

COMMONWEALTH OF PENNSYLVANIA

Legislative Journal

MONDAY, MAY 8, 2000

SESSION OF 2000

184TH OF THE GENERAL ASSEMBLY

No. 23

SENATE

MONDAY, May 8, 2000

The Senate met at 2 p.m., Eastern Daylight Saving Time.

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

PRAYER

The Chaplain, Pastor CARL GREEN, of Calvary Fellowship Church, Downingtown, offered the following prayer:

Bow your heads with me, please.

Our dear Heavenly Father, we thank You and praise Your name, that You are the creator of the world and the sustainer of the world. We thank You, Lord, that You are the creator of life and the sustainer of life. We thank You and praise You that You care enough for each one of us that You have given us life today and You are here today sustaining our life. And we acknowledge what Daniel acknowledged in the Old Testament: You are Creator God who places women and men in leadership positions.

So we pray today that You would encourage, direct, lead, and sustain these men and women in the leadership positions that You have allowed them to occupy. May their service be strong and faithful, sustain them by Your grace, cause them to seek Your face, and may the fruit of their work today be beneficial to the individuals, families, industries, and companies they represent.

For the breath You have given each one of us today, we thank You, and with that same breath we acknowledge You as our Creator God who loves us and has provided eternal salvation through His Son, and it is in His name we pray. Amen.

The PRESIDENT pro tempore. The Chair thanks Reverend Green, who is the guest today of Senator Gerlach.

JOURNAL APPROVED

The PRESIDENT pro tempore. A quorum of the Senate being present, the Clerk will read the Journal of the preceding Session of May 3, 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.

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 COUNCIL OF TRUSTEES OF
MANSFIELD UNIVERSITY OF PENNSYLVANIA
OF THE STATE SYSTEM OF HIGHER EDUCATION

May 5, 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, Donald E. Abrey, R.R. 2, Box 291, Wyalusing 18853, Bradford County, Twenty-third Senatorial District, for appointment as a member of the Council of Trustees of Mansfield University of Pennsylvania of the State System of Higher Education, to serve until the third Tuesday of January 2005, and until his successor is appointed and qualified, vice Cynthia M. Vennie, Selinsgrove, resigned.

THOMAS J. RIDGE
Governor

MEMBER OF THE MILK
MARKETING BOARD

May 5, 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, Barbara Ann Grumbine, 970 Halfway Drive, Myerstown 17067, Lebanon County, Forty-eighth Senatorial District, for appointment 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.

THOMAS J. RIDGE
Governor

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

**RECALL COMMUNICATION
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 COUNCIL OF TRUSTEES OF
MANSFIELD UNIVERSITY OF PENNSYLVANIA
OF THE STATE SYSTEM OF HIGHER EDUCATION**

May 5, 2000

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 February 22, 2000 for the appointment of Valerie Smith, 7723 Farmdale Avenue, Harrisburg 17112, Dauphin County, Fifteenth Senatorial District, as a member of the Council of Trustees of Mansfield University of Pennsylvania of the State System of Higher Education, to serve until the third Tuesday of January 2005, and until her successor is appointed and qualified, vice Cynthia M. Vennie, Selinsgrove, resigned.

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

THOMAS J. RIDGE
Governor

**CORRECTION TO 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 MUNICIPAL POLICE OFFICERS'
EDUCATION AND TRAINING COMMISSION**

May 5, 2000

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

Please note the nomination dated March 31, 2000 for the appointment of William M. Heim, 1506 North 12th Street, Reading 19604, Berks County, Eleventh Senatorial District, for appointment as a member of the Municipal Police Officers' Education and Training Commission, to serve until February 21, 2002 and until his successor is appointed and qualified, vice Gerald M. Monahan, Jr., Allentown, resigned, should be corrected to read:

William M. Heim, 1713 Crossfield Drive, Lancaster 17603, Lancaster County, Thirteenth Senatorial District, for appointment as a member of the Municipal Police Officers' Education and Training Commission, to serve until February 21, 2002 and until his successor is appointed and qualified, vice Gerald M. Monahan, Jr., Allentown, resigned.

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:

May 4, 2000

HB 1294 and 2242 -- Committee on Consumer Protection and Professional Licensure.

HB 1687 -- Committee on State Government.

HB 2014 -- Committee on Judiciary.

HB 2189 -- Committee on Education.

HB 2202 -- Committee on Banking and Insurance.

GENERAL COMMUNICATION

**ANNUAL REPORT OF THE WORKERS'
COMPENSATION ADVISORY COUNCIL**

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

COMMONWEALTH OF PENNSYLVANIA
Department of Labor and Industry
Harrisburg, Pennsylvania 17120

April 30, 2000

Honorable Robert C. Jubelirer
President Pro-Tempore of the Senate
Room 292 Main Capitol
Harrisburg, PA 17120

Dear Senator Jubelirer:

On behalf of the Workers' Compensation Advisory Council, I am pleased to provide you with a copy of the Council's Annual Report pursuant to Section 447(b)(4) of the Workers' Compensation Act which mandates that the report be submitted by May 1st.

If you have any questions regarding this report, please feel free to contact me at (717) 787-3756.

Sincerely,

JOHNNY J. BUTLER, Secretary
Department of Labor and Industry

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

**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 indeed my honor, privilege, and pleasure today to introduce the youth choir of the First Presbyterian Church of Allentown, of which I am a member.

The youth choir entertained us today in the East Wing Rotunda, and I would like the Senate to give the youth choir its usual warm welcome.

The PRESIDENT. Would our youth choir please rise so the Senate may welcome you.

(Applause.)

LEGISLATIVE LEAVE

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

Senator LOEPER. Mr. President, I request a legislative leave for today's Session on behalf of Senator Slocum.

The PRESIDENT. Senator Loeper requests a legislative leave for Senator Slocum. Without objection, that leave is granted.

LEAVES OF ABSENCE

Senator MELLOW asked and obtained leaves of absence for Senator BELAN, Senator KITCHEN, Senator STAPLETON, Senator STOUT, and Senator TARTAGLIONE, for today's Session, for personal reasons.

SENATE CONCURRENT RESOLUTION

WEEKLY ADJOURNMENT

Senator LOEPER offered the following resolution, which was read as follows:

In the Senate, May 8, 2000

RESOLVED, (the House of Representatives concurring), That when the Senate adjourns this week it reconvene on Monday, May 15, 2000, unless sooner recalled by the President Pro Tempore of the Senate; and be it further

RESOLVED, That when the House of Representatives adjourns this week it reconvene on Monday, May 15, 2000, unless sooner recalled by the Speaker of the House of Representatives.

On the question,
Will the Senate adopt the resolution?

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

YEA-45

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

NAY-0

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

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

**SPECIAL ORDER OF BUSINESS
GUESTS OF SENATOR FRANK A.
SALVATORE PRESENTED TO THE SENATE**

The PRESIDENT. The Chair recognizes the gentleman from Philadelphia, Senator Salvatore, for the introduction of a very special guest, the surviving spouse of a very dedicated police officer who gave his life in the defense of this Commonwealth some years ago.

Senator SALVATORE. Mr. President, it is an honor for me to introduce today a special individual, a distinguished Pennsylvanian who lives in Philadelphia, a woman who has had tremendous courage. She lost her husband many years ago. He was shot in the back and killed in Philadelphia. The killer is still alive today, and unfortunately they glorify him and honor him. In fact, I was told that they did something for him at Madison Square Garden. But I am so happy that Maureen has never forgotten and she has continued her fight for justice.

I said to her today, it has to be tougher for you every day you do this, but she is doing it for the other people who have passed away. We had two officers who lost their lives in Pennsylvania last year. We have had 600 officers who have lost their lives over the past 50 years in Pennsylvania. In fact, over 15,000 officers have died in the United States doing their duty.

