

COMMONWEALTH OF PENNSYLVANIA

Legislative Journal

WEDNESDAY, DECEMBER 1, 1999

SESSION OF 1999

183RD OF THE GENERAL ASSEMBLY

No. 55

SENATE

WEDNESDAY, December 1, 1999

The Senate met at 11 a.m., Eastern Standard Time.

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

PRAYER

The Chaplain, Deacon MIGUEL MARROQUIN, of St. Francis of Assisi Catholic Church, Harrisburg, offered the following prayer:

In the name of the Father and of the Son and of the Holy Spirit.

Lord, make me an instrument of Thy peace. Where there is hatred, let me show love; where there is injury, pardon; where there is doubt, faith; where there is despair, hope; where there is darkness, light; and where there is sadness, joy.

O, Divine Master, grant that I may not so much seek to be consoled as to console, to be understood as to understand, to be loved as to love. For it is in giving that we receive. It is in pardoning that we are pardoned, and it is in dying that we are born to eternal life. Amen.

The PRESIDENT. The Chair thanks Deacon Marroquin, who is the guest today of Senator Piccola.

JOURNAL APPROVED

The PRESIDENT. A quorum of the Senate being present, the Clerk will read the Journal of the preceding Session of November 30, 1999.

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

COMMUNICATIONS FROM THE GOVERNOR

RECALL COMMUNICATIONS LAID ON THE TABLE

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 laid on the table:

CORONER, BLAIR 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 June 3, 1999 for the appointment of Patricia Ross, 920 25th Avenue, Altoona 16601, Blair County, Thirtieth Senatorial District, as Coroner, in and for the County of Blair, to serve until the first Monday of January 2004, vice Richard C. Goertz, Tyrone, deceased.

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

THOMAS J. RIDGE Governor

MEMBER OF THE MILK MARKETING BOARD

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 May 13, 1999 for the appointment of Barbara Ann Grumbine, 970 Halfway Drive, Myerstown 17067, Lebanon County, Forty-eighth Senatorial District, as a member of the Milk Marketing Board, to serve for a term of six years and until her successor is appointed and qualified, vice J. Robert Derry, Indiana, whose term expired.

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 committee indicated:

December 1, 1999

HB 1567 and 1635 -- Committee on Local Government.

**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:

December 1, 1999

Senators ROBBINS, TILGHMAN, SALVATORE, PUNT, MUSTO, LEMMOND, WAUGH, BRIGHTBILL, THOMPSON, STAPLETON, WAGNER, TOMLINSON, WOZNIAK, EARLL, HART, O'PAKE, GERLACH, MOWERY, GREENLEAF, COSTA, BOSCOLA and KASUNIC presented to the Chair **SB 1221**, entitled:

An Act amending Title 51 (Military Affairs) of the Pennsylvania Consolidated Statutes, further providing for the State Veterans' Commission.

Which was committed to the Committee on MILITARY AND VETERANS AFFAIRS, December 1, 1999.

Senators RHOADES, HELFRICK, SALVATORE, HUGHES, KUKOVICH, LAVALLE, KITCHEN, TOMLINSON, GERLACH, MUSTO, BELL, BOSCOLA, PUNT, KASUNIC, SCHWARTZ, BODACK, STOUT, ROBBINS, STAPLETON, MELLOW, WAGNER, MURPHY, WOZNIAK, MADIGAN, WHITE, O'PAKE, WENGER, BRIGHTBILL, GREENLEAF, BELAN and WILLIAMS presented to the Chair **SB 1222**, entitled:

An Act providing for a single pharmacy benefits manager to administer outpatient pharmacy services provided through the medical assistance program.

Which was committed to the Committee on PUBLIC HEALTH AND WELFARE, December 1, 1999.

Senators DENT, PICCOLA, BRIGHTBILL, EARLL, BELL, WOZNIAK, LEMMOND, ROBBINS and SLOCUM presented to the Chair **SB 1223**, entitled:

An Act amending the act of July 7, 1947 (P.L.1368, No.542), entitled, as amended, Real Estate Tax Sale Law, further providing for discharge of tax claims and for date of sale.

