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TUESDAY, NOVEMBER 21, 2000

SESSION OF 2000 184TH OF THE GENERAL ASSEMBLY

No. 45

SENATE

TUESDAY, November 21, 2000

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

The PRESIDING OFFICER (Robert J. Thompson) in the Chair.

PRAYER

The Chaplain, Reverend Dr. JAMES W. GRUBB, Pastor of Grace United Methodist Church, Harrisburg, offered the following prayer:

Most gracious God, You crown the year with Your goodness, and in this Thanksgiving season, we thank You for Your providence, which has blessed us again through seed time and harvest. We thank You for Your blessing on the work of those who plowed our fertile Pennsylvania fields, sowed the seeds, and have now gathered in the harvest. Your faithfulness in meeting our every need is remarkable and beyond measure.

As we gather today we offer thanks for the faithful labors of those who serve here. And as You take our work in the fields and add Your blessing to produce a bountiful harvest, we pray that You will bless those who labor here so that their efforts will receive Your blessing and be fruitful also.

We thank you for the day of Thanksgiving, which is to come, when we will gather around the festive table with our families. May our time together nurture in us the grace of gratitude and renew and restore us for the labors which are before us. We thank You, bounteous God. Amen.

The PRESIDING OFFICER. The Chair thanks Dr. Grubb, who is the guest today of Senator Piccola.

JOURNAL APPROVED

The PRESIDING OFFICER. A quorum of the Senate being present, the Clerk will read the Journal of the preceding Session of November 20, 2000.

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

HOUSE MESSAGES

SENATE BILLS RETURNED WITH AMENDMENTS

The Clerk of the House of Representatives returned to the Senate SB 612, 1117, and 1444 with the information the House

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

The PRESIDING OFFICER. Pursuant to Senate Rule XIV, section 5, these bills will be referred to the Committee on Rules and Executive Nominations.

REPORTS FROM COMMITTEES

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

HB 96 (Pr. No. 2943) (Rereported)

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

HB 2014 (Pr. No. 4167) (Rereported)

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 maintenance of escaping convicts under new sentence; providing for criminal offense during confinement; and making a repeal.

Senator MURPHY, from the Committee on Aging and Youth, reported the following bill:

HB 1963 (Pr. No. 2640)

An Act providing for unannounced inspections of certain facilities and persons that provide child day care; and conferring powers and duties on the Department of Public Welfare.

LEGISLATIVE LEAVES

The PRESIDING OFFICER. The Chair recognizes the gentleman from Lebanon, Senator Brightbill.

Senator BRIGHTBILL. Mr. President, I request a temporary Capitol leave for Senator Greenleaf.

The PRESIDING OFFICER. Senator Brightbill requests a temporary Capitol leave for Senator Greenleaf. Without objection, that leave will be granted.

The Chair recognizes the gentleman from Luzerne, Senator Musto.

Senator MUSTO. Mr. President, I request a legislative leave for Senator Kitchen.

The PRESIDING OFFICER. Senator Musto requests a legislative leave for Senator Kitchen. Without objection, that leave will be granted.

LEAVES OF ABSENCE

Senator MUSTO asked and obtained leaves of absence for Senator BELAN and Senator STAPLETON, for today's Session, for personal reasons.

CALENDAR

SB 1567 CALLED UP OUT OF ORDER

SB 1567 (Pr. No. 2315) -- Without objection, the bill was called up out of order, from page 6 of the Third Consideration Calendar, by Senator BRIGHTBILL, as a Special Order of Business.

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

SB 1567 (Pr. No. 2315) -- The Senate proceeded to consideration of the bill, entitled:

An Act authorizing the Department of General Services, with the approval of the Governor and the Department of Transportation, to convey to the Grand Canyon Airport Authority certain lands situate in Shippen and Delmar Townships, Tioga County.

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-47

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

NAY-0

A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative. Ordered, That the Secretary of the Senate present said bill to the House of Representatives for concurrence.

SPECIAL ORDER OF BUSINESS GUESTS OF SENATOR GIBSON E. ARMSTRONG PRESENTED TO THE SENATE

The PRESIDING OFFICER. The Chair recognizes the gentleman from Lancaster, Senator Armstrong.

Senator ARMSTRONG. Mr. President, with us today in the gallery are two friends of mine from Holland, Rene Dekker and Pieke Hoekstra, who are visiting the United States for the holidays, and I would like the Senate to give them a warm welcome.

The PRESIDING OFFICER. Will the guests from the Netherlands please stand up so the Senate may give them its usual warm welcome.

(Applause.)

SPECIAL ORDER OF BUSINESS ELECTION OF INTERIM PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The next order of business will be the election of an interim President pro tempore, as required by Article II, Section 9, of the Constitution of the Commonwealth of Pennsylvania, which requires in part that, "The Senate shall, at the beginning and close of each regular session...elect one of its members President pro tempore...."