I just admire her courage, her conviction, and she never gives up. I am honored that she is with us today, and I ask that Maureen Faulkner stand up and be welcomed.

The PRESIDENT. Mrs. Faulkner, would you please stand so the Senate may welcome you.

(Applause.)

The PRESIDENT. The Chair thanks Senator Salvatore.

Senator SALVATORE. Mr. President, also with her is Representative O'Brien. Give him a hand, too.

The PRESIDENT. Representative O'Brien, thank you.

(Applause.)

The PRESIDENT. The Chair would point out that Maureen Faulkner traveled a great distance to be with us, and travels on a month-to-month basis trying to counter some myths about what occurred in Philadelphia some years back. As Senator Salvatore mentioned, she indeed, by virtue of her relentless effort, I might say, stands out as a distinguished Pennsylvanian.

So, Maureen Faulkner, thank you so much for being with us, and also at the police memorial ceremony which was held earlier today outside the Capitol.

Thank you very much.

**GUEST OF SENATOR MIKE WAUGH
PRESENTED TO THE SENATE**

The PRESIDENT. The Chair recognizes the gentleman from York, Senator Waugh.

Senator WAUGH. Mr. President, I am always happy to host visitors from York County, and today I have the honor of welcoming a young lady, Kristen Woltman, who is a sophomore at the Christian School of York. She is serving an internship with

the Future Leaders of York Program, and she is here today as my guest and sort of watching what it is we do in the Senate of Pennsylvania. Please extend a warm welcome to her.

The PRESIDENT. Kristen, would you please stand so we can welcome you.

(Applause.)

GUEST OF SENATOR CHARLES D. LEMMOND PRESENTED TO THE SENATE

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

Senator LEMMOND. Mr. President, I am joined today by one of my very smart nephews from Princeton, New Jersey, who is a brand new father, a brand new consultant in New York, and a brand new visitor to Harrisburg, and I just want the Senate to say welcome to Chris Lemmond, who is one of the good ones.

(Applause.)

GUESTS OF SENATOR ROBERT D. ROBBINS RESENTED TO THE SENATE

The PRESIDENT. The Chair recognizes the gentleman from Mercer, Senator Robbins.

Senator ROBBINS. Mr. President, I am pleased to introduce Brennan Lowry and Chris Mielecki, who are serving as guest Pages in the Senate today. Brennan is a seventh grader at Hermitage Middle School and is a member of the Tri-County Sports Hockey League in Mercer County.

Chris, also a seventh grader at Hermitage Middle School, is a member of the school band and its basketball and cross-country teams. Additionally, he is a member of the Tri-County Sports Hockey League.

Brennan and Chris are accompanied here today by Brennan's parents, Jim and Janice Lowry, who are seated in the gallery. Please join me in welcoming my guests to the Senate of Pennsylvania.

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

(Applause.)

1999-2000 PENNSYLVANIA COAL QUEEN PRESENTED TO THE SENATE

The PRESIDENT. The Chair recognizes the gentleman from Fayette, Senator Kasunic, for the introduction of Pennsylvania's Coal Queen.

Senator KASUNIC. Mr. President, it is with great pleasure and honor that I rise today to introduce a special guest to the Senate of Pennsylvania. For the past 46 years the King Coal Association of Carmichaels, Greene County, has held the Coal Queen Pageant in conjunction with the King Coal Show. The pageant selects a young lady to represent the bituminous coal industry in Pennsylvania.

Senator Barry Stout and I are proud of this tradition and the notoriety this pageant brings to the bituminous coal industry in Pennsylvania. In fact, the father of this year's queen is employed at the Enlow Fork Mine of Consolidated Coal, which is located

in West Finley, Pennsylvania. We are delighted to play a role by introducing the queen to our colleagues in the Senate.

Mr. President, it is my great pleasure to announce this year that once again the Coal Queen crown remains in Fayette County, much to the dismay of Senator Stout. The 1999 Pennsylvania Coal Queen is Miss Vanessa Riedmann from Smithfield, Fayette County, which is located in my senatorial district.

Vanessa is the daughter of Chuck and Pam Riedmann. She is here today with her parents, along with Susan Martin, chairperson of the Coal Queen Pageant; Kim Bartley, secretary of the King Coal Association; Jean Hockenberry and Sharon Rodavich, both members of the Coal Queen committee; and special guest, Dana Kubik.

Mr. President, Vanessa is currently a senior at Albert Gallatin High School. Her activities include membership in the art club, Interact club, drama club, and the nationally ranked varsity and competition cheerleading squads. She has been active in dancing since she was 3 years old, studying various forms, including jazz, ballet, acrobatics, lyrical, tap, and gymnastics. She has participated in numerous competitions, winning both gold and silver medals. Her interests include drawing, painting, reading, and modeling. She has modeled for local shows and catalogs. She plans to pursue a career as a professional makeup artist for motion picture, television, photography, and media.

Mr. President, it is my distinct pleasure to introduce to you and my colleagues in the Senate the 1999 Coal Queen, Miss Vanessa Riedmann, and ask the Senate to extend to her and her guests its usual warm welcome.

The PRESIDENT. Would Queen Vanessa Riedmann please grace the Senate and approach the floor and provide some comments.

(Applause.)

Miss RIEDMANN. Good afternoon. My name is Vanessa Riedmann, and I am the 1999-2000 Bituminous Coal Queen. I first want to tell everyone that I am extremely honored by having the opportunity to be here today. I would like to start off by telling you about some of the duties that I have done so far this year during my reign.

In the following days after the pageant I had the honor of judging and announcing in the annual Carmichaels Pet and Bike Parade. I also passed out trophies at the King Coal Cheerleading Competition, where I had the honor of handing the Albert Gallatin Cheerleading Squad, of which I am a member, the first place overall trophy. The Coal Show festivities ended with a Carmichaels parade in which I and the other runner-up participants had a chance to greet the friendly crowd while riding along on our float.

In November I was invited to tour the Emerald Mine and Coal Preparation Plant, which was truly an interesting experience I will never forget. I also had the opportunity to operate some of the underground coal mining machinery. Emerald Mine also treated my parents and me to a delicious lunch where they presented me with a beautiful plaque honoring my visit to the mine.

Around the holidays, I, along with Santa, rode in the Waynesburg and Carmichaels parades and handed out Christ-

mas treats to all the little children. In January, at the 45th Annual Football Banquet, my parents and I were treated to dinner at the Hartley Inn in Carmichaels, where I passed out trophies to all of the award winners.

My most prestigious duty has finally arrived today. I feel extremely lucky to have the opportunity to meet some very influential people and to have the chance to get to speak about my Coal Queen duties to everyone.

In the future I plan on becoming a professional makeup artist for television, motion pictures, photography, and the media. I have just received the Felix DeConciliis full-tuition scholarship to the Pittsburgh Beauty Academy. After finishing school there, I plan on going to the Westmore Makeup Academy in Burbank, California.

I want to give a special thanks to Senator Stout and Senator Kasunic and to everyone else for taking the time to welcome my family and me here today.

Thank you very much.
(Applause.)

The PRESIDENT. Thank you, Vanessa.

RECESS

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

Senator LOEPER. Mr. President, at this time I ask for 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 4:15 p.m.

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

Senator MELLOW. Mr. President, I ask that our Caucus Members report immediately to our caucus room at the rear of the Chamber.

The PRESIDENT. For purposes of Republican and Democratic caucuses to begin immediately, with the intention of returning at approximately 4:15 p.m., this Senate stands in recess.

AFTER RECESS

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

SPECIAL ORDER OF BUSINESS ANNOUNCEMENT BY THE SECRETARY

The SECRETARY. Consent has been given for the Committee on Rules and Executive Nominations to meet during today's Session to discuss Senate Bills No. 1077 and 1103, and certain nominations.