Which was committed to the Committee on URBAN AFFAIRS AND HOUSING, December 1, 1999.

**SPECIAL ORDER OF BUSINESS  
ANNOUNCEMENT BY THE SECRETARY**

The SECRETARY. Consent has been given for the Committee on State Government to meet during today's Session to consider the reappointments of Charles Bednarik, George Bochetto, and Andrew DePaolo as members of the State Athletic Commission.

**REPORTS FROM COMMITTEES**

Senator GERLACH, from the Committee on Local Government, reported the following bills:

**SB 1154 (Pr. No. 1428)**

An Act amending the act of August 9, 1955 (P.L.323, No.130), entitled, as amended, The County Code, further regulating contractors, grounds and buildings and bridges, viaducts and culverts.

**HB 1153 (Pr. No. 1796)**

An Act amending the act of June 23, 1931 (P.L.932, No.317), known as The Third Class City Code, further providing for annual budget, for filing, for uniform forms and for annual reports.

**HB 1155 (Pr. No. 2714) (Amended)**

An Act amending the act of February 1, 1966 (1965 P.L.1656, No.581), known as The Borough Code, renaming special school police as school crossing guards; further providing for specific powers of a borough relating to towing equipment; providing for school crossing guards' powers and duties, for filing of budget and for uniform forms; and making editorial changes.

**HB 1157 (Pr. No. 2463)**

An Act amending the act of May 1, 1933 (P.L.103, No.69), known as The Second Class Township Code, further providing for supervisors and for auditors; providing for school crossing guards; and further regulating the annual budget and uniform report forms.

**HB 1158 (Pr. No. 2464)**

An Act amending the act of June 24, 1931 (P.L.1206, No.331), known as The First Class Township Code, providing for school crossing guards; further providing for budget forms, for filing copies and for uniform forms; and making editorial changes.

Senator BELL, from the Committee on Consumer Protection and Professional Licensure, reported the following bills:

**SB 552 (Pr. No. 1548) (Amended)**

An Act amending the act of July 10, 1990 (P.L.404, No.98), entitled Real Estate Appraisers Certification Act, further providing for certification renewal.

**SB 897 (Pr. No. 1012)**

An Act amending the act of October 10, 1975 (P.L.383, No.110), entitled Physical Therapy Practice Act, providing for a certificate of authorization to practice physical therapy without the required referral; requiring professional liability insurance coverage and continuing education; and providing penalties.

**SB 1167 (Pr. No. 1457)**

An Act amending Title 66 (Public Utilities) of the Pennsylvania Consolidated Statutes, providing for utility industry restructuring.

**HB 122 (Pr. No. 1140)**

An Act regulating the use of certain infant cribs; providing a cause of action; and imposing a penalty.

**HB 950 (Pr. No. 1583)**

An Act requiring disclosure of new motor vehicle damage, and providing for enforcement.

**LEGISLATIVE LEAVES**

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

Senator MELLOW. Mr. President, I request legislative leaves for Senator Belan, Senator Bodack, Senator Stout, and Senator Williams.

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

**CALENDAR**

**BILL ON CONCURRENCE IN HOUSE AMENDMENTS**

**SENATE CONCURS IN HOUSE AMENDMENTS**

**SB 179 (Pr. No. 1499)** -- The Senate proceeded to consideration of the bill, entitled:

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.

On the question,

Will the Senate concur in the amendments made by the House to Senate Bill No. 179?

Senator LOEPER. Mr. President, I move that the Senate do concur in the amendments made by the House to Senate Bill No. 179.

On the question,

Will the Senate agree to the motion?

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

**YEA-50**

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

**NAY-0**

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

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

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

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

Senator DENT. Mr. President, it is my honor, privilege and pleasure today to introduce two constituents of mine, Emma and Chuck Bednarik. Many of you may remember Chuck from many years ago. He was a great legend in professional football and played for the Philadelphia Eagles. Before that he came to us via Bethlehem. He played for Liberty High School and went to the University of Pennsylvania, played there, and of course had a great career with the Philadelphia Eagles. He was the last professional football player to play 60 minutes on both sides of the ball, both offense and defense, and it should be noted that he ended Frank Gifford's football career. Many of us remember that.

