

COMMONWEALTH OF PENNSYLVANIA

Legislative Journal

WEDNESDAY, JUNE 14, 2000

SESSION OF 2000

184TH OF THE GENERAL ASSEMBLY

No. 33

**SENATE**

WEDNESDAY, June 14, 2000

The Senate met at 10:30 a.m., Eastern Daylight Saving Time.

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

**PRAYER**

The Chaplain, Reverend MICHAEL L. HECKATHORN, of Zion Lutheran Church, Harrisburg, offered the following prayer:

Let us pray.

God our Creator, You call us as a society to order ourselves in government. This day, as we reflect upon the symbolism of our flag, we give You thanks for the freedoms it reminds us we have. And we pray that we may rise to accept the responsibilities it calls us to, to protect and preserve those rights for us and for all who live in this land, especially for those who cannot defend themselves.

And so we pray, may the work of this Senate in this Session be acceptable in Your sight. Protect and guide us now in this time as we set out to travel to our homes. Make our way safe, and our homecomings joyful. May this recess be a time of recreation and renewal, that refreshed we might continue to serve You as we serve the citizens of this Commonwealth. Amen.

The PRESIDENT pro tempore. The Chair thanks Reverend Heckathorn, 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 June 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.

**COMMUNICATION FROM THE GOVERNOR**

**APPROVAL OF SENATE BILL**

The PRESIDENT pro tempore laid before the Senate a communication in writing from His Excellency, the Governor of the

Commonwealth, advising that the following Senate Bill had been approved and signed by the Governor:

**SB 262.**

**HOUSE MESSAGES**

**HOUSE CONCURS IN SENATE AMENDMENTS  
TO HOUSE AMENDMENTS TO SENATE BILL BY  
FURTHER AMENDING SAID AMENDMENTS**

The Clerk of the House of Representatives informed the Senate that the House has concurred in Senate amendments to House amendments to **SB 706**, by further amending said amendments.

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 AMENDMENTS  
BY AMENDING SAID AMENDMENTS  
TO HOUSE BILL**

The Clerk of the House of Representatives informed the Senate that the House has concurred in amendments made by the Senate by amending said amendments to **HB 445**, in which 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.

**SENATE BILLS RETURNED WITH AMENDMENTS**

The Clerk of the House of Representatives returned to the Senate **SB 300, 976, 1296, 1352 and 1439**, 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, these bills will be referred to the Committee on Rules and Executive Nominations.

**HOUSE CONCURS IN SENATE AMENDMENTS  
TO HOUSE AMENDMENTS TO SENATE BILLS**

The Clerk of the House of Representatives informed the Senate that the House has concurred in amendments made by the Senate to House amendments to **SB 255, 369, 598, 849, 1130 and 1417**.

**HOUSE CONCURS IN SENATE BILL**

The Clerk of the House of Representatives returned to the Senate **SB 1003**, with the information the House has passed the same without amendments.

**HOUSE CONCURS IN SENATE AMENDMENTS WHICH FURTHER AMENDED HOUSE AMENDMENTS TO SENATE AMENDMENTS TO HOUSE BILL**

The Clerk of the House of Representatives informed the Senate that the House has concurred in amendments made by the Senate which further amended House amendments to Senate amendments to **HB 368**.

**HOUSE CONCURS IN SENATE AMENDMENTS TO HOUSE BILLS**

The Clerk of the House of Representatives informed the Senate that the House has concurred in amendments made by the Senate to **HB 14, 28, 122, 1155, 1157, 1158, 1856, 2083, 2220, 2262 and 2351**.

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

The SECRETARY. Consent has been given for Committee on Rules and Executive Nominations to meet during today's Session to consider Senate Bills No. 300, 1109, 1244, 1275, 1352, 1439, and Senate Resolution No. 83.

**LEGISLATIVE LEAVES**

The PRESIDENT pro tempore. 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 Helfrick.

The PRESIDENT pro tempore. Senator Loeper requests a legislative leave for today's Session for Senator Helfrick. Without objection, that leave will be granted.

The Chair recognizes the gentleman from Lackawanna, Senator Mellow.

Senator MELLOW. Mr. President, I request legislative leaves for Senator Belan, Senator LaValle, and Senator Stapleton.

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

**CALENDAR**

**FINAL PASSAGE CALENDAR**

**RECONSIDERATION OF HB 1863**

**BILL OVER IN ORDER**

**HB 1863 (Pr. No. 3709)** — Senator LOEPER. Mr. President, I move that we reconsider the vote by which House Bill No.

1863 was agreed to on third consideration on June 13, 2000.

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

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

Senator LOEPER. Mr. President, I request that House Bill No. 1863, which now would be on third consideration, go over in its order.

The PRESIDENT pro tempore. The bill will go over in its order.

**THIRD CONSIDERATION CALENDAR**

**BILLS OUT OF ORDER**

Without objection, the bills on today's Third Consideration Calendar were called out of order by Senator LOEPER, as Special Orders of Business.

**BILL ON THIRD CONSIDERATION AND FINAL PASSAGE**

**SB 1154 (Pr. No. 1428)** — The Senate proceeded to consideration of the bill, entitled:

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

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	Schwartz	
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  
GUEST OF SENATOR JEFFREY E.  
PICCOLA PRESENTED TO THE SENATE**

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

Senator PICCOLA. Mr. President, I am very pleased and happy today to have a young man as a guest in the gallery by the name of Alex Lazur. He is a graduate of Bishop McDevitt High School in Harrisburg, and is currently a student at the Edmund A. Walsh School of Foreign Service at Georgetown University, where he is majoring in international economics. He is a member of the seventh-ranked men's lightweight crew team at Georgetown and the Outdoor Education Club, as well as the College Republicans and the Irish Society. In the future, Alex would like to become a lawyer specializing in international trade, but this summer he is serving as an intern in my office here in Harrisburg, and I would appreciate it if the Senate would extend to Alex a warm welcome.

The PRESIDENT pro tempore. Would the guest of Senator Piccola please rise so that we may welcome you appropriately. (Applause.)

The PRESIDENT pro tempore. Welcome to the Senate of Pennsylvania.

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

**THIRD CONSIDERATION CALENDAR  
RESUMED**

**BILLS ON THIRD CONSIDERATION  
AND FINAL PASSAGE**

**SB 1280 (Pr. No. 1871)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of July 22, 1913 (P.L.912, No.437), entitled "An act providing for the payment of the costs incurred in the trial of convicts and prisoners escaping, or attempting to escape, from the several penitentiaries and reformatories of the Commonwealth of Pennsylvania, by the respective counties from whose courts the said escaping convicts or prisoners have been committed; and providing for the maintenance of such convicts under sentence for escape, et cetera," further providing for escapee costs and for maintenance of escaping convicts under new sentence; providing for criminal offense during confinement; and making a repeal.

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

On the question,  
Shall the bill pass finally?

The 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	Schwartz	
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.

**SB 1440 (Pr. No. 2021)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of May 20, 1937 (P.L.728, No.193), entitled, as amended, Board of Claims Act, further providing for compensation for members of the Board of Claims and its hearing panels and for the jurisdiction of the hearing panels; and making a repeal.

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	Schwartz	
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.

**SB 1477 (Pr. No. 2026)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of September 30, 1985 (P.L.240, No.61), entitled Turnpike Organization, Extension and Toll Road Conversion Act, further providing for definitions and for functions of the Pennsylvania Turnpike Commission; and providing for enforcement related to electronic toll collection.

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	Schwartz	
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.

**PERMISSION TO ADDRESS**

The PRESIDENT. The Chair recognizes the gentleman from Washington, Senator Stout.

Senator STOUT. Mr. President, prior to the vote on Senate Bill No. 1477, I wanted to comment that I recommend that we pass this legislation and give the turnpike an opportunity to move into a proven electronic technology which will allow the turnpike to have an electronic toll collection system that will improve efficiency at turnpike interchanges, help reduce congestion and reduce air pollution, and enable the turnpike to better manage the asset of the turnpike system. So I recommend that we pass this legislation and that the House act on it so the Turnpike Commission could implement this legislation on the turnpike sometime later this year or early next year.

Thank you, Mr. President.

**THIRD CONSIDERATION CALENDAR  
RESUMED**

**BILLS ON THIRD CONSIDERATION  
AND FINAL PASSAGE**

**SB 1478 (Pr. No. 2033)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for certain permits.

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	Schwartz	
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.

**HB 1684 (Pr. No. 2071)** -- The Senate proceeded to consideration of the bill, entitled:

An Act designating a certain bridge on State Route 128 in Ford City, Armstrong County, as the Ford City Veterans Bridge.

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	Schwartz	
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 return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

**HB 2503 (Pr. No. 3498)** -- The Senate proceeded to consideration of the bill, entitled:

An Act designating a portion of U.S.Route 1 in Philadelphia County as the Police Officer Daniel Faulkner Memorial Highway.

Considered the third time and agreed to,

On the question,  
Shall the bill pass finally?

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

Senator SALVATORE. Mr. President, I just want to say thank you to each and every Member for voting for this piece of legislation. It is the least we can do in memory of a fine police officer who was killed in the line of duty, and in memory of Dan Faulkner, I appreciate it and want to thank everyone for that.

The PRESIDENT. The Chair thanks Senator Salvatore for that important reflection on the contributions of Officer Faulkner.

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
Earl	Lemmond	Schwartz	
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 return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

SECOND CONSIDERATION CALENDAR

BILLS OUT OF ORDER

Without objection, the bills on today's Second Consideration Calendar were called out of order by Senator LOEPER, as Special Orders of Business.

BILLS REREFERRED

SB 1336 (Pr. No. 2048) -- The Senate proceeded to consideration of the bill, entitled:

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

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

SB 1430 (Pr. No. 1900) -- The Senate proceeded to consideration of the bill, entitled:

An Act directing the Secretary of Health to educate students on certain health issues by advertising on a school satellite system.

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

BILL RECOMMITTED

HB 1604 (Pr. No. 3554) -- The Senate proceeded to consideration of the bill entitled:

An Act amending the act of July 31, 1968 (P.L.805, No.247), known as the Pennsylvania Municipalities Planning Code, further providing for procedure for landowner curative amendments; and providing for bonds in certain appeals.

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

SENATE CONCURRENT RESOLUTION  
No. 130, ADOPTED

Senator LOEPER, without objection, called up from page 6 of the Calendar, Senate Concurrent Resolution No. 130, entitled:

A Concurrent Resolution directing the Joint State Government Commission to create a stroke prevention task force and advisory committee to promote professional and public education and awareness and to improve the quality of care for stroke victims.

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

On the question,  
Will the Senate adopt the resolution?

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

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

SENATE CONCURRENT RESOLUTION  
No. 138, ADOPTED

Senator LOEPER, without objection, called up from page 6 of the Calendar, Senate Concurrent Resolution No. 138, entitled:

A Concurrent Resolution directing the Joint State Government Commission to establish a task force to study the issue of alternative voting methods in the Commonwealth and to make recommendations to the General Assembly.

On the question,  
Will the Senate adopt the resolution?

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

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

### THIRD CONSIDERATION CALENDAR RESUMED

#### BILLS REREFERRED

**HB 227 (Pr. No. 3738)** -- 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 durable powers of attorney.

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

**HB 538 (Pr. No. 989)** -- 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 prosecution barred by former prosecution for different offense.

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

**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.

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

**HB 609 (Pr. No. 3466)** -- 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 grading of the offense of prostitution.

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

**HB 1140 (Pr. No. 2557)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of August 9, 1955 (P.L.323, No.130), known as The County Code, further providing for authority to sell or lease real property.

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

**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 rereferred to the Committee on Rules and Executive Nominations.

**HB 1443 (Pr. No. 3630)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of July 9, 1959 (P.L.510, No.137), known as the Pennsylvania Public Lands Act, expanding the scope of the act, further providing for a short title, for definitions, for administration, for warrant and patent applications, for application procedure, for administrative procedure, for application for patents, for appraisals, for expenses, for abandonment of applications and for issuance of patents; making editorial changes; and making repairs.

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

### SECOND CONSIDERATION CALENDAR RESUMED

#### BILLS REREFERRED

**SB 637 (Pr. No. 2008)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for appeals from government agencies, for the selection of judicial officers and for the discipline or removal of judges or district justices; amending provisions relating to evidentiary matters; and making a repeal.

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

**SB 649 (Pr. No. 706)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of May 17, 1921 (P.L.682, No.284), entitled The Insurance Company Law of 1921, further providing for chiropractic services and reimbursements.

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

**SB 723 (Pr. No. 787)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of May 17, 1921 (P.L.789, No.285), entitled, as amended, The Insurance Department Act of 1921, further providing for powers and duties of the rehabilitator.

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

**HB 951 (Pr. No. 3659)** -- 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 bomb threats; and further providing for arson and related offenses.

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

**HB 1131 (Pr. No. 2550)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of June 25, 1919 (P.L.581, No.274), referred to as the First Class City Government Law, limiting the issuance of permits, licenses, variances and approvals.

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

**HB 1314 (Pr. No. 3750)** -- The Senate proceeded to consideration of the bill, entitled:

An Act regulating the leasing of employees; providing for registration of professional employer organizations, for unemployment and workers' compensation for leased employees, for responsibilities of professional employer organizations and for criminal penalties and remedies; and imposing powers and duties upon the Department of Labor and Industry.

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

**SB 1338 (Pr. No. 1746)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Titles 23 (Domestic Relations) and 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, providing for standing for foster parents to petition for or challenge custody or adoption of child.

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

**SB 1407 (Pr. No. 1840)** -- The Senate proceeded to consideration of the bill, entitled:

An Act prohibiting price gouging; and providing for a penalty.

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

**SB 1420 (Pr. No. 1888)** -- The Senate proceeded to consideration of the bill, entitled:

An Act providing for a single pharmacy benefits manager to administer certain prescription programs; and imposing powers and duties on the Secretary of Administration.

