

COMMONWEALTH OF PENNSYLVANIA

Legislative Journal

TUESDAY, NOVEMBER 30, 1999

SESSION OF 1999

183RD OF THE GENERAL ASSEMBLY

No. 54

SENATE

TUESDAY, November 30, 1999

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

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

PRAYER

The Chaplain, Monsignor FRANCIS CARBINE, of St. Charles Borromeo Church, Cornwells Heights, offered the following prayer:

Together we stand in the presence of God. My brothers and sisters in our lovely Commonwealth, we are once again assembled as servants of our citizens and protectors of our common good. Together we turn to God who in various ways has revealed His glory to the nations, and implanted His wisdom in every human heart.

We pray this day for our Governor, our Lieutenant Governor, all Senators, and also the President of our nation, that they will enact laws with justice and use their authority always to build up a truly human community.

We pray for the families of all men and women in senatorial and public service, that their husbands and wives and children will be gifted with health and always be understanding of the challenges that come with civic responsibility.

Together we pray for the citizens of our Commonwealth, that they may be grateful to our sisters and brothers who honorably serve in this Senate. We remember the poor in body and spirit and our own calling to help them, thereby for us to do something beautiful for God.

O God, our wisdom and strength, we pray that Your life-giving goodness and mercy will be reflected in the proceedings enacted in this Chamber, so that we, the citizens of our Commonwealth, will confidently cross the threshold of hope into the new millennium that awaits us. Amen.

The PRESIDENT pro tempore. The Chair thanks Monsignor Carbine, who is the guest today of Senator Tomlinson.

LEGISLATIVE LEAVES

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

Senator O'PAKE. Mr. President, I request legislative leaves for Senator Belan, Senator Bodack, and Senator Stout, and tem-

porary Capitol leaves for Senator Costa, Senator Hughes, and Senator Wagner.

The PRESIDENT pro tempore. Senator O'Pake requests temporary Capitol leaves for Senator Costa, Senator Hughes, and Senator Wagner, and legislative leaves for Senator Belan, Senator Bodack, and Senator Stout. Without objection, those leaves will be granted.

JOURNAL APPROVED

The PRESIDENT pro tempore. A quorum of the Senate being present, the Clerk will read the Journal of the preceding Session of November 17, 1999.

The Clerk proceeded to read the Journal of the preceding Session.

Senator LOEPER. Mr. President, I move that further reading of the Journal be dispensed with and that the Journal be approved.

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

Table with 4 columns of names: Armstrong, Belan, Bell, Bodack, Boscola, Brightbill, Conti, Corman, Costa, Dent, Earll, Fumo, Gerlach, Greenleaf, Hart, Helfrick, Holl, Hughes, Jubelirer, Kasunic, Kitchen, Kukovich, LaValle, Lemmond, Loeper, Madigan, Mellow, Mowery, Murphy, Musto, O'Pake, Piccola, Punt, Rhoades, Robbins, Salvatore, Schwartz, Slocum, Stapleton, Stout, Tartaglione, Thompson, Tilghman, Tomlinson, Wagner, Waugh, Wenger, White, Williams, Wozniak

NAY-0

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

The PRESIDENT pro tempore. The Journal is approved.

SPECIAL ORDER OF BUSINESS STATEMENT BY PRESIDENT PRO TEMPORE

The PRESIDENT pro tempore. I think it is a very special day, and I think this Senate would want to give the warmest

welcome of all welcomes to one of its most respected and beloved Members. Senator Tartaglione, welcome back.

(Applause.)

The PRESIDENT pro tempore. We are delighted to have you back. It has been too long.

COMMUNICATIONS FROM THE GOVERNOR

APPROVAL OF SENATE BILLS

The PRESIDENT pro tempore laid before the Senate communications in writing from His Excellency, the Governor of the Commonwealth, advising that the following Senate Bills had been approved and signed by the Governor:

SB 405, 504, 670, 798 and 983.

NOMINATIONS REFERRED TO COMMITTEE

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

DISTRICT JUSTICE

November 18, 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, Fred M. Wheaton, RD #1, Box 258, Rome 18837, Bradford County, Twenty-third Senatorial District, for appointment as District Justice, in and for the County of Bradford, Magisterial District 42-3-04, to serve until the first Monday of January 2000, vice Daniel J. Acquilio, III, resigned.

THOMAS J. RIDGE
Governor

**MEMBER OF THE STATE BOARD
OF CHIROPRACTIC**

November 22, 1999

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

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

THOMAS J. RIDGE
Governor

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

November 23, 1999

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, David C. Kradel, 1178 Fox Hill Road, State College 16803, Centre County, Thirty-fourth Senatorial District, for reappointment as a member of the Animal Health and Diagnostic Commission, to serve for a term of four years and until his successor is appointed and qualified, but not longer than six months beyond that period.

THOMAS J. RIDGE
Governor

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

November 23, 1999

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

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

THOMAS J. RIDGE
Governor

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

November 23, 1999

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

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

THOMAS J. RIDGE
Governor

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

November 23, 1999

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Annette Steele, 2029 Bonita Court, Harrisburg 17110, Dauphin County, Fifteenth Senatorial District, for appointment as a member of the State Board of Examiners of Nursing Home Administrators, to serve until February 12, 2000 or until her successor is appointed and qualified, but not longer than six months beyond that period, vice Helen A. Oliverio, Zelenople, resigned.

THOMAS J. RIDGE
Governor

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

November 23, 1999

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

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

THOMAS J. RIDGE
Governor

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

November 29, 1999

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Patricia Halpin Murphy, 311 Fox Ridge Court, Harrisburg 17102, Dauphin County, Fifteenth Senatorial District, for appointment as a member of the Pennsylvania Cancer Control, Prevention and Research Advisory Board, to serve for a term of four years and until her successor is appointed and qualified, vice Samuel S. Bruner, Swarthmore, whose term expired.

THOMAS J. RIDGE
Governor

**MAJOR GENERAL, PENNSYLVANIA
NATIONAL GUARD**

November 29, 1999

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Brigadier General James F. Barnette, 201 Walnut Drive, Queenstown, Maryland 21658, for appointment as Major General, Pennsylvania Air National Guard, for

assignment as Assistant Adjutant General/Commander HQ Pennsylvania Air National Guard, to serve until terminated.

THOMAS J. RIDGE
Governor

**MEMBER OF THE STATE BOARD
OF OPTOMETRY**

November 29, 1999

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

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

THOMAS J. RIDGE
Governor

**RECALL COMMUNICATIONS
REFERRED TO COMMITTEE**

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

DISTRICT JUSTICE

November 18, 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 June 29, 1999 for the appointment of Brian James Cawley, 1020 Kent Drive, Mechanicsburg 17055, Cumberland County, Thirty-first Senatorial District, as District Justice, in and for the County of Bradford, Magisterial District 42-3-04, to serve until the first Monday of January 2000, vice Daniel J. Acquilio, III, resigned.

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

THOMAS J. RIDGE
Governor

**MEMBER OF THE BOARD OF TRUSTEES
OF HAMBURG CENTER**

November 23, 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 August 9, 1999 for the appointment of Ernest E. Heckman, R.D. #3,

Box 3168, Hamburg 19526, Berks County, Forty-eighth Senatorial District, as a member of the Board of Trustees of Hamburg Center, to serve until the third Tuesday of January 2001, and until his successor is appointed and qualified, vice Pamela C. Evans, Bernville, resigned.

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

THOMAS J. RIDGE
Governor

MEMBER OF THE STATE BOARD
OF NURSING

November 23, 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 23, 1999 for the reappointment of Paula N. Gowen (Public Member), 1209 North Gate Road, Box 198, Westtown 19295, Chester County, Nineteenth Senatorial District, as a member of the State Board of Nursing, to serve for a term of six years or until her successor is appointed and qualified, but not longer than six months beyond that period.

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

THOMAS J. RIDGE
Governor

RECALL COMMUNICATIONS
LAID ON THE TABLE

The PRESIDENT pro tempore laid before the Senate the following communications in writing from His Excellency, the Governor of the Commonwealth, which were read as follows and laid on the table:

MEMBER OF THE STATE
ATHLETIC COMMISSION

November 18, 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 May 27, 1999 for the reappointment of Charles P. Bednarik, 6379 Winding Road, Coopersburg 18036, Lehigh County, Sixteenth Senatorial District, as a member of the State Athletic Commission, to serve for a term of four years and until his successor is appointed and qualified.

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

THOMAS J. RIDGE
Governor

MEMBER OF THE STATE
ATHLETIC COMMISSION

November 18, 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 May 27, 1999 for the reappointment of Andrew A. DePaolo, 107 Evandale Drive, Pittsburgh 15220, Allegheny County, Thirty-seventh Senatorial District, as a member of the State Athletic Commission, to serve for a term of four years and until his successor is appointed and qualified.

