cooperation so that we can have a better Pennsylvania for our younger people, and I thank you very much.

Thank you.

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

Senator SLOCUM. Mr. President, as the original most vocal opponent of the Growing Greener legislation that was originally proposed, I feel compelled to make a couple of comments. First of all, I applaud Senator Musto and Senator White for their work in bringing this piece of legislation to the floor in such a position that I can support it, that all of us, whether we are private property rights people or environmentalists, can support the programs as put forth in this legislation.

I would comment that one concern I had that I would like to have entered into the record was how the funding would be

driven out for these environmental priorities. And in discussions with the Department of Environmental Protection, they have agreed that the grant moneys that go out from environmental concerns will go in the order of priority that counties have for those. In other words, individual counties will establish their environmental priorities, and for the grant programs to be delivered within those counties, then they have to fall within the guidelines of the environmental priorities, not necessarily the top priority, with the listing of environmental priorities that each of those counties established.

So at this point I am pleased to rise to support Senate Bill No. 800 as a sincere and workable effort toward solving some of Pennsylvania's environmental problems.

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

Senator LOEPER. Mr. President, I would also like to take this opportunity to congratulate both Senator White and Senator Musto on the extraordinary efforts that each of those individuals plus the members of their staff have put forth in order to bring this legislation before the Members of the Senate this evening. In addition to Senator Musto and Senator White, I would also congratulate the Members of the Committee on Environmental Resources and Energy for all the hours that they have put forth supporting the efforts of both the Majority and Minority chairmen, again, to bring this issue to us tonight.

I believe it represents landmark legislation in the environmental area, to really map Pennsylvania into the next century, and I believe that it really reflects an adequate program that will be put into place to address many of the environmental concerns that all of us have and our citizens have throughout the Commonwealth. And once again, I was pleased to work with both Senator Musto and Senator White, and certainly my counterpart Senator Mellow, and I congratulate him for truly a bipartisan effort here tonight in the Senate, and I ask the Members of the Senate for an affirmative vote on Senate Bill No. 800.

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

Senator THOMPSON. Mr. President, I, too, would like to rise in support of this bill, and I commend Senator White and Senator Musto for crafting an environmental masterpiece. I guess during the negotiations that took place, they got bipartisan support. They worked pretty much like Michelangelo did in doing the Sistine Chapel ceiling, and I want to commend my colleagues tonight for not yielding to the temptation of trying to paint that ceiling over with another coat of paint with some of the amendments that we had here tonight. I think what we have is a bill that really will take a giant step into the 21st century. On behalf of the Commonwealth of Pennsylvania and its employees, I commend both Senator Musto and Senator White for their hard work.

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

Senator MELLOW. Mr. President, I think we have not only seen but we have also heard from Members on both sides of the aisle with different philosophical viewpoints how important it is when all 50 Members of the Senate, and especially the Minor-

ity and Majority chairmen of a particular committee, can work together for the betterment of the people of Pennsylvania.

Mr. President, there is no question in my mind that Senator White and Senator Musto deserve a tremendous amount of credit for the outstanding work that they did on behalf of the environment, and it started not just this past week, it started really earlier this year with a proposal that was advanced through a number of discussions that had taken place. I know personally from discussions that I had this past summer with Senator Musto how he and Senator White had worked very closely together during the summertime to try to develop a legislative proposal that we on a bipartisan basis could support.

I also, Mr. President, have to congratulate my counterpart Senator Loeper, because he was very instrumental in making sure the integrity of the program would remain intact. He was very instrumental in making sure that we were able to sit down together to put any differences that we had aside for the purpose of trying to resolve a very complicated issue because the real winners here are the people of this State, the rural people, the agricultural people through farmland preservation, and most especially, Mr. President, those individuals who for entirely too many years have been suffering with water problems in Pennsylvania and also the areas in this great State of ours that as of yet do not have the proper type of sewage.