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

**HB 1450 (Pr. No. 3660)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Titles 18 (Crimes and Offenses) and 75 (Vehicles) of the Pennsylvania Consolidated Statutes, authorizing police officers to record certain oral communications; providing for authority to purchase surveillance devices; and providing for windshield obstructions and wipers.

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

#### HB 1863 CALLED UP

**HB 1863 (Pr. No. 3709)** -- Without objection, the bill, which previously went over in its order on third consideration, was called up, from page 1 of the Calendar, by Senator LOEPER.

#### BILL REREFERRED

**HB 1863 (Pr. No. 3709)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of May 1, 1933 (P.L.103, No.69), known as The Second Class Township Code, further providing for the letting of contracts without advertising, bidding or price quotations.

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

#### 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 to take place immediately in the Rules room at the rear of the Senate Chamber.

The PRESIDENT. For the purpose of a meeting of the Committee on Rules and Executive Nominations, this Senate stands in recess.

**AFTER RECESS**

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

**REPORTS FROM COMMITTEE**

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

**SB 300 (Pr. No. 2058) (Rereported) (Concurrence)**

An Act amending the act of July 31, 1968 (P.L.805, No.247), entitled, as amended, Pennsylvania Municipalities Planning Code, further providing for the purpose of the act; adding certain definitions; further providing for various matters relating to the comprehensive plan and for compliance by counties; providing for funding for municipal planning and for neighboring municipalities; further providing for certain ordinances; adding provisions relating to projects of regional impact; providing for traditional neighborhood development; further providing for grant of power, for contents of subdivision and land development ordinance, for approval of plats and for recording of plats and deeds; and providing for municipal authorities and water companies and for transferable development rights.

**SB 1109 (Pr. No. 2067) (Amended) (Rereported) (Concurrence)**

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for cruelty to animals and for discrimination on account of guide, signal or service dog or other aid animal.

**SB 1244 (Pr. No. 2019) (Rereported) (Concurrence)**

An Act amending the act of June 2, 1915 (P.L.736, No.338), entitled, as reenacted and amended, Workers' Compensation Act, 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.

**SB 1275 (Pr. No. 2042) (Rereported) (Concurrence)**

An Act amending Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, further providing for persons qualified to solemnize marriages and for the definitions of "designation" and "designator"; and providing for the designation of a standby guardian.

**SB 1352 (Pr. No. 2055) (Rereported) (Concurrence)**

An Act making an appropriation from a restricted revenue account within the General Fund and from Federal augmentation funds to the Pennsylvania Public Utility Commission.

**SB 1439 (Pr. No. 2065) (Rereported) (Concurrence)**

An Act amending the act of May 22, 2000 (P.L.104, No.22), entitled "An act providing for the capital budget for the fiscal year 2000-2001," increasing the capital budget debt authorizations and providing for the itemization of public improvement projects, furniture and

equipment projects, transportation assistance projects, redevelopment assistance projects, flood control projects, Keystone Recreation, Park and Conservation projects, Environmental Stewardship Fund projects and public highway projects; authorizing the incurring of debt without the approval of the electors for the purpose of financing the projects; stating the estimated useful life of the projects; making appropriations; and making repeals.

**RESOLUTION REPORTED FROM COMMITTEE**

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

**SR 83 (Pr. No. 2066) (Amended)**

A Resolution designating July 23, 2000, as "Parents' Day" in Pennsylvania.

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

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

**BILLS OUT OF ORDER**

Without objection, the bills on today's Supplemental Calendar No. 1 were called out of order by Senator LOEPER, as Special Orders of Business.

**SENATE CONCURS IN HOUSE AMENDMENTS**

**SB 1352 (Pr. No. 2055)** -- The Senate proceeded to consideration of the bill, entitled:

An Act making an appropriation from a restricted revenue account within the General Fund and from Federal augmentation funds to the Pennsylvania Public Utility Commission.

On the question,

Will the Senate concur in the amendments made by the House to Senate Bill No. 1352?

Senator LOEPER. Mr. President, I move that the Senate do concur in the amendments made by the House to Senate Bill No. 1352.

On the question,

Will the Senate agree to the motion?

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

**YEA-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	Schwartz	
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 inform the House of Representatives accordingly.

SENATE CONCURS IN HOUSE AMENDMENTS

SB 1244 (Pr. No. 2019) -- 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, 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.

On the question,

Will the Senate concur in the amendments made by the House to Senate Bill No. 1244?

Senator LOEPER. Mr. President, I move that the Senate do concur in the amendments made by the House to Senate Bill No. 1244.

On the question,

Will the Senate agree to the motion?

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

YEA-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	Schwartz	
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 inform the House of Representatives accordingly.

SENATE CONCURS IN HOUSE AMENDMENTS

SB 1275 (Pr. No. 2042) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, further providing for persons qualified to solemnize marriages and for the definitions of "designation" and "designator"; and providing for the designation of a standby guardian.

On the question,

Will the Senate concur in the amendments made by the House to Senate Bill No. 1275?

Senator LOEPER. Mr. President, I move that the Senate do concur in the amendments made by the House to Senate Bill No. 1275.

On the question,

Will the Senate agree to the motion?

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

YEA-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	Schwartz	
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 inform the House of Representatives accordingly.

SENATE CONCURS IN HOUSE AMENDMENTS

SB 1439 (Pr. No. 2065) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of May 22, 2000 (P.L. 104, No. 22), entitled "An act providing for the capital budget for the fiscal year 2000-2001," increasing the capital budget debt authorizations and providing for the itemization of public improvement projects, furniture and equipment projects, transportation assistance projects, redevelopment assistance projects, flood control projects, Keystone Recreation, Park and Conservation projects, Environmental Stewardship Fund projects and public highway projects; authorizing the incurring of debt without the approval of the electors for the purpose of financing the projects; stating the estimated useful life of the projects; making appropriations; and making repeals.

On the question,  
Will the Senate concur in the amendments made by the House to Senate Bill No. 1439?

Senator LOEPER. Mr. President, I move that the Senate do concur in the amendments made by the House to Senate Bill No. 1439.

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

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

YEA-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	Schwartz	
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 inform the House of Representatives accordingly.

SENATE CONCURS IN HOUSE AMENDMENTS

SB 300 (Pr. No. 2058) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of July 31, 1968 (P.L.805, No.247), entitled, as amended, Pennsylvania Municipalities Planning Code, further providing for the purpose of the act; adding certain definitions; further providing for various matters relating to the comprehensive plan and for compliance by counties; providing for funding for municipal planning and for neighboring municipalities; further providing for certain ordinances; adding provisions relating to projects of regional impact; providing for traditional neighborhood development; further providing for grant of power, for contents of subdivision and land development ordinance, for approval of plats and for recording of plats and deeds; and providing for municipal authorities and water companies and for transferable development rights.

On the question,  
Will the Senate concur in the amendments made by the House to Senate Bill No. 300?

Senator LOEPER. Mr. President, I move that the Senate do concur in the amendments made by the House to Senate Bill No. 300.

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

The PRESIDENT. The Chair recognizes the gentleman from Chester, Senator Gerlach.

Senator GERLACH. Mr. President, this concurrence vote that we are taking on Senate Bill No. 300 is the culmination of 2 years of intense discussion and debate among many people who represent very diverse interests and perspectives in our Commonwealth, and it also represents the realization that we need to give Pennsylvania communities the tools they need to better plan for future growth and management.

As I said last December when this body passed the initial version of Senate Bill No. 300, this issue is about three simple words: quality of life. Pennsylvanians recognize that the development and growth around them impacts their daily life tremendously, from how long it takes to go to the store or work, to the character of their local landscape and the preservation of natural resources. They also realize that, particularly in high growth areas, a little common sense must be exercised to connect new development to existing roads, water, and sewer infrastructure as much as possible. There should also be an overall logic and consistency to the pattern of growth as it moves across from one municipality to another. That basic understanding was the underpinnings of the efforts of numerous legislators in the past 10 years to bring about revisions in the Municipalities Planning Code to give our local citizens and officials better tools to accommodate growth in their area and continue to build upon the quality of life they enjoy.

After all these years of discussion, and at times heated debate, we are now at a point where Senate Bill No. 300 and its companion bill, House Bill No. 14, which we passed yesterday, strike a sound legislative balance between a private property owner's right to develop his property and the community's interest in maintaining its uniqueness and character. These bills give communities greater flexibility to work together in planning for the future and in promoting a cooperative effort for growth management in their region. As previously stated, these bills do not mandate that municipalities undertake comprehensive planning and zoning if they do not wish to, but where local citizens and officials conclude that comprehensive planning and zoning is a way to achieve or protect the quality of life in their area, this legislation would give them better tools to achieve their goals.

Mr. President, the passage of Senate Bill No. 300 and House Bill No. 14 is a major and necessary step forward in establishing commonsense land use tools for Pennsylvania. Whether and to what extent our citizens and local officials utilize these tools remains to be seen, but by passing this legislation we will have done our job to further empower our citizens to make better choices for themselves and for their communities, and if that is the net result of our efforts over the past years, then our journey has been most successful.

In closing, Mr. President, it is appropriate to extend some thanks and expressions of appreciation to a number of individuals and organizations. First, thank you to Senator Loeper and Senator Jubelirer for their assistance in having this legislation considered before this body, particularly last December when

the ultimate outcome of the legislative effort was far from clear. A special thank you to Senator Conti and Senator Waugh for their continued support and input on the development of these bills. And let me also acknowledge the great work and persistence of my colleague in the House, Representative Steil, who has criss-crossed the State over the past couple of years, as have I, to generate both public awareness and legislative support to get us to where we are today. I would also like to extend my appreciation to Pete Gleason, Tom Hutton, and Glen Thomas in the Governor's Office, for their hard work and support, particularly in the last month or so as we tried to bring the remaining issues to closure.

Additionally, let me recognize and thank the representatives of various organizations and associations that have been part of the intense discussions and debates that we have had on these measures. While they have represented their respective interests with great vigor and spirit, they have also exhibited the ability to see the larger picture, and they have worked very hard to bring this process to a successful conclusion. Also, let me recognize the good work of the State Association of Township Supervisors, the 10,000 Friends Committee, the Farm Bureau, and the Builders' Association.

Finally, I would like to extend my appreciation to the great staff that we have had supporting our efforts to get here today: Virgil Puskarich and Pat Kielty of the Local Government Commission; Don Grell of the House Committee on Local Government; and most importantly for me, Lauren Muglia and Mark Meyer of my office. Successful legislation is a team effort, and we certainly have a great team working around and for us here in the Senate.

Thank you, Mr. President, and I request an affirmative vote to concur in House amendments to Senate Bill No. 300.

The PRESIDENT. The Chair recognizes the gentleman from Bucks, Senator Conti.

Senator CONTI. Mr. President, I rise today to offer my support to Senate Bill No. 300 and to thank those involved in what I think will be a very strong, if not unanimous, vote any moment here. I would also like to personally recognize my good friend and colleague, Senator Gerlach, for the outstanding work he has done and the leadership he has shown for close to a decade now, along with my good friend and colleague in the other Chamber, Representative Steil.

Today is an important day. Yesterday was an important day with the adoption of House Bill No. 14, and I think we can look forward to a brighter future in managing growth in the Commonwealth. In the area I represent in Bucks County, perhaps the horse is out of the barn in many instances. I guess we are sharing a lot of our experiences going back to the 1950s, and it is incorporated in this piece. Hopefully, municipalities can work together in the future perhaps in a meaningful way, which we did not have the opportunity to do in Bucks County.

I will continue to strive to introduce legislation to help individual municipalities manage growth. I think that is important and we will look forward to those debates in the future, and I also look forward when we come back in the fall to continue to address the issue of curative amendments, which I think you will find will be the number one issue when growth comes to

your area, and I hope with the adoption of this legislation today you will have less curatives than we have in our area, but I thank the gentleman, Senator Gerlach, and our leadership for agreeing to confront this most difficult issue in the fall.

So, Godspeed, Senator Gerlach, for all the good work you have done here, and let us hope that Pennsylvania will manage their growth in the future in a proper way so we all have wonderful and livable communities.

Thank you, Mr. President.

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

Senator SCHWARTZ. Mr. President, I would like to add my words of congratulations to all of those who worked on this legislation. It is a very, very important step forward in land use planning and the encouragement of municipalities to work together to plan regionally, to plan not only on a county level, but to think regionally about land use issues and to hopefully come up with the kind of master plans that encourage future growth and development to be consistent with the kinds of livable communities that we hope for in the future.

That means, of course, open space. It means thinking through the kind of communities we want to live in, the kind of infrastructure necessary, and to work with builders and with planners and with community residents to make sure local government can work together to do the kind of comprehensive land use planning that we hope for in the future.

So, my congratulations to Senator Gerlach and to Representative Steil, with whom I have served on several panels. I know the kind of work that has gone into working with local government officials and working with many of the interest groups. And I want to also particularly congratulate the many interest groups, without whom this would not have come to pass. It goes to show the kind of citizen action and attention to both larger concepts and larger goals for the future in moving this Commonwealth forward, and it is to be admired by all of us.

I would like to express just one cautionary note, if I may. Although I am enthusiastic about both House Bill No. 14 and Senate Bill No. 300, I do want to make a cautionary note about some of the amendments that were placed in this bill in the House, which actually speak to factory farming, mining, and forestry, that may put some burdens on some of the local communities that they may not be able to meet. And as a cautionary note, one that I hope in fact I am proven wrong about, that it is not a burden which cannot be met by local communities or will be able to be incorporated in the larger community regional planning that might go on, but I am a little bit concerned about some of those concessions that were made, and hopefully will be able to work out. If not, we may have to come back and look at some of those provisions in the future.