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

THOMAS J. RIDGE
Governor

MEMBER OF THE YORK COUNTY
BOARD OF ASSISTANCE

November 18, 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 May 10, 1999 for the appointment of Claire L. Wentz (Republican), 449 South Franklin Street, Hanover 17331, York County, Twenty-eighth Senatorial District, as a member of the York County Board of Assistance, to serve until December 31, 2001, and until her successor is appointed and qualified, vice LeRoy Wesley Sipe, Hanover, resigned.

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

THOMAS J. RIDGE
Governor

HOUSE MESSAGES

HOUSE BILLS FOR CONCURRENCE

The Clerk of the House of Representatives presented to the Senate the following bills for concurrence, which were referred to the committees indicated:

November 18, 1999

HB 461 -- Committee on Aging and Youth.

HB 945, 1061, 1970 and 1971 -- Committee on Judiciary.

HB 1131, 1137 and 2035 -- Committee on Urban Affairs and Housing.

HB 1134 -- Committee on Community and Economic Development.

HB 1136 -- Committee on Local Government.

November 19, 1999

HB 1138 -- Committee on Finance.

HB 1140, 1141, 1559, 1560, 1561, 1562 and 1566 -- Committee on Local Government.

HB 1144 -- Committee on Judiciary.

HB 1439 -- Committee on Game and Fisheries.

November 29, 1999

HB 1314 -- Committee on Labor and Industry.

HB 1604 -- Committee on Local Government.

HB 1717 -- Committee on Judiciary.
HB 1963 and 1964 -- Committee on Aging and Youth.
HB 2020 -- Committee on Agriculture and Rural Affairs

November 30, 1999

HB 1132 and 1565 -- Committee on Local Government.
HB 1142 -- Committee on Community and Economic Development

HOUSE RESOLUTIONS FOR CONCURRENCE

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

November 18, 1999

HR 235 -- Committee on Intergovernmental Affairs.

November 29, 1999

HR 219 -- Committee on Intergovernmental Affairs.

BILLS INTRODUCED AND REFERRED

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

November 18, 1999

Senators KUKOVICH, HELFRICK, STOUT, MUSTO, LAVALLE, STAPLETON, COSTA, KITCHEN, BODACK, WAGNER and BOSCOLA presented to the Chair **SB 1203**, entitled:

An Act 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.

Which was committed to the Committee on ENVIRONMENTAL RESOURCES AND ENERGY, November 18, 1999.

Senators TOMLINSON, THOMPSON, HELFRICK, KUKOVICH, COSTA, WAGNER, PUNT, EARLL, LEMMOND, BELL, WHITE, WAUGH, MOWERY, O'PAKE, GERLACH, RHOADES, BRIGHTBILL, CONTI, BOSCOLA, MUSTO, TILGHMAN, LOEPER and KASUNIC presented to the Chair **SB 1204**, entitled:

An Act establishing a grant program for fire companies to purchase or receive reimbursement for the cost of thermal imaging cameras; providing for the powers and duties of the Office of the State Fire Commissioner; and making an appropriation.

Which was committed to the Committee on STATE GOVERNMENT, November 18, 1999.

Senators SALVATORE, SCHWARTZ, WAGNER, TARTAGLIONE, KUKOVICH, BELL, COSTA, O'PAKE,

CONTI, RHOADES and WOZNIAK presented to the Chair **SB 1205**, entitled:

An Act amending the act of July 23, 1970 (P.L.563, No.195), entitled Public Employe Relations Act, adding law enforcement officers of limited jurisdiction as an additional category of covered employee.

Which was committed to the Committee on LABOR AND INDUSTRY, November 18, 1999.

Senator BOSCOLA presented to the Chair **SB 1206**, 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.

Which was committed to the Committee on FINANCE, November 18, 1999.

Senators GERLACH, SALVATORE, WENGER, CONTI, TOMLINSON, O'PAKE, TARTAGLIONE, BOSCOLA and LOEPER presented to the Chair **SB 1207**, entitled:

An Act amending the act of December 29, 1972 (P.L.1713, No.367), entitled Motor Vehicle Physical Damage Appraiser Act, adding and amending certain definitions; further providing for fees, penalties and licenses and for the duties of appraisers; and providing for duties of the Attorney General.

Which was committed to the Committee on BANKING AND INSURANCE, November 18, 1999.

Senator MUSTO presented to the Chair **SB 1208**, entitled:

An Act amending the act of December 22, 1988 (P.L.1915, No.193), entitled "An act authorizing and directing the Department of General Services, with the approval of the Governor and the Department of Agriculture, to convey and confirm two tracts of land located in Penn Township, Snyder County, Pennsylvania, to Randall W. Bailey and Ellen S. Bailey, his wife, and Rick L. Bailey and Kathy A. Bailey, his wife; authorizing and directing the Department of General Services, with the approval of the Governor, to convey a tract of land located in Logan Township, Blair County, Pennsylvania, to Joseph A. Grappone, H. Zane Helsel and Augusto N. Delorme, as tenants in common; authorizing and directing the Department of General Services, with the approval of the Governor, to convey to the Greater Wilkes-Barre Industrial Fund a tract of land situate in Plains Township, Luzerne County, Pennsylvania; and authorizing and directing the Department of General Services, with the approval of the Governor and the Secretary of Public Welfare, to convey to Nevillewood Associates, L.P., 75.346 acres of land, more or less, situate in Collier Township, Allegheny County, Pennsylvania," further providing for required clauses in deeds of conveyance.

Which was committed to the Committee on STATE GOVERNMENT, November 18, 1999.

Senator WAGNER presented to the Chair **SB 1209**, entitled:

An Act amending the act of March 4, 1971 (P.L.6, No.2), entitled Tax Reform Code of 1971, eliminating the manufacturing, processing, research and development capital stock and franchise exemption; and providing for a manufacturing, processing, research and development capital stock and franchise tax credit.

Which was committed to the Committee on FINANCE, November 18, 1999.

Senator WAGNER presented to the Chair **SB 1210**, entitled:

An Act amending the act of March 4, 1971 (P.L.6, No.2), entitled Tax Reform Code of 1971, reducing the rates of corporate net income tax and capital stock and franchise tax and eliminating manufacturing, processing, research and development exemption.

Which was committed to the Committee on FINANCE, November 18, 1999.

November 29, 1999

Senators HUGHES, STAPLETON, COSTA, WOZNIAK, WAGNER, KUKOVICH, MELLOW, TARTAGLIONE, KASUNIC, SCHWARTZ, BOSCOLA and LAVALLE presented to the Chair **SB 1177**, entitled:

An Act amending Titles 24 (Education) and 71 (State Government) of the Pennsylvania Consolidated Statutes, further defining "standard single life annuity."

Which was committed to the Committee on FINANCE, November 29, 1999.

Senators PUNT, MURPHY, KUKOVICH, SALVATORE, WAGNER, CORMAN, WOZNIAK, HELFRICK, STOUT, TOMLINSON, EARLL, TILGHMAN, MADIGAN, BODACK, MOWERY, MUSTO, HART, WAUGH, LAVALLE, O'PAKE, ROBBINS, SCHWARTZ, GERLACH, SLOCUM, KITCHEN, LEMMOND, BELL, KASUNIC, WHITE, BOSCOLA, MELLOW and RHOADES presented to the Chair **SB 1212**, entitled:

An Act providing for small business compliance assistance, for definitions, for duties of participating agencies, for implementation of duties, for reports and for evaluation; and making an appropriation.

Which was committed to the Committee on COMMUNITY AND ECONOMIC DEVELOPMENT, November 29, 1999.

Senators STOUT, MADIGAN, KUKOVICH, COSTA, MELLOW, BELAN, BOSCOLA, MUSTO, KITCHEN and SCHWARTZ presented to the Chair **SB 1213**, entitled:

An Act authorizing the establishment of the Pennsylvania Scenic Byways System; imposing certain duties on the Department of Community and Economic Development and on the Department of Transportation; establishing an advisory committee; and making an appropriation.

Which was committed to the Committee on TRANSPORTATION, November 29, 1999.

RESOLUTION INTRODUCED AND REFERRED

The PRESIDENT pro tempore laid before the Senate the following Senate Resolution numbered, entitled, and referred as follows, which was read by the Clerk:

November 18, 1999

Senators STOUT, BELAN, COSTA, WHITE, MURPHY, SCHWARTZ, O'PAKE, EARLL, TARTAGLIONE, BODACK, MELLOW, MUSTO, MADIGAN, BOSCOLA, SLOCUM and KASUNIC presented to the Chair **SR 118**, entitled:

A Resolution recognizing that the existing level of interstate and intrastate high-speed and conventional passenger and commuter rail services offered throughout this Commonwealth restricts economic

development, hinders the traveling public and degrades Pennsylvania's natural resources; and calling for the cooperative efforts of the Governor, the General Assembly, Amtrak and other rail entities to resolve the problem.