CALENDAR

THIRD CONSIDERATION CALENDAR

PREFERRED APPROPRIATION BILL OVER IN ORDER

HB 2362 -- Without objection, the bill was passed over in its order at the request of Senator LOEPER.

PREFERRED APPROPRIATION BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

HB 2363 (Pr. No. 3155) -- The Senate proceeded to consideration of the bill, entitled:

An Act making an appropriation from the State Employees' Retirement Fund to provide for expenses of the State Employees' Retirement Board for the fiscal year July 1, 2000, to June 30, 2001, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 2000.

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-45

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

NAY-0

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

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

PREFERRED APPROPRIATION BILL OVER IN ORDER

HB 2364 -- Without objection, the bill was passed over in its order at the request of Senator LOEPER.

PREFERRED APPROPRIATION BILLS ON THIRD CONSIDERATION AND FINAL PASSAGE

HB 2365 (Pr. No. 3157) -- The Senate proceeded to consideration of the bill, entitled:

An Act making an appropriation from the Public School Employees' Retirement Fund to provide for expenses of the Public School Employees' Retirement Board for the fiscal year July 1, 2000, to June 30, 2001, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 2000.

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-45

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

NAY-0

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

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

HB 2367 (Pr. No. 3159) -- The Senate proceeded to consideration of the bill, entitled:

An Act making an appropriation from a restricted revenue account within the General Fund to the Office of Consumer Advocate in the Office of Attorney General.

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-45

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

NAY-0

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

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

HB 2368 (Pr. No. 3160) -- The Senate proceeded to consideration of the bill, entitled:

An Act making an appropriation from a restricted revenue account within the General Fund to the Office of Small Business Advocate in the Department of Community and Economic Development.

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-45

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

NAY-0

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

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

NONPREFERRED APPROPRIATION BILLS
OVER IN ORDER

SB 1360, SB 1361, SB 1362 and SB 1363 -- Without objection, the bills were passed over in their order at the request of Senator MELLOW.

BILL OVER IN ORDER

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

BILL AMENDED

SB 172 (Pr. No. 1799) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Titles 18 (Crimes and Offenses) and 20 (Dece-dents, Estates and Fiduciaries) of the Pennsylvania Consolidated Stat-utes, further providing for neglect of care-dependent person and for advance directives for health care; providing for out-of-hospital do-not-resuscitate orders; granting powers to and imposing duties upon the Department of Health; imposing penalties; adding provisions relating to health care agents and representatives; and making editorial changes.

On the question,

Will the Senate agree to the bill on third consideration?

Senator GREENLEAF offered the following amendment No. A1918:

Amend Title, page 1, lines 5 through 7, by striking out all of lines 5 and 6 and "Health; imposing penalties;" in line 7

Amend Bill, page 2, by inserting between lines 25 and 26:

Section 2. Section 711(22) of Title 20 is amended to read:

§ 711. Mandatory exercise of jurisdiction through orphans' court division in general.

Except as provided in section 712 (relating to nonmandatory exercise of jurisdiction through the orphans' court division) and section 713 (relating to special provisions for Philadelphia County), the jurisdiction of the court of common pleas over the following shall be exercised through its orphans' court division:

(22) Agents.—All matters pertaining to the exercise of powers by agents acting under powers of attorney as provided in Chapter 56 (relating to powers of attorney) or in Subchapter C of Chapter 54 (relating to health care agents and representatives).

Amend Sec. 2, page 2, line 26, by striking out "2" and inserting:

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

4 Amend Sec. 3 (Sec. 5401), page 3, line 15, by striking out "THE TERM INCLUDES AN EMANCIPATED MINOR."

Amend Sec. 4, page 7, line 23, by striking out "4" and inserting:

5 Amend Sec. 5, page 7, line 27, by striking out "5" and inserting:

6 Amend Sec. 6, page 23, line 3, by striking out "6" and inserting:

7 Amend Sec. 7, page 25, line 2, by striking out "7" and inserting:

8 Amend Sec. 7 (Sec. 5422), page 26, by inserting between lines 14 and 15:

(c) Notice and acknowledgment.—The provisions of section 5601(c) and (d) (relating to general provisions) are not applicable to a health care power of attorney to the extent that it exclusively authorizes the exercise of health care powers.

Amend Sec. 7 (Sec. 5425), page 29, line 21, by inserting after "exercised.": The authority of a health care agent may extend beyond the principal's death in order to make anatomical gifts, dispose of the remains and consent to autopsies.

Amend Sec. 7 (Sec. 5429), page 36, lines 11 through 19, by striking out "HOWEVER, IN THE CASE OF A HEALTH CARE" in line 11, all of lines 12 through 19 and inserting: Health care necessary to preserve life shall be provided to all persons who are neither in a terminal condition nor permanently unconscious, except where a competent person objects to such care on his own behalf or a health care agent objects on behalf of the principal. This subsection shall in all circumstances be construed so as to be consistent with the Americans with Disabilities Act of 1990 (Public Law 101-336, 104 Stat. 327).

Amend Sec. 8, page 42, line 25, by striking out "8" and inserting:

9 Amend Sec. 9, page 42, line 27, by striking out "9" and inserting:

10 Amend Sec. 10, page 43, line 5, by striking out "10" and inserting:

11 Amend Sec. 11, page 43, line 17, by striking out "11" and inserting: 12

On the question,

Will the Senate agree to the amendment?

It was agreed to.

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

BILL OVER IN ORDER TEMPORARILY

HB 945 -- Without objection, the bill was passed over in its order temporarily at the request of Senator LOEPER.

BILL LAID ON THE TABLE

HB 1087 (Pr. No. 3119) -- The Senate proceeded to consideration of the bill, entitled:

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.

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

BILL OVER IN ORDER TEMPORARILY

HB 1099 -- Without objection, the bill was passed over in its order temporarily at the request of Senator LOEPER.

BILLS OVER IN ORDER

SB 1101 and SB 1117 -- Without objection, the bills were passed over in their order at the request of Senator LOEPER.

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

SB 1178 (Pr. No. 1467) -- The Senate proceeded to consideration of the bill, entitled:

An Act authorizing the Department of General Services, with the approval of the Governor, to grant and convey to Somerset County Conservancy Charitable Trust, certain lands situate in Somerset Township, Somerset 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-45

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

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.

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

SB 1224 (Pr. No. 1855) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of November 24, 1998 (P.L.882, No.111), entitled Crime Victims Act, further providing for definitions, for victims' rights, for law enforcement functions and for prosecutorial functions, providing for juvenile probation office functions, and further providing for costs.

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-45

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

NAY-0

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

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

BILL AMENDED

SB 1244 (Pr. No. 1592) -- The Senate proceeded to consideration of the bill, entitled:

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; providing for restriction on the amount of such benefits that may be paid; and making an appropriation.

On the question,

Will the Senate agree to the bill on third consideration?

Senator ARMSTRONG offered the following amendment No. A2060:

Amend Title, page 1, lines 7 through 12, by striking out "providing for payments of benefits to" in line 7 and all of lines 8 through 12, and inserting: further providing for assessments; providing for payments of claims for benefits to certain individuals; and establishing rights and obligations of the Department of Labor and Industry.