But with that cautionary note, again, I would like to congratulate my colleagues who worked so hard on this, and in a small measure, some of the work I may have done in helping to make this happen. And also as a previous speaker suggested, there may be work for us in the future, may I also suggest that there is legislation that we may want to look at that would help as a corollary to some of this land use planning in some of the revitalization of some of our smaller and larger urban areas. One of

the answers to growth might be the reinvestment and rehabilitation of some of our older communities, particularly our urban areas. So I hope that we will seek to do that as we move forward and possibly see that as a response to some of the efforts that come out of this.

So, with great pleasure in seeing Pennsylvania finally tackle the issue of land use planning for the future, I hope that that builds toward economic prosperity, livable communities, and a positive future for all Pennsylvanians.

Thank you, Mr. President.

The PRESIDENT. The Chair recognizes the gentleman from Chester, Senator Thompson.

Senator THOMPSON. Mr. President, I, too, am pleased to support Senate Bill No. 300 and commend my colleague, Senator Gerlach, for his untiring efforts. I think he mentioned that it has been only 2 years that he has been working on this bill. I think this whole issue is something that Senator Gerlach brought with him since the day he first came into the House of Representatives, so we commend him for his tenacity.

Senate Bill No. 300 and House Bill No. 14 both are very important in that they recognize the fact that Pennsylvania is Pennsylvania. Pennsylvania is not Delaware, Pennsylvania is not Maryland, Pennsylvania is not Oregon. Pennsylvania is Pennsylvania. And in Pennsylvania, the responsibility for land use lies at the local level. Both of these bills continue that tradition as it should be continued, and they give the local governments the tools that they need to face the challenges that they face on a daily basis. I am a former township supervisor, and 30 years ago I certainly wish I had these tools when I was making some of the decisions that I had to make as a township supervisor in the 1970s in West Goshen Township.

These laws do not set up new levels of decisionmaking across Pennsylvania, nor do they buck the land use prerogative up to a higher level. They keep the decisionmaking powers where they should be, at the local level. And moreover, they provide the tools for local officials to do the job that they were elected to do. Moreover, the bills do not mandate anything. If a municipality does not want to take advantage of the tools that are being provided in Senate Bill No. 300, that municipality does not have to.

So, again, I commend all of those who made this possible and who have taken a potentially divisive issue and gotten a very good consensus on it. And anyone who can bring the disparate groups together that Senator Gerlach and his colleagues have brought together with Senate Bill No. 300, certainly deserves a medal. So, I am very much in support of this and hope my colleagues do the same.

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

Senator WAUGH. Mr. President, I would also like to rise today to just briefly acknowledge what I believe has been a tremendous effort on the part of Senator Gerlach and Representative Steil. I have had the good fortune of working with both of these gentlemen previously as a Member of the House and in the last year or so here in the Senate, and I can tell you from personal experience, I was involved around the edges of this thing I guess all along, but these two gentlemen certainly dedicated a

good portion of their energy and persistence and work over a good number of years in achieving both bills, one we voted on yesterday, House Bill No. 14, and now today the one we are prepared to vote on, Senate Bill No. 300.

I have used the term "toolbox" repeatedly during this debate, and you have heard it mentioned by others, and I would just like to stress the importance of that term. As the previous speaker mentioned, there is nothing that mandates our local governments in any way in this legislation, but what we have done here today as we enter the new millennium is really acknowledge the fact that in many cases the allowances today under the Municipalities Planning Code are just not quite enough or just maybe do not fit the bill for some of our more pressured municipalities which are experiencing tremendous growth, rapid growth, and the ever-present pressure for continued expansion. By allowing regional cooperation, by allowing municipalities to zone together jointly without having to provide for every use in the book, by allowing for tax revenue sharing, I believe that as we enter the new millennium with this new toolbox in hand, our municipalities will be able to do a much better job in providing for well-managed land use and, quite frankly, smart economic development.

So, with that, I just once again would like to acknowledge the efforts of both Representative Steil and Senator Gerlach, and on behalf of the folks of York County, say thank you to them, because I certainly believe these two bills and this entire initiative is going to make quite a difference in our neck of the woods, if you will.

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-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	Schwartz	
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 inform the House of Representatives accordingly.

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

**SENATE RESOLUTION No. 83, ADOPTED**

Senator LOEPER, without objection, called up from page 1 of Supplemental Calendar No. 3, **Senate Resolution No. 83**, entitled:

A Resolution designating July 23, 2000, as "Parents' Day" in Pennsylvania.

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

On the question,

Will the Senate adopt the resolution?

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

**SENATE RESOLUTION ADOPTED**

Senators CORMAN, MADIGAN, STAPLETON, WENGER, PUNT, HELFRICK, ROBBINS, MOWERY, WAGNER, STOUT, O'PAKE, BELAN, BOSCOLA, BRIGHTBILL, COSTA, DENT, EARLL, KITCHEN, KUKOVICH, LEMMOND, MURPHY, TARTAGLIONE, THOMPSON, TOMLINSON, WAUGH and MUSTO, by unanimous consent, offered **Senate Resolution No. 196**, entitled:

A Resolution recognizing August 15 through 17, 2000, as "Ag Progress Days" in Pennsylvania.

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

**SPECIAL ORDER OF BUSINESS  
PERMISSION TO ADDRESS**

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

Senator MOWERY. Mr. President, as chairman of the Senate Committee on Public Health and Welfare, I have been meeting with the Department of Public Welfare over the past year on a number of issues relating to welfare reform. Today I rise in order to share with my colleagues the nature of my concerns and the results of those conversations. I have been concerned that we have forced some welfare recipients into a position of making a very difficult decision, a decision to either quit their educational program, literally weeks from completion, in order to meet the 20-hour-a-week work rule, or to continue their education program and risk losing their cash assistance. I have heard of women just weeks short of graduating from various types of post-secondary education who have been faced with making a very difficult decision, a tough decision to make and a decision I do not think people who are making an effort toward self-sufficiency should have to make.

During discussions with the department, I have advocated for a formal process to permit those men and women who have engaged in a system of education and training within the first 2

years under welfare to be given a little extra time to complete those programs. I think it is necessary and important to have a formal process in place to address these specific instances, and the Department of Public Welfare has agreed. As a result, clients who have engaged in the GED program, post-secondary, or approved training programs that meet certain criteria may be granted a good-cause waiver from the 20-hour-a-week work rule for up to 6 months or the completion of an additional semester. Criteria would include a requirement to have been participating in education or training for two semesters during the first 24 months of getting welfare, and nearing completion of a degree or certificate.

During my discussions with the department, I have focused on making constructive changes to welfare reform, and not whether these changes were actually achieved legislatively or administratively. With the department agreeing to implement this new good-cause criteria, I believe that it is an approach that has proven to be effective.

Finally, let me state that I believe the department has done a tremendous job in implementing welfare reform, having helped thousands of families move from welfare dependency to self-sufficiency. While I have advocated for some changes, I am very mindful that the success of the State's welfare reform efforts have really exceeded most of the expectations that we all had at the beginning. And those successes are linked to the "work first" model that the State has embraced.

It is well documented that education alone should not be a substitute for work. National studies continue to show that a work history is one of the most effective and best ways for a welfare recipient to have the springboard toward self-sufficiency. A work history, coupled with education, can offer a welfare recipient an even a stronger foundation on which to build. Those who have chosen not to engage in education or training within the first 2 years should not and would not be excused from working. For those who have used their time on public assistance wisely to make a better life for themselves and their families and are nearing completion should be given the opportunity to finish.

Welfare reform is based upon the principles of personal responsibility and providing support as one moves from welfare to work. With this proposal, the Department of Public Welfare recognizes those individuals who have wisely chosen to use their first 2 years on welfare to gain the skills they need to carry them through the rest of their lives.

Mr. President, thank you very much for this opportunity.

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

Senator MELLOW. Mr. President, I realize that was a special order of business that probably should have been done under Petitions and Remonstrances, because I believe there has to be some discussion on the floor and I would like to have the opportunity to at least talk. I would like to, with the consent of the Senate, have the opportunity to make some remarks with regard to the statements that were just made by Senator Mowery.

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

Senator MELLOW. Mr. President, I am very happy that the gentleman decided today to talk about the effort that he had been working on with the Department of Public Welfare for a period of time to try to change the 20-hour-a-week work rule as it applies to young welfare recipients who are attending college. Back on April 10 of this year, and then I will submit for the record the video of the public hearing that took place, at which I did not see the Senator present, although all Members of the Senate and the House of Representatives were invited, I will submit this for the record of the testimony that was put forth at the public hearing. The individuals, Mr. President, who testified before us were all young women who felt that they were very badly discriminated against because they all had to drop out of school. Although they were full-time students with families collecting public welfare, they all had to drop out of school because they could not qualify both academically and continue their work load and still work the 20 hours a week that welfare reform mandated that these young moms had to work.

Now, this is a very, very important issue, and I am glad that it has been brought to the attention of the Senate here today. Mr. President, the public hearing that day was chaired by the Auditor General of the Commonwealth, Auditor General Bob Casey. It was also attended by both myself and Representative Phyllis Mundy. The woman who testified first was a mother by the name of Doreen Thomas, whose education was impacted by the 20-hour work rule. She was a student at Harrisburg Area Community College and was in a 2-year program to become a registered nurse.

Mr. President, there was a woman by the name of Diane Converse, a mother of two children who had been struggling since 1997 to juggle her responsibilities as a parent and her responsibilities as a full-time student. Diane had to drop out of school because of the 20-hour work rule of the public welfare program, because she could not both work the 20 hours a week and continue her education in school. She was a single mother with two children.

There was a 23-year-old single mother of a 3-year-old boy who started college before she entered the welfare system, but like many other people, she was also left in the condition of having to be a single mom. Her name is Linda Hippolyte. She was a student at Marywood University in Scranton, where she was enrolled in a nursing degree program. She faced a 20-hour-a-week work requirement, Mr. President, and it was devastating what she had to do to bring about her graduation.

And, Mr. President, I can continue. There was another young woman by the name of Nadine Scopelliti. She was an elementary education student in her final semester in college, a single mother being discriminated against because of this program, who faced the exact same conditions and was put in the same position as her predecessors whom I just mentioned.

Mr. President, the story goes on and on. The hearing was held on April 10, right here in the Capitol. I am going to submit for the record the video, in case the gentleman would like to view it in his spare time during the summer.

Furthermore, Mr. President, there was a letter that was sent on April 20 of this year to the Governor of the Commonwealth of Pennsylvania. That letter was sent and signed by Robert P.

Casey, Jr., Auditor General of the Commonwealth of Pennsylvania, myself, and Representative Phyllis Mundy. It is a 5-page letter, which I am also going to submit for the record, begging the administration, begging the Secretary of Public Welfare to do exactly what Senator Mowery just said that he had been able to implement in his efforts by working through the Department of Public Welfare to give some leeway to these desperate single mothers who are trying to advance themselves educationally, so they could stay off public welfare on a permanent basis and be able to provide for their families.

So I am glad that the gentleman took to the floor of this Senate. As Paul Harvey says, there is more to the story than what was just presented, and I think the other part of the story, Mr. President, has to be presented.

I would like to conclude by offering the video and also the letter that was sent on April 20 to Governor Ridge, which was signed, as I said, by Auditor General Casey, myself, and Representative Phyllis Mundy, asking him to do the exact same thing that the gentleman just announced. Incidentally, to my knowledge, none of us has of yet received a reply to this letter, so I guess the gentleman was very fortunate. He was able to get the information, and we are happy that he was able to present that to us, but the letter was not answered, at least to my knowledge. I have not seen a copy of the answer yet, so I would like to make this a part of the record of today's Session.

The PRESIDENT. Just as a technical point, Senator Mellow, you should know that a transcript of that video would be acceptable for the record. The video, while interesting and fitting, no.

Senator MELLOW. Mr. President, we can provide it in the alternative and make it presentable.

*(A transcript of a video and a letter were made a part of the record at the request of the gentleman from Lackawanna, Senator MELLOW:)*

COMMONWEALTH OF PENNSYLVANIA  
Office of the Auditor General  
Harrisburg, PA 17120 - 0018

April 20, 2000

The Honorable Thomas J. Ridge  
Governor  
Commonwealth of Pennsylvania  
225 Main Capitol  
Harrisburg, Pennsylvania 17120

Dear Governor Ridge:

Last week, we listened to the stories of five working mothers whose families have been adversely impacted by your administration's "welfare reform" policies. In particular, we heard about policies that exclude education and training from the work requirement, sanctions that affect children as well as parents, and child support enforcement and collection procedures that place vulnerable women and children at risk of further domestic violence. We have enclosed a videotape of their testimony, with the hope that you watch it and are moved to take action today to help them, their children, and other Pennsylvania families.

The purpose of welfare reform was to enable individuals to become self-sufficient. To that end, Pennsylvania's Act 35 of 1996 requires individuals who have received public assistance for 24 months

under the federal Temporary Assistance for Needy Families (TANF) program to be working or be engaged in a work activity for 20 hours per week. The women who spoke to us last week explained how your administration's rigid application of this work requirement has created a "Catch-22" - they are supposed to become self-sufficient by working, but they are currently denied the opportunity to pursue education and training so that they can actually obtain jobs that pay family-sustaining wages.

Many parents are working, participating full-time in an educational program, *and* fulfilling their responsibilities to their children. However, some are not always able to work the required 20 hours per week due to their educational and family responsibilities. As a result, they are forced - and sometimes ordered by their caseworkers - to drop out of school, *even if graduation is only a few months away.*

Your own administration's research indicates that working families cannot escape poverty without education or training. Yet instead of supporting those families in their efforts, your administration's unnecessarily rigid application of the work requirement punishes them by taking away their public assistance. While this policy may be dramatically decreasing the number of Pennsylvania families receiving assistance, it will never truly break the cycle of economic dependency.