Which was committed to the Committee on TRANSPORTATION, November 18, 1999.

GENERAL COMMUNICATIONS

ANNUAL REPORT OF THE OFFICE OF CONSUMER ADVOCATE

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

OFFICE OF CONSUMER ADVOCATE
COMMONWEALTH OF PENNSYLVANIA
555 Walnut Street 5th Floor, Forum Place
Harrisburg, PA 17101-1923

November 1999

Hon. Robert C. Jubelirer
President Pro Tempore
Senate of Pennsylvania
Room 292, Main Capitol Bldg.
Harrisburg, PA 17120

Dear Senator Jubelirer:

I am pleased to present to you a copy of the 1998-1999 Annual Report of the Office of Consumer Advocate. This Report has been prepared pursuant to the statutory requirements governing our Office. 71 Pa. Stat. Ann. § 309-7.

If you, or any members of your staff, have any questions about the enclosed report Advocate, please feel free to contact me.

Sincerely,

IRWIN A. POPOWSKY
Consumer Advocate

The PRESIDENT pro tempore. This report will be filed in the Library.

REPORT OF THE ADVISORY COMMITTEE ON DOMESTIC RELATIONS LAW

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

GENERAL ASSEMBLY OF THE
COMMONWEALTH OF PENNSYLVANIA
JOINT STATE GOVERNMENT COMMISSION
Room 108 - Finance Building
Harrisburg 17120

November 1999

TO THE MEMBERS OF THE GENERAL ASSEMBLY:

The Joint State Government Commission is pleased to present the report of the Advisory Committee on Domestic Relations Law. This report is the second report presented to the General Assembly by the advisory committee and contains recommendations relating to custody. In April, the advisory committee issued a report which contained recommended amendments to the Divorce Code.

This advisory committee, under the able leadership of Judge Emanuel Bertin, has labored diligently for over four years. On behalf of the General Assembly, I wish to thank Judge Bertin and the members of the advisory committee for their work.

Respectfully submitted,

ROGER A. MADIGAN
Chairman

The PRESIDENT pro tempore. This report will be filed in the Library.

APPOINTMENTS BY PRESIDENT PRO TEMPORE

The PRESIDENT pro tempore. The Chair wishes to announce that he has made the following appointments:

Mr. Lewis F. Gould, Jr., as a Commonwealth Trustee of Temple University.

Senator Melissa A. Hart as a Commonwealth Trustee of the University of Pittsburgh.

SPECIAL ORDER OF BUSINESS ANNOUNCEMENTS BY THE SECRETARY

The SECRETARY. Consent has been given for the following committees to meet during today's Session: the Committee on Labor and Industry to consider House Bill No. 302 and House Bill No. 1675; also the Committee on Rules and Executive Nominations to consider Senate Bill No. 179, Senate Resolution No. 97, and certain nominations.

REPORTS FROM COMMITTEE

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

SB 1163 (Pr. No. 1437) (Rereported)

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

HB 739 (Pr. No. 2710) (Amended) (Rereported)

An Act amending Title 35 (Health and Safety) of the Pennsylvania Consolidated Statutes, providing for the Emergency Management Assistance Compact.

HB 1569 (Pr. No. 2711) (Amended) (Rereported)

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.

HB 1848 (Pr. No. 2712) (Amended) (Rereported)

An Act amending the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, further providing for the calculation of the manufacturing, processing, research and development capital stock and franchise tax exemptions; continuing and expanding a tax credit to employers who hire certain individuals; and making a repeal.

SPECIAL ORDER OF BUSINESS GUEST OF SENATOR EDWIN G. HOLL AND SENATOR JAMES W. GERLACH PRESENTED TO THE SENATE

The PRESIDENT pro tempore. The Chair recognizes the gentleman from Montgomery, Senator Holl.

Senator HOLL. Mr. President, I am delighted and honored to present one of Pennsylvania's outstanding citizens, outstanding because of being an active and very important person in Montgomery County, Pennsylvania, along with her family.

So on behalf of Senator Gerlach and myself, I would like to tell you why she is famous, in my opinion. She and her family for years have owned Sunnybrook Ballroom in Pottstown, Pennsylvania. She is here today touring the Capitol and learning to know more about the arts, and I am delighted to present her to the Senate today, Mrs. Rosemarie Hartenstine, the wife of the late Ray Hartenstine.

The PRESIDENT pro tempore. Would the guest of Senator Holl and Senator Gerlach kindly rise so we can give you a warm Senate welcome.

(Applause.)

RECESS

The PRESIDENT pro tempore. 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 3:15 p.m.

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

Senator MELLOW. Mr. President, I make the same request for the Democratic Members to report to our caucus room at the rear of the Chamber immediately.

The PRESIDENT pro tempore. For purposes of Republican and Democratic caucuses to begin immediately in their respective caucus rooms, the Senate will stand in recess.

AFTER RECESS

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

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

CALENDAR

THIRD CONSIDERATION CALENDAR

BILL AMENDED

SB 300 (Pr. No. 1364) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of July 31, 1968 (P.L.805, No.247), entitled, as amended, Pennsylvania Municipalities Planning Code,

further providing for the purpose of the act; adding certain definitions; authorizing intergovernmental cooperation; further providing for various matters relating to comprehensive plans; and adding provisions concerning zoning ordinances and jurisdictional challenges.

On the question,

Will the Senate agree to the bill on third consideration?

Senator GERLACH offered the following amendment No. A4583:

Amend Sec. 1 (Sec. 105), page 2, line 19, by removing the comma after "easements" and inserting: and

Amend Sec. 1 (Sec. 105), page 2, line 20, by striking out "and rezoning," and inserting: ; to ensure that municipalities enact zoning ordinances that further the present and future economic integrity of existing agricultural operations in this Commonwealth and do not prevent or impede the owner or operator's need to change or expand their operations in the future in order to remain economically viable;

Amend Sec. 2 (Sec. 107), page 4, lines 6 and 7, by striking out "OR IS OTHERWISE UTILIZED FOR ACTIVE AND/OR PRODUCTIVE" in line 6, all of line 7 and inserting: as defined by the United States Department of Agriculture Natural Resource and Conservation Services County Soil Survey, or is otherwise utilized for active and/or productive agricultural purposes for the customary and generally accepted activities, practices and procedures that farmers adopt, use or engage in year after year in the production and preparation for market of crops, livestock and livestock products and in the production and harvesting of agricultural, agronomic, horticultural, silvicultural and aquacultural crops and commodities. The term includes land used for new activities, practices, equipment and procedures, consistent with technological development within the agricultural industry.

Amend Sec. 2 (Sec. 107), page 4, line 19, by inserting after "landowner": or, in the case of contiguous parcels of land, controlled by an agreement among the landowners to file a joint application and be bound by all terms and conditions of approval

Amend Sec. 4 (Sec. 301), page 6, lines 29 and 30; page 7, line 1, by striking out all of said lines on said pages and inserting: The plan shall be consistent with and not exceed requirements imposed under the following:

Amend Sec. 4 (Sec. 301), page 7, line 15, by striking out "Act." and inserting:

(vii) act of June 30, 1981 (P.L.128, No.43), known as the "Agricultural Area Security Law";

(viii) act of June 10, 1982 (P.L.454, No.133), entitled "An act protecting agricultural operations from nuisance suits and ordinances under certain circumstances";

(ix) act of May 20, 1993 (P.L.12, No.6), known as the "Nutrient Management Act," regardless of whether any agricultural operation within the area to be affected by the plan is a concentrated animal operation as defined under the act.

Amend Sec. 4 (Sec. 301), page 8, line 12, by striking out all of said line and inserting: a statement pertaining to the recognition that:

(1) Lawful activities

Amend Sec. 4 (Sec. 301), page 8, by inserting between lines 17 and 18:

(2) The use of water in commercial agriculture production may have impacts upon water supply sources.

Amend Sec. 4 (Sec. 301), page 8, line 21, by inserting after "municipalities.": The municipal or multimunicipal plan shall not include the use of water in commercial agricultural production in any listing of uses deemed not appropriate.

Amend Sec. 6 (Sec. 303), page 12, line 30, by striking out the bracket before "Notwithstanding"

Amend Sec. 6 (Sec. 303), page 13, lines 9 through 20, by striking out ".] ZONING ORDINANCES ADOPTED BY" in line 9, all of lines 10 through 20 and inserting: provided the applicant for subdivision or land development plat approval has notified by certified mail all adjacent property owners of the filing of the application for subdivision or

land development approval within 30 days of such filing, unless the applicant is seeking approval for a subdivision or land development that constitutes a minor subdivision as defined by municipal ordinance. In the event that a challenge is brought to the validity of a municipal certification of general consistency pursuant to section 608(b), a court of common pleas may order a municipality to achieve the required general consistency with the comprehensive plan within 120 days from the date of the order.

