

COMMONWEALTH OF PENNSYLVANIA

Legislative Journal

TUESDAY, MARCH 14, 2000

SESSION OF 2000

184TH OF THE GENERAL ASSEMBLY

No. 13

SENATE

TUESDAY, March 14, 2000

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

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

PRAYER

The Chaplain, Reverend Dr. S. RONALD PARKS, of Calvary United Methodist Church, Harrisburg, offered the following prayer:

Let us pray.

Gracious God, we call upon You today to continue Your great work of creation, not only in the vast mystery of the expanding universe, but also in the intricate symphony of our lives. We stand in awe of the glorious network of dependence and support that forms what we call community. Too often, however, we are more concerned with what we may gain from the service of others than what we are able to offer from the wellspring of our gifts and abilities.

Remind us, through the faithful witness of Your servants and the re-creative power of Your Spirit, that You have equipped us to do Your work, blessed us to embody Your compassion, commissioned us to speak Your word, and commanded us to be implements of justice and hope, that our great society may come to reflect Your gracious order on earth as it is in heaven. Amen.

The PRESIDENT pro tempore. The Chair thanks Dr. Parks, who is the guest today of Senator Piccola.

JOURNAL APPROVED

The PRESIDENT pro tempore. A quorum of the Senate being present, the Clerk will read the Journal of the preceding Session of March 13, 2000.

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

HOUSE MESSAGES

SENATE BILL RETURNED WITH AMENDMENTS

The Clerk of the House of Representatives returned to the Senate SB 1047, with the information the House has passed the

same with amendments in which the concurrence of the Senate is requested.

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

HOUSE CONCURS IN SENATE  
CONCURRENT RESOLUTION

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

Weekly adjournment.

BILLS 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:

March 14, 2000

Senators TILGHMAN and LOEPER presented to the Chair SB 1, entitled:

An Act to provide from the General Fund for the expenses of the Executive, Legislative and Judicial Departments of the Commonwealth, the public debt and for the public schools for the fiscal year July 1, 2000, to June 30, 2001, for certain institutions and organizations, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 2000; and to provide for the additional appropriation of Federal and State funds for the Executive Department of the Commonwealth for the fiscal year July 1, 1999, to June 30, 2000, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 1999.

Which was committed to the Committee on APPROPRIATIONS, March 14, 2000.

Senators TILGHMAN, THOMPSON, HELFRICK, PICCOLA, EARLL, PUNT, WENGER, COSTA, BELL, CORMAN, JUBELIRER, SALVATORE, WHITE, WAUGH, DENT, OPAKE, CONTI, LEMMOND, ROBBINS, WAGNER, TOMLINSON, GERLACH, SLOCUM, GREENLEAF, HART, MOWERY, HOLL, BRIGHTBILL, MURPHY, LOEPER, MADIGAN, ARMSTRONG and RHOADES presented to the Chair SB 4, entitled:

An Act amending the act of March 4, 1971 (P.L.6, No.2), entitled Tax Reform Code of 1971, reducing the rate of the capital stock franchise tax; providing for a phaseout of the capital stock franchise tax; and making a repeal.

Which was committed to the Committee on FINANCE, March 14, 2000.

Senators MOWERY, PICCOLA, WHITE, THOMPSON, PUNT, LEMMOND, SLOCUM, HART, WAGNER, CORMAN, LOEPER, O'PAKE, ROBBINS, GERLACH, HELFRICK, EARLL, TILGHMAN, DENT, WENGER, SALVATORE and WAUGH presented to the Chair **SB 1300**, entitled:

An Act amending the act of March 4, 1971 (P.L.6, No.2), entitled Tax Reform Code of 1971, eliminating a requirement for a minimum liability under the capital stock franchise tax; and making a repeal.

Which was committed to the Committee on FINANCE, March 14, 2000.

Senators BRIGHTBILL and MOWERY presented to the Chair **SB 1331**, entitled:

An Act amending the act of August 9, 1955 (P.L.323, No.130), entitled The County Code, providing for attorney fees and costs for quashed subpoenas against news reporters.