*Pennsylvania should not sacrifice the long-term self-sufficiency of working families for short-term reductions of the welfare caseload.* Just listen to the stories of three of the women we met last week:

- *Doreen Thomas* is now a welfare reform success story, but her escape from dependency was almost foiled by your administration's policies. Doreen turned to public assistance after she stopped working during her pregnancy on the advice of her doctor. After her daughter was born, she enrolled in a nursing program. Three months before graduation, she reached her 24th month on TANF. As a result, her caseworker began pressuring her to work 20 hours per week in order to continue receiving assistance.

Doreen was finally able to convince the caseworker to allow her to graduate without losing her assistance. Today, Doreen works as a nurse at a local hospital, where she earns over \$16 per hour and receives health care benefits for herself and her daughter. She knows that they both now have a brighter future: "With an education, you can go so far...I can go anywhere now, and education is the key."

- *Nadine Scopelliti* has a similar story. Nadine is a single mother who is completing her last semester at Marywood University in pursuit of her Elementary Education degree. She has already secured a teaching position that will pay her over \$34,000 per year with benefits. However, the Department of Public Welfare (DPW) is refusing to consider the hours spent by Nadine in her full-time student teaching assignment toward the work requirement. In fact, Nadine was pressured to quit school immediately. "I cannot say that ever once was I encouraged by anybody in the Welfare Department to keep going and to graduate," she told us. Today, Nadine and her son are in danger of losing the public assistance which they need only until she receives her first paycheck in her new job.
- *Diane Converse* is in a similar position. Diane is a single mother of two who is completing her last semester at Lackawanna Junior College in pursuit of her Human Services degree. She expects to pursue a career as a corrections officer. Because she works 10 hours per week in addition to carrying a full course load, she asked DPW to consider her 12 hours of classroom time per week towards the work requirement.

Instead of granting this reasonable request, DPW directed the Lackawanna County Assistance Office to begin the process of terminating the assistance received by Diane and her two young children. Today, only a few weeks away from gradua-

tion, Diane nervously awaits a final decision from DPW regarding the status of her assistance.

Diane expressed her concerns about the impact of the sanctions that DPW is considering: "[I]f they sanction me the way they say is possible, they are not just doing it to me, they are doing it to my kids. My kids didn't do anything wrong...."

In these cases, your administration's policies are blatantly unfair and shortsighted. They penalize hardworking parents who are doing everything that they can to fulfill their obligations under welfare reform and also make the long journey to self-sufficiency.

There have been bipartisan efforts in the General Assembly to make the work requirements more flexible. *Yet this problem could be fixed today if your Department of Public Welfare would simply allow education and training to count towards the work requirement.* As explained last year in the Department of the Auditor General's TANF audit, Pennsylvania can allow TANF recipients to pursue education and training for a limited period of time after 24 months of receiving assistance, without jeopardizing the Commonwealth's ability to meet certain federal minimum work participation rates for the total welfare caseload.

We are deeply concerned about DPW sanctioning working mothers for their inability to work the full 20 hours per week while pursuing education or training. As you know, Act 35 imposes sanctions not only on the individual, but also in some cases on the *entire family, including the children.* You also know that federal law *does not require* the imposition of these so-called "full-family sanctions."

It would be tragic and disgraceful for a woman like Diane - who is struggling in good faith against all odds to achieve self-sufficiency for herself and her children - to be sanctioned. I cannot fathom how sanctioning *children* promotes the goals of welfare reform. We need only look to Michigan's experience to realize that full-family sanctions harm families. Michigan has implemented full-family sanctions and discovered that nearly one-third of sanctioned families had difficulty affording enough food for their children.

Therefore, we urge you to eliminate full-family sanctions or at least reduce their impact on Pennsylvania's children. We also encourage you to expand DPW's TANF Compliance Program, through which community-based private agencies help TANF recipients fulfill their obligations and avoid sanctions in the first place.

Finally, the stories of women like Nina Gould and Elsa Peterson, who also testified last week, remind us of the intersection between welfare reform and domestic violence:

- *Nina Gould* and her three children left her home due to domestic violence. She has no high school diploma and was initially denied the opportunity to pursue her General Education Degree (GED) by her caseworker. She is now allowed to pursue her GED while also working at a fast food restaurant. "Your income is not what you are, it's what you get," Nina said. "I do everything I can to set a good example...I'm proud there is no violence for my kids to see anymore."
- *Elsa Peterson*, a mother of two, has had to overcome numerous medical and emotional barriers due to domestic violence. She has a temporary job with the U.S. Census Bureau while she attends Temple University in pursuit of a career in social work. She expressed her frustration with the lack of support from her caseworkers: "[T]hey need to be educated about what exactly to provide their clients and they need to remove their judgmental attitude, because nobody is enjoying being in this position, nobody enjoys being poor."

Pennsylvania law currently requires women to name the fathers of their children in order to pursue enforcement and collection of child support obligations. *Unfortunately, this process places women and children at great risk of further domestic violence by disclosing their locations to the very men who have hurt them and from whom they are*



*trying to escape.* Welfare reform was supposed to help them, not punish them further.

Pennsylvania initially exercised the federal Family Violence Option (FVO), which allows states to protect women and children by making federal welfare reform requirements more flexible. Yet DPW has yet to fully implement the FVO or the proposals made by its own task force *two years ago*, despite DPW Secretary Feather O. Houston's commitment to do so. She informed the members of the task force, which included both DPW officials and domestic violence prevention and treatment advocates, "I assure you that we are committed to an expeditious implementation of the FVO and will seek to eliminate unnecessary bureaucratic delays." *That was one year ago.* We urge you to immediately require Secretary Houston to implement the rules necessary for full compliance with the FVO.

We urge you to act on these issues as soon as possible to further help Pennsylvania's working families on their difficult journey to long-term self-sufficiency.

Sincerely,

ROBERT P. CASEY, JR.  
Auditor General

ROBERT J. MELLOW  
Senate Democratic Leader

PHYLLIS MUNDY  
State Representative  
120th District

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

Senator MOWERY. Mr. President, the comment of the previous speaker is amazing when we have worked so hard with many of the people on his side of the aisle to come to this conclusion. You know, it is very interesting that if I missed a hearing, which I am sorry I did, there must have been a conflict or I am sure I would have been there, but as chairman of the Committee on Public Health and Welfare, I have spent hours and hours talking to people whom he presented as being something that he probably assumed I had not heard before. I heard that story many, many times in my office.

I also believe that taking a stance on what has worked so well for Pennsylvania and taking welfare recipients and giving them an opportunity to be self-sufficient has worked better than any other State in the United States. The reports of those who have succeeded are tremendous. There are those who have failed. But what we are trying to do is to be fair to those who try and who are in an educational program, either in training for a specific job or really going to get their GED, which is their high school diploma, or taking a step further to even go into schools like community colleges, actual colleges. I think we are being very fair, and I think that those on his side who have already complimented me, because this meeting only took place 2 days ago where the agreement was reached between the Governor's Office and the Department of Welfare, that I think that maybe we should say the good parts of what I just presented earlier rather than be negative.

I look forward to helping welfare recipients. I think there is a great need for it, and I think we have been very successful, and I would like to continue down the road that we have gone, realizing that at times we are going to have to make changes as we see how the progress of our system is working. That, we did,

and I thank the Governor's Office and I thank the Secretary of Welfare for a job well done.

Thank you, Mr. President.

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

Senator MELLOW. Mr. President, just in very brief response, I would like the gentleman to know that I am not being negative, but I think it is important for the people of Pennsylvania to know that more than one individual in this Senate had something to do with the change of heart by the administration for the purpose of changing a regulation.

Mr. President, I am also not questioning the effectiveness of welfare reform, because we have benefitted from the greatest national economy in the current history of this country, and because of this great national economy that we have, we have been able to have six consecutive surpluses in State government. This past surplus, when it is all said and done on June 30 of the year 2000, could easily approach \$1 billion in State money. A good part of the money, Mr. President, that was used in this program that the gentleman was talking about, for the purpose of giving benefits to female students or to students, period, but in most cases, it was single mothers, was money that was being spent in Pennsylvania but being given to us by the Federal government for the purpose of the implementation of the program.

We have benefitted tremendously by having a reduced load in our public welfare rolls because of the tremendous economy. I guess we can all take credit for that economy and how it has benefitted Pennsylvania, but certainly not one of us can take sole credit for anything that has happened, not only in this program but also in the economy, Mr. President, and the part about this whole program that was so offensive to me was how it was so discriminatory against single mothers who are trying to help themselves get off public welfare. And if the gentleman would like, I could recite, because it is here, I could recite the granting of requests that were denied by a Deputy Secretary of Public Welfare when there were some of these single mothers who were students who asked if there was some way, because of their full-time family function and being a full-time student, if there was a way that the Department of Welfare would be able to waive the 20 hours, or work with them so that they could implement it at a later period of time, and they were told, Mr. President, that the Department of Public Welfare would not do it, and therefore these students had to drop out of school for one semester.

So I think the accomplishment is great. I think everybody in this body has to share some of the responsibility to bring it about, and I think, appropriately, the Auditor General of the Commonwealth, who first brought it to the attention of the people of Pennsylvania and then convened this public hearing on a Monday morning while we were in Session, and also sent a letter to the Governor making the request that the Department of Public Welfare, through regulation, make the change, deserves some credit. So I guess what we have to do is say thank you to everybody who is responsible for that particular change in the welfare reform regulation.

Thank you, Mr. President.



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

**SENATE CONCURS IN HOUSE AMENDMENTS  
AS AMENDED**

**SB 1109 (Pr. No. 2067)** – 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 cruelty to animals and for discrimination on account of guide, signal or service dog or other aid animal.

On the question,  
Will the Senate concur in the amendments made by the House, as amended by the Senate, to Senate Bill No. 1109?

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. 1109.

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

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
Earl	Lemmond	Schwartz	
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 inform the House of Representatives accordingly.

**COMMUNICATIONS FROM THE GOVERNOR  
RECALL COMMUNICATIONS  
LAID ON THE TABLE**

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

**MEMBER OF THE PENNSYLVANIA  
GAME COMMISSION**

June 14, 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 25, 2000 for the appointment of Roxane S. Palone (District 2), 139 Johnson Road, Waynesburg 15370, Greene County, Forty-sixth Senatorial District, as a member of the Pennsylvania Game Commission, to serve for a term of eight years or until her successor is appointed and qualified, but not longer than six months beyond that period, vice Dennis Roy Fredericks, McMurray, whose term expired.

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

THOMAS J. RIDGE  
Governor

**MEMBER OF THE MUNICIPAL POLICE OFFICERS'  
EDUCATION AND TRAINING COMMISSION**

June 14, 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 The Honorable Tim Fulkerson, City of New Castle, 230 North Jefferson Street, New Castle 16101, Lawrence County, Forty-seventh Senatorial District, 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 Gayle M. Wright, Erie, whose term expired.

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

THOMAS J. RIDGE  
Governor

**COMMUNICATIONS FROM THE GOVERNOR  
TAKEN FROM THE TABLE**

Senator SALVATORE, by unanimous consent, called from the table communications from His Excellency, the Governor of the Commonwealth, recalling the following nominations, which were read by the Clerk as follows:

**MEMBER OF THE PENNSYLVANIA  
GAME COMMISSION**

June 14, 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 25, 2000 for the appointment of Roxane S. Palone (District 2), 139 Johnson Road, Waynesburg 15370, Greene County, Forty-sixth Senatorial District, as a member of the Pennsylvania Game Commission, to serve for a term of eight years or until her successor is appointed and qualified, but not longer than six months beyond that period, vice Dennis Roy Fredericks, McMurray, whose term expired.

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

THOMAS J. RIDGE  
Governor

**MEMBER OF THE MUNICIPAL POLICE OFFICERS'  
EDUCATION AND TRAINING COMMISSION**

June 14, 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 The Honorable Tim Fulkerson, City of New Castle, 230 North Jefferson Street, New Castle 16101, Lawrence County, Forty-seventh Senatorial District, 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 Gayle M. Wright, Erie, whose term expired.

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

THOMAS J. RIDGE  
Governor

***NOMINATIONS RETURNED TO THE GOVERNOR***

Senator SALVATORE. Mr. President, I move that the nominations 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.

**EXECUTIVE NOMINATIONS**

***EXECUTIVE SESSION***

Motion was made by Senator SALVATORE,  
That the Senate do now resolve itself into Executive Session or 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.

Mr. President, I request the nomination of Daniel G. Guydish for the State Tax Equalization Board be voted separately, and all the rest of them unanimously.

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

Senator MELLOW. Mr. President, I think we would also like the nomination of Charles H. Dougherty for the State Tax Equalization Board to be voted separately.

The PRESIDENT. The Clerk will read the nominations minus those two.

The Clerk read the nominations as follows:

**MEMBER OF THE STATE CIVIL  
SERVICE COMMISSION**

May 26, 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 L. Krause, Esquire, 5218 Fifth Avenue, Pittsburgh 15232, Allegheny County, Forty-third Senatorial District, for appointment as a member of the State Civil Service Commission, to serve until April 9, 2004 or until her successor is appointed and qualified, but not longer than six months beyond that period, vice Ethel S. Barnett, Philadelphia, resigned.

THOMAS J. RIDGE  
Governor

**MEMBER OF THE CONSTABLES' EDUCATION  
AND TRAINING BOARD**

March 9, 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, Craig Westover, 104 Fourteenth Street, Franklin 16323, Venango County, Twenty-first Senatorial District, for appointment as a member of the Constables' Education and Training Board, to serve for a term of three years and until his successor is appointed and qualified, vice James C. Withers, Meadville, resigned.

THOMAS J. RIDGE  
Governor

**MEMBER OF THE STATE BOARD  
OF COSMETOLOGY**

May 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, Wendy S. Marsden-Johnson, 1819 West 8th Street, Erie 16050, Erie County, Forty-ninth Senatorial District, for reappointment 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.