I would also like to note that he has been serving on the State Athletic Commission for 19 years, has been a very capable and dedicated member of that commission, and I just wanted to introduce Chuck and his wife, Emma.

The PRESIDENT. Will the Senate please rise and welcome the Bednariks.

(Applause.)

The PRESIDENT. Thank you, Senator Dent, for those most appropriate reflections and the fact that Mr. Bednarik represents the last of the two-way guys, as they termed that kind of committed player.

**GUEST OF SENATOR JACK WAGNER PRESENTED TO THE SENATE**

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

Senator WAGNER. Mr. President, I also have the distinct honor to introduce the gentleman who is with Mr. Bednarik. We have a very popular person from the western part of the State, Mr. Andrew DePaolo, who was a professional boxer in his own right. He had a tremendous record as a fighter for a number of years in western Pennsylvania and really is a legend in the area where I am from. In addition to that, he also serves, along with Mr. Bednarik, on the State Athletic Commission and has done an exceptional job for years. I am honored to be his friend, and I am glad to see him here today and would appreciate your recognition.

The PRESIDENT. Would the Senate please extend a warm welcome to our guest.

(Applause.)

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

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

Senator COSTA. Mr. President, I rise today to recognize a high school student, Emily DeBord, who is here today shadowing some of the activities that I have been involved with this morning and also today's Session. Emily is a senior at Manheim Township, and she is a participant in the honors program and that is why she is here today doing this job-shadowing. She is a varsity softball player as well as being very active in several other clubs in the school, so I am very happy to present to the Senate today Emily DeBord.

The PRESIDENT. Would Emily please stand so the Senate may acknowledge your presence.

(Applause.)

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

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

Senator O'PAKE. Mr. President, I was happy to see Chuck Bednarik here today, and I am glad that he will again serve on the State Athletic Commission. We of the Slovak community are very, very proud of Chuck Bednarik and his leadership in the Slovak community and all our various fraternal and other athletic events. So, Chuck, it is good to see you back again, and thanks for all the good work you do for our people.

Mr. President, I would also like to welcome a distinguished group of student leaders who are here today from every high school in Berks County. There are about 60 leaders who are under the auspices of the Berks County Intermediate Unit. They are student government presidents, vice presidents, and student government members. They are here with their moderator, Judy Stoudt, for their annual visit to the Capitol, and I would ask the Senate to welcome them.

The PRESIDENT. Thank you, Senator O'Pake, and would our student government representatives and their moderator please stand so the Senate may welcome you.

(Applause.)

#### **GUESTS OF SENATOR JEFFREY E. PICCOLA PRESENTED TO THE SENATE**

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

Senator PICCOLA. Mr. President, I, too, am being shadowed today by two high school students, Jamie L. Mullen, a senior at Lower Dauphin High School, and Jared Pritchard, a junior at Lower Dauphin High School. I would appreciate the Senate welcoming these young people.

The PRESIDENT. Jamie and Jared, please rise so the Senate may welcome you.

(Applause.)

#### **ANNOUNCEMENT BY MAJORITY LEADER**

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

Senator LOEPER. Mr. President, I understand that the communication for the off-the-floor meeting of the Committee on State Government has already been read, and at this time I re-

quest all Members of the Committee on State Government to report to the Rules room for a short but important meeting of that committee. While that committee is meeting, I suggest that we continue with consideration of today's Calendar.

#### **CONSIDERATION OF CALENDAR RESUMED**

##### **THIRD CONSIDERATION CALENDAR**

##### **BILL REREPORTED FROM COMMITTEE AS AMENDED OVER IN ORDER**

**HB 1569** – Without objection, the bill was passed over in its order at the request of Senator LOEPER.

##### **BILLS OVER IN ORDER**

**SB 300, SB 380, SB 847, SB 958, SB 1077, SB 1109, SB 1169 and SB 1200** -- Without objection, the bills were passed over in their order at the request of Senator LOEPER.