Amend Sec. 7, page 14, line 9, by striking out "sections" and inserting: a section

Amend Sec. 7 (Sec. 503.2), page 20, lines 10 through 30; pages 21 through 29, lines 1 through 30; page 30, lines 1 through 26, by striking out all of said lines on said pages

Amend Sec. 9 (Sec. 603), page 32, line 14, by inserting after "Act.": and that regulation of activities related to commercial agricultural production would exceed the requirements imposed under the act of May 20, 1993 (P.L.12, No.6), known as the "Nutrient Management Act," regardless of whether any agricultural operation within the area to be affected by the ordinance would be a concentrated animal operation as defined by the act of June 30, 1981 (P.L.128, No.43), known as the "Agricultural Area Security Law," or the act of June 10, 1982 (P.L.454, No.133), entitled "An act protecting agricultural operations from nuisance suits and ordinances under certain circumstances."

Amend Sec. 9 (Sec. 603), page 35, by inserting between lines 13 and 14:

(h) Zoning ordinances shall facilitate the present and future economic integrity of existing agricultural operations and geographic areas where agriculture and agricultural commercial activity have traditionally been present. Ordinances shall not prevent or impede necessary changes or expansion of agricultural operations to facilitate their future economic viability.

Amend Sec. 9 (Sec. 603), page 35, line 14, by striking out "(h)" and inserting: (i)

Amend Sec. 9 (Sec. 603), page 35, lines 23 through 30; page 36, lines 1 through 9, by striking out all of said lines on said pages and inserting:

(i) If a municipality or county wishes to rezone land and such zoning would be generally inconsistent with its comprehensive plan, it shall amend its comprehensive plan prior to or at the time of such rezoning and follow the procedures outlined in Article III.

(k) Zoning ordinances adopted by municipalities shall be generally consistent with the municipal or multimunicipal comprehensive plan or, where none exists, with the municipal statement of community development objectives and the county comprehensive plan.

Amend Sec. 10 (Sec. 608), page 39, line 3, by inserting after "PROPOSED": or approved

Amend Sec. 10 (Sec. 608), page 39, lines 4 and 5, by striking out "APPLICATION FILED WITHIN ONE YEAR OF THE EFFECTIVE DATE OF THIS PARAGRAPH"

Amend Sec. 10 (Sec. 608), page 39, line 19, by inserting after "PROPOSED": or approved

Amend Sec. 10 (Sec. 608), page 39, lines 20 and 21, by striking out all of line 20 and "THIS PARAGRAPH" in line 21

Amend Sec. 10 (Sec. 608), page 40, lines 24 through 30; page 41, lines 1 through 3, by striking out all of said lines on said pages and inserting:

(2) (i) A municipal authority, water company or any other municipality that plans to expand service via a new main extension to a proposed development that has not received any municipal approvals within the municipality shall notify the municipality of its intention and shall provide the municipality an opportunity to provide written comment on whether the proposed expansion of service within the municipality is generally consistent with the zoning ordinance.

(ii) The purpose of the requirement of this subsection is to provide the municipal authority, water company or any other municipality with information regarding how its decision to expand service may potentially enhance and support or conflict with or negatively impact on the land use planning of municipalities.

(iii) Nothing in this subsection shall be construed as limiting the right of a municipal authority, water company or any other municipality to expand service.

(iv) Nothing in this subsection shall be construed as limiting the authority of the Pennsylvania Public Utility Commission over the implementation, location, construction and maintenance of public utility facilities.

(v) The requirement of this subsection shall not apply to an expansion of service by a municipal authority, water company or other municipality which is ordered by a court or a Federal or State agency.

Amend Sec. 10 (Sec. 608), page 41, lines 20 through 24, by striking out all of said lines

Amend Sec. 11 (Sec. 619.1), page 42, line 26, by striking out "valuable farmland" and inserting: prime agricultural land

Amend Sec. 12, page 67, by inserting between lines 20 and 21: Section 717-A. Applicability of Article to Agriculture.—Nothing in this article shall be construed to prohibit or limit the establishment, modification or expansion of agricultural operations in any area for which traditional neighborhood development is authorized or required.

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

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

Senator LOEPER. Mr. President, for the information of the Members, this is the omnibus amendment to be offered to Senate Bill No. 300 by Senator Gerlach.

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

Senator MELLOW. Mr. President, I do not want to speak about what the amendment deals with except to say that we are going to accept the amendment so that we can continue to move the process along. But I do not want the acceptance of the amendment to be interpreted that there will be support for Senate Bill No. 300 on final passage. I think it is important, at least from our perspective, so that the record is clear and there is no misunderstanding, that we are not dealing here with the substantive issue of the amendment. We are dealing here with the process of at least trying to get it into print so we can see it on the Calendar, but I do not want it to be interpreted that although we on this side of the aisle will vote for the amendment to go into the bill, this should not be identified as support for this particular amendment in this bill on final passage.

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

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

YEA-50

Table listing names of Senators who voted 'YEA' for the amendment, including Armstrong, Belan, Bell, Bodack, Boscola, Brightbill, Conti, Corman, Costa, Dent, Greenleaf, Hart, Helfrick, Holl, Hughes, Jubelirer, Kasunic, Kitchen, Kukovich, LaValle, Mellow, Mowery, Murphy, Musto, O'Pake, Piccola, Punt, Rhoades, Robbins, Salvatore, Stout, Tartaglione, Thompson, Tilghman, Tomlinson, Wagner, Waugh, Wenger, White, and Williams.

Table listing names of Senators who voted 'NAY' for the amendment: Earl, Fumo, Gerlach, Lemmond, Loeper, Madigan, Schwartz, Slocum, Stapleton, and Wozniak.

NAY-0

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

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

BILL OVER IN ORDER

SB 380 -- Without objection, the bill was passed over in its order at the request of Senator LOEPER.

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

SB 708 (Pr. No. 1405) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of May 1, 1933 (P.L.103, No.69), entitled, as reenacted and amended, The Second Class Township Code, providing for compensation of auditors for attendance at conferences, institutes, schools and conventions.

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

Table listing names of Senators who voted 'YEA' for the bill, including Armstrong, Belan, Bell, Bodack, Boscola, Brightbill, Conti, Corman, Costa, Dent, Earl, Fumo, Gerlach, Greenleaf, Hart, Helfrick, Holl, Hughes, Jubelirer, Kasunic, Kitchen, Kukovich, LaValle, Lemmond, Loeper, Madigan, Mellow, Mowery, Murphy, Musto, O'Pake, Piccola, Punt, Rhoades, Robbins, Salvatore, Schwartz, Slocum, Stapleton, Stout, Tartaglione, Thompson, Tilghman, Tomlinson, Wagner, Waugh, Wenger, White, and Williams.

NAY-0

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

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

BILL LAID ON THE TABLE

SB 767 (Pr. No. 832) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of February 1, 1974 (P.L.34, No.15), entitled Pennsylvania Municipal Retirement Law, further providing for

the allocation of excess interest by successor municipalities in the case of certain authorities that have their operating functions transferred back or dissolved.

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

BILL OVER IN ORDER

SB 847 -- Without objection, the bill was passed over in its order at the request of Senator LOEPER.

BILL REREFERRED

HB 868 (Pr. No. 2488) -- The Senate proceeded to consideration of the bill, entitled:

An Act providing immunity for certain persons who reclaim certain abandoned lands or abate certain water pollution.

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

BILL OVER IN ORDER

SB 958 -- Without objection, the bill was passed over in its order at the request of Senator LOEPER.

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

SB 967 (Pr. No. 1122) -- The Senate proceeded to consideration of the bill, entitled:

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

Considered the third time and agreed to,

On the question,
Shall the bill pass finally?

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

YEA-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.

LEGISLATIVE LEAVE CANCELLED

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

THIRD CONSIDERATION CALENDAR RESUMED

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

SB 1003 (Pr. No. 1201) -- The Senate proceeded to consideration of the bill, entitled:

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

Considered the third time and agreed to,

On the question,
Shall the bill pass finally?

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

Senator HOLL. Mr. President, I rise to offer my support for this important consumer protection measure. Senate Bill No. 1003 was introduced on behalf of the Pennsylvania Insurance Department, and it gives them a critical tool in monitoring the financial solvency of insurance companies. Currently, the companies affected by this bill are simply required to have a fixed amount of capital. Senate Bill No. 1003 improves our current law by taking into consideration the specific risks associated with a particular company's business and imposing risk-based capital requirements. These risks include the company size, assets and reserves, credit risks, underwriting risks, and a variety of other factors.