THOMAS J. RIDGE  
Governor

**MEMBER OF THE BOARD OF TRUSTEES  
OF EBENSBURG CENTER**

May 16, 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, Ruth W. Kline, 210 East Horner Street, Ebensburg 15931, Cambria County, Thirty-fifth Senatorial District, for reappointment as a member of the Board of Trustees of Ebensburg Center, to serve until the third Tuesday of January 2003, and until her successor is appointed and qualified.

THOMAS J. RIDGE  
Governor

**MEMBER OF THE BOARD OF TRUSTEES  
OF EBENSBURG CENTER**

May 16, 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, Mary Ringler, 140 Berkley Road, Johnstown 15905, Cambria County, Thirty-fifth Senatorial District, for reappointment as a member of the Board of Trustees of Ebensburg Center, to serve until the third Tuesday of January 2005, and until her successor is appointed and qualified.

THOMAS J. RIDGE  
Governor

**MEMBER OF THE BOARD OF TRUSTEES  
OF EBENSBURG CENTER**

May 16, 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, Alice Ann Zemba, P.O. Box 29, Black Lick 15716, Indiana County, Forty-first Senatorial District, for appointment as a member of the Board of Trustees of Ebensburg Center, to serve until the third Tuesday of January 2005, and until her successor is appointed and qualified, vice Jean Ann Damin, Ebensburg, resigned.

THOMAS J. RIDGE  
Governor

**MEMBER OF THE HEALTH POLICY BOARD**

April 26, 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, D. Bruce Cahilly, Esquire, 1000 White Knoll Road, Ulysses 16948, Potter County, Twenty-fifth Senatorial District, for reappointment as a member of the Health Policy

Board, to serve for a term of three years and until his successor is appointed and qualified.

THOMAS J. RIDGE  
Governor

**MEMBER OF THE HEALTH POLICY BOARD**

March 23, 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, Thomas McLoughlin, 641 Ridgeview Drive, Erie 16505, Erie County, Forty-ninth Senatorial District, for appointment as a member of the Health Policy Board, to serve for a term of three years and until his successor is appointed and qualified, vice Stephen H. Franklin, Lemoyne, whose term expired.

THOMAS J. RIDGE  
Governor

**MEMBER OF THE STATE BOARD  
OF MEDICINE**

May 17, 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, Richard E. Wright, M.D., 1419 Stoltz Road, Bethel Park 15102, Allegheny County, Thirty-seventh Senatorial District, for reappointment as a member of the State Board of Medicine, to serve for a term of four years or until his successor is appointed and qualified, but not longer than six months beyond that period.

THOMAS J. RIDGE  
Governor

**MEMBER OF THE MUNICIPAL POLICE OFFICERS'  
EDUCATION AND TRAINING COMMISSION**

March 31, 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, 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.

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 NURSING

May 24, 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, Rena M. Lawrence, 48 Pilgrim Drive, Lancaster 17603, Lancaster County, Thirteenth Senatorial District, for appointment as a member of the State Board of Nursing, to serve for a term of six years or until her successor is appointed and qualified, but not longer than six months beyond that period, vice Susanne M. Kelly, Coraopolis, resigned.

THOMAS J. RIDGE  
Governor

MEMBER OF THE STATE BOARD  
OF PODIATRY

May 17, 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, Larry M. Newman, D.P.M., 441 Meadowbrook Drive, Huntingdon Valley 19006, Montgomery County, Twelfth 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 Thomas J. Rittenhouse, D.P.M., Clarks Green, whose term expired.

THOMAS J. RIDGE  
Governor

MEMBER OF THE ADVISORY COMMITTEE  
ON PROBATION

May 26, 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, Richmond S. Parsons, Jr., 2703 Old Welsh Road, Willow Grove 19090, Montgomery County, Twelfth Senatorial District, for appointment as a member of the Advisory Committee on Probation, to serve for a term of four years and until his successor is appointed and qualified, but not longer than ninety days beyond that period, vice David W. Crowe, Meadville, resigned.

THOMAS J. RIDGE  
Governor

MEMBER OF THE STATE BOARD OF SOCIAL  
WORKERS, MARRIAGE AND FAMILY THERAPISTS  
AND PROFESSIONAL COUNSELORS

May 19, 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, Michael J. DeStefano, 31 Metoxet Street, Ridgway 15853, Elk County, Twenty-fifth Senatorial District, for reappointment as a member of the State Board of Social Workers, Marriage and Family Therapists and Professional Counselors, 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 VETERINARY MEDICINE

March 9, 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, Robert W. Cloninger, V.M.D., 169 Dennis Alan Circle, P.O. Box 490, Centre Hall 16828, Centre County, Thirty-fourth Senatorial District, for appointment as a member of the State Board of Veterinary Medicine, to serve until March 16, 2002 or until his successor is appointed and qualified, but not longer than six months beyond that period, vice Ronald N. Stuber, V.M.D., Hummelstown, 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	LaValle	Salvatore	Wozniak
Earll	Lemmond	Schwartz	
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.

**NOMINATION TAKEN FROM THE 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:

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

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-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	Schwartz	
Fumo	Loeper	Stapleton	
Gerlach	Madigan	Stout	

NAY-0

A constitutional two-thirds 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 STATE TAX  
EQUALIZATION BOARD

May 17, 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, Charles H. Dougherty, 2514 East Dauphin Street, Philadelphia 19125, Philadelphia County, First Senatorial District, for appointment as a member of the State Tax Equalization Board, to serve until November 14, 2003, or until his successor is appointed and qualified, vice Martha Bell Schoeninger, Wayne, resigned.

THOMAS J. RIDGE  
Governor

MEMBER OF THE STATE TAX  
EQUALIZATION BOARD

June 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, Daniel G. Guydish, R. 401 West Green Street, West Hazleton 18201, Luzerne County, Fourteenth Senatorial District, for appointment as a member of the State Tax Equalization Board, to serve until November 14, 2003 or until his successor is appointed and qualified, vice James E. Bach, Sr., Shickshinny, whose term expired.

THOMAS J. RIDGE  
Governor

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

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

Senator MELLOW. Mr. President, I do not know Charles H. Dougherty or Daniel G. Guydish. I had an opportunity of looking at the resumes of both of them when their papers were submitted for confirmation to the Senate. Both of them appear to be educated individuals.

Mr. Guydish is a former schoolteacher, a former council president, and presently serves as the mayor of West Hazleton Borough in Luzerne County. Mr. President, Mr. Dougherty is a former employee of the Department of Revenue, the Common-

wealth of Pennsylvania, in Harrisburg, and it appears from his resume that for a 20-year period of time, he served as a real property appraiser, planner, and organizer. I would assume, Mr. President, from that that both individuals are probably qualified to serve in the position.

The problem that I and other Members of this Caucus have with both individuals are that both of them are collecting a State pension currently, and if they are confirmed to serve as a member of the State Tax Equalization Board, they each will be paid a salary of \$16,250 annually in addition to their State pension. Mr. President, the pension is different for Mr. Guydish than it is for Mr. Dougherty, and I will take Mr. Dougherty's pension first.

Mr. President, Mr. Dougherty, as an employee of the Commonwealth for 20 years and now as an annuitant of the pension, once Mr. Dougherty is confirmed to this position, he will have to have his current pension that he receives frozen, based on law, so that he then will collect his salary as a member of the State Tax Equalization Board but will not be able to collect his pension, based on State law.

It is a little bit different, however, with Mr. Guydish. He is not a collecting member, he is not an annuitant of the State Employees Retirement System. He is an annuitant of the Pennsylvania Public School Employees' Retirement System, which are two different systems. Now, the difference between the two is Mr. Dougherty could not collect his pension and his salary, so he is going to have to make that decision whether he wants to accept the confirmation.

Mr. Guydish, Mr. President, has the option, if he wants to, he can double-dip. He can collect his pension as a retired member of the Pennsylvania Public School Employees' Retirement System, and he can collect his salary of \$16,250, depending on what option he would select. If he would elect an option where his pension would cease, which he also has the opportunity to do, then the only thing that Mr. Guydish would collect would be a \$16,250 salary, and he would not be able to collect his pension. However, we are giving an individual right here the opportunity of now starting under multiple service another pension, so that Mr. Guydish is now going to be given the opportunity to collect his pension, in most cases provided for by the taxpayers of the Commonwealth of Pennsylvania, he is now going to benefit also to the tune of \$16,250 in his salary, which is going to be paid for by the taxpayers of Pennsylvania, and he furthermore is going to have the opportunity, while collecting that pension, to start service in another pension. So if he serves long enough as a member of the State Tax Equalization Board, he will be able to collect two pensions provided for by the taxpayers of the Commonwealth of Pennsylvania.

Mr. President, I do not think that is what the 12 million people of Pennsylvania want to see happen. I do not think the people of Pennsylvania want to see individuals who are being appointed to public office given the opportunity to double-dip. What I would like to do is I would like to challenge Mr. Guydish to do the same thing that Mr. Dougherty, by law, is going to have to do, and that is either to accept the pension that he is going to receive from the Pennsylvania Public School Employees' Retirement System, or to accept the \$16,250 salary that

he would receive as a member of the State Tax Equalization Board.

Now, Mr. President, Steve MacNett, the general counsel to the Republican Caucus, was very good to us, and he did share with us a letter that he received from Tom Paese, who is the Secretary of Administration. And in the second paragraph of the letter, Mr. President, Secretary Paese says exactly what I just said. He talks about that in addition, according to Dale Everhart, the Executive Director of the Public School Employees' Retirement System, an individual may be employed by an agency under the Governor's jurisdiction without loss of annuity unless they have multiple service. That is the service in both the school and the State retirement system. So Mr. Guydish, based on this letter, will have the opportunity of collecting a pension from the Public School Employees' Retirement System. He then will have the opportunity to receive a salary of \$16,250 and start as an annuitant in the future of collecting a second State pension. So this gentleman, somewhere down the road, could be collecting two State pensions.

I do not think that is what the people of Pennsylvania want, and I do not think, Mr. President, that is what we have been elected to do. There are a lot of qualified people in Pennsylvania who would be able to accept this position, be able to work in the job in an appropriate fashion, and do the work on the State Tax Equalization Board, but would not be in a position of double-dipping, collecting both a State pension and a State salary, and then further down the line, be able to collect a second State pension.

I think the people of Pennsylvania should be appalled that we are even considering his name today, Mr. President, and because of that, I ask for a negative vote not only on Mr. Dougherty but also on Mr. Guydish.

Thank you very much.

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

Senator LOEPER. Mr. President, just briefly, in response, if anyone should be aware of pension systems, it should be the previous speaker, the Minority Leader, who was the President pro tempore of this body. And I think if you really look at the difference in pension systems as they exist here between those who were prior to 1974 and those who were after, we see a significant discrepancy, and to insinuate that the gentleman is double-dipping because he had worked in one system for a period of years and retired, and then was appointed and confirmed to another system and works and is entitled to that benefit, to characterize that as double-dipping I think is just inappropriate.

Thank you, Mr. President.

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

Senator SALVATORE. Mr. President, first of all, the subject of Charles H. Dougherty. That will be his decision to make. If he wants to freeze his pension, he will freeze his pension. If he does not, he will not take the oath of office.

But on double-dipping, Mr. President, we have a lot of qualified policemen who have retired who are now working for the State. We have people who have served our country well in the military who are now employed again in State government. And

we have hosts of people, because they have retired, what are they supposed to do, wilt away, be like a vegetable? If they want to do something concrete and they want to work again, they should be entitled to it. They worked for that pension.

It might have been another day, another life, and that should not be something that we should hold against them, because I know there are a lot of people working in State government today who have worked prior years in law enforcement and in the military and who are now doing a good job in State government.

Thank you.

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

Senator LEMMOND. Mr. President, I, too, will address what the gentleman just mentioned, on double-dipping. He mentioned Dan Guydish, who is a retired schoolteacher of the Commonwealth of Pennsylvania. For 30 years in one of the more progressive educational systems in the State, Dan Guydish taught civics to a full generation of young men and young women who are taking their places in society in Luzerne County. When he retired after 30 years of service, under the aegis of the bill sponsored by the Minority Leader and cosponsored by me, he had many good years of life left in him. Last week in Wilkes-Barre, former mayor Ed Koch came to town, who has been out of public office for 10 years, and he promoted the concept of public service as being the highest possible calling, provided it is done honestly and done well. And he said, "I ain't done yet."

There are a lot of things left to do once one's elected or chosen professional life is over. Dan Guydish has a passion for public service. He served, as the gentleman said, on the West Hazleton Borough Council, served as the mayor, taught all those folks. He has a master's degree in education. He is working toward and is very close to getting his doctorate. He wants to continue in active public service. He was nominated by the Governor to be the controller of Luzerne County, and when we were advised that there would be no Democratic votes for him, for whatever reason, his name was withdrawn. The Governor did not want to lose Dan Guydish to further public service and has nominated him for this job, which is a key job as we enter into this century and the tax reform problems that are coming up.

Well, what is a Dan Guydish to do? Double-dip? I mean, are we to say to the public schoolteachers of this Commonwealth that once your service is honorably done, you are done, you are finished, there is no more public employment, no more public service for you to engage in? I think not. The Minority Leader correctly states, that is not the law, and I applaud our legal staff for finding out and putting that to rest. That is simply not a problem with this, so it is a philosophical thing.

We read in the media time and again about double-dipping, is it not terrible what these political people are doing? Now we are getting it on the Senate floor, and we are discouraging some of our best and brightest citizens from actively pursuing another position. We are talking about a well-educated teacher. What is the public duty of an educated man in Pennsylvania today, in the country today? Is it just to vote? Is it to participate? Is it to be relevant? Is it to take part? Is it to offer your talents for furthering the good of the Commonwealth of Pennsylvania?

Dan Guydish is a retired teacher, and he deserves to continue in public life. He will make a wonderful addition to this board, without saying one word of complaint about those who have preceded him on the board. Dan Guydish will be an asset, and I strongly suggest that all of us support his nomination for that position.