Which was committed to the Committee on LOCAL GOVERNMENT, March 14, 2000.

Senators WHITE and SLOCUM presented to the Chair **SB 1332**, entitled:

An Act designating a portion of U.S. Route 62, Pennsylvania Route 8 in Venango County as the Colonel Francis S. Gabreski Highway.

Which was committed to the Committee on TRANSPORTATION, March 14, 2000.

Senators GREENLEAF, O'PAKE, HELFRICK, KUKOVICH, KITCHEN, BRIGHTBILL, KASUNIC, LAVALLE, DENT, BOSCOLA, EARLL, STOUT, MOWERY, WAGNER and MELLOW presented to the Chair **SB 1333**, entitled:

An Act amending Title 65 (Public Officers) of the Pennsylvania Consolidated Statutes, providing for access to public records; establishing the Office of Access to Public Records; imposing penalties; and making a repeal.

Which was committed to the Committee on STATE GOVERNMENT, March 14, 2000.

Senators GREENLEAF, WAGNER, TILGHMAN, COSTA, LEMMOND, BRIGHTBILL, BOSCOLA, RHOADES, KASUNIC and KITCHEN presented to the Chair **SB 1334**, entitled:

An Act establishing a multijurisdictional law enforcement drug task force for the purpose of preventing the entry of illegal drugs into Pennsylvania; and providing for the powers and duties of the Pennsylvania State Police.

Which was committed to the Committee on JUDICIARY, March 14, 2000.

Senator TOMLINSON presented to the Chair **SB 1335**, entitled:

An Act amending the act of October 5, 1978 (P.L.1109, No.261), entitled Osteopathic Medical Practice Act, providing for certification of athletic trainers by the State Board of Osteopathic Medical Examiners; and making repeals.

Which was committed to the Committee on CONSUMER PROTECTION AND PROFESSIONAL LICENSURE, March 14, 2000.

Senators TOMLINSON, GERLACH, ROBBINS, CONTI, MOWERY, THOMPSON, WHITE, WAUGH, GREENLEAF, CORMAN, HUGHES, SALVATORE, TARTAGLIONE, TILGHMAN, HART, O'PAKE, KITCHEN, WENGER, LEMMOND, WAGNER, BOSCOLA, MURPHY, BODACK, COSTA and SLOCUM presented to the Chair **SB 1336**, entitled:

An Act providing for hepatitis C prevention, screening, treatment and education program.

Which was committed to the Committee on PUBLIC HEALTH AND WELFARE, March 14, 2000.

Senators WENGER, PICCOLA, RHOADES, STAPLETON, CORMAN, THOMPSON, KUKOVICH, PUNT, MADIGAN, EARLL, WHITE, BOSCOLA, WAUGH, HELFRICK, GERLACH, SLOCUM, O'PAKE, LEMMOND, ROBBINS, HART, STOUT, JUBELIRER and MOWERY presented to the Chair **SB 1337**, entitled:

An Act amending the act of March 10, 1949 (P.L.30, No.14), entitled Public School Code of 1949, further providing for payments on account of pupils enrolled in vocational curriculums.

Which was committed to the Committee on EDUCATION, March 14, 2000.

## 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:

March 14, 2000

Senator TILGHMAN presented to the Chair **SR 144**, entitled:

A Resolution recognizing "Million Mom March Mothers' Day 2000" on May 14, 2000.

Which was committed to the Committee on RULES AND EXECUTIVE NOMINATIONS, March 14, 2000.

## REPORTS FROM COMMITTEES

Senator HELFRICK, from the Committee on Game and Fisheries, reported the following bills:

**SB 1117 (Pr. No. 1740) (Amended)**

An Act amending Title 30 (Fish) of the Pennsylvania Consolidated Statutes, clarifying provisions for repeat offenders; exempting certain

military personnel from license requirements; and further providing for issuing agents.