In 1997 the legislature passed Act 40, which imposed risk-based capital requirements on commercial life, health, property, and casualty companies. This bill expands those provisions to health maintenance organizations - HMOs, preferred provider organizations, and the Blues. The recent insolvency of an area PPO could possibly have been avoided had risk-based capital requirements been in place. The bill will allow more accurate monitoring of the financial conditions of an insurance company, trigger regulatory intervention at an earlier point in time, and provide much stronger protection for Pennsylvania consumers.

I urge all Members to support this important consumer-oriented legislation.

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

Senator MOWERY. Mr. President, I rise to support Senate Bill No. 1003 and to make a few brief comments, if I may. Two years ago the Committee on Public Health and Welfare held several hearings on the need to reform managed care. Following these hearings, Act 68, comprehensive managed care reform, was enacted in Pennsylvania. Although Act 68 addressed the

many problems identified by consumers through those hearings, it did not address one of the most significant causes of these problems, the undercapitalization of many of the managed care companies operating in Pennsylvania.

During the hearings it became apparent to me that there were significant differences in the way managed care companies operated, differences not only in the way they processed their claims, but also in their responsiveness to enrollee inquiries. Upon further investigation, it became quite obvious that there existed a link between the financial standings of a managed care company and its ability to deliver adequate services and administrative support. Many of the problems reported by consumers could be linked to companies that, while they may have had sufficient capital to meet medical expenses, lacked the financial wherewithal to provide adequate staff training and other administrative supports necessary to properly serve their enrollees.

This legislation ensures that managed care organizations are able to meet all their obligations and does so by attacking the source of the problem. It gives the Insurance Department the ability to determine the minimum amount of capital needed to support the overall business operations of managed care plans. We have already enacted legislation that exists as far as the other types of insurance companies in Pennsylvania, and I would like to recommend that we support this bill, sponsored by Senator Holl, which I believe is an extremely important piece of legislation for the people in Pennsylvania, particularly the large numbers who are today enrolled in HMOs.

Thank you very much, Mr. President.

LEGISLATIVE LEAVES CANCELLED

The PRESIDENT. Senator Costa and Senator Hughes have returned, and their temporary Capitol leaves are cancelled.

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	Hoil	Musto	Tilghman
Boscola	Hughes	O'Pake	Tomlinson
Brightbill	Jubelirer	Piccola	Wagner
Conti	Kasunic	Purt	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.

BILLS OVER IN ORDER

SB 1077, SB 1109 and SB 1200 -- Without objection, the bills were passed over in their order at the request of Senator LOEPER.

SECOND CONSIDERATION CALENDAR

BILLS OVER IN ORDER

SB 201, SB 359, HB 552, SB 639, SB 805, SB 843, HB 849, SB 1032, SB 1103 and HB 1150 -- Without objection, the bills were passed over in their order at the request of Senator LOEPER.

BILL ON SECOND CONSIDERATION

SB 1169 (Pr. No. 1498) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of February 9, 1999 (P.L.1, No.1) entitled Capital Facilities Debt Enabling Act, further providing for other agreements.

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

BILL REREFERRED

SB 1184 (Pr. No. 1480) -- The Senate proceeded to consideration of the bill, entitled:

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.

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

BILL OVER IN ORDER

SB 1197 -- Without objection, the bill was passed over in its order at the request of Senator LOEPER.

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

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

HB 1848 (Pr. No. 2712) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, further providing for the calculation of the manufacturing, processing, research and development capital stock and franchise tax exemptions; continuing and expanding a tax credit to employers who hire certain individuals; and making a repeal.

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

On the question,
Shall the bill pass finally?

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

Senator LOEPER. Mr. President, the bill before us, House Bill No. 1848, is a critical piece of legislation for Pennsylvania and particularly its manufacturing segment. As people are aware, the Pennsylvania Supreme Court's declaration that the manufacturing exemption had violated the interstate commerce clause was certainly an issue of great concern to many of us in the General Assembly. I believe the proposal that stands before us contained in House Bill No. 1848 corrects the weaknesses that were addressed by the litigation concerning the sales portion of the exemption, and the new portion of the formula will have the effect of reducing the exemption and to correct much of the problem as it was adjudicated by the court.

I believe, Mr. President, that the exemption itself is a recognition of the importance of manufacturing to the Pennsylvania economy, particularly at a time when we have been trying to attract new jobs and industries to Pennsylvania. This restoration of the manufacturer's exemption is just another critical piece in restoring Pennsylvania to a healthy economy, and I ask for a favorable vote on the legislation.

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

Senator WAGNER. Mr. President, I also rise to support this extremely important piece of legislation that is in front of this Senate right now. As the Majority Leader just indicated, this piece of legislation reinstates a tax credit for manufacturers in the Commonwealth of Pennsylvania. This is a huge number. It is in excess of \$600 million in terms of a tax credit, and as we all know, the reason why we are doing this is that the Supreme Court ruled approximately 6 months ago that there was a problem with the manufacturer's exemption to the capital stock and franchise tax and that it truly was not constitutional and was ruled to be unconstitutional.

As a result of that, Mr. President, there has been a flurry of activity here in the capital by business, by labor, and by many others to reinstate a tax credit. That was done today by Senator Tilghman in the Committee on Appropriations in House Bill No. 1848. I know it was recommended in other pieces of legislation. I have introduced a couple of bills, Senator Earll has, Senator Mellow has, Senator Piccola has, Senator Boscola has, and maybe some other people.

The reason why I rise, Mr. President, is to say I support this, and I support the tax credit. But unfortunately, Mr. President, I think we should have considered much more than simply reinstatement of the tax credit. And the reason why I state that is that there has been significant discussion over the years, especially by business, for the elimination of the capital stock and franchise tax completely, which is a tax not based on profit but a tax based on assets. And therefore, this tax, when it is implemented to over 15,000 manufacturers in Pennsylvania, it hits some much harder than others, especially those that have not made money that particular year.

And the reason why the capital stock and franchise tax is in existence goes back years, and I really do not know, Mr. President, the precise reason, but it is perceived to be a negative as it relates to business in the Commonwealth of Pennsylvania. And because it is perceived to be a negative, in reality it is a negative. I wish we would have taken more time to analyze this, because with that \$600 million chunk of money, we could have, in essence, reduced the capital stock and franchise tax. Without a tax credit, we could have cut it in half. In other words, reduced it from 10.99 mills to probably 5 1/2 mills, and we would have been well on our way towards total elimination of the capital stock and franchise tax. Instead, we have taken the route, with House Bill No. 1848, of reinstatement of a tax credit.

I state all this, Mr. President, because in looking at Pennsylvania taxes, some of our taxes are still higher than other States, and it makes Pennsylvania uncompetitive in terms of business. For instance, the corporate net income tax at 9.99 percent, which has been reduced 2 percent in the last several years by the Governor and the General Assembly, is still the third highest in the country, and I state that because if in fact we would have looked at possibly reducing the CNI along with the capital stock and franchise tax, we could have made Pennsylvania much more competitive perception-wise rather than doing what we are doing today.

Obviously, I am not going to vote against this, Mr. President. As I stated when I stood up, I support it. But there is a great need for a blue ribbon tax committee in Pennsylvania to determine which taxes should be reduced, and by doing so, which benefit our business climate the most, and we had that grand opportunity, I believe, here with this \$600 million capital stock and franchise tax exemption and have chosen not to do it. I still believe there is time because this bill will pass the Senate today, will go to the House of Representatives, and it is my hope that somewhere along that trail the Governor's Office, the House of Representatives, and others will sit down and say maybe we should look at this in a more holistic way to determine which business taxes are the most severe in terms of harming business growth in Pennsylvania.

So I support this, Mr. President, but it is my hope that there is some additional dialogue that goes on in this building prior to final passage of House Bill No. 1848.

Thank you.

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

Senator MELLOW. Mr. President, I would just like to very briefly amplify on some of the suggestions and ideas that were just advanced by Senator Wagner. Mr. President, if you look at the number of States that have a capital stock and franchise tax and a manufacturer's exemption, you will see that 18 States in the United States have the option. You either have one or the other. Five States have what we have in Pennsylvania. They have both taxes. There are 27 States that have no tax. So, Mr. President, the part that always concerns me and really worries me is when I hear people say that in Pennsylvania we are not competitive because of the corporate net income tax, and currently the corporate net income tax is just short of 10 percent. I

believe it is 9.99 percent. And they keep saying over and over, well, the reason why we do not want to locate into Pennsylvania is because you have a high corporate net income tax. They never talk about the manufacturing exemption, which is a cost to the taxpayer of Pennsylvania of some \$600-plus million.