Amend Bill, page 1, lines 15 through 17, by striking out all of said lines and inserting:

Section 1. Section 446(b) of the act of June 2, 1915 (P.L.736, No.338), known as the Workers' Compensation Act, reenacted and amended June 21, 1939 (P.L.520, No.281) and added February 2, 1976 (P.L.2, No.2), is amended to read:

Section 446. * * *

(b) The fund shall be maintained by no more than one (1) annual assessment payable in any calendar year on insurers and self-insurers under this act, including the State [Workmen's] Workers' Insurance Fund. [The initial assessment for the period commencing July 1, 1975 through December 31, 1976, shall be seven per centum of the total compensation paid by each insurer, self-insurer and the State Workmen's Insurance Fund in the calendar year 1974.] After the initial term, budgeted expenses shall be approved by the General Assembly on a fiscal year basis. Thereafter, the department shall make assessments and collect moneys based on the ratio that such insurer's or self-insurer's payments of compensation bear to the total compensation paid in the preceding calendar year in which the assessment is made. The total amount assessed shall be the approved budget. If on January 31, there exists in the administration fund any money in excess of [one hundred fifty] one hundred thirty-three per centum of the current budget the following fiscal year's assessment shall be reduced by an amount equal to that excess amount.

* * *

Section 2. The act is amended by adding sections to read:

Amend Sec. 1 (Sec. 451), page 1, line 18, by inserting after "term" and inserting: "account," when used in this article, shall mean the Prefund Account established in section 451.1(a).

The term

Amend Sec. 1 (Sec. 451), page 2, line 9, by striking out "preguaranty fund" and inserting: prefund

Amend Sec. 1 (Sec. 451), page 2, lines 15 and 16, by striking out all of said lines and inserting: occurred prior to October 30, 1993.

Amend Bill, page 2, lines 27 through 30; pages 3 and 4, lines 1 through 30; page 5, lines 1 through 10, by striking out all of said lines on said pages and inserting:

Section 451.1. (a) There is established in the Self-Insurance Guaranty Fund a restricted account known as the Prefund Account. The department shall annually transfer up to one million two hundred thousand dollars (\$1,200,000) of accumulated interest in the Workmen's Compensation Administration Fund to the account.

(b) Accumulated interest in the Workmen's Compensation Administration Fund is specifically appropriated to the department on a continuing basis in such amounts as are necessary for the purpose of this section. The secretary shall have the power to dispense and disburse accumulated interest in the Workmen's Compensation Administration Fund under this section.

(c) Transfers to the account pursuant to subsection (a) shall be used to pay claims for loss of wages occurring or medical treatment provided after the effective date of this section under sections 306(a), (b), (c) and (f.1) and 307 under the act of June 21, 1939 (P.L.566, No.284), known as "The Pennsylvania Occupational Disease Act" to a prefund claimant upon exhaustion of the security posted by the liable defaulted self-insured employer. Provided, that:

(1) the benefits are payable under an award from a petition, a notice of compensation payable or an agreement for compensation that was filed with the department before January 1, 1996;

(2) payments from the account are not used to pay interest, penalties or attorney fees related to the payment of benefits; and

(3) payments from the account are used to pay claims for benefits relating to medical treatment under section 306(f.1) which are not covered by other types of insurance or Federal, State or private benefit programs.

(d) If the department projects that the aggregate payments to prefund claimants pursuant to this section during any one fiscal year may exceed the transfer to the account for that year, the secretary may order the payment of benefits under sections 306(a), (b) and (c) and 307 at a percentage of the full amounts payable under this act. The percentage shall be uniformly applied to all benefits under those sections paid during that fiscal year. The secretary may adjust that percentage from time to time as is necessary based on updated projections on payment of benefits.

Section 3. This act shall take effect in 60 days.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

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

BILL OVER IN ORDER

SB 1251 – Without objection, the bill was passed over in its order at the request of Senator LOEPER.

BILL LAID ON THE TABLE

SB 1259 (Pr. No. 1608) -- The Senate proceeded to consideration of the bill, entitled:

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

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

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

SB 1305 (Pr. No. 1681) – The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of March 28, 1984 (P.L.150, No.28), entitled Automobile Lemon Law, amending the title of the act; and further providing for definitions, for repair obligations, for manufacturer's duty for refund or replacement and for resale of returned motor vehicle.

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-45

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

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 1418 – Without objection, the bill was passed over in its order at the request of Senator LOEPER.

BILL RECOMMITTED

SB 1439 (Pr. No. 1915) – The Senate proceeded to consideration of the bill entitled:

A Supplement to the act of (P.L. , No.), entitled Capital Budget Project Itemization Act for 2000-2001, itemizing public improvement projects, furniture and equipment projects, transportation assistance projects, redevelopment assistance projects, flood control projects, Keystone Recreation, Park and Conservation projects and public highway projects to be constructed or acquired or assisted by the Department of General Services, the Department of Community and Economic Development, the Department of Conservation and Natural Resources, the Department of Environmental Protection, and the Department of Transportation, together with their estimated financial costs; authorizing the incurring of debt without the approval of the electors for the purpose of financing the projects to be constructed or acquired or assisted by the Department of General Services, the Department of Community and Economic Development, the Department of Conservation and Natural Resources, the Department of Environmental Protection or the Department of Transportation; stating the estimated useful life of the projects; and making appropriations.

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

BILL OVER IN ORDER

HB 2088 – Without objection, the bill was passed over in its order at the request of Senator LOEPER.

HB 945 CALLED UP

HB 945 (Pr. No. 3123) -- Without objection, the bill, which previously went over in its order temporarily, was called up, from page 3 of the Third Consideration Calendar, by Senator LOEPER.

BILL AMENDED

HB 945 (Pr. No. 3123) -- The Senate proceeded to consideration of the bill, entitled:

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

On the question,
Will the Senate agree to the bill on third consideration?
Senator EARLL offered the following amendment No. A0990:

Amend Sec. 1 (Sec. 4120), page 5, line 8, by inserting after "NUMBER,": telephone number, checking account number, savings account number,

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

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

Senator LOEPER offered the following amendment No. A2255:

Amend Sec. 1 (Sec. 4120), page 3, line 27, by striking out "AND" where it appears the second time and inserting: or

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

HB 1099 CALLED UP

HB 1099 (Pr. No. 3297) -- Without objection, the bill, which previously went over in its order temporarily, was called up, from page 4 of the Third Consideration Calendar, by Senator LOEPER.

BILL AMENDED

HB 1099 (Pr. No. 3297) -- The Senate proceeded to consideration of the bill, entitled:

An Act directing the Department of Aging to conduct a study of area agencies on aging concerning waiting lists for persons in need of home and community-based long-term care services.

On the question,
Will the Senate agree to the bill on third consideration?
Senator WAGNER offered the following amendment No. A2248:

Amend Sec. 3, page 5, line 6, by inserting after "SERVICES": , including any program for the delivery of meals to a home or residence.

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

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

Senator LOEPER offered the following amendment No. A2256:

Amend Title, page 1, line 5, by inserting after "of": lottery-funded services including, but not limited to,

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

SECOND CONSIDERATION CALENDAR

BILL REREFERRED

HB 30 (Pr. No. 2687) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 51 (Military Affairs) of the Pennsylvania Consolidated Statutes, providing for halls of fame in veterans' homes.

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

BILL OVER IN ORDER

SB 121 -- Without objection, the bill was passed over in its order at the request of Senator LOEPER.

BILL LAID ON THE TABLE

SB 506 (Pr. No. 554) -- The Senate proceeded to consideration of the bill, entitled:

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.

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

BILLS OVER IN ORDER

SB 516, HB 538 and SB 553 -- Without objection, the bills were passed over in their order at the request of Senator LOEPER.

BILL LAID ON THE TABLE

SB 565 (Pr. No. 1741) -- The Senate proceeded to consideration of the bill, entitled:

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.

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

BILL ON SECOND CONSIDERATION

HB 599 (Pr. No. 3465) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, providing for false identification to law enforcement authorities.

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

BILLS OVER IN ORDER

HB 609, SB 704, HB 728, HB 777 and SB 782 -- Without objection, the bills were passed over in their order at the request of Senator LOEPER.