**HB 1087 (Pr. No. 3119) (Amended)**

An Act amending Title 34 (Game) of the Pennsylvania Consolidated Statutes, further providing for bows and arrows or crossbow in vehicles and for the time periods of permits.

**HB 1356 (Pr. No. 3120) (Amended)**

An Act amending Title 34 (Game) of the Pennsylvania Consolidated Statutes, further providing for unlawful taking or possession of game or wildlife, for certain mandatory hunter education requirements and for the issuance of various licenses and disabled person permits.

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

**SB 1244 (Pr. No. 1739) (Amended)**

An Act amending the act of June 2, 1915 (P.L.736, No.338), entitled, as reenacted and amended, Workers' Compensation Act, providing for payments of benefits to certain claimants who are not covered by the Self-Insurance Guaranty Fund; establishing rights and obligations of the Department of Labor and Industry relating to such payments; and providing for restriction on the amount of such benefits that may be paid.

**HB 1370 (Pr. No. 3118) (Amended)**

An Act amending the act of July 1, 1937 (P.L.2532, No.470), known as the Workers' Compensation Security Fund Act, further providing for contributions, for regulations and for custody and management of fund.

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

**SB 295 (Pr. No. 317)**

An Act providing for the regulation of home improvement contracts and for registration of certain home improvement contractors; prohibiting certain acts; prescribing requirements for home improvement contracts; establishing the Home Improvement Guaranty Fund; and providing for claims against the fund and for the offense of home improvement fraud.

**SB 506 (Pr. No. 554)**

An Act requiring certain retail motor vehicle fuel stations to provide fuel and basic services to persons with disabilities at the self-service price; and imposing a penalty.

**SB 565 (Pr. No. 1741) (Amended)**

An Act amending the act of December 4, 1996 (P.L.893, No.141), entitled Volunteer Health Services Act, providing for indemnity and defense for volunteer licensed physicians.

**SB 688 (Pr. No. 1742) (Amended)**

An Act requiring telecommunications carriers to change a subscriber's carrier selection for local service and regional and long distance toll service in accordance with the Federal Communications

Commission's verification procedures; and imposing powers and duties on the Pennsylvania Public Utility Commission.

**SB 1219 (Pr. No. 1542)**

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.

**HB 1601 (Pr. No. 2030)**

An Act amending the act of January 14, 1952 (1951 P.L.1898, No.522), known as the Funeral Director Law, further providing for licenses.

Senator EARLL, from the Committee on Urban Affairs and Housing, reported the following bills:

**SB 1316 (Pr. No. 1727) (Amended)**

An Act amending the act of June 23, 1931 (P.L.932, No.317), entitled The Third Class City Code, further providing for residency requirements for vacancy appointments.

**HB 728 (Pr. No. 3092) (Amended)**

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

### LEGISLATIVE LEAVES

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

Senator LOEPER. Mr. President, I request a temporary Capitol leave on behalf of Senator Thompson, and a legislative leave for today's Session on behalf of Senator Tilghman.

The PRESIDENT pro tempore. Senator Loeper requests a temporary Capitol leave for Senator Thompson, and a legislative leave for Senator Tilghman. Without objection, those leaves will be granted.

The Chair recognizes the gentleman from Washington, Senator Stout.

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

The PRESIDENT pro tempore. Senator Stout requests a legislative leave for Senator Williams. Without objection, that leave will be granted.

### LEAVE OF ABSENCE

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

### CALENDAR

#### SB 1225 CALLED UP OUT OF ORDER

**SB 1225 (Pr. No. 1558)** -- Without objection, the bill was called up out of order, from page 2 of the Third Consideration Calendar, by Senator LOEPER, as a Special Order of Business.

**BILL ON THIRD CONSIDERATION  
AND FINAL PASSAGE**

**SB 1225 (Pr. No. 1558)** — The Senate proceeded to consideration of the bill, entitled:

An Act authorizing the Department of General Services, with the approval of the Governor and the Department of Agriculture, to remove the use restriction and reversionary covenant on the real estate conveyed to East Allen Township Volunteer Ambulance Corps, situate in East Allen Township, Northampton County.