##### **SECOND CONSIDERATION CALENDAR**

##### **BILL REREPORTED FROM COMMITTEE AS AMENDED ON SECOND CONSIDERATION**

**HB 739 (Pr. No. 2710)** – The Senate proceeded to consideration of the bill, entitled:

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

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

##### **BILLS OVER IN ORDER**

**SB 201, HB 302, 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 1163 (Pr. No. 1437)** – The Senate proceeded to consideration of the bill, entitled:

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

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

##### **BILLS OVER IN ORDER**

**SB 1197 and HB 1675** – Without objection, the bills were passed over in their order at the request of Senator LOEPER.

**RESOLUTION ON CONCURRENCE  
IN HOUSE AMENDMENTS**

**SENATE CONCURS IN HOUSE AMENDMENTS**

Senator LOEPER, without objection, called up from page 5 of the Calendar, **Senate Concurrent Resolution No. 97**, entitled:

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.

On the question,

Will the Senate concur in House amendments to Senate Concurrent Resolution No. 97?

Senator LOEPER. Mr. President, I move that the Senate do concur in House amendments to Senate Concurrent Resolution No. 97.

On the question,

Will the Senate agree to the motion?

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

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

**COMMUNICATIONS FROM THE GOVERNOR  
REPORTED FROM COMMITTEE ON RULES  
AND EXECUTIVE NOMINATIONS,  
TAKEN FROM THE TABLE**

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

**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

**CORONER, BLAIR 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 June 3, 1999 for the appointment of Patricia Ross, 920 25th Avenue, Altoona 16601, Blair County, Thirtieth Senatorial District, as Coroner, in and for the County of Blair, to serve until the first Monday of January 2004, vice Richard C. Goertz, Tyrone, deceased.

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

THOMAS J. RIDGE  
Governor

**MEMBER OF THE MILK  
MARKETING BOARD**

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 May 13, 1999 for the appointment of Barbara Ann Grumbine, 970 Halfway Drive, Myerstown 17067, Lebanon County, Forty-eighth Senatorial District, as a member of the Milk Marketing Board, to serve for a term of six years and until her successor is appointed and qualified, vice J. Robert Derry, Indiana, whose term expired.

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**

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

Senator SALVATORE. Mr. President, I would like to explain that two of the recalls are two of the gentlemen who are upstairs in the balcony today, but it is only because of some technicality in their paperwork that they are being recalled, and their names will be sent over again.

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.

## 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 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

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, J. Omar Landis, 4412 Oregon Pike, Ephrata 17522, Lancaster County, Thirty-sixth 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

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, Allen Shissler (Public Member), 2600 Roundtop Road, Middletown 17057, Dauphin County, Fifteenth 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 Richard W. Godshall, M.D., Hatfield, declined appointment.

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

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	La Valle	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 Governor be informed accordingly.

**EXECUTIVE SESSION RISES**

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

The motion was agreed to.

**UNFINISHED BUSINESS  
CONGRATULATORY RESOLUTIONS**

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

Congratulations of the Senate were extended to Mr. and Mrs. Henry Algeri by Senator Belan.

Congratulations of the Senate were extended to Marlene Faranov and to Lee Hiles by Senator Bell.

Congratulations of the Senate were extended to Roberta Smith by Senator Costa.

Congratulations of the Senate were extended to Reverend Harold F. Dagle by Senator Dent.

Congratulations of the Senate were extended to Galeries La Jonquille of Devon by Senator Fumo.

Congratulations of the Senate were extended to Joseph L. Denelsbeck by Senator Greenleaf.

Congratulations of the Senate were extended to the Montgomery County Boroughs' Association by Senator Holl.

Congratulations of the Senate were extended to the Honorable Edward G. Rendell by Senator Hughes.

Congratulations of the Senate were extended to Mr. and Mrs. Charles Ofiesh, Mr. and Mrs. Richard Bucher, Mr. and Mrs. H. Fred Moore, Mr. and Mrs. Wayne Fleck, Pastor and Mrs. Harold McCaulley, Sr., Mr. and Mrs. Ralph Turner, Mr. and Mrs. Dudley P. Dull and to Della Wilt by Senator Jubelirer.