BILL REREFERRED

SB 783 (Pr. No. 846) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of February 1, 1966 (1965 P.L. 1656, No. 581), entitled The Borough Code, providing for attendance at national or State lodge of policemen.

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

BILLS ON SECOND CONSIDERATION

SB 784 (Pr. No. 847) -- 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, further providing for monthly meetings, quorum and voting.

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

SB 785 (Pr. No. 848) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of June 24, 1931 (P.L. 1206, No. 331), entitled The First Class Township Code, further providing for monthly meetings, quorum and voting.

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

SB 786 (Pr. No. 849) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of February 1, 1966 (1965 P.L. 1656, No. 581), entitled The Borough Code, further providing for organization of council, quorum, voting, compensation and eligibility.

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

BILLS OVER IN ORDER

SB 935, SB 972, SB 1022, SB 1093, HB 1140, HB 1141, HB 1142, SB 1212, SB 1265 and SB 1275 -- Without objection, the bills were passed over in their order at the request of Senator LOEPER.

BILL ON SECOND CONSIDERATION

SB 1281 (Pr. No. 1643) -- The Senate proceeded to consideration of the bill, entitled:

An Act relating to the satisfaction of mortgages; providing for certain forms; fixing fees; and making repeals.

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

BILLS OVER IN ORDER

SB 1282, SB 1284, SB 1285, SB 1288, SB 1298, SB 1313 and SB 1409 -- Without objection, the bills were passed over in their order at the request of Senator LOEPER.

BILL LAID ON THE TABLE

HB 1588 (Pr. No. 1932) -- The Senate proceeded to consideration of the bill, entitled:

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.

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

BILLS OVER IN ORDER

HB 1856 and HB 1962 -- Without objection, the bills were passed over in their order at the request of Senator LOEPER.

BILL REREFERRED

HB 2037 (Pr. No. 2605) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 51 (Military Affairs) of the Pennsylvania Consolidated Statutes, providing for unemployment compensation benefits.

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

BILL OVER IN ORDER

HB 2069 -- Without objection, the bill was passed over in its order at the request of Senator LOEPER.

BILL ON SECOND CONSIDERATION
AND REREFERRED

HB 2092 (Pr. No. 2706) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of July 2, 1984 (P.L.561, No.112), known as the Pennsylvania Conservation Corps Act, further providing for expiration.

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

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

BILL OVER IN ORDER

HB 2094 -- Without objection, the bill was passed over in its order at the request of Senator LOEPER.

SENATE CONCURRENT RESOLUTION
No. 127, AMENDED

Senator LOEPER, without objection, called up from page 12 of the Calendar, **Senate Concurrent Resolution No. 127**, entitled:

A Concurrent Resolution directing the Joint State Government Commission to study and make recommendations concerning the issue of highway safety and driver distractions, including communications technology, electronic entertainment and other nontechnological distractions.

On the question,
Will the Senate adopt the resolution?

Senator LOEPER, on behalf of Senator CONTI, offered the following amendment No. A1849:

Amend First Whereas Clause, page 1, line 8, by inserting after "entertainment,": computer use,

Amend First Resolve Clause, page 2, line 5, by inserting after "machines,": computers,

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

On the question,
Will the Senate adopt the resolution, as amended?

Senator LOEPER offered the following amendment No. A2246:

Amend Third Resolve Clause, page 2, line 27, by striking out "on July DECEMBER 1, 2000" and inserting: by January 2, 2001

Amend Third Resolve Clause, page 2, line 27, by striking out "on" where it appears the second time and inserting: by

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

It was agreed to.

The PRESIDENT. The resolution will go over as amended.

RECESS

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

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

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

AFTER RECESS

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

REPORT FROM COMMITTEE ON
RULES AND EXECUTIVE NOMINATIONS

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

MEMBER OF THE STATE BOARD
OF CHIROPRACTIC

March 2, 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, Carole Kutz Lee (Public Member), 1250 Schuylkill Mountain Road, Schuylkill Haven 17972, Schuylkill County, Twenty-ninth Senatorial District, for appointment as a member of the State Board of Chiropractic, to serve until June 9, 2002 or until her successor is appointed and qualified, but not longer than six months beyond that period, vice Georgia L. King, Greencastle, resigned.

THOMAS J. RIDGE
Governor

DISTRICT JUSTICE

April 25, 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, Carol A. Pankake, R.D. #1, Box 546, Pine Grove 17963, Schuylkill County, Twenty-ninth Senatorial District, for appointment as District Justice, in and for the County of Schuylkill, Magisterial District 21-3-05, to serve until the first Monday of January 2002, vice Earl H. Matz, Jr., Tremont, resigned.

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.

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

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

**MEMBER OF THE STATE BOARD
OF PODIATRY**

May 2, 2000

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 March 29, 2000 for the appointment of Paul Joseph Juliano, M.D., 1611 Brookline Drive, Hummelstown 17036, Dauphin County, Fifteenth Senatorial District, as a member of the State Board of Podiatry, to serve until June 12, 2000 or until his successor is appointed and qualified, but not longer than six months beyond that period, vice Robert L. Green, D.O., Harrisburg, resigned.

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

THOMAS J. RIDGE
Governor

NOMINATION RETURNED TO THE GOVERNOR

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

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

The PRESIDENT. The nomination 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 by voice vote.

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 HORSE
RACING COMMISSION**

January 13, 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, Paul D. Mills, 275 South Wilson Lane, York 17406, York County, Thirteenth Senatorial District, for reappointment as a member of the State Horse Racing Commission, to serve for a term of three years and until his successor is appointed and qualified, but not longer than six months beyond that period.

THOMAS J. RIDGE
Governor

**COMMONWEALTH TRUSTEE OF TEMPLE
UNIVERSITY-OF THE COMMONWEALTH
SYSTEM OF HIGHER EDUCATION**

December 13, 1999

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Michael A. Cibik, Esquire, 234 South Front Street, Philadelphia 19102, Philadelphia County, First Senatorial District, for appointment as a Commonwealth Trustee of Temple University-of the Commonwealth System of Higher Education, to serve until October 14, 2003, and until his successor is appointed and qualified, vice Robert A. Rovner, Esquire, Huntingdon Valley, whose term expired.

THOMAS J. RIDGE
Governor

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

LEGISLATIVE LEAVE

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

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

The PRESIDENT. Without objection, that leave is granted.

And the question recurring,
Will the Senate advise and consent to the nominations?

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

YEA-29

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

NAY-16

Bodack	Hughes	Mellow	Tilghman
Boscola	Kasunic	Musto	Wagner
Costa	Kukovich	O'Pake	Williams
Fumo	LaValle	Schwartz	Wozniak

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

Ordered, That the Governor be informed accordingly.

RECONSIDERATION OF VOTE ON EXECUTIVE NOMINATION

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

Senator SALVATORE. Mr. President, I would like to reconsider the vote and let the vote stand for the nomination of Michael A. Cibik and ask for another roll-call vote for the nomination of Paul D. Mills for the State Horse Racing Commission.

The PRESIDENT. Senator Salvatore moves to reconsider the vote by which Paul D. Mills was confirmed as a member of the State Horse Racing Commission.

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

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

The PRESIDENT. The Senate now has before it the nomination of Paul D. Mills for the State Horse Racing Commission.

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

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

Senator SALVATORE. Mr. President, I ask for an affirmative vote.

And the question recurring,
Will the Senate advise and consent to the nomination?

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

YEA-45

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

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.