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-49**

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

**NAY-0**

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

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

**SPECIAL ORDER OF BUSINESS  
GUESTS OF THE PRESIDENT PRO  
TEMPORE PRESENTED TO THE SENATE**

The PRESIDENT pro tempore. The Chair is going to exercise its prerogative today by introducing from the podium some guests in the gallery. I am indeed honored to introduce an extraordinary group of young people from Altoona Area High School's Academy for Excellence, which provides a rigorous academic program, and I would like to recognize them for their intelligence and enthusiasm for learning. They spent this morning with Secretary Hickok, Senator Rhoades, and others, to hear about the issues and challenges in Pennsylvania's future, and I have no doubt they imparted to those who addressed them some very intriguing and provocative thoughts. I am happy they can be with us today.

They are joined by Dr. Dennis Murray, the superintendent; Dr. George Cardone, the assistant superintendent; Principal Sharon Fasenmyer, and various teachers, and I would appreciate it if the Senate would give them our usual warm welcome. I ask that the members of this outstanding group rise so that the Senate can warmly welcome you.

(Applause.)

The PRESIDENT pro tempore. We are delighted to welcome you, and I could not be prouder of the future of our area with you wonderful students.

**REQUEST FOR 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 by approximately 2:30 p.m.

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

Senator MELLOW. Mr. President, I request the Democratic Members report to our caucus room immediately upon the recess.

**GUESTS OF SENATOR CHRISTINE M.  
TARTAGLIONE PRESENTED TO THE SENATE**

The PRESIDENT pro tempore. Before we recess for respective caucuses, the Chair recognizes the gentlewoman from Philadelphia, Senator Tartaglione.

Senator TARTAGLIONE. Mr. President, I would like to introduce a group of 12th grade students from my alma mater, St. Basil's Academy. They are here with their teachers, Helen Hanto, Nancy Shaak, Anne Snyder, and Marianne O'Keefe. Some of the fondest memories of my life are of St. Basil's Academy. To this day I value the education I received there, and I am sure the senior class is also receiving a top-notch education. I ask the Senate to give my guests a warm welcome.

The PRESIDENT pro tempore. This is the day for alma maters, Senator, and I would be delighted if the guests of Senator Tartaglione would rise so we can give you a warm welcome as well.

(Applause.)

**RECESS**

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

**AFTER RECESS**

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

**CONSIDERATION OF CALENDAR RESUMED**

**THIRD CONSIDERATION CALENDAR**

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

**SB 7** -- Without objection, the bill was passed over in its order at the request of Senator LOEPER.

## BILL OVER IN ORDER

**SB 712** -- Without objection, the bill was passed over in its order at the request of Senator LOEPER.

BILL ON THIRD CONSIDERATION  
AND FINAL PASSAGE

**SB 715 (Pr. No. 1707)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 45 (Legal Notices) of the Pennsylvania Consolidated Statutes, further providing for additional publication in legal journals.

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?

## LEGISLATIVE LEAVES

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

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

The PRESIDENT pro tempore. Senator Mellow requests legislative leaves for Senator Belan, Senator Bodack, and Senator Kitchen. Without objection, those leaves will be granted.

The Chair recognizes the gentleman from Delaware, Senator Loeper.

Senator LOEPER. Mr. President, I request a temporary Capitol leave on behalf of Senator Helfrick.

The PRESIDENT pro tempore. Senator Loeper requests a temporary Capitol leave for Senator Helfrick. Without objection, that leave will be granted.