Thank you.

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

Senator BELL. Mr. President, I resent the term "double-dipper," because I draw a military pension from the Federal government for 39 years of honorable service. I draw a Social Security pension for being over 70 years of age. My constituents know this, and they must approve, because I have no opposition this year. But, Mr. President, I am not going to get my third dipping, what do you call that, triple-dipping, because I qualified for a full State pension some 20 years ago and have not drawn it. I resent the implication.

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

Senator MELLOW. Mr. President, first, with regard to my good friend, Senator Bell, I have tremendous respect and admiration for the Senator as a military individual, and Senator Bell is not double-dipping in the State pension. He is collecting a Federal pension. It has nothing to do with the State taxpayers.

With regard to the speaker who preceded Senator Bell, it is important to note that if we must change the law in Pennsylvania to provide annuities to those who are collecting a State pension to then be able to work for the Commonwealth, then we should do that. But in Pennsylvania, you are prohibited from doing that, and I think it is important that we look perhaps at what some of the other States are doing. I believe the State of Ohio has a program where you can serve in an appointed position by the administration, and I have no problem with the Governor making an appointment. You can serve in an appointed position by the administration once you have served in a particular State and are collecting a retirement, but in Pennsylvania, you cannot do that.

So, Mr. President, there was a statement that was made on the floor about Mr. Dougherty with regard to his pension. Based on law, not based on a choice that Mr. Dougherty will have, he cannot collect his pension. Once he goes on the payroll, based on the law on the termination of annuities, it is very, very clear that he loses his pension. His pension must cease, and he then will collect his \$16,000 salary as a member of the State Tax Equalization Board. The difference between what he will be able to collect and what Mr. Guydish will be able to collect is that Mr. Guydish is also going to receive a benefit from the taxpayers. The pension that he receives as an annuitant from the Pennsylvania Public School Employees' Retirement System was made possible by the taxpayers. Mr. Guydish's salary that he is going to receive from the State Tax Equalization Board is being made possible because of the taxpayers. Now, if you become very sensitive about saying that this is double-dipping, then so be it, but it is double-dipping.

Now, Mr. President, we can change the law, as Senator Loeper said. Since I served as President pro tempore, I know as

well as anyone what has taken place with pre-1974 pensions. I came to this body pre-1974, so obviously, I am under a different pension than the majority of the Members of this body are, but there are certain Members who are under the same pension that I am, and under no circumstances when any of us leave this body can we collect two pensions, so there is no question that is not misleading.

Mr. President, it was also stated that Mr. Guydish is very capable, and I do not have any question about that, that he was a civics teacher in a school district and that the Governor wants to appoint him to the State Tax Equalization Board after the Governor nominated him as county controller in Luzerne County. The answer to that is, first of all, Luzerne County has a very capable county controller right now, an individual serving in an unexpired term, and they do not need another person who is going to be draining taxpayer money in Luzerne County to serve as a county controller. They have a current county controller.

Secondly, Mr. President, with regard to the statements that Mr. Guydish is such a qualified, talented person, the opening on the State Tax Equalization Board took place, I believe, 6 or 8 months ago. Why did his name not appear before us 6 or 8 months ago so that we could benefit from this so-called talent that he has and not just come over last week? I think, Mr. President, that with regard to Mr. Guydish, there is a lot more that is not being said on the floor of this Senate, and I am not really 100 percent certain as to why the gentleman has been appointed to this position. I guess it is because he was not confirmed to the position of county controller, and that was a two-thirds vote, incidentally. And since this can be done with a constitutional majority of 26, that means that Mr. Guydish does not need any Democratic votes to become a double-dipper. That is the way the Republican Party of Pennsylvania can bring that about.

Mr. President, I ask for negative votes on both the nominees.

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

#### NAY-20

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

#### EXECUTIVE SESSION RISES

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

The motion was agreed to by voice vote.

#### UNFINISHED BUSINESS DISCHARGE PETITION

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

June 14, 2000

#### A PETITION

To place before the Senate the nomination of Rozell A. Stidd, as a member of the Pennsylvania Fish and Boat Commission.

TO: The President Officer of the Senate:

WE, The undersigned members of the Senate, pursuant to section 8 (b) of Article IV of the Constitution of Pennsylvania, do hereby request that you place the nomination of Rozell A. Stidd, as a member of the Pennsylvania Fish and Boat Commission, before the entire Senate body for a vote, the nomination not having been voted upon within 15 legislative days:

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

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

#### BILL INTRODUCED AND REFERRED

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

June 14, 2000

Senators SALVATORE, O'PAKE, BOSCOLA and THOMPSON presented to the Chair **SB 1476**, entitled:

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

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

#### 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 Mr. and Mrs. Paul Kirchner, Mr. and Mrs. Walter Hatz, Mr. and Mrs. Mylin Hess, Mr. and Mrs. William Mowery, Mr. and Mrs. Richard



Stoudenheimer, Mr. and Mrs. Roy Landis, Mr. and Mrs. Gene Kruis, Mr. and Mrs. Nelson Keperling, Mr. and Mrs. John H. Ebersole, Mr. and Mrs. Robert McGaw, Mr. and Mrs. Robert Elder, Mr. and Mrs. Lee Bates, Mr. and Mrs. James Hicks, Mr. and Mrs. Ronald J. Leib, Mr. and Mrs. Norman G. Strosser, Mr. and Mrs. Peter DiCintio, Mr. and Mrs. George M. Pfeiger, Mr. and Mrs. Earl Toms, Mr. and Mrs. Robert S. Seidel and to Mr. and Mrs. Jack Pritchard by Senator Armstrong.

Congratulations of the Senate were extended to the Reverend Edward Paul Bunchek, Anthony Pepe and to Brian Planavsky by Senator Belan.

Congratulations of the Senate were extended to Mary Elizabeth Buchanan by Senators Belan and Piccola.

Congratulations of the Senate were extended to Mr. and Mrs. Alexander Pawlush, Mr. and Mrs. William C. Young, Mr. and Mrs. Gene Caton, Mr. and Mrs. Daniel Carlin, Mr. and Mrs. Richard Mrozowski, Mr. and Mrs. Washington George, Mr. and Mrs. Ralph Justo, Mr. and Mrs. William H. Meiser, Mr. and Mrs. John Marley, Jim DeGrassa, Kennett Fire Company No. 1 of Kennett Square and to Local 98, International Brotherhood of Electrical Workers, of Philadelphia, by Senator Bell.

Congratulations of the Senate were extended to Mr. and Mrs. Peter Poland, Donald V. Crisp, Sr., the Reverend Dr. LeRoy Patrick, John McAteer, Fox Chapel High School, Morningside Church of God in Christ of Pittsburgh and to the citizens of the Borough of Blawnox by Senator Bodack.

Congratulations of the Senate were extended to Joseph Fonte, Harold C. Daleus, Joshua M. Kunz, Jonathan M. Royer, Hampson-Mowrer-Kreitz Agency, Inc., of Bethlehem, and to the citizens of Northampton County by Senator Boscola.

Congratulations of the Senate were extended to Tom Burns, Peter Duss and to Tracy Weaver by Senators Boscola and Dent.

Congratulations of the Senate were extended to Patricia A. Gebhard, Terry Donald Phillips, Kaj K. Skov, Dorothea Bleistein Saufley, Jan Boyer and to Gene S. Schappell by Senator Brightbill.

Congratulations of the Senate were extended to Mr. and Mrs. Robert J. Hennigan, Robert M. Dash, Edward J. McCann, Colin Joseph Romberger, Joseph H. Watts, James E. Siodlowski, Andrew L. Warren, Michael Gaughan, Stephen A. Ryan, Ockanickon Scout Reservation of Pipersville, Society of the First Infantry Division and to James D. Morrissey Incorporated Contractors by Senator Conti.

Congratulations of the Senate were extended to Sylvia Marie Zorek by Senators Conti and Greenleaf.

Congratulations of the Senate were extended to Frederick R. Gudknecht, John T. Parry and to the First National Bank and Trust Company of Newtown by Senators Conti and Tomlinson.

Congratulations of the Senate were extended to Mr. and Mrs. Donald M. Spade, Mr. and Mrs. Kenneth E. Swartz, Mr. and Mrs. Richard W. Showers, Mr. and Mrs. Charles Stewart, Mr. and Mrs. James Steele, Mr. and Mrs. Richard F. Reitz, Mr. and Mrs. Elmer D. Norton, Mr. and Mrs. Richard Clair Noerr, Sr., Mr. and Mrs. Louis Kresovich, Mr. and Mrs. Raymond C. Harshbarger, Mr. and Mrs. John E. Curry, Mr. and Mrs. Stanley Varner, Helen Hostetler, Michael S. MacNamara, Daniel A. MacNamara, C. Richard Ohl, Tobias L. Fetters, Jason E. Funk,

Matthew Aurand, Cyle Vogt, Donald E. Houser, Kristin Aurand, Daniella Reynolds, Dr. Philip L. Quinn III, Arthur Crawford, Jeffrey G. Wert, Brian A. Foose, Harold L. Donahay and to the citizens of the Borough of Port Matilda by Senator Corman.

Congratulations of the Senate were extended to Richard J. Branzel, Nathan Stranahan, Carrick High School Baseball Team and to Elder-ado of Pittsburgh by Senator Costa.

Congratulations of the Senate were extended to Mr. and Mrs. Joseph F. Magyar, Mr. and Mrs. Joseph Kiss, Helen R. Hodgson, Daniel J. Stalsitz, Michael A. Clauser, Madeline Weinhold, Dale Carnegie Training of Southeastern Pennsylvania, citizens of the city of Allentown on the rededication of the Allentown Liberty Bell and to the Hampson-Mowrer-Kreitz Agency, Incorporated, of Lehigh Valley by Senator Dent.

Congratulations of the Senate were extended to Glen Fulton by Senators Dent and Brightbill.

Congratulations of the Senate were extended to Dr. and Mrs. Donald Hoffman by Senators Dent, Conti, and Tomlinson.

Congratulations of the Senate were extended to Mr. and Mrs. Casimir Osiecki and to Margaret Martin by Senator Earll.

Congratulations of the Senate were extended to Mr. and Mrs. Martin Mikstas, Frank Scorza and to Penn Treaty Park Place of Philadelphia by Senator Fumo.

Congratulations of the Senate were extended to Mr. and Mrs. Francis Stehling, Matthew Houle, Austin M. John, Tyler Nace, Kyle Miller, Ruth Wonderlich, East Greenville Fire Company and to Phi Kappa Sigma, International Fraternity, Incorporated, by Senator Gerlach.

Congratulations of the Senate were extended to Mr. and Mrs. Francis Beahan, Sister Eustella Volk, Jonathan Craig Shafer, Percy Nelson and to the Lions Club of Willow Grove by Senator Greenleaf.

Congratulations of the Senate were extended to Mr. and Mrs. John W. Cwynar, Fred Paganelli, Pat Czar, Todd MacDonald, Sister Marie Corde and to Integrity Lodge No. 79, Order Italian Sons and Daughters of America, by Senator Hart.

Congratulations of the Senate were extended to Mr. and Mrs. Frank Lehnowsky, Mr. and Mrs. Wayne F. Michael, Mr. and Mrs. Earl F. Reinaker, Mr. and Mrs. Francis McBryan, Mr. and Mrs. Max L. Starr, Mr. and Mrs. Kenneth R. Fink, Mr. and Mrs. John Motichak, Mr. and Mrs. Joseph Cherbo, Mr. and Mrs. Aymar Cutler, Mr. and Mrs. John S. Pope, Mr. and Mrs. Grant Garman, Mr. and Mrs. Oscar Welsh, Jr., Mr. and Mrs. John Pasierb, Mr. and Mrs. John Stibitz, Mr. and Mrs. Jacques E. Ramsey, Mr. and Mrs. Thomas B. James, Mr. and Mrs. Luther L. Cooke, Mr. and Mrs. Robert W. Buehner, Sr., Mr. and Mrs. Joseph Kunkel, Mr. and Mrs. Paul E. Tanner, Justin Richard Robbins, Terry A. Wallner, James P. Cleary, Dr. Robert E. Brown, Michael Thomas Yerges, Albert J. Skitroma, Roger S. Haddon, Sr., Estella B. Rupp, Scott Duane Kramer, Ryan Richard Johnson, David Porter Bitler, Lawrence Deklinski, Edward J. Buck II, Southern Columbia Area High School Boys' Baseball Team of Catawissa, Merck & Co., Inc., of Danville, Reliance Fire Company No. 1, of Berwick, and to Numidia Airport of Catawissa by Senator Helfrick.

Congratulations of the Senate were extended to Mr. and Mrs. Arthur Moyer, Mr. and Mrs. Paul Carmichael, Mark Robert Kriebler, Brian Matthew Roberts, Steven Stralkowski, Clyde J. Roberts, Martin Hichens, Judith Achor Miller, Brian Geiger, Phyllis DiCicco, Paul L. Wimmer, Michael Paul Kehs, Anoop Kotwal, Flourtown Fire Company and to Perseverance Volunteer Fire Company No. 1, of Souderton, by Senator Holl.

Congratulations of the Senate were extended to the Brown family, Kim Denmark, the Reverend Dr. Richard Franklin Norris and to Teenshop, Incorporated, by Senator Hughes.