Before taking up nominations for the office of President pro tempore, the Chair would again like to request, if there are no objections, that in the event there is only one candidate for the office, the Chair will dispense with the calling of the roll and ask for a voice vote on the nomination. The Chair hears no objection.

The Chair will now accept nominations for the office of President pro tempore.

The Chair recognizes the gentleman from Lebanon, Senator Brightbill.

Senator BRIGHTBILL. Mr. President, it is my honor to nominate Robert C. Jubelirer to serve as President pro tempore for the interim. Bob Jubelirer has served as President pro tempore for many years. We nominated him to serve for the past 2 years, and his leadership in this institution during that 2-year period shows the wisdom of our election of him. He again has demonstrated the qualities that not only have made him a powerful leader, but also someone who has demonstrated his real concern for the institution.

One thing that the last 2 years has shown is that whenever we need to select a person for a position, we need to determine whether or not they still have the fire in the belly. Well, I think the last 2 years have demonstrated, and particularly the last 6 months of this year, that Senator Jubelirer has the fire in his belly, and that fire I think burns as hot as ever, and maybe hotter than before. He has demonstrated his commitment to this institution, the Senate of Pennsylvania, and that commitment I believe is stronger than ever. I would simply say in nominating Senator Jubelirer that, Bob, we need you now more than ever.

The PRESIDING OFFICER. The Chair recognizes the gentleman from Lackawanna, Senator Mellow.

Senator MELLOW. Mr. President, I would like to join with Senator Brightbill in seconding the nomination of Senator Jubelirer to serve as the interim President pro tempore. I have

had the opportunity of working with Senator Jubelirer for many years, not only as a member of leadership but also as a rank-and-file Member of the Senate. I have always found his openness, his honesty, his integrity and his character, Mr. President, to be above reproach. I have always found Senator Jubelirer's word to be his bond. Even when we had the opportunity of discussing things that we did not agree upon, Senator Jubelirer would always be very forthright with us in telling us exactly where he was coming from.

Also, as far as the institution goes, Mr. President, I would like to congratulate him on serving the institution on the issues that the institution is involved with in as much of a bipartisan effort as possible. I think Senator Jubelirer has demonstrated the fact that the President pro tempore of the Senate is the highest elected officer of the Senate and is a representative of all 50 Members of the Senate, regardless of their political makeup. I think he has done an excellent job and deserves the opportunity to continue to serve on our behalf as the President pro tempore of the Senate, and I am very happy and honored to be able to second that motion.

NOMINATIONS CLOSED

The PRESIDING OFFICER. Are there any other nominations? The Chair hears none. The Chair declares the nominations closed.

The candidate for the office of interim President pro tempore is the Honorable Robert C. Jubelirer of Blair County. All those in favor of the Honorable Robert C. Jubelirer for the office of interim President pro tempore please say "aye"; those opposed, "no."

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

The PRESIDING OFFICER. The Chair takes pleasure in again declaring the Honorable Robert C. Jubelirer unanimously elected interim President pro tempore of the Senate.

(Applause.)

COMMITTEE APPOINTED TO ESCORT PRESIDENT PRO TEMPORE-ELECT TO THE ROSTRUM

The PRESIDING OFFICER. The Chair now takes pleasure in naming as the committee to escort the interim President pro tempore-elect to the rostrum: the gentleman from Delaware, Senator Loeper; the gentleman from Philadelphia, Senator Salvatore; and the gentleman from Luzerne, Senator Musto. The committee will proceed to escort Senator Jubelirer to the rostrum.

(Whereupon, the President pro tempore-elect was escorted to the rostrum of the Senate.)

ADMINISTRATION OF OATH OF OFFICE TO PRESIDENT PRO TEMPORE-ELECT

The PRESIDING OFFICER. It is an honor and privilege to have with us today President Judge Joseph Ted Doyle of the Commonwealth Court of Pennsylvania. He has kindly consented

to be with us today to administer the oath of office to President pro tempore-elect Senator Jubelirer.

Please rise.

Judge DOYLE. Would you place your left hand on the Bible and repeat after me:

I, Robert C. Jubelirer, do solemnly swear that I will support, obey, and defend the Constitution of the United States and the Constitution of this Commonwealth, and that I will discharge the duties of my office with fidelity.

Judge DOYLE. Congratulations.

The PRESIDENT pro tempore. Thank you, Ted.

(Applause.)

The PRESIDING OFFICER. The Chair wishes to thank Judge Doyle.

REMARKS BY THE INTERIM PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. It is now my privilege to present the interim President pro tempore of the Senate of Pennsylvania, the Honorable Robert C. Jubelirer.