It is our hope that with the passage of Senate Bill No. 800, hopefully the House will concur in our amendments and send it on to the Governor, and we have taken a tremendous step forward in trying to preserve the ecology and the environmental soundness of this great Commonwealth of ours.

So I am very happy, Mr. President, that we are here tonight to finally make this presentation to the Senate. It is my hope that all 50 Members will vote in the affirmative, and this only goes to show once again that when each and every one of us wants to work for the betterment of the people of Pennsylvania, the only thing that can come from that is something that is good for everyone, and I congratulate all those who were involved.

Thank you very much.

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-50

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

NAY-0

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

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

UNFINISHED BUSINESS
DISCHARGE PETITIONS

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

November 16, 1999

A PETITION

To place before the Senate the nomination of Barbara Ann Grumbine, as a member of the Milk Marketing Board.

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 Barbara Ann Grumbine, as a member of the Milk Marketing Board, 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
Gerald J. LaValle
Patrick J. Stapleton

November 16, 1999

A PETITION

To place before the Senate the nomination of Charles P. Bednarik, as a member of the State Athletic Commission.

TO: The President Officer of the Senate:

WE, The undersigned members of the Senate, pursuant to section 8 (b) of Article IV of the Constitution of Pennsylvania, do hereby request that you place the nomination of Charles P. Bednarik, as a member of the State Athletic Commission, before the entire Senate body for a vote, the nomination not having been voted upon within 15 legislative days:

Raphael J. Musto
Robert J. Mellow
Michael A. O'Pake
Gerald J. LaValle
Patrick J. Stapleton

November 16, 1999

A PETITION

To place before the Senate the nomination of Andrew A. DePaolo, as a member of the State Athletic Commission.

TO: The President Officer of the Senate:

WE, The undersigned members of the Senate, pursuant to section 8 (b) of Article IV of the Constitution of Pennsylvania, do hereby request that you place the nomination of Andrew A. DePaolo, as a member of the State Athletic Commission, before the entire Senate body for

a vote, the nomination not having been voted upon within 15 legislative days:

Raphael J. Musto
Robert J. Mellow
Michael A. O'Pake
Gerald J. LaValle
Patrick J. Stapleton

November 16, 1999

A PETITION

To place before the Senate the nomination of Patricia Ross, as Blair County Coroner.

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 Patricia Ross, as Blair County Coroner, 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
Gerald J. LaValle
Patrick J. Stapleton

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

PETITIONS AND REMONSTRANCES

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

Senator BELL. Mr. President, one thing that happened today, and I do not think the proper notice has been given to our neighbors, the people of Pennsylvania, and that is the circulating of petitions. Every committeeman, every committeewoman of our precincts and divisions have to circulate petitions so they can be reelected to the most important governmental post in the Commonwealth, that of local committeeman or committeewoman. The first day for circulating those petitions is January 4. The last day is January 25. I am assuming the Governor is going to sign the bill, of course, but I certainly hope that our local committee people will get word and somebody will not show up with a petition that is signed on February 1, or something, because that is tragic. And of course all the 25 Senators who are running, they all know that, and so will all the House Members and so will the statewide candidates and the Congressmen and all those people, but do the local committee people know it? And again, I say in both parties these are the most important people in government.

Thank you very much, Mr. President.

The PRESIDENT. Thank you, Senator Bell.

CONGRATULATORY RESOLUTIONS

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

Congratulations of the Senate were extended to Maria E. Barovera and to Sis-Obed Torres Cordero by Senators Boscola and Dent.

Congratulations of the Senate were extended to Mildred Bender by Senator Gerlach.

Congratulations of the Senate were extended to Mr. and Mrs. Glen Berger and to Esther V. Jarrett by Senator Helfrick.

Congratulations of the Senate were extended to the Honorable William Edward Hanna by Senator Loeper.

Congratulations of the Senate were extended to Thomas J. Gallagher by Senator Mowery.