REPORT FROM COMMITTEE

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

SB 1077 (Pr. No. 1932) (Amended) (Rereported) (Concurrence)

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

SPECIAL ORDER OF BUSINESS SUPPLEMENTAL CALENDAR No. 1

SENATE CONCURS IN HOUSE AMENDMENTS AS AMENDED

SB 1077 (Pr. No. 1932) — The Senate proceeded to consideration of the bill, entitled:

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

On the question,
Will the Senate concur in the amendments made by the House, as amended by the Senate, to Senate Bill No. 1077?

Senator LOEPER. Mr. President, I move that the Senate do concur in the amendments made by the House, as amended by the Senate, to Senate Bill No. 1077.

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

The PRESIDENT. The Chair recognizes the gentlewoman from Erie, Senator Earll.

Senator EARLL. Mr. President, I rise today to urge my colleagues to support Senate Bill No. 1077, legislation I introduced actually last year to crack down on a new kind of crime, the malicious spread of system-crippling computer viruses. It almost goes without saying today that the passage of this bill could not be more timely.

Last week the "LOVEYOU" virus struck and wreaked havoc on computer systems worldwide, spreading so quickly that efforts to warn users almost always came too late. In fact, the virus, which affected millions of computers, became a global epidemic within hours. Once activated, the "Love Bug" automatically sent copies to hundreds of other Internet users, overwhelming computer networks and destroying files. Even after software updates were available, new versions of the bug appeared. And by the weekend, viruses were even disguised as warnings about viruses.

Obviously, we have entered a new era with regard to crime. When anyone with some computer savvy and a desire to create mischief can literally lock up the world's interconnected communications systems, we are probably going to experience in the future what I would characterize as Internet computer terrorism.

My legislation, hopefully, will help to discourage this kind of crime in Pennsylvania by treating the intentional spread of a computer virus as the serious problem that it is. Anyone convicted of unlawfully entering a computer system or willfully disseminating a virus could face a prison sentence of up to 7 years and also will be subject to pay restitution for any and all damages that are caused by the intentional spread of the virus. Many businesses lose countless hours of productivity and often face repair costs when a virus strikes. The bill will also punish hackers who interrupt Internet use, another emerging problem in cyberspace that has essentially the same effect as spreading the virus. This crime would be punished by fines of up to \$10,000 and prison sentences of up to 5 years.

The rapid emergence of new technology has created tremendous opportunities for all of us for personal communications, for economic development, and even to combat crime. The legislation before us today will give Pennsylvania's law enforcement officials better tools to deal with new computer crimes and hopefully to deter those who would perpetrate them. I am not naive enough to think that this legislation is going to stop all hackers or all hacking or all abusers of our systems. However, it will send a very strong message that those who do hack will be subject to serious penalties.

Thank you, Mr. President.

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

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

YEA-45

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

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.

UNFINISHED BUSINESS SENATE RESOLUTIONS ADOPTED

Senators MOWERY, THOMPSON, TOMLINSON, DENT, ROBBINS, WAGNER, TARTAGLIONE, O'PAKE, STAPLETON, HOLL, MELLOW, SALVATORE, HELFRICK, WENGER, KITCHEN, WAUGH, COSTA, BOSCOLA, BRIGHTBILL, LAVALLE, TILGHMAN, MADIGAN, HART, MURPHY, GERLACH, RHOADES, LEMMOND, EARLL, SCHWARTZ and CORMAN, by unanimous consent, offered **Senate Resolution No. 168**, entitled:

A Resolution designating the week of May 14 through 20, 2000, as "Pennsylvania MADD Awareness Week."

Which was read, considered, and adopted by voice vote.

Senators MUSTO, RHOADES, THOMPSON, TOMLINSON, STOUT, CORMAN, STAPLETON, DENT, KUKOVICH, KITCHEN, TARTAGLIONE, SCHWARTZ, WENGER, EARLL, COSTA, WAGNER, SALVATORE, BODACK, BOSCOLA, MOWERY, HOLL, BELAN, GERLACH, MELLOW, WAUGH, HUGHES, O'PAKE, HART, GREENLEAF, LEMMOND and BRIGHTBILL, by unanimous consent, offered **Senate Resolution No. 169**, entitled:

A Resolution proclaiming the week of May 29 through June 4, 2000, as "American Business Women's Association Week" in Pennsylvania.

Which was read, considered, and adopted by voice vote.

Senators WAGNER, DENT, COSTA, TARTAGLIONE, BELL, HELFRICK, MUSTO, TOMLINSON, STAPLETON, EARLL, GERLACH, WENGER, WHITE, STOUT, LEMMOND, BODACK, RHOADES, THOMPSON, BRIGHTBILL, MELLOW, TILGHMAN, HOLL, GREENLEAF, MOWERY, KASUNIC, SCHWARTZ, O'PAKE, ROB-

BINS, MURPHY and BOSCOLA, by unanimous consent, offered **Senate Resolution No. 170**, entitled:

A Resolution urging schools to observe Veterans' Day by conducting public ceremonies and activities.

Which was read, considered, and adopted by voice vote.

CONGRATULATORY RESOLUTIONS

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

Congratulations of the Senate were extended to Wilmina Moran by Senator Belan.

Congratulations of the Senate were extended to Edith Stotsenburg by Senator Conti.

Congratulations of the Senate were extended to Mary Greeley Beahm, Alta M. Miller, State College American Little League Baseball Team and to the State College National Little League Baseball Team by Senator Corman.

Congratulations of the Senate were extended to Alice Emily Rapp Gledhill by Senator Costa.

Congratulations of the Senate were extended to Tionne Lentz by Senator Dent.

Congratulations of the Senate were extended to Rabbi Robert S. Leib by Senator Greenleaf.

Congratulations of the Senate were extended to Ian Michael Kay and to Helen M. C. Jones by Senator Holl.

Congratulations of the Senate were extended to the citizens of Altoona and St. Polten, Austria, by Senator Jubelirer.

Congratulations of the Senate were extended to Vanessa Riedmann by Senator Kasunic.

Congratulations of the Senate were extended to Charles Carver, Isabelle Gush, Shickshinny Volunteer Fire Company and to the George M. Dallas Lodge No. 531, Free and Accepted Masons, of Dallas, by Senator Lemmond.

Congratulations of the Senate were extended to Anna Sechrist Lovejoy and to the citizens of Lycoming County by Senator Madigan.

Congratulations of the Senate were extended to the Housing Authority of Union County by Senators Madigan and Helfrick.

Congratulations of the Senate were extended to Mr. and Mrs. John William Lloyd by Senator Mowery.

Congratulations of the Senate were extended to Esther Krasevac by Senators O'Pake and Rhoades.

Congratulations of the Senate were extended to Seth Souders, Christopher Long, John Derby, Autumn Etzweiler, Johnny Brown, Ivan James Santiago, Tarah J. Enck and to David Feger by Senator Piccola.

Congratulations of the Senate were extended to Maricatherine Garr, Amber Bonser, Debra Maskiell and to Michelle Sodl by Senator Rhoades.

Congratulations of the Senate were extended to Joe Votino, John Reimold, Matthew Scott Marriotti and to the Kennedy Christian High School Boys' Basketball Team by Senator Robbins.

Congratulations of the Senate were extended to Hugh B. Hanson, Dorothy Sumners Rush and to the Reverend Richard F. Fernandez by Senator Schwartz.

Congratulations of the Senate were extended to Mr. and Mrs. Jack Camerson by Senator Stout.

Congratulations of the Senate were extended to Richard Grant by Senator Thompson.

Congratulations of the Senate were extended to Richard Dyer, Daniel Ginion, Greg Lawrence, Dan Waldron, Joseph Dixon and to the employees of General Machine Products Company, Incorporated, of Trevoze, by Senator Tomlinson.

Congratulations of the Senate were extended to Dr. Marilyn J. Heine, Stephany Ramsey, Margery Seltzer, Anne Beeson and to Gayle R. Evans by Senators Tomlinson and Conti.