Now, Mr. President, also it was stated, as was stated by Senator Wagner, if we used that money or a portion of that money or all of that money to reduce the corporate net income tax, we could be talking today of a corporate net income tax that would be under 6 percent. We probably could reduce it by 4 full percentage points and have no impact whatsoever on the revenues in Pennsylvania.

Also, Mr. President, we have to take into consideration the changing economy in Pennsylvania and the changing developments in Pennsylvania with regard to the employer. When the manufacturer's exemption was pushed in this State many years ago, Pennsylvania was a strong manufacturing State. Mr. President, we are not the same manufacturing State today that we were then. Today we are a service State, Mr. President. The number one industry in Pennsylvania is agriculture. Many of those agricultural businesses are incorporated. If we were able to readjust the corporate net income tax, Mr. President, it would probably be more equitable when you spread it across the entire lines of what is being paid, what kind of taxes are being paid by the corporate community in Pennsylvania.

So, Mr. President, I do support this particular House Bill, House Bill No. 1848. I do support the reinstatement or at least eliminating any roadblock that would have taken away from manufacturers in Pennsylvania the manufacturing exemption, but I think it is very important for us to notice and take a look because we have the opportunity today to establish a form of comprehensive tax reform for the corporate industry in Pennsylvania, and for some reason, we decided not to do that. Instead, we decided to go back to reinstatement of the manufacturing exemption but not look at exactly where the manufacturer's exemption was when it was first instituted, where it is vis-a-vis today with the changing environment and the changing employment atmosphere in Pennsylvania, and how this more positively could have affected more corporations in Pennsylvania by having a major reduction in our corporate net income tax.

It is not very often that we are given the opportunity that we have here today to make some substantive changes within the corporate tax structure in Pennsylvania and not impact one bit on the tax burden of this State except make the taxes more fair and more equitable for the corporations in this State that are paying them. Not that I am saying that we should not help manufacturing industries in this State, but manufacturing in Pennsylvania today is not what manufacturing in Pennsylvania was back in the 1960s, and I doubt as we go into the new millennium, Mr. President, in the next decade, that manufacturing is going to have the same effect and the same input on the economy in Pennsylvania that it once had. So I think we have shortchanged the number of corporations that could have benefited by total tax reform with regard to the corporate structure in this State, Mr. President.

Thank you.

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

Senator MURPHY. Mr. President, I also rise in support of House Bill No. 1848 and also to say that I wish to praise my colleagues on their willingness to go forward and actually review several of these job taxes that we have in Pennsylvania which are very onerous.

My colleague just presented some great examples of what happens in Pennsylvania and also in other States with regard to our tax structure, which clearly is preventing companies from moving to Pennsylvania, preventing companies from expanding jobs in Pennsylvania, and also is driving some companies out. What we have here today which we must deal with is an approach which is remedying a situation of which there is great timeliness and need of dealing with this immediately. But we do have to get back to the issue of addressing taxes, which clearly drives jobs out of Pennsylvania.

Certainly many manufacturers came to talk to many of us about the need to address this immediately before the end of this year or else it would clearly cost jobs. One firm mentioned that in New York their capital stock and franchise tax per employee was perhaps \$26, in Ohio about \$51, and in Pennsylvania over \$300. If we do not deal with this issue here and now, the cost in Pennsylvania per job would reach \$3,000, which needless to say would drive jobs out of Pennsylvania, for no one in their right mind would keep their business here if we did not deal with this.

So I am quite eager to vote on this and am pleased we are dealing with this right now, and I also join my colleagues in eagerly awaiting a time when we can address these tax issues in a wider way that will help keep other jobs in Pennsylvania.

Thank you, Mr. President.

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

Senator HART. Mr. President, I also rise in support of House Bill No. 1848, and I looked down to read the number because all of us in the Committee on Finance know this legislation as Senate Bill No. 1200, prime-sponsored by Senator Earll. She brought this bill to the attention of the committee and we did report it out of committee. I would like to make sure that Senator Earll is given credit for moving this issue forward in the Senate. Obviously, in order to get it done more quickly, we have had that language from Senator Earll's bill appended to House Bill No. 1848 so we can get it done in a timely fashion.

Mr. President, this is a preemptive strike, and I do not use that terminology lightly. There are thousands of manufacturing firms in the Commonwealth that could suffer greatly if we do not make sure this becomes law. It is unknown at this point what the high court will decide to do with this law. As many of you know, in the summer the issue was before the Supreme Court and was thrown back to the Commonwealth Court, which has yet to make a decision about the constitutionality of our current law.

Obviously, the manufacturer's exemption was put in place for a reason. And, yes, Mr. President, the gentleman from Lackawanna was right when he stated that manufacturing does

not hold the position in our economy in Pennsylvania that it once held. However, if you say that to the people in my district, they will not believe you. I think there are many sections of the Commonwealth that are still heavily dependent upon manufacturing jobs. We moved the legislation out of the Committee on Finance earlier this month for the very reason that we want to make sure that those precious manufacturing jobs, most of which have very high hourly wages and benefits, are preserved here in the Commonwealth.

One of the most important things that we do here as stewards of the people's business in the Commonwealth is to make sure that we protect the existing economy and make sure it is given the opportunity to grow and continue. That decision seriously affected one company that has several facilities in my district and quite a few employees, that is PPG, but the ramifications of that decision obviously extended to manufacturers throughout the Commonwealth.

Mr. President, Senate Bill No. 1200, or House Bill No. 1848, or whatever we want to know it by, is extremely important, and I would encourage all of my colleagues, whether manufacturing is a key industry in their district or not, to make sure that they support this legislation and understand what it means to jobs and families in the Commonwealth.

Thank you, Mr. President.

And the question recurring,
Shall the bill pass finally?

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

YEA-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
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 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 very brief recess of the Senate, first for the purpose of a meeting of the Committee on Rules and Executive Nominations, to be followed by a meeting of the Committee on Labor and Industry in

the Rules room at the rear of the Senate Chamber, and I ask all Members of those committees to please report immediately to the Rules room.

The PRESIDENT. For the purpose of a meeting of the Committee on Rules and Executive Nominations, followed by a meeting of the Committee on Labor and Industry, to run for a brief period of time, the Senate stands in recess.

AFTER RECESS

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

**UNFINISHED BUSINESS
REPORT FROM COMMITTEE**

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

SB 179 (Pr. No. 1499) (Rereported) (Concurrence)

An Act amending the act of November 22, 1978 (P.L.1166, No.274), entitled Pennsylvania Commission on Crime and Delinquency Law, further providing for composition of the commission and for the updating of the commission's comprehensive juvenile justice plan.

RESOLUTION REPORTED FROM COMMITTEE

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

SR 97 (Pr. No. 1515) (Rereported) (Concurrence)

A Concurrent Resolution directing the Joint State Government Commission to establish a task force to study issues relating to the Commonwealth's children and youth services delivery system and to make recommendations to the General Assembly.

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

CONGRATULATORY RESOLUTIONS

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

Congratulations of the Senate were extended to Dwight Hutchenson by Senator Bell.

Congratulations of the Senate were extended to Mr. and Mrs. Henry Jankowski by Senator Bodack.

Congratulations of the Senate were extended to the Bucks County Peace Center by Senators Conti, Greenleaf, and Tomlinson.

Congratulations of the Senate were extended to Sydney J. Apfelbaum, Vincent J. Makowski, Christopher Royles, Women's Club of Milton and to St. Paul's (Erdley's) Lutheran and Reformed Church of Shamokin Dam by Senator Helfrick.

Congratulations of the Senate were extended to Odessa Cartwright by Senator Hughes.

Congratulations of the Senate were extended to James N. Fitzsimmons III and to Rachel Hela by Senator Kasunic.

Congratulations of the Senate were extended to the Polish Falcons of America, Nest 182, by Senator LaValle.

Congratulations of the Senate were extended to John C. Dyson, Jr., by Senator Lemmond.

Congratulations of the Senate were extended to Nicole Linscott by Senator Madigan. Congratulations of the Senate were extended to Lane Schultz by Senator Piccola.

Congratulations of the Senate were extended to Robert Berghaier, Calvin Stickle, Charles Wetzel, Wendy Elliott-Vandivier, Raymond Lorah and to the Jewish Community Relations Council of Greater Philadelphia by Senator Salvatore.

Congratulations of the Senate were extended to Mr. and Mrs. John B. McCue, Mr. and Mrs. William Hileman, Christopher Davis and to Justin P. Kaskan by Senator Stapleton.

Congratulations of the Senate were extended to Dick Turner, William P. Leffler and to Robert McConnell by Senator Tartaglione.

Congratulations of the Senate were extended to Theodore W. Foot by Senator Thompson.

Congratulations of the Senate were extended to Bradley C. Jacobs and to Michael J. March by Senator Waugh.

Congratulations of the Senate were extended to Karen Curtis by Senator White.