## LEGISLATIVE LEAVE CANCELLED

The PRESIDENT pro tempore. The Chair notes the presence on the floor of Senator Thompson, and his temporary Capitol leave is 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-49

Armstrong	Greenleaf	Mellow	Tartaglione
Belan	Hart	Mowery	Thompson
Bell	Helfrick	Murphy	Tilghman
Bodack	Holl	Musto	Tomlinson
Boscola	Hughes	O'Pake	Wagner
Brightbill	Jubelirer	Piccola	Waugh
Conti	Kasunic	Punt	Wenger

Corman	Kitchen	Rhoades	White
Costa	Kukovich	Robbins	Williams
Dent	LaValle	Salvatore	Wozniak
Earll	Lemmond	Slocum	
Furno	Loeper	Stapleton	
Gerlach	Madigan	Stout	

NAY-0

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

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

SPECIAL ORDER OF BUSINESS  
GUESTS OF SENATOR VINCENT J.  
HUGHES PRESENTED TO THE SENATE

The PRESIDENT pro tempore. The Chair recognizes the gentleman from Philadelphia Senator Hughes.

Senator HUGHES. Mr. President, I will not at this time boast of the fact that both the men's public high school basketball champions from the city of Philadelphia and the women's public high school champions from the city of Philadelphia reside in the 7th Senatorial District. At this moment I will not boast of that fact. I will boast of that fact at a later time.

The PRESIDENT pro tempore. It is unfair.

Senator HUGHES. Mr. President, when you got it, you got it. What can I say?

However, I will boast of the fact, Mr. President, that I have as guests of myself and the entire family of the 7th Senatorial District, members, staff, parents, and, most importantly, young people from the great Martha Washington School here in the Senate gallery. They are hosted by Gwendolyn Dudley, Zagora Martin, Karen Oliver, Latanya Williams, Yvonne Drayton, Tanyika Hill, Theresa Coleman, and Robin Sherard. I would like the Senate to know that Martha Washington School is not just a school, it is an academics-plus school. It is known as Martha Washington Academics-Plus School. I would like the Senate to recognize them.

The PRESIDENT pro tempore. We have been very fortunate today to recognize some outstanding young people in our gallery, and, Senator Hughes, your group adds to them, and we ask these remarkable folks to stand and be recognized by the Senate of Pennsylvania.

(Applause.)

Senator HUGHES. You cannot help but recognize them with their red sweatshirts, correct, Mr. President?

The PRESIDENT pro tempore. They are easily recognized.

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

## THIRD CONSIDERATION CALENDAR RESUMED

BILL ON THIRD CONSIDERATION  
AND FINAL PASSAGE

**SB 768 (Pr. No. 1721)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of May 25, 1945 (P.L.1050, No.394), entitled Local Tax Collection Law, further providing for notice of taxes; and making an editorial change.

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-49

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

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 1023 and SB 1032 -- Without objection, the bills were passed over in their order at the request of Senator LOEPER.

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

SB 1221 (Pr. No. 1545) -- The Senate proceeded to consideration of the bill, entitled:

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

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-49

Armstrong	Greenleaf	Mellow	Tartaglione
Belan	Hart	Mowery	Thompson
Bell	Helfrick	Murphy	Tilghman
Bodack	Holl	Musto	Tomlinson
Boscola	Hughes	O'Pake	Wagner

Brightbill	Jubelirer	Piccola	Waugh
Conti	Kasunic	Punt	Wenger
Corman	Kitchen	Rhoades	White
Costa	Kukovich	Robbins	Williams
Dent	LaValle	Salvatore	Wozniak
Earll	Lemmond	Slocum	
Fumo	Loeper	Stapleton	
Gerlach	Madigan	Stout	

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 OVER IN ORDER

SB 1223 -- Without objection, the bill was passed over in its order at the request of Senator LOEPER.

BILLS LAID ON THE TABLE

HB 1423 (Pr. No. 1677) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of June 26, 1931 (P.L.1379, No.348), referred to as the Third Class County Assessment Board Law, further providing for changing assessed valuation when a property is improved.

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

HB 1424 (Pr. No. 2863) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of May 21, 1943 (P.L.571, No.254), known as The Fourth to Eighth Class County Assessment Law, further providing for changes in valuation, for issuance of a building permit and for information on improvements; and increasing a penalty.

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

BILL OVER IN ORDER

HB 1717 -- Without objection, the bill was passed over in its order at the request of Senator LOEPER.