Congratulations of the Senate were extended to Lambda Tau Chapter of Sigma Theta Tau International, Inc., of Slippery Rock University by Senator White.

Congratulations of the Senate were extended to Eric LeHew by Senator Wozniak.

PETITIONS AND REMONSTRANCES

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

Senator MELLOW. Mr. President, last week John Cardinal O'Connor, the Cardinal and Archbishop of the Diocese of New York, passed away after suffering an illness whose onset began prior to December of 1999. Cardinal O'Connor was born and raised in Pennsylvania. He was born in South Philadelphia, served over 30 years in the Navy, and then became Bishop of the Diocese of Scranton. It was in his position as Bishop of the Diocese of Scranton that I had the opportunity to meet first Bishop O'Connor and then later Cardinal O'Connor in New York City.

Mr. President, Cardinal O'Connor spent some 9 months in the Diocese of Scranton, which covers a good part of northeastern Pennsylvania, and the impact he left during that 9-month period of time is something that will be remembered forever. Cardinal O'Connor was a very strong advocate for pro-life. His support for special children, children of special needs, most importantly those suffering from Down syndrome, was unparalleled. His support of the indigent and poor and the homeless in New York City was something to be admired. He constantly talked about what he could do and what we should do as a society to help these people.

John Cardinal O'Connor was 80 years old when he was taken from us, and my last remembrance of Cardinal O'Connor was when my wife and I and my daughters attended a Mass at Saint Patrick's during the Christmas holiday season several years ago, and we wanted to be able to attend the Mass that he said on a Sunday. His Mass was at 10:30 in the morning, and we were told by his office that if we would go to the 8:30 Mass we would be seated in a pew right in front of the podium where he would speak. However, we would have to stay for the 8:30 Mass to be able to keep the seat for his Mass at 10:30.

And I can recall with a feeling of great warmth that Sunday morning when he walked into the church, when he walked to the altar, because if you are familiar with Saint Patrick's in New York City you would know where Cardinal O'Connor spoke from, an elevated podium, and he would walk into the church next to the elevated podium. We were seated there in great an-

icipation, not only of his Mass but also the sermon he would give. He was an outstanding extemporaneous speaker, and when he spoke without a prepared text his delivery was just unbelievable and his text was not matched. As he walked into the church approaching the altar and he saw my wife and me and our two daughters, he gave us the thumbs-up sign, because he knew us from his days in the city of Scranton.

Mr. President, right before that we had the opportunity of also being able to visit Cardinal O'Connor in his residence. We were there for just a few moments, but nevertheless, anytime and every time that you went into his residence if he had the opportunity to come out and say hello for just a moment, he would do that.

Mr. President, I had the opportunity of knowing John Cardinal O'Connor, knowing him as the Bishop of the Diocese of Scranton, as the Cardinal and Archbishop of the Diocese of New York, with over 2 million Catholics, and as an outstanding member of this great country of ours. He was the leading advisor to the Pope on political and religious issues in the United States. He was an outstanding individual who cannot be replaced, he can only be succeeded.

Mr. President, the Cardinal was taken from us at a relatively young age. He was a man full of energy, full of vitality, and a spiritual being probably unmatched before, and as a native, a person who was born and raised in Pennsylvania, served the people in northeastern Pennsylvania and then in the Archdiocese of New York, he was an individual, I am just very happy and very proud to say that I knew. I knew him in Scranton and in New York, and he will be missed. But the lessons that we have learned from Cardinal O'Connor about the support of the family, support of the family structure, and to support people with special needs and to support the indigent, the homeless, and as far as I am concerned, most importantly, to support the pro-life movement is something that he will be remembered for forever. I just wanted to have the opportunity of saying a few words on that behalf today.

Thank you very much.

The PRESIDENT. Thank you for those fitting comments, Senator Mellow.

The Chair recognizes the gentlewoman from Philadelphia, Senator Schwartz.

Senator SCHWARTZ. Mr. President, on another topic, if I may, I also wanted to speak under Petitions and Remonstrances. What I am rising to speak about may seem too soon for to us talk about, but I think not. We are approaching just a few weeks of Session before we recess for the summer, and our expectation is that we have a number of things yet to do, and one of those that we hope to do is pass legislation that would allow us in Pennsylvania to spend the money that we are going to get from the tobacco settlement, that we are already getting. Pennsylvania is already receiving and is able to sit on for a little time some of the dollars from the tobacco settlement.

Just to remind my colleagues, Pennsylvania will receive about \$11 billion in the next 25 years from the settlement with the tobacco industry, helping us to pay for some of the harm done particularly in the area of health care. And to his credit, the Governor has agreed and has already set out as a significant

principle that the money should be dedicated for health purposes. I agree with that. I am very pleased with that. And there is a good bit that I agree with in the outlines of what the Governor has spoken about publicly on how he would like to see the money spent.

I am pleased, of course, to see that the Governor is going to put some dollars or would like to see some dollars go into tobacco cessation programs, particularly to help teens to not begin to smoke. We know that teenagers are the ones who begin to smoke, with 90 percent of new smokers beginning before they are 19. So if we can stop young people from smoking, we can stop smoking in this country, by and large.

There is going to be some money dedicated possibly for cancer research. I think that is a good thing as well in this State. There is also some anticipation that there would be dollars set aside for uncompensated care by our many hospitals and health providers. Money might be dedicated for in-home services for the elderly, another important need, and there is going to be a large sum of money dedicated to uninsured adults in this Commonwealth. We did remove a number, 250,000 medically needy adults, from Medical Assistance a number of years ago, and this would help to reinstate some of them.

But, Mr. President, what is missing from what sounds like a fairly comprehensive array of health needs in this State are children. I have spoken vehemently on this floor many times, and I am very proud for the role that I played in helping to establish the Children's Health Insurance Program in the Commonwealth as are come of my colleagues for their roles. You may recall that I spoke out not only in initially negotiating the bill and working with then Representative and now Senator Kukovich on that and some of my Republican colleagues to get that done, but I also spoke out to push the administration to draw down Federal dollars for the Children's Health Insurance Program. Well, when that was finally done at the eleventh hour, when the administration agreed to draw down the Federal dollars, later when I said something to the Governor about that, he said, well, Senator Schwartz, I always intended to do that.

So, I hope as I speak out about including uninsured children in the use of the tobacco settlement dollars, when we are finished with all of this, I hope the Governor will say back to me, Senator Schwartz, I always intended to include children. That will be very special, and that is one of the reasons I am speaking on it today.

Let me just briefly say that you may have seen the report in The Philadelphia Inquirer this morning. There have been numerous reports over the last few months about the number of uninsured children in this country and in this State. Because of the Children's Health Insurance Program in Pennsylvania and the work of several other States, we were a national model in creating the national Children's Health Insurance Program that provides Federal dollars to States to help insure half of the uninsured children in this country. There are 11 million uninsured children in this country, children of working parents, many of them both working, mom and dad both working. Sometimes there is a third job involved, but often they are working in jobs that do not provide health care, health benefits for themselves, or may provide health benefits for themselves but not for their

dependents. Or they may be working part-time jobs which do not have any benefits for them at all.

So, I am very proud that as many as 5 million children in this country, their parents can buy private health insurance or buy into the public program, depending on the State program that exists, but in Pennsylvania it is buying private health insurance for their children, we can reach out to about half of the children in this country. That is quite remarkable, 5 million children in this country have access.