Congratulations of the Senate were extended to Mr. and Mrs. Harold Grager, Sr., Mr. and Mrs. Benjamin F. Nagle, Mr. and Mrs. Richard D. Furry, Mr. and Mrs. Nicholas Pasquino, Mr. and Mrs. Donald Snyder, Mr. and Mrs. Elmer Parker, Mr. and Mrs. Howard Caber, Mr. and Mrs. John P. McLucas, Mr. and Mrs. Arthur Adams, Mr. and Mrs. Stephen M. Pozgar, Mr. and Mrs. Edgar Johnston, Mr. and Mrs. Carl F. Brown, Jr., Mr. and Mrs. Edward A. Shook, Jr., Mr. and Mrs. Kenneth Kruse, Mr. and Mrs. Donald Kennedy, Mr. and Mrs. Richard A. Nagle, Mr. and Mrs. James Taylor, Mr. and Mrs. Leonard Vandevander, Mr. and Mrs. Joseph A. Remek, Mr. and Mrs. Max Landis, Dr. Harold and Dr. Betty Cottle, Mr. and Mrs. Clair Rickabaugh, Mr. and Mrs. Richard L. Peightal, Mr. and Mrs. Ralph Hunsinger, Charles Rabold, Irma Murphy, James C. Vreeland, Huntingdon Area High School Boys' Baseball Team and to the 90<sup>th</sup> Field Artillery Battalion by Senator Jubelirer.

Congratulations of the Senate were extended to Mr. and Mrs. Roy Hartman, Mildred Mickey, William Allen Arison, Jessica Chambers, Clara Kowalewski, David W. Leach, Christine Woodward, Edwin Stephen Peters, Sarah Glover, Franklin A. McVicker, Frank Ricco, Gregory Sinsley, Emma Jane Sidehamer, Sharon Baer Warner and to the Honorable Paul E. Fuller by Senator Kasunic.

Congratulations of the Senate were extended to Queen Afua, Marlene Kelly Capers, Anita Spencer Williams, Margaret J. Smith, Kenneth Enright, Charles J. Sgrillo, Ben Simpson, Randy Modres, Gregory Zieminski, Christopher Krause, Gloria Garnica, Rafael Maldonado, Robert Slaughter, Jesus Cruz, Joseph Gilmore, Joseph Kennish, Tom Kane, John Uchniat, Kenneth Pagurek, Brian Palek, Kenneth W. Greene, Samuel Oliveri, William Dell, Coleen Mitchell, Joseph Pospiech, Michael Whalen, Michael Albanese, Donald Long, Valerie Maloy, Brian Werner, Jose Perez, David Brown, David Dawson, Kenneth Gill, Christopher Dietz, James Campbell, Glenn Katz, Viviana Young, Gary Harrison, Susan Clark, Philadelphia Stand Down, Deborah Grand Chapter, Order of the Eastern Star, Prince Hall Affiliation, and to the Renaissance Community Development Corporation of Philadelphia by Senator Kitchen.

Congratulations of the Senate were extended to Adam Paul Graham, Luke Andrew Nicholson, Frances Rosenberger Sylvester, David George McNaughton, Clifford Allen Burkholder, Bonnie B. Lewis, Gregory A. Caruso, Brian A. Moyer, Matthew J. Morelli, Westmoreland Manor of Greensburg and to the citizens of Youngstown Borough by Senator Kukovich.

Congratulations of the Senate were extended to the Honorable Kenneth E. Campbell, Reverend Eugene DeMarco, Medic

Rescue Ambulance Service of Bridgewater and to Ladbroke-New Castle by Senator LaValle.

Congratulations of the Senate were extended to Mr. and Mrs. Anthony J. Mantione, Mr. and Mrs. Charles Huntingdon Smith, Mr. and Mrs. James Franceski, Mr. and Mrs. John Anderson, Mr. and Mrs. Edward Gudaitis, Mr. and Mrs. William R. Kintner, Mr. and Mrs. Richard Hall, Mr. and Mrs. Harold Ely, Mr. and Mrs. William R. Bilby, Mr. and Mrs. Joe Cafasso, Mr. and Mrs. Glenn Jones, Mr. and Mrs. Edward Niezgoda, Mr. and Mrs. George Patterson, Mr. and Mrs. John J. Tataro, Mr. and Mrs. Bob Bowman, Mr. and Mrs. Dave Richards, Mr. and Mrs. Charles D. Roberts, Mr. and Mrs. Andrew J. Sipko, Dr. and Mrs. Stephen Wartella, Dr. Patrick J. McAndrew, Alice W. Wicks, Jean Major, Alan S. Major, James Patrick McKenna, Albert A. Forlenza, Fred Walpole, Richard Tagler, Doris Conley, Doris Morris, Mitchel Roy DeLong, Geraldine Nesbitt-Orr, Steven Paul James, Joseph G. DeMarco, Jr., Raycharlyn Frances Correa, Mary Mattioli Nolf, John Babyak, Jr., Michael Yenason, Robert Edward Murphy III, Dr. Chorineth Rajagopalan, Isa Phinney Clink, Craig Williams, Tunkhannock Viaduct, Montrose Area Kiwanis Club, Honesdale Golf Club, Protection Engine Company No. 3, Northern Wayne Fire Company of Poyntelle and to the Pike County Historical Society by Senator Lemmond.

Congratulations of the Senate were extended to the North-Eastern Pennsylvania Telephone Company (NEP) of Forest City by Senators Lemmond and Mellow.

Congratulations of the Senate were extended to William A. Major by Senators Lemmond and Thompson.

Congratulations of the Senate were extended to Mr. and Mrs. L. Sherwood Anderson, Greg Sanford, Marion Louise Greene, Sister Mary Janet Doughty, Lithuanian Independent Club, Inc., of DuBois and to the Delaware Valley Stage Band by Senator Loeper.

Congratulations of the Senate were extended to F. Eugene Dixon, Jr., by Senators Loeper and Stapleton.

Congratulations of the Senate were extended to Mr. and Mrs. Jerome O'Keefe, Mr. and Mrs. George H. Lins, Mr. and Mrs. DeWitt Chadderdon, Sr., Mr. and Mrs. Carl E. Overdorf, Mr. and Mrs. James Reeder, Mr. and Mrs. Arnold E. Springman, Mr. and Mrs. Daniel M. Mutchler, Mr. and Mrs. Richard D. Forsburg, Sr., Mr. and Mrs. Robert Pardoe, Mr. and Mrs. Spurgeon East, Mr. and Mrs. Glen F. Getchen, Mr. and Mrs. Melvin Swisher, Sr., Mr. and Mrs. George Dooris, Mr. and Mrs. Acle Miller, Mr. and Mrs. Edwin L. Keller, Sr., Mr. and Mrs. Charles Baier, Mr. and Mrs. Raymond Vogel, Mr. and Mrs. William Bierly, Mr. and Mrs. Clinton H. Eck, Mr. and Mrs. Carl Whitmoyer, Mr. and Mrs. Richard T. Shebest, Mr. and Mrs. Robert W. Harer, Mr. and Mrs. Floyd E. Mutchler, Mr. and Mrs. Jack A. Fuller, Mr. and Mrs. Harvey N. Charles, Mr. and Mrs. Ben Bierly, Mr. and Mrs. Elwood Whipple, Mr. and Mrs. Frederick Stabler, Mr. and Mrs. Robert Geasey, Mr. and Mrs. Walter V. Eck, Mr. and Mrs. James Reem, Mr. and Mrs. Eugene Springman, Mr. and Mrs. Clair Metzger, Mr. and Mrs. Raymond E. Myers, Mr. and Mrs. Bob Dickey, Mr. and Mrs. Walter N. Johnson, Mr. and Mrs. William V. Weiler, Mr. and Mrs. Max Peacock, Mr. and Mrs. Carl Miller, Mr. and Mrs.

John B. Peters, Gordon Ford, Johnathan Bradley Buynak, Stacey R. Harer, Tarah La Vancher, Victoria Leone, Stacey Wood, Sara Sprowls, Benjamin Bruce Roberts, James W. Prevost, Gary M. Skelding, Corissa Coolbaugh, Masonite Towanda Mill Corporation, Loyalsock Township Middle School Genie Division II Odyssey of the Mind Team of Williamsport, Canton Area Softball Team and to the Wysox Volunteer Emergency Medical Services by Senator Madigan.

Congratulations of the Senate were extended to Violet C. Byron, James Burok, Jenn Avellino and to the Valley View High School Girls' Softball Team by Senator Mellow.

Congratulations of the Senate were extended to Mr. and Mrs. William M. Kunkel, Timothy Zeiger, Ethel Mae Alter, William R. Rudy, Walter S. Roberts, Eva Himes, Ruth Elmira Martin, Andrea L. Bishop, Lee A. Clouse, Henrietta Geety Webb, Jeremy C. Rice, Frederick L. Nordai, Edward E. Williams and to Gannett Fleming, Inc., of Camp Hill by Senator Mowery.

Congratulations of the Senate were extended to Mr. and Mrs. Dolf Polsenberg by Senators Mowery and Piccola.

Congratulations of the Senate were extended to Mr. and Mrs. Ray Missing, William Jack Milliron, Ernest Coholic, Andrew W. Giffin, Tom Brown, Steven Alan Patterson, Mt. Lebanon Public Library, Mt. Lebanon United Lutheran Church, citizens of Collier Township and to the citizens of Peters Township for the "Love Our Kids, Lock Your Guns" program by Senator Murphy.

Congratulations of the Senate were extended to Mr. and Mrs. Charles Flannery, Dr. John Callahan, Jonathan F. Witcoski, David Pecora, Martha A. Iskra, Michael P. Height, St. Cecilia Roman Catholic Church of Exeter and to the Ashley Ambulance Association by Senator Musto.

Congratulations of the Senate were extended to Dr. Jon Larson by Senators Musto, Lemmond, and Mellow.

Congratulations of the Senate were extended to Edna Kunigiel and to William M. Brady by Senators Musto and Mellow.

Congratulations of the Senate were extended to the Troutman Family, Missionary Sisters of the Sacred Heart of Jesus, Ronald Whitmoyer, Reverend Monsignor Richard J. Loeper, Robert D. Moll, veterans from Berks County who served during the Korean War, the citizens of Reutlingen, Germany, and the citizens of Reading, Puerto Rican Community of Reading and Berks County, Rural Opportunities, Incorporated, RE/MAX of Reading, citizens of the Borough of Laureldale, United States Army, Rolling Justice 2000 and to the Boyertown Midget Baseball League by Senator O'Pake.

Congratulations of the Senate were extended to Mr. and Mrs. Harold Loudenslager, Mr. and Mrs. Joseph G. Berry, Elsie E. Klinger, R. Brian Wilbur, Nick Irons, Grant Morrill, Jr., Rescue Fire Company No. 1 of Harrisburg and to Susquehanna Lutheran Village of Millersburg by Senator Piccola.

Congratulations of the Senate were extended to Mr. and Mrs. William E. Parker, the Reverend Dr. Dorothy Osgood, Robert M. Macks, David M. Reed and to the Neshaminy Reenactment Committee by Senator Punt.

Congratulations of the Senate were extended to Mr. and Mrs. Robert E. Huegel, Mr. and Mrs. Leonard F. Marzen, Mr. and

Mrs. John W. Craig, Mr. and Mrs. George Millet, Mr. and Mrs. Paul E. Burns, Sarah McCullough, Jason Van Voorhis, Alex Shereba, Ryan Stetz, David B. Klitsch, Joseph J. Gogal, Sr., Philip Rodgers, The Honorable William R. Burke, Jeremy Lenge, Ryan Troutman, Lee Bond, Walter J. Sklaris, Ann Marie Tessitore, Diane Snyder, Isabel Wasas Zickler, Mary Sue Urban, Randall Smith, Edward Rontz, Randolph Rabenold, Robert Guth, Michael Cody, Joseph G. Lazar, Joseph E. Gavanus, Troy K. Miller, Joshua J. Curry, citizens of the Borough of Schuylkill Haven, Saints Peter and Paul Orthodox Church of Minersville, West End Fire & Rescue Company of Mahanoy City, Jim Thorpe Area Sports Hall of Fame, Incorporated, and to Tamaqua Elks Lodge No. 592 by Senator Rhoades.

Congratulations of the Senate were extended to Mr. and Mrs. Robert Agnew, Mr. and Mrs. Alden Post, Jim Wildman, Brian Joseph Spisak, Ryan Charles Adams, Joseph Dortin, Jr., Coolspring Presbyterian Church, Westford United Methodist Church and to the Milledgeville Community Christian Church by Senator Robbins.

Congratulations of the Senate were extended to Mr. and Mrs. James Raynock, Victoria Zarenkiewicz, Mollie Wagman, Joseph A. Urban, Richard A. Shivers, Jr., Margaret Weir Ives and to JoAnn Klein by Senator Salvatore.

Congratulations of the Senate were extended to the 99<sup>th</sup> Infantry Division Association by Senators Salvatore and Tomlinson.

Congratulations of the Senate were extended to the Graham-Haynes family, Betty Skelton, the Reverend Joseph C. Aiken, Sr., Zeta Phi Beta Sorority, Incorporated, and to Berachah Baptist Church by Senator Schwartz.

Congratulations of the Senate were extended to Mr. and Mrs. George Wineberg, Mr. and Mrs. J. Herbert George, Mr. and Mrs. Orman Rearick, Mr. and Mrs. John Deemer, Mr. and Mrs. Steve Morgante, Mr. and Mrs. Lisle Jobe, Mr. and Mrs. G. Wilson Longwill, Mr. and Mrs. Frank Ferra, Mr. and Mrs. J. Paul Cochran, Mr. and Mrs. Herbert Smith, Mr. and Mrs. Richard Shoemaker, Mr. and Mrs. Francis Olinger, Mr. and Mrs. Wendell Davis, Mr. and Mrs. John Pappal, Mr. and Mrs. Jacob Frailey, Mr. and Mrs. Edward Soska, Michael T. Sgriccia and to Robert Scott King by Senator Stapleton.