SECOND CONSIDERATION CALENDAR

BILL OVER IN ORDER

HB 28 -- Without objection, the bill was passed over in its order at the request of Senator LOEPER.

BILL REREFERRED

HB 96 (Pr. No. 2943) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 20 (Decedents, Estates and Fiduciaries) of the Pennsylvania Consolidated Statutes, further providing for advance directives for health care definitions and emergency medical services; and providing for out-of-hospital nonresuscitation.

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

**BILL ON SECOND CONSIDERATION**

**SB 146 (Pr. No. 141)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of April 9, 1929 (P.L.177; No.175), entitled The Administrative Code of 1929, further regulating leases, conveyances and costs.

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

**BILL LAID ON THE TABLE**

**HB 393 (Pr. No. 2864)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 27 (Environmental Protection) of the Pennsylvania Consolidated Statutes, providing for participation in environmental law or regulation and for costs in mining proceedings.

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

**BILL OVER IN ORDER**

**HB 1162** -- Without objection, the bill was passed over in its order at the request of Senator LOEPER.

**BILL ON SECOND CONSIDERATION**

**SB 1243 (Pr. No. 1591)** -- The Senate proceeded to consideration of the bill, entitled:

An Act requiring certain tobacco product manufacturers to place certain moneys into an escrow fund; conferring powers and duties upon the Attorney General and the Department of Revenue; and imposing penalties.

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

**BILL OVER IN ORDER**

**HB 1443** -- Without objection, the bill was passed over in its order at the request of Senator LOEPER.

**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 by voice vote.

**NOMINATION TAKEN FROM TABLE**

Senator SALVATORE. Mr. President, I call from the table a certain nomination and ask for its consideration.

The Clerk read the nomination as follows:

**MEMBER OF THE PENNSYLVANIA HOUSING  
FINANCE AGENCY**

January 20, 2000

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, Mark S. Schwartz, Esquire, 1044 Claire Avenue, Huntingdon Valley 19006, Montgomery County, Twelfth Senatorial District, for reappointment as a member of the Pennsylvania Housing Finance Agency, to serve until July 20, 2004 and until his successor is appointed and qualified.

THOMAS J. RIDGE  
Governor

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

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

**YEA-30**

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

**NAY-19**

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

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

**NOMINATIONS TAKEN FROM THE TABLE**

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

The Clerk read the nominations as follows:

**MEMBER OF THE 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 STATE BOARD  
OF COSMETOLOGY**

December 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, Dianna J. Orndorff, 278 Frogtown Road, York 17331, York County, Twenty-eighth Senatorial District, for appointment as a member of the State Board of Cosmetology, to serve for a term of three years and until her successor is appointed and qualified, but not longer than six months beyond that period, vice Henry A. Hillegass, Bedford, whose term expired.

THOMAS J. RIDGE  
Governor

**MEMBER OF THE PENNSYLVANIA HOUSING  
FINANCE AGENCY**

December 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, John Paone, 8610 Thomas Mill Drive, Philadelphia 19128, Philadelphia County, Fourth Senatorial District, for appointment as a member of the Pennsylvania Housing Finance Agency, to serve until July 20, 2005 and until his successor is appointed and qualified, vice Herman Silverman, Doylestown, whose term expired.

THOMAS J. RIDGE  
Governor

**BRIGADIER GENERAL, PENNSYLVANIA  
NATIONAL GUARD**

February 7, 2000

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, Colonel Herbert H. Hurst, Jr., 12103 Plantation Boulevard, Goshen, Kentucky 40026, for appointment as Brigadier General, Director of Operations, Headquarters, Pennsylvania Air National Guard, to serve until terminated.

THOMAS J. RIDGE  
Governor

**BRIGADIER GENERAL, PENNSYLVANIA  
NATIONAL GUARD**

February 7, 2000

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, Colonel Steven C. Speer, 6150 Springford Drive, Harrisburg 17111, Dauphin County, Fifteenth Senatorial District, for appointment as Brigadier General, Commander, 193rd Special Operations Wing, Pennsylvania Air National Guard, to serve until terminated.