Congratulations of the Senate were extended to the Corning Consumer Products Company, Charleroi Plant, by Senator Kasunic.

Congratulations of the Senate were extended to Mr. and Mrs. Harold J. Smith and to Mr. and Mrs. Richard K. Welshans by Senator Madigan.

Congratulations of the Senate were extended to Dr. Theodore M. Marmo by Senator Mellow.

Congratulations of the Senate were extended to David E. Schock by Senator Mowery.

Congratulations of the Senate were extended to Thomas Matthew Jefferson, William Taylor, Jr., Lawrence A. Franck, Richard E. Erny and to Shirley A. Vasko by Senator Murphy.

Congratulations of the Senate were extended to the Pittston Area High School Marching Band by Senator Musto.

Congratulations of the Senate were extended to John Kornikow by Senator Piccola.

Congratulations of the Senate were extended to Daniel J. Gates by Senator Rhoades.

Congratulations of the Senate were extended to Mr. and Mrs. James McConnell by Senator Robbins.

Congratulations of the Senate were extended to Paul A. Rodebaugh and to Edward Myszack by Senator Thompson.

Congratulations of the Senate were extended to Donald Van Demark by Senator Tomlinson.

Congratulations of the Senate were extended to the Susquehannock High School Girls' Volleyball Team by Senator Waugh.

Congratulations of the Senate were extended to Lititz Run Watershed Alliance and to LandStudies Inc., of Lititz by Senator Wenger.

Congratulations of the Senate were extended to Mr. and Mrs. Thomas L. Vosburg by Senator White.

Congratulations of the Senate were extended to Sylvester M. Johnson by Senator Williams.

### POSTHUMOUS CITATIONS

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

A posthumous citation honoring the late Art G. Austin was extended to the family by Senator Boscola.

A posthumous citation honoring the late Harry, Victor, and Kenneth Van Demark was extended to the family by Senator Tomlinson.

### BILLS ON FIRST CONSIDERATION

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

The motion was agreed to.

The bills were as follows:

**SB 552, SB 897, SB 1154, SB 1167, HB 122, HB 950, HB 1153, HB 1155, HB 1157 and HB 1158.**

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

### PETITIONS AND REMONSTRANCES

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

Senator O'PAKE. Mr. President, as we all know, on November 23, 1998, a landmark settlement between 46 States and the five largest tobacco manufacturers required tobacco companies to compensate States \$206 billion over the next 25 years to cover health care expenses and related costs resulting from tobacco consumption. For the Commonwealth of Pennsylvania, this provides nearly \$11.2 billion—with a "b"—in revenue over the next 25 years, with an estimated first payment of \$368 million, which will be received by our State as early as June of the year 2000.

After being appointed several months ago by my leader, Senator Mellow, to lead the Senate Democratic Caucus on this issue, I felt it should be our goal to target immediate areas where we feel this money is in greatest demand while identifying programs that provide for the long-term health needs of Pennsylvanians, to provide greater support for currently effective public health programs and research while maintaining the flexibility to examine and test new programs devoted to making Pennsylvanians healthier, all of this without creating any more unneeded bureaucracy.

Today we have available, Mr. President, and we invite cosponsorship by any Senators interested, a package of bills that we feel accomplishes this goal. Our proposals address the many competing and deserving health-related interests that represent our Commonwealth. My colleagues who served on the task force with me, some of whom will speak later, all Members of the Senate Democratic Caucus Tobacco Funding Task Force, have devoted a great deal of time, effort, and research to this issue, attended countless meetings, and listened to numerous concerns of public health officials and professionals. They are all to be commended for their efforts, as well as the efforts of our staff.

First and foremost, Mr. President, the most talked about issue is health care and finding ways to make health care more affordable and accessible. According to numerous public opinion polls, the public is more concerned about health care than at any time since early 1992 when health care reform was at the forefront of national debate. No matter with whom you talk, there seems to be a consensus that funds from this tobacco master



settlement agreement should be used to make health care more affordable and accessible, especially for the 1,260,000 Pennsylvanians who currently have no health insurance. That is about 1 out of every 10 Pennsylvanians without any health insurance. The Senate Democratic Caucus has committed itself to achieving affordable and accessible health care for more Pennsylvanians, and we propose to set aside 45 percent of the tobacco settlement money to provide health care insurance for the uninsured, both adults and children.