Congratulations of the Senate were extended to Mr. and Mrs. Frank R. Woodruff, Mr. and Mrs. John P. Rumancik, Mr. and Mrs. Michael T. Chromulak, Mr. and Mrs. Albert M. Cargnello, Mr. and Mrs. Arthur Bannister, Mr. and Mrs. Albert Stay, Mr. and Mrs. Milton Johnson, Mr. and Mrs. Harold Roth, Mr. and Mrs. L. John James, Mr. and Mrs. Thomas Hudak, Mr. and Mrs. A. Warren Plymire, Mr. and Mrs. Jack Lynn, Mr. and Mrs. Floyd Dorsey, Mr. and Mrs. Adlin D. Strimel and to the Houston Volunteer Fire Company by Senator Stout.

Congratulations of the Senate were extended to Mr. and Mrs. Joseph S. Krazek by Senators Tartaglione and Dent.

Congratulations of the Senate were extended to Mr. and Mrs. Joseph E. Goss, Mr. and Mrs. Jerome C. Sewell, David Taylor, Peter Apple, Joseph J. Mooney, Frank J. Giunta, Jr., James Charles Searer, L. Charles Scipione, Samuel Burke, Jarrett J. Hansen, Alex Beachy, Nikhil Abraham, George B. Joseph, Jon-

athan L. Gdowik, David A. Taylor and to Jeremy Zackey by Senator Thompson.

Congratulations of the Senate were extended to Barbara Wilson, R. James Macaleer and to Paul L. Pennypacker, Jr., by Senators Thompson and Gerlach.

Congratulations of the Senate were extended to Mr. and Mrs. Peter Kromayer, Nancy Marcus Newman, Dorothy McCabe and to Sebastian Riding Associates, Incorporated, of Colledgeville, by Senator Tilghman.

Congratulations of the Senate were extended to Mr. and Mrs. Alfred S. Schmid, David Murtagh, David Wright, Phillip W. Eshewsky, Robert J. Bell, Harold Fisher and to the Episcopal Church of the Redeemer of Andalusia by Senator Tomlinson.

Congratulations of the Senate were extended to Mr. and Mrs. Eugene Gundrum, the Very Reverend Vladimir Soroka and to the Pittsburgh Beauty Academy by Senator Wagner.

Congratulations of the Senate were extended to Mr. and Mrs. Harry Grove, Mr. and Mrs. Steve H. Slobozien, Robert William Anderson III, the Reverend Dr. Nathaniel Johnson, American Business Women's Association and to the Veterans of Foreign Wars Post 7374 of West Manchester by Senator Waugh.

Congratulations of the Senate were extended to Joseph H. Westcott, New Holland Lodge of the Independent Order of Odd Fellows and to John Cope's Foods, Incorporated, of Rheems, by Senator Wenger.

Congratulations of the Senate were extended to Mr. and Mrs. Raymond Schrecengost, Mr. and Mrs. Robert Bishop, Mr. and Mrs. Earl Stewart, Mr. and Mrs. Stanley Schill, Mr. and Mrs. George Judy, Mr. and Mrs. Charles W. Burd, Mr. and Mrs. Wesley McCall, Mr. and Mrs. Arthur McLaughlin, Mr. and Mrs. Maurice E. Friedlund, Alma Ruth Silzle, Bernard J. Spozio, the Honorable Martin J. O'Brien, Geordann C. Shirey and to Clarion County Forest Stewardship Committee by Senator White.

Congratulations of the Senate were extended to Eugene and Joanne Wingfield, Patillo sisters, Kaime Leo Williams Gadson, ODUNDE of Philadelphia and to the Keystone Mercy Health Plan of Philadelphia by Senator Williams.

Congratulations of the Senate were extended to Mr. and Mrs. Bernard Burnosky, Mr. and Mrs. Raimonde Aubrey, Mr. and Mrs. Ronald Seese, Mr. and Mrs. William F. Milavec, Mr. and Mrs. Donald Luke, Mr. and Mrs. Ernest R. Whited, Mr. and Mrs. William J. Babik, Mr. and Mrs. Lawrence L. Sedlemeyer, Mr. and Mrs. Dean Hostetler, Mr. and Mrs. John J. Conrad, Mr. and Mrs. Norman Swatsworth, Mr. and Mrs. Raymond A. McGraw, Mr. and Mrs. Joseph E. Comiskey, Mr. and Mrs. John G. Lehman, Mr. and Mrs. John Kocher, Mr. and Mrs. Frank Slonka, Mr. and Mrs. Stephen L. Clark, Mr. and Mrs. Robert Causer, Alex Edward Hindman, Anthony Martino, John F. Wertz, Lane Parizack, Mark A. Serenko and to Mike Adams by Senator Wozniak.

### CONDOLENCE RESOLUTIONS

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

Condolences of the Senate were extended to the family of the late Mary E. Palmer by Senator Hart.

Condolences of the Senate were extended to the family of the late Porter H. B. Eidam, Jr., by Senators Holl and Gerlach.

Condolences of the Senate were extended to the family of the late Virginia Adlee Watson by Senator Hughes.

Condolences of the Senate were extended to the family of the late William E. Swigart, Jr., the family of the late Robert A. Grove, to the family of the late Reverend Raymond L. Morris and to the family of the late Bernard J. Joyce by Senator Jubelirer.

Condolences of the Senate were extended to the family of the late Thomas C. Caffrey by Senator Lemmond.

Condolences of the Senate were extended to the family of the late Ernest L. Kimball, to the family of the late Clarence M. Day, Jr., and to the family of the late Robert A. Bullock by Senator Madigan.

Condolences of the Senate were extended to all Berks County servicemen of the Korean War, and their families, by Senator O'Pake.

Condolences of the Senate were extended to the family of the late Nathaniel Edmonds, Sr., by Senator Piccola.

Condolences of the Senate were extended to the family of the late Oscar Turner, Sr., by Senator Schwartz.

Condolences of the Senate were extended to the family of the late Melvina R. Gustkey by Senator Wozniak.

### POSTHUMOUS CITATIONS

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

A posthumous citation honoring the late Christine Lancaster was extended to the family by Senator Kasunic.

A posthumous citation honoring the late Jim Thorpe was extended to the family by Senator Rhoades.

### BILLS SIGNED

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

**SB 255, SB 300, SB 369, SB 598, SB 849, SB 1003, SB 1130, SB 1244, SB 1275, SB 1352, SB 1417, SB 1439, HB 14, HB 28, HB 30, HB 122, HB 368, HB 1155, HB 1157, HB 1158, HB 1423, HB 1635, HB 1684, HB 1856, HB 2083, HB 2220, HB 2262, HB 2287, HB 2351, HB 2463 and HB 2503.**

### PETITIONS AND REMONSTRANCES

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

Senator O'PAKE. Mr. President, it has been a very productive legislative year so far, but I must rise to point out that a very important proposed constitutional amendment to help children who were victims of sexual abuse got lost in the shuffle. Specifically, Senate Bill No. 381, a bill that would allow the voters of Pennsylvania to vote on a constitutional amendment permitting video and closed-circuit testimony by child victims and witnesses, got bogged down in the House of Representatives last night. It had passed the Senate 48 to 1 on March 7.

Last year, Mr. President, there were over 20,000 cases of child abuse reported in Pennsylvania, and almost half of them were sexual abuse cases. One of the problems that district attorneys tell us about is the difficulty of proving child abuse by the requirement of putting the child victim on the stand to testify in open court. There are few issues as important, as universally supported, and as clearly right as allowing sensitive young victims and witnesses to avoid being victimized again in a court trial or for the State to face the complete loss of their testimony, and consequently a criminal conviction of a child molester.

We have been trying for over 20 years now, when I was chairman of the Committee on Judiciary, and recently Senator Greenleaf as chairman of the Committee on Judiciary, to assure children of this right in Pennsylvania. Twice the State Supreme Court has struck down our efforts, not on the merits of the issue, but because of what amounts to procedural issues about how to provide for that right. First, in 1994, the court declared that the right could be allowed only by amending the Constitution, and then when we proposed that, last year the court declared that the issue of recognizing the right, although actually approved by the voters of Pennsylvania by a margin of almost 3 to 1, required voter approval on two separate questions.

Senate Bill No. 381, Mr. President, did nothing more than divide that question, as the Supreme Court required. It was previously approved by an overwhelming majority in two successive General Assemblies, and, as I said, by nearly 75 percent of the voters of Pennsylvania. By failing to act on this bill, Mr. President, the children of Pennsylvania now have lost 3 more years. Because of the publishing requirements for constitutional amendments, Senate Bill No. 381 is now dead for this year, and the effort to give Pennsylvania children the same protection as children in some three dozen other States, the effort endorsed by repeated General Assemblies of this State and the voters of this Commonwealth, will have to start all over from the very beginning next year. That means approval by two Sessions of the General Assembly and a referendum by the voters of Pennsylvania. Child victims in Pennsylvania should not have to wait again.

Thank you, Mr. President.

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

Senator HUGHES. Mr. President, today I rise to talk about a problem in Pennsylvania that very few people publicly recognize. And maybe, in fact, those who recognize this problem see it unfortunately too often, but their voices are too quiet, too shy, too retiring to get the attention of all of us, and those are the voices of our children. Hopefully, that will change through this process.

Mr. President, when we talk about education, we tend to concentrate on higher standards of academics, providing teachers with better instructional materials, full-day kindergarten, and smaller class sizes. While those issues are certainly critical, we as legislators need to ensure that children are going to school in the best possible environment, physical environment. The children of this Commonwealth, particularly those in poor inner-city neighborhoods and distressed rural areas, are actually trying to learn their ABC's and math equations in conditions

that are not suitable. They are trying to learn in schools where the heat does not work, where broken windows are too common, and where leaky roofs are not given a second thought. It makes no sense, it has to stop, and we have the power in this Commonwealth, in this administration, to end that and to, in fact, have a significant impact on the quality of the physical environment in which our children are learning.

Mr. President, right now I can tell you that this State has no idea, has only minimal information on the status of the physical structure of the schools all across the Commonwealth. Recently, and not too recently, in fact back in, I guess, 1993 or 1994, the Federal General Accounting Office did a national study and found out that across the country, our schools are in such physical condition that it would take almost \$113 billion to bring them up to par. However, they were not able to get a clear sense of what the conditions were in Pennsylvania because we do not keep the information. We do not have the understanding, we do not have the knowledge.

Recently, Mr. President, and I say recently, but it has to be put in context, that timeframe was about 5 years ago, the city of Philadelphia undertook an intensive examination of the physical infrastructure of its public schools and found out, through using engineering firms and architectural firms, that the Philadelphia School District needed about \$750 million of physical improvements. And I would say that that research work was not done out of the coffers of the administration itself, it was done through contributions by private individuals who put the dollars together to do that analysis.

The unfortunate problem in all of that, Mr. President, is that that, for the most part, is all the information we have with respect to the physical structure of our schools. We are not keeping updated information, we do not have the exact knowledge of what is going on, and we are not spending what we believe we need to spend, based on the limited information that we have, to fix up our public schools and to create state-of-the-art educational environments so that our children can learn.

Mr. President, in the next several days I will be introducing legislation called the PennSTAR program, and that stands for Pennsylvania State-of-the-Art school program. It calls for, number one, a complete statewide analysis district by district, school building by school building, of the physical conditions of those schools, and, number two, it calls for a major investment of new dollars in our public schools. When I say major investment, I am talking about unprecedented dollars. I am talking about an investment of over \$2.4 billion to be spent on rebuilding our schools and building state-of-the-art schools. And I say that amount, Mr. President, because we need to do something significant to transform the physical environment of our public schools in this Commonwealth. In fact, we have the State dollars to do it, and it does not have to be borne on local school districts and local taxpayers to pay the freight.

Where will we get that money, Mr. President? Well, very simply, we can float a bond issue of over \$2.4 billion to raise the money that way, and by paying off those bonds, we can end this massive investment in what are unused dollars, and that is the State's Rainy Day Fund. We can pay off the bonds by transferring the annual 15 percent of our budget surplus that goes into

the Rainy Day Fund and move it over to paying off the issue for school construction.

Why should we end the continued investment in the Rainy Day Fund, Mr. President? Very simple. We have over \$1 billion in our State Rainy Day Fund, \$1 billion. For all those listening, that is just money that is simply sitting around in somebody's bank somewhere, not doing anything for anybody. Money, \$1 billion sitting in the coffers of financial institutions across this country, probably, not doing anything but sitting there. It does create interest, about \$65 million or so a year. So, in fact, the Rainy Day Fund can perpetuate itself off its own interest, but it is time to end the investment in the Rainy Day Fund by adding new dollars. Let it build on itself and take those dollars that we automatically contribute to the Rainy Day Fund and push them toward another program. And this proposal, Mr. President, is a program that would help in the construction of a massive construction project for our public schools across this Commonwealth.

We can be bold, we can be true leaders, we can take advantage of the economic prosperity that exists in this State and all across this nation and do something to change the reality for our children and change it in a very significant way, or we can continue to just do bits and pieces of some agenda which only impacts on a very small number of young people. We have a choice, and we have the opportunity in this environment. If not now, Mr. President, when will we do it? If not now, Mr. President, when will we invest in the physical structures of our schools, so that children are not being heated in the summertime and the air conditioning coming on in the wintertime, so our children can have computers at every desk and buildings that can allow the technologies to be wired into them, and not just a few buildings but all of the buildings in this Commonwealth?

If not now, Mr. President, when? It is appropriate, it is timely, and if we say we are interested in the education of our young people, here is one way we can do that education and we can have a significant impact without the cost of any new dollars to the taxpayers of this Commonwealth.

Thank you very much, Mr. President.

**The PRESIDING OFFICER (David J. Brightbill) in the Chair.**

### ADJOURNMENT

The PRESIDING OFFICER. The Chair recognizes the gentleman from Delaware, Senator Loeper.

Senator LOEPER. Mr. President, at this time I move that the Senate do now adjourn until Tuesday, September 26, 2000, at 4 p.m., Eastern Daylight Saving Time.

The motion was agreed to by voice vote.

The Senate adjourned at 1:05 p.m., Eastern Daylight Saving Time.