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 PODIATRY**

January 20, 2000

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, S. Ronald Miller, D.P.M., 14 Courtleigh Place, Reading 19606, Berks County, Eleventh Senatorial District, for appointment as a member of the State Board of Podiatry,



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 Stanley E. Boc, D.P.M., Philadelphia, whose term expired.

THOMAS J. RIDGE  
Governor

MEMBER OF THE UNION COUNTY  
BOARD OF ASSISTANCE

February 22, 2000

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, Catherine V. Ernst (Republican), 426 Pheasant Ridge Road, Lewisburg 17837, Union County, Twenty-seventh Senatorial District, for appointment as a member of the Union County Board of Assistance, to serve until December 31, 2001, and until her successor is appointed and qualified, vice Carlos A. Colon, Lewisburg, 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-49

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

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 by voice vote.

**SPECIAL ORDER OF BUSINESS  
GUESTS OF SENATOR JAKE CORMAN  
PRESENTED TO THE SENATE**

The PRESIDENT pro tempore. The Chair recognizes the gentleman from Centre, Senator Corman.

Senator CORMAN. Mr. President, I have some constituents who just arrived here with us in the Senate gallery. They are

going to be performing here in the Capitol in about a half-hour, or a little less than that. They are the Bellefonte High School Dixieland Band, directed by David Cree. Bellefonte has a strong tradition of a great band in our community, and it is my pleasure to have them here today. Would the Members of the Senate give them its usual warm welcome.

The PRESIDENT pro tempore. Would the guests of Senator Corman who are in the gallery, and so well-dressed, please stand and we will give you a warm welcome.

(Applause.)

**UNFINISHED BUSINESS  
REPORTS FROM COMMITTEE**

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

**SB 1259 (Pr. No. 1608)**

An Act amending Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, further providing for the award of custody.

**HB 368 (Pr. No. 3122) (Amended)**

An Act amending Title 54 (Names) of the Pennsylvania Consolidated Statutes, further providing for change by order of court.

**HB 945 (Pr. No. 3123) (Amended)**

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, defining the offense of identity theft.

**HB 1588 (Pr. No. 1932)**

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, providing for inquiry as to the source of security for bail in drug offenses.

**DISCHARGE PETITION**

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

March 14, 2000

A PETITION

To place before the Senate the nomination of Robert Fortinsky, as a member of the Board of Trustees of Pennsylvania State University.

TO: The President Officer of the Senate:

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

Raphael J. Musto  
Robert J. Mellow  
Leonard J. Bodack  
Michael A. O'Pake  
Richard A. Kasunic

The PRESIDENT pro tempore. The communication will be laid on the table.

### CONGRATULATORY RESOLUTIONS

The PRESIDENT pro tempore laid before the Senate the following resolutions, which were read, considered, and adopted by voice vote:

Congratulations of the Senate were extended to John R. Madore, Mary E. Dunkel and to David Dressler by Senator Corman.

Congratulations of the Senate were extended to Robin and Alex Rosenau by Senators Dent and Brightbill.

Congratulations of the Senate were extended to David L. McCaslin by Senator Earll.

Congratulations of the Senate were extended to David A. Volpe and to ETI International by Senator Fumo.

Congratulations of the Senate were extended to Melinda Hill by Senator Helfrick.

Congratulations of the Senate were extended to Jeffrey S. Miller, Red Hill Band and to North Penn United Way by Senator Holl.

Congratulations of the Senate were extended to Mr. and Mrs. Wayne Claude Copley, Brooke A. Miller and to the Wyalusing Valley High School Wrestling Team by Senator Madigan.

Congratulations of the Senate were extended to Black Diamond Hose Company No. 2 of Archbald by Senator Mellow.

Congratulations of the Senate were extended to Peter E. Cole by Senator Murphy.

Congratulations of the Senate were extended to the Congregation of the Sisters, Servants of the Immaculate Heart of Mary, of Reading by Senator O'Pake.