Congratulations of the Senate were extended to Mr. and Mrs. William C. Bracken, Mr. and Mrs. Francis K. Cassidy, Mr. and Mrs. George Waskowsky, Joseph Mullen and to Johnstown Area Regional Industries by Senator Wozniak.

CONDOLENCE RESOLUTIONS

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

Condolences of the Senate were extended to the family of the late William C. Klingensmith, Jr., by Senator Hart.

Condolences of the Senate were extended to the family of the late Annabelle E. Nichols by Senator Kitchen.

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

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

MEMBER OF THE BOARD OF TRUSTEES OF HAMBURG CENTER

November 23, 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 August 9, 1999 for the appointment of Ernest E. Heckman, R.D. #3, Box 3168, Hamburg 19526, Berks County, Forty-eighth Senatorial District, as a member of the Board of Trustees of Hamburg Center, to serve until the third Tuesday of January 2001, and until his successor is appointed and qualified, vice Pamela C. Evans, Bernville, resigned.

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

THOMAS J. RIDGE
Governor

MEMBER OF THE STATE BOARD OF NURSING

November 23, 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 23, 1999 for the reappointment of Paula N. Gowen (Public Member), 1209 North Gate Road, Box 198, Westtown 19295, Chester County, Nineteenth Senatorial District, as a member of the State Board of Nursing, to serve for a term of six years or until her successor is appointed and qualified, but not longer than six months beyond that period.

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

THOMAS J. RIDGE
Governor

DISTRICT JUSTICE

November 18, 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 June 29, 1999 for the appointment of Brian James Cawley, 1020 Kent Drive, Mechanicsburg 17055, Cumberland County, Thirty-first Senatorial District, as District Justice, in and for the County of Bradford, Magisterial District 42-3-04, to serve until the first Monday of January 2000, vice Daniel J. Acquilio, III, resigned.

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

THOMAS J. RIDGE
Governor

NOMINATIONS RETURNED TO THE GOVERNOR

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

The motion was agreed to.

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

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

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

**MEMBER OF THE STATE BOARD
OF ACCOUNTANCY**

October 28, 1999

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Vincent P. Carocci (Public Member), 813 Mandy Lane, Camp Hill 17011, Cumberland County, Thirty-first Senatorial District, for appointment as a member of the State Board of Accountancy, to serve for a term of four years and until his successor is appointed and qualified, but not longer than six months beyond that period, vice Robert L. Rubendall, Esq., Halifax, resigned.

THOMAS J. RIDGE
Governor

**MEMBER OF THE STATE BOARD
OF ACCOUNTANCY**

November 3, 1999

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, James P. Keasey, 3305 Colby Lane, Dover 17315, York County, Twenty-eighth Senatorial District, for appointment as a member of the State Board of Accountancy, to serve until May 13, 2001 and until his successor is appointed and qualified, but not longer than six months beyond that period, vice Andrew B. Zelenkofske, Esq., Dresher, resigned.

THOMAS J. RIDGE
Governor

**MEMBER OF THE STATE BOARD OF
AUCTIONEER EXAMINERS**

November 3, 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, Kenyon B. Brown, P.O. Box 457, 6033 Pidcock Creek, Lahaska 18931, Bucks County, Tenth Senatorial District, for reappointment as a member of the State Board of Auctioneer Examiners, to serve for a term of three 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
AUCTIONEER EXAMINERS**

November 5, 1999

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Simon Miller, 106 Dodge Road,

Hadley 10130, Mercer County, Fiftieth Senatorial District, for appointment as a member of the State Board of Auctioneer Examiners, to serve for a term of three years or until his successor is appointed and qualified, but not longer than six months beyond that period, vice Kenneth A. Geyer, Gilbertsville, deceased.

THOMAS J. RIDGE
Governor

**MEMBER OF THE STATE BOARD OF
AUCTIONEER EXAMINERS**

November 3, 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, Ralph M. Stewart, Box 37, Armagh 15920, Indiana County, Forty-first Senatorial District, for reappointment as a member of the State Board of Auctioneer Examiners, to serve for a term of three 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 AUCTIONEER EXAMINERS**

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, Peggy L. Thompson, 1813 Alexander Avenue, Chambersburg 17201, Franklin County, Thirty-third Senatorial District, for reappointment as a member of the State Board of Auctioneer Examiners, to serve for a term of three 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 STATE BOARD
OF PHYSICAL THERAPY**

August 9, 1999

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Christine Giescke, 912 White Ridge, Downingtown 19335, Chester County, Nineteenth Senatorial District, for appointment as a member of the State Board of Physical Therapy, to serve until March 24, 2002 and until her successor is appointed and qualified, but not longer than six months beyond that period, vice Kathleen A. Cegles, Erie, resigned.

THOMAS J. RIDGE
Governor

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

July 23, 1999

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Edward S. Hoover, 460 Wetherburn Drive, Lancaster 17601, Lancaster County, Thirteenth Senatorial District, for reappointment as a member of the Board of Trustees of Thaddeus Stevens College of Technology, to serve until the third Tuesday of January 2005, and until his successor is appointed and qualified.

THOMAS J. RIDGE
Governor

NOMINATIONS LAID ON THE TABLE

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

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

EXECUTIVE NOMINATIONS

EXECUTIVE SESSION

Motion was made by Senator SALVATORE,

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

Which was agreed to.

NOMINATIONS TAKEN FROM TABLE

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

The Clerk read the nominations 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, 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.

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 YORK COUNTY
BOARD OF ASSISTANCE**

May 10, 1999

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Claire L. Wentz (Republican), 449 South Franklin Street, Hanover 17331, York County, Twenty-eighth Senatorial District, for appointment as a member of the York County Board of Assistance, to serve until December 31, 2001, and until her successor is appointed and qualified, vice LeRoy Wesley Sipe, Hanover, 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 SALVATORE 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	Stocum	
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 SALVATORE. Mr. President, I move that the Executive Session do now rise.

The motion was agreed to.

PETITIONS AND REMONSTRANCES

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

Senator BELL. Mr. President, as we passed the manufacturer's exemption bill, mention was made of lowering the tax. I remind my fellow Senators that it may be a little premature to consider lowering taxes as of today.

Last week one of my constituents, one of my neighbors, asked, have you seen all the advertisements on television and elsewhere to purchase items on-line? I watched the TV closely on the weekend, listened to the radio closely, read the printed press closely, and I was amazed at the number of advertisements asking people to buy merchandise on-line. In other words, these purchases--and by the way, these advertisements were not cheap, which means there is a tremendous amount of business that is being done this way.

Now, if someone purchases through the Net, or whatever it is called, they pay no sales tax. I know that when the goods arrive they are supposed to pay use taxes, but I have never heard of anybody paying them. The question now is, how much sales tax is being lost to Pennsylvania by using the latest method of purchasing on-line and not paying the sales tax? I have heard estimates that we are into many, many millions of dollars, and I do not think that we should be discussing lowering any taxes until we know what loss is going to occur on sales tax. I do not have the figures on sales tax, but I assume it is quite a few million dollars that we collect on sales tax.

Now, there is a remedy. If Congress were to pass legislation that would require that when you buy from a manufacturer or salesman down in Florida certain items to be sent to you by mail or Federal Express, that manufacturer or salesman would have to pay the Pennsylvania sales tax, we would not be hurt, but that is not the way it is. Congress has refused to take action on this matter. It is only a couple of months before we have the Committee on Appropriations hearings, and I think that we should be very careful in what is ahead, because if we spend at a higher rate than the taxes are coming in, somebody is going to have to vote for a new tax in Pennsylvania; not reducing them, but a new one.

I have gone through a time up here when we were caught short and the votes for taxes that summer were blood votes. And I would very much like to know how much Pennsylvania's treasury is going to lose through the loss of sales tax. We will shortly get the revenue figures for the Christmas season, and that will be a token. I am going to repeat this: If there is a shortage of revenues, we either have to cut back on appropriations or raise taxes. I also remind my colleagues that half of this Senate runs for election next year and I do not see any tax votes here. All the House of Representatives folks run for reelection next year and I do not see many tax votes there. So we should be very cautious. And when the budget director comes up with his pro-

posed budget, which we will get sometime in April, we want to be very, very careful.

Very frankly, in plain language, the honeymoon is over. The excess income over expenditures is over, because I see this loss of sales tax due to people purchasing items on-line is going to be a very hard blow to the treasury of Pennsylvania.

Thank you very much, Mr. President.

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 PROFESSIONAL STANDARDS
AND PRACTICES COMMISSION**

November 30, 1999

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Valerie Smith, 7723 Farndale Avenue, Harrisburg 17112, Dauphin County, Fifteenth Senatorial District, for appointment as a member of the Professional Standards and Practices Commission, to serve until the third Tuesday of January 2002 and until her successor is appointed and qualified, vice Susan P. Genesi, Philipsburg, resigned.