The article this morning in *The Inquirer* said many of the parents do not know this program exists. They do not think that a program like this would exist for them, working people who are making incomes of \$25,000 or \$30,000 or even \$40,000 a year, and in some States even more for a family of four, and so they do not even know where to inquire about the program we call CHIP. We have work to do to reach out to parents to tell them that the program exists and to make it much simpler for them to apply and to stay enrolled. The article points that out, and I agree that we should spend some dollars to make sure that we do more outreach to all the children who are now eligible. The number of eligible children for the Children's Health Insurance Program in Pennsylvania who are not now enrolled, there are 95,000 already enrolled, but there are 70,000 eligible children who are not now enrolled in CHIP, and we should enroll them.

But I also say, Mr. President, that we should use some of the tobacco settlement dollars to finish the job, to enroll all children, to offer parents subsidy, maybe the whole cost they need under CHIP, but I say for the next income group to offer them a subsidy of 50 percent or 35 percent, or even be able to offer them to be able to buy health insurance at cost. That is with the CHIP-plus proposal that I presented over a year ago. It would cover all children. And, Mr. President, it would do so with just less than 1 percent of the tobacco settlement dollars next year, \$20 million. If we spent \$26 million, we could do the kind of outreach discussed this morning in the article in *The Inquirer* and many other papers.

So, Mr. President, I say, and I will say it again on the floor, you will hear it I hope a few times and I hope it is heard by my colleagues, that we can cover all children in Pennsylvania. It is not a 100-percent subsidy, it is not a full coverage, it is helping working families be able to buy private health insurance to get their children health care. And when I go around the State, as I am sure some of my colleagues do, visiting health programs, seeing providers, seeing administrators, seeing mostly parents be able to say that I was able to get health insurance for my children so I know they can get check-ups on time, I know they can get the immunizations they need, I know they can get treatment for the health care that they need on time, and I can help them get the kind of prevention that they need, maybe it is eye glasses, maybe it is dental care, that helps them succeed in school, that is what we should do for all uninsured children in Pennsylvania. It is not very expensive, and we are able to do it using tobacco settlement dollars, no new tax revenues. It is just a commitment to children, it is making children a priority.

So let me close by saying I look forward to my colleagues, as many of them said later, that we did a really good thing when

we started the Children's Health Insurance Program. We did something even better when we took the Federal dollars that enabled us to cover so many more children. Well, let us add to that. Let us make the commitment in Pennsylvania that we need to make. Let us make it simpler for parents. Let us make it clear to all parents in Pennsylvania that every child, every child in Pennsylvania will be able to get health care when they need it and get health insurance coverage that will help them pay for it. So I look forward to the Governor hearing my plea and hearing my call to cover children using tobacco settlement dollars, and I look forward to the Governor saying to me later, Senator Schwartz, I always intended to include children.

Thank you very much, Mr. President.

SPECIAL ORDER OF BUSINESS SUPPLEMENTAL CALENDAR No. 2

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

HB 945 (Pr. No. 3503) — The Senate proceeded to consideration of the bill, entitled:

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

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-45

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

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.

**COMMUNICATIONS FROM THE GOVERNOR
NOMINATIONS 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,
DELAWARE COUNTY**

May 8, 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, Kevin F. Kelly, Esquire, 714 Blythe Avenue, Drexel Hill 19026, Delaware County, Twenty-sixth Senatorial District, for appointment as Judge of the Court of Common Pleas of Delaware County, to serve until the first Monday of January 2002, vice The Honorable Clement J. McGovern, Jr., resigned.

THOMAS J. RIDGE
Governor

**BRIGADIER GENERAL, PENNSYLVANIA
NATIONAL GUARD**

May 8, 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 Wesley E. Craig, Jr., 1615 Brent Road, Oreland 19075, Montgomery County, Twenty-fourth Senatorial District, for appointment as Brigadier General, LINE, with assignment as Deputy Commanding General Maneuver, Headquarters 28th Infantry Division, Pennsylvania Army National Guard, to serve until terminated, vice Brigadier General Larry G. Powell, who will retire.

THOMAS J. RIDGE
Governor

**MAJOR GENERAL, PENNSYLVANIA
NATIONAL GUARD**

May 8, 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, Brigadier General John E. Stevens, 3333 West Walker Road, Bath 18014, Northampton County, Sixteenth Senatorial District, for appointment as Major General, LINE, with assignment as Deputy Commander, State Area Command, Headquarters State Area Command (-), Pennsylvania Army National Guard, to serve until terminated.

THOMAS J. RIDGE
Governor

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

May 8, 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, Sister Anastasia Valimont, 654 East 28th Street, Erie 16504, Erie County, Forty-ninth Senatorial District, for reappointment as a member of the State Board of Examiners of Nursing Home Administrators, to serve for a term of four years or until her successor is appointed and qualified, but not longer than six months beyond that period.

THOMAS J. RIDGE
Governor

HOUSE MESSAGE

HOUSE BILL FOR CONCURRENCE

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

May 8, 2000

HB 2328 -- Committee on Judiciary.

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:

May 8, 2000

Senators JUBELIRER, HART, SALVATORE, PUNT, COSTA, HOLL, WAUGH, CORMAN, TOMLINSON, DENT, TARTAGLIONE, LEMMOND and BOSCOLA presented to the Chair **SB 1442**, entitled:

An Act amending the act of March 10, 1949 (P.L.30, No.14), entitled Public School Code of 1949, further providing for suspension and expulsion of pupils.

Which was committed to the Committee on EDUCATION,
May 8, 2000.

Senators JUBELIRER, MOWERY, TILGHMAN, DENT, TARTAGLIONE, LEMMOND, HELFRICK, RHOADES, THOMPSON, TOMLINSON, GERLACH, ARMSTRONG, WENGER, HART, CORMAN, BOSCOLA, MELLOW and ROBBINS presented to the Chair **SB 1443**, entitled:

An Act protecting the free exercise of religion; and prescribing the conditions under which government may substantially burden a person's free exercise of religion.

Which was committed to the Committee on JUDICIARY,
May 8, 2000.

Senators O'PAKE, TARTAGLIONE, COSTA, STAPLETON, WILLIAMS, HART, MELLOW, PICCOLA, SCHWARTZ, BOSCOLA and KASUNIC presented to the Chair **SB 1444**, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for probable cause arrests in domestic violence cases.

Which was committed to the Committee on JUDICIARY, May 8, 2000.

ANNOUNCEMENTS BY THE SECRETARY

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

SENATE OF PENNSYLVANIA

COMMITTEE MEETINGS

TUESDAY, MAY 9, 2000

9:30 A.M.	LOCAL GOVERNMENT and ENVIRONMENTAL RESOURCES AND ENERGY (joint public hearing to consider Senate Bills No. 435, 436, 515 and 980)	Room 8E-A East Wing
11:30 A.M.	JUDICIARY (to consider Senate Bills No. 637 and 1098; and House Bills No. 951 and 2287) CANCELLED	Room 8E-B East Wing

TUESDAY, MAY 16, 2000

11:30 A.M.	JUDICIARY (public hearing and committee meeting to consider the nomination of Barbara Walrath to the Board of Pardons)	Room 8E-B East Wing
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TUESDAY, MAY 23, 2000

9:30 A.M.	CONSUMER PROTECTION AND PROFESSIONAL LICENSURE (to consider Senate Bills No. 474 and 1407 and House Bills No. 398 and 2220)	Room 8E-B East Wing
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WEDNESDAY, MAY 31, 2000

9:30 A.M.	CONSUMER PROTECTION AND PROFESSIONAL LICENSURE (public hearing on Senate Bill No. 594; Telemarketers and a State No-Call List)	Room 8E-B East Wing
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ADJOURNMENT

Senator BRIGHTBILL. Mr. President, I move that the Senate do now adjourn until Tuesday, May 9, 2000, at 11 a.m., Eastern Daylight Saving Time.

The motion was agreed to by voice vote.

The Senate adjourned at 6:15 p.m., Eastern Daylight Saving Time.