Congratulations of the Senate were extended to Mr. and Mrs. Harry Bruen, Sr., and to Edward Shappell by Senator Rhoades.

Congratulations of the Senate were extended to the Kittanning water treatment facility of the Pennsylvania-American Water Company by Senator Stapleton.

Congratulations of the Senate were extended to Mr. and Mrs. Francis E. Nowicki and to Catherine E. Nowicki by Senator Tilghman.

Congratulations of the Senate were extended to C. S. Kim Karate, Inc., by Senator Wagner.

Congratulations of the Senate were extended to Mr. and Mrs. John E. Swarney and to Mr. and Mrs. Charles V. Horner by Senator Wozniak.

### BILLS ON FIRST CONSIDERATION

Senator MADIGAN. 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 295, SB 506, SB 565, SB 688, SB 1117, SB 1219, SB 1244, SB 1259, SB 1316, HB 368, HB 728, HB 945, HB 1087, HB 1356, HB 1370, HB 1588 and HB 1601.**

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

Senator HOLL. Mr. President, during the month of March, we celebrate Arts in Education, and today is Pennsylvania Arts in Education Day. This event is being celebrated throughout the State Capitol with music performances and art displays. This annual event helps to focus public attention on our arts programs, our arts educators, artists involved in education, and the children involved in the arts programs. It also helps to remind us of the importance of the arts in our daily lives.

I urge the Members of the Senate to take part in this celebration by taking a few minutes, if you can, to enjoy the displays and performances surrounding us today in the State Capitol, and to thank the participants.

### COMMUNICATIONS FROM THE GOVERNOR

#### 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:

#### MEMBER OF THE PENNSYLVANIA FISH AND BOAT COMMISSION

March 14, 2000

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, Rozell A. Stidd (District 4), 1402 Warm Springs Avenue, Huntingdon 16652, Huntingdon County, Thirtieth Senatorial District, for appointment as a member of the Pennsylvania Fish and Boat Commission, to serve for a term of eight years or until his successor is appointed and qualified, but not longer than six months beyond that period, vice Donald K. Anderson, Meyersdale, whose term expired.

THOMAS J. RIDGE  
Governor

#### JUDGE, COURT OF COMMON PLEAS, DAUPHIN COUNTY

March 14, 2000

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, Bruce F. Bratton, Esquire, 2024 Haddam Neck Court, Harrisburg 17110, Dauphin County, Fifteenth

Senatorial District, for appointment as Judge of the Court of Common Pleas of Dauphin County, to serve until the first Monday of January 2002, vice The Honorable Clarence C. Morrison, mandatory retirement.

THOMAS J. RIDGE  
Governor

### ANNOUNCEMENTS BY THE SECRETARY

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

#### WEDNESDAY, MARCH 15, 2000

9:30 A.M.	LAW AND JUSTICE (to consider Senate Bill No. 1295)	Rules Cmte. Conf. Rm.
10:45 A.M.	APPROPRIATIONS (to consider Senate Bill No. 1)	Rules Cmte. Conf. Rm.

#### WEDNESDAY, APRIL 26, 2000

9:30 A.M.	CONSUMER PROTECTION AND PROFESSIONAL LICENSURE (public hearing on the nomination of Robert K. Bloom to the Public Utility Commission)	Room 8E-A East Wing
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### RECONSIDERATION OF HB 96

#### BILL OVER IN ORDER

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

Senator LOEPER. Mr. President, I move that we reconsider the vote by which House Bill No. 96 was rereferred to the Committee on Appropriations.

The motion was agreed to by voice vote.

Senator LOEPER. Mr. President, I request House Bill No. 96 go over in its order.

The PRESIDENT pro tempore. Without objection, House Bill No. 96 will go over in its order.

#### ADJOURNMENT

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

Senator LOEPER. Mr. President, I move that the Senate do now adjourn until Wednesday, March 15, 2000, at 11 a.m., Eastern Standard Time.

The motion was agreed to by voice vote.

The Senate adjourned at 3:13 p.m., Eastern Standard Time.