Congratulations of the Senate were extended to Mr. and Mrs. George Matyas and to the Greater Bridgeville Area Chamber of Commerce by Senator Murphy.

Congratulations of the Senate were extended to Richard Thomas Teague by Senator Robbins.

Congratulations of the Senate were extended to Charles Priscopo by Senator Salvatore.

Congratulations of the Senate were extended to Sally Taussig by Senator Schwartz.

Congratulations of the Senate were extended to Ash Khare by Senator Slocum.

Congratulations of the Senate were extended to Mr. and Mrs. Fred Fassio, Mr. and Mrs. Martin Brodrick and to Chad A. McCutcheon by Senator Stapleton.

Congratulations of the Senate were extended to Mr. and Mrs. A. Kenneth Morris by Senator Stout.

Congratulations of the Senate were extended to the West Chester Area Senior Center by Senator Thompson.

Congratulations of the Senate were extended to Mr. and Mrs. Austin Harrier, Mr. and Mrs. Lawrence Mundok, Sr., Mr. and Mrs. Charles E. Naugle, Jr., Mr. and Mrs. Joseph R. Charney, Mr. and Mrs. Peter Holubz, Jr., Mr. and Mrs. Harold L. Crum and to Lance E. Owens by Senator Wozniak.

CONDOLENCE RESOLUTION

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

Condolences of the Senate were extended to the family of the late Reba Templeton by Senator O'Pake.

BILLS ON FIRST CONSIDERATION

Senator WAGNER. 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 201, SB 359, SB 843, SB 1184, SB 1197 and HB 552.

And said bills having been considered for the first time,

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

COMMUNICATIONS FROM THE GOVERNOR

NOMINATION REFERRED TO COMMITTEE

The PRESIDENT laid before the Senate the following communication in writing from His Excellency, the Governor of the

Commonwealth, which was read as follows and referred to the Committee on Rules and Executive Nominations:

**MEMBER OF THE BOARD OF TRUSTEES OF
THE PENNSYLVANIA STATE UNIVERSITY**

November 16, 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 Fortinsky, 312 Stanley Drive, Kingston 18704, Luzerne County, Twentieth Senatorial District, for appointment as a member of the Board of Trustees of The Pennsylvania State University, to serve until July 1, 2001 and until his successor is appointed and qualified, vice Robert D. Metzgar, Warren, whose term expired.

THOMAS J. RIDGE
Governor

**CORRECTION TO NOMINATION
LAID ON THE TABLE**

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

**MEMBER OF THE STATE BOARD
OF PHYSICAL THERAPY**

November 16, 1999

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

Please note the nomination dated July 23, 1999 for the appointment of Ronald D. Goetsch, 1518 Evans Avenue, Prospect Park 19076, Delaware County, Ninth Senatorial District, for reappointment as a member of the State Board of Physical Therapy, to serve for a term of four years and until his successor is appointed and qualified, but not longer than six months beyond that period, should be corrected to read:

Ronald D. Goetsch, 402 Waverly Terrace, Rutledge 19070, Delaware County, Twenty-sixth Senatorial District, for reappointment as a member of the State Board of Physical Therapy, to serve for a term of four years and until his successor is appointed and qualified, but not longer than six months beyond that period.

HOUSE MESSAGE

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

The Clerk of the House of Representatives informed the Senate that the House has concurred in amendments made by the Senate to **HB 115**.

BILLS SIGNED

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

SB 405, SB 504, SB 670, SB 798, SB 983 and HB 115.

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 17, 1999, at 10:30 a.m., Eastern Standard Time.

However, Mr. President, I would just for the record indicate to the Members that tomorrow will be a nonvoting Session. There will be no votes cast in that Session. Therefore, I move to adjourn until tomorrow at 10:30 a.m.

The motion was agreed to.

The Senate adjourned at 8:16 p.m., Eastern Standard Time.