THOMAS J. RIDGE
Governor

**RECALL COMMUNICATIONS
REFERRED TO COMMITTEE**

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

**JUDGE, COURT OF COMMON PLEAS,
ALLEGHENY COUNTY**

November 30, 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 October 12, 1999 for the appointment of Michael J. Creighton, Esquire, 242 Olympia Street, Pittsburgh 15211, Allegheny County, Forty-second Senatorial District, as Judge of the Court of Common Pleas of Allegheny County, to serve until the first Monday of January 2000, vice The Honorable James J. McGregor, mandatory retirement.

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

THOMAS J. RIDGE
Governor

JUDGE, COURT OF COMMON PLEAS,
BUCKS COUNTY

November 30, 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 September 15, 1999 for the appointment of Michael J. Petrasovits, Esquire, 1022 Oldham Place, Bensalem 19020, Bucks County, Sixth Senatorial District, as Judge of the Court of Common Pleas of Bucks County, to serve until the first Monday of January 2000, vice The Honorable Isaac S. Garb, mandatory retirement.

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

THOMAS J. RIDGE
Governor

JUDGE, COURT OF COMMON PLEAS,
ERIE COUNTY

November 30, 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 September 13, 1999 for the appointment of Matthew L. Wolford, 638 W. Sixth Street, Erie 16507, Erie County, Forty-ninth Senatorial District, as Judge of the Court of Common Pleas of Erie County, to serve until the first Monday of January 2000, vice The Honorable Roger M. Fischer, resigned.

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

THOMAS J. RIDGE
Governor

JUDGE, COURT OF COMMON PLEAS,
MONTGOMERY COUNTY

November 30, 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 19, 1999 for the appointment of Roger E. Grimaldi, Esquire, 1043 Koffel Road, Hatfield 19440, Montgomery County, Twenty-fourth Senatorial District, as Judge of the Court of Common Pleas of Montgomery County, to serve until the first Monday of January 2000, vice The Honorable Albert R. Subers, mandatory retirement.

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

THOMAS J. RIDGE
Governor

JUDGE, COURT OF COMMON PLEAS,
PHILADELPHIA COUNTY

November 30, 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 15, 1999 for the appointment of Henry Hart, III, Esquire, 7100 McCallum Street, Philadelphia 19119, Philadelphia County, Fourth Senatorial District, as Judge of the Court of Common Pleas of Philadelphia County, to serve until the first Monday of January 2000, vice The Honorable Lisa A. Richette, mandatory retirement.

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

THOMAS J. RIDGE
Governor

JUDGE, COURT OF COMMON PLEAS,
WESTMORELAND COUNTY

November 30, 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 August 9, 1999 for the appointment of John K. Sweeney, Esquire, 27 Oakhill Avenue, Greensburg 15601, Westmoreland County, Thirty-ninth Senatorial District, as Judge of the Court of Common Pleas of Westmoreland County, to serve until the first Monday of January 2000, vice The Honorable Bernard F. Scherer, deceased.

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

THOMAS J. RIDGE
Governor

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 30, 1999

Senators WHITE, PICCOLA, JUBELIRER, SALVATORE, CORMAN, CONTI, COSTA, KUKOVICH, EARLL, O'PAKE, BELL, THOMPSON, ROBBINS, MELLOW, MURPHY, RHOADES, SLOCUM, BOSCOLA, MUSTO and HART presented to the Chair **SB 1211**, entitled:

An Act establishing the Consolidation Committee.

Which was committed to the Committee on RULES AND EXECUTIVE NOMINATIONS, November 30, 1999.

Senators WAUGH, CONTI, WAGNER, KASUNIC, BODACK, GERLACH, COSTA, SALVATORE, HELFRICK, CORMAN, PUNT, EARLL, WHITE, SCHWARTZ, O'PAKE, RHOADES, BOSCOLA and SLOCUM presented to the Chair **SB 1215**, entitled:

An Act amending the act of December 4, 1996 (P.L.911, No.147), entitled Telemarketer Registration Act, providing for the establishment of lists of customers who may not be called.

Which was committed to the Committee on CONSUMER PROTECTION AND PROFESSIONAL LICENSURE, November 30, 1999.

Senators WAUGH, COSTA, MOWERY, WHITE, SCHWARTZ and SLOCUM presented to the Chair **SB 1216**, entitled:

An Act amending the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, further providing for collection of tax for purposes of the sales and use tax.

Which was committed to the Committee on FINANCE, November 30, 1999.

Senators WAUGH, ARMSTRONG, DENT, THOMPSON, COSTA, O'PAKE, HART, EARLL, WENGER, SCHWARTZ, BOSCOLA, BODACK and WHITE presented to the Chair **SB 1217**, entitled:

An Act encouraging State agencies to locate facilities in a downtown area; and providing for report to General Assembly.

Which was committed to the Committee on URBAN AFFAIRS AND HOUSING, November 30, 1999.

Senators GREENLEAF, ROBBINS, MELLOW, COSTA, WHITE, MOWERY, TILGHMAN and MUSTO presented to the Chair **SB 1218**, entitled:

An Act amending the act of August 21, 1953 (P.L.1323, No.373), entitled The Notary Public Law, further providing for register and copies of records; and providing for identification of signers.

Which was committed to the Committee on STATE GOVERNMENT, November 30, 1999.

Senators GREENLEAF, BOSCOLA, COSTA, LEMMOND, SLOCUM, TARTAGLIONE and WAUGH presented to the Chair **SB 1219**, entitled:

An Act amending the act of May 3, 1933 (P.L.242, No.86), entitled Cosmetology Law, further providing for the management of cosmetology shops.

Which was committed to the Committee on CONSUMER PROTECTION AND PROFESSIONAL LICENSURE, November 30, 1999.

Senators FUMO, STOUT, GREENLEAF, MELLOW, BOSCOLA, CONTI, KUKOVICH, BODACK, KITCHEN, BELAN, RHOADES, THOMPSON, SCHWARTZ, COSTA, LEMMOND and KASUNIC presented to the Chair **SB 1220**, entitled:

An Act providing for the regulation and licensure of somatic practitioners, massage therapists and reflexologists; creating the State Board of Somatic Practices, Massage Therapy and Reflexology and providing for its powers and duties; providing for licensure, for unlawful practices and for disciplinary actions; imposing fines and penalties; and making an appropriation.

Which was committed to the Committee on CONSUMER PROTECTION AND PROFESSIONAL LICENSURE, November 30, 1999.

ANNOUNCEMENTS BY THE SECRETARY

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

SENATE OF PENNSYLVANIA

COMMITTEE MEETINGS

WEDNESDAY, DECEMBER 1, 1999

9:30 A.M.	COMMUNITY AND ECONOMIC DEVELOPMENT (public hearing on Dept. Of Community and Economic Development FY 2000-2001 Budget)	Room 8E-A East Wing
9:30 A.M.	CONSUMER PROTECTION AND PROFESSIONAL LICENSURE (to consider Senate Bills No. 552, 565, 897 and 1167; and House Bills No. 122 and 950)	Room 8E-B East Wing
9:30 A.M.	LOCAL GOVERNMENT (to consider Senate Bill No. 1154; and House Bills No. 1153, 1154, 1155, 1157 and 1158)	Room 461 Main Capitol
9:30 A.M.	STATE GOVERNMENT (to consider the reappointment of Charles P. Bednarik, George Bochetto and Andrew A. DePaolo as members of the State Athletic Commission)	Rules Cmte. Conf. Rm.

MONDAY, DECEMBER 6, 1999

10:00 A.M.	JOINT STATE GOVERNMENT COMMISSION BIPARTISAN TASK FORCE CREATED BY SENATE RESOLUTION NO. 8 (public hearing on primary election dates)	Room 8E-A East Wing
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WEDNESDAY, JANUARY 12, 2000

9:30 A.M.	CONSUMER PROTECTION AND PROFESSIONAL LICENSURE (public hearing on Y2K Consequences)	Room 8E-B East Wing
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REPORTS FROM COMMITTEE

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

HB 302 (Pr. No. 2713) (Amended)

An Act amending the act of July 14, 1961 (P.L.637, No.329), known as the Wage Payment and Collection Law, providing for duty of successor employer to pay back wages.

HB 1675 (Pr. No. 2563)

An Act amending the act of May 13, 1915 (P.L.286, No.177), known as the Child Labor Law, further providing for employment of

children at establishments where alcoholic beverages or malt liquor is sold.

BILLS ON FIRST CONSIDERATION

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

The motion was agreed to.

The bills were as follows:

HB 302 and HB 1675.

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

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, December 1, 1999, at 11 a.m., Eastern Standard Time.

The motion was agreed to.

The Senate adjourned at 5:21 p.m., Eastern Standard Time.