Another area of concern that we addressed, Mr. President, is the area of the cessation of smoking, and the enforcement of existing laws that forbid the sale of cigarettes to minors. Investing a share of our payments to educate the public, particularly our young people, about the dangers of tobacco consumption seems much wiser than spending hundreds of millions of dollars on future health care costs resulting from tobacco-related illnesses.

A third major concern that our package addresses is the issue of uncompensated care, the red ink suffered by about 70 percent of our hospitals in Pennsylvania as a result of Federal and State policies that are cutting back on the amount of reimbursement for charity care. Hospitals around our Commonwealth find themselves in very unstable economic conditions. I know in my area one hospital has closed because of the debts associated with providing health care services for which they are now getting no compensation or inadequate government reimbursement. Currently, Pennsylvania has no public mechanism to pay for the health care of its uninsured. Our package of bills would change that by providing a yearly allocation for uncompensated care to hospitals and expanding health care coverage to more Pennsylvania residents.

Finally, we suggest that a part of the money be used for cancer research. Mr. President, we are blessed in Pennsylvania to have seven of the finest cancer research and treatment facilities in the entire country. We need to help them on the cutting edge of research to identify medical procedures that effectively fight and hopefully eliminate cancer, and that will certainly result in a healthier Pennsylvania.

Again, in conclusion, we have set aside 10 percent right off the top into an investment fund. That will be set aside and will accumulate over the next 25 years so that even after the tobacco settlement money is exhausted, there will be a substantial multibillion-dollar fund available to carry through on this work into the 21st century.

We invite cosponsorship. We feel that we have addressed the major issues: making health care more affordable and accessible, providing funding for cancer research, helping hospitals with the red ink caused by uncompensated care, as well as critically important in the long range for prevention is cessation of the use of tobacco and the enforcement of existing laws that are supposed to be aimed at preventing sales to minors.

Mr. President, as I said, the Senate Democratic Caucus is introducing this package and we will hold it over until next Monday, and we invite all those interested in joining in this effort to sign on.

Thank you.

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

Senator HUGHES. Mr. President, I wanted to follow up on Senator O'Pake's comments and, number one, thank him for his leadership in leading our task force through this process of determining how Pennsylvania should go forward with respect to expanding health care for all of its residents through the funds that are available from the tobacco settlement.

Specifically, the thing within the context of the research that probably was the most alarming was that in this expanding economy we are all involved in, with the stock market going out the roof and dollars in the economy just available to everyone, the growth in the uninsured is really something that is extremely and particularly disturbing. Our numbers indicate, as Senator O'Pake said earlier, that over 1.2 million people in Pennsylvania have no health insurance at all. And we qualified that by saying that in 1998, those 1.2 million people had no health insurance throughout the entire calendar year. Throughout an entire year 1.2 million people in Pennsylvania had no health insurance, and in fact those numbers have grown from 1996 to the present. In 1996, 9.5 percent of Pennsylvania's population had no health insurance. Today over 10.5 percent of Pennsylvania's population has no health insurance.

What we have done in our research and work and in our legislative proposal is to create a vehicle to expand health care insurance opportunities for probably over 300,000 adults and children in the Commonwealth of Pennsylvania, and it is our viewpoint that that is just the beginning of our long-range effort in terms of expanding health insurance for Pennsylvania's people. Pennsylvania's prosperity needs to be shared with all of its people, and we have an opportunity right now to do that.

I want to thank both Senator O'Pake and Senator Mellow, as our leader, for appointing me to this task force to work in a detailed fashion to make this reality, this vision come to fruition.

Thank you, Mr. President.

### BILL SIGNED

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

SB 179.

### 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 Monday, December 6, 1999, at 1 p.m., Eastern Standard Time.

The motion was agreed to.

The Senate adjourned at 12:21 p.m., Eastern Standard Time.