The PRESIDENT pro tempore. Thank you, Mr. President. It is nice to have you in the Chair. Senator Thompson and I were classmates at Penn State, so it makes it very nice to have him in the Chair today. Thank you, Judge Ted Doyle, for joining in this ceremony and administering the oath of office. You have been an outstanding President of the Commonwealth Court and a good friend for many years, and I appreciate your being here today. It is very meaningful to me to have a friend administer the oath of office.

Thank you, Senator Chip Brightbill and Senator Bob Mellow, for your kind words of nomination. There has never been a time that I have had this wonderful honor bestowed upon me that I do not get goose bumps. As Senator Brightbill said, the fire still burns very deeply and the opportunity that this office presents is always a challenge.

The recent election with the subsequent uncertain Presidential outcome and the Florida controversies is causing many people to pay more attention and take a harder look at our institutions and the individuals who are involved in public service. More of our citizens are understanding the importance of public participation and the incredible impact of the decisions made at the State level of government.

When Pennsylvanians take a look at this Senate, I believe they will see a great deal of ability, tremendous commitment, and constructive advocacy. In this wonderful, wonderful season of Thanksgiving, we are so grateful for the opportunity to serve, to have the responsibility of decisionmaking, to have the chance to work toward improving the lives of people and building stronger communities.

My dear colleagues, I am deeply honored by the trust and confidence you have shown me, and I will continue to do my best to provide fair and effective leadership. In the remaining hours of this legislative Session, we will move legislation aimed at solving problems and bringing about needed change. There will be other issues carried into the next Session, but this November Session will prove more valuable than our critics tried to convince Pennsylvanians would be the case. In our next legis-

lative Session we will have the opportunity to build on the excellent record of recent years, as we continue efforts to create jobs, improve education, and distribute the tobacco money to health care services and research.

My fellow Members, I thank each of you for your friendship, your service, and your support, but above all, for all that you do on behalf of a better Pennsylvania. Thank you again for this great honor. I wish each of you a wonderful, fruitful, happy, healthy Thanksgiving season with your families, as I shall enjoy with mine.

Thank you all for this great honor.
(Applause.)

RECESS

The PRESIDING OFFICER. The Chair recognizes the gentleman from Lebanon, Senator Brightbill.

Senator BRIGHTBILL. Mr. President, I request a recess of the Senate for the purpose of a Republican caucus.

The PRESIDING OFFICER. The Chair recognizes the gentleman from Lackawanna, Senator Mellow.

Senator MELLOW. Mr. President, I request a Democratic caucus.

The PRESIDING OFFICER. The Senate will recess for purposes of Republican and Democratic caucuses.

AFTER RECESS

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

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

CONSIDERATION OF CALENDAR RESUMED

BILL ON CONCURRENCE IN HOUSE AMENDMENTS AS AMENDED

SENATE CONCURS IN HOUSE AMENDMENTS AS AMENDED

SB 1173 (Pr. No. 2313) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, reenacting provisions on manufacture, disposition, use or possession of devices for telecommunications theft; providing for the offense of discharge of a firearm into an occupied structure; and further providing for sale or illegal use of certain solvents.

On the question,

Will the Senate concur in the amendments made by the House, as amended by the Senate, to Senate Bill No. 1173?

Senator BRIGHTBILL. 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. 1173.

On the question,

Will the Senate agree to the motion?

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

YEA-47

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

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.

HB 1150 CALLED UP OUT OF ORDER

HB 1150 (Pr. No. 4210) -- Without objection, the bill was called up out of order, from page 5 of the Third Consideration Calendar, by Senator BRIGHTBILL.

BILL AMENDED

HB 1150 (Pr. No. 4210) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of December 19, 1990 (P.L.1200, No.202), known as the Solicitation of Funds for Charitable Purposes Act, further providing for reports by charitable organizations and for exemptions from registration.

On the question,

Will the Senate agree to the bill on third consideration?

Senator BRIGHTBILL offered the following amendment No. A4821:

Amend Sec. 3, page 5, lines 11 through 17, by striking out all of said lines

Amend Sec. 4, page 5, line 18, by striking out "4" and inserting: 3

On the question,

Will the Senate agree to the amendment?

It was agreed to.

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

HB 599 CALLED UP OUT OF ORDER

HB 599 (Pr. No. 3465) -- Without objection, the bill was called up out of order, from page 4 of the Third Consideration Calendar, by Senator BRIGHTBILL.

BILL AMENDED

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.

On the question,

Will the Senate agree to the bill on third consideration?

Senator BRIGHTBILL offered the following amendment No. A4822:

Amend Sec. 1 (Sec. 4914), page 1, line 12, by inserting after "who": is in uniform or who

Amend Sec. 1 (Sec. 4914), page 2, line 1, by striking out "criminal offense" and inserting: violation of law

Amend Sec. 1 (Sec. 4914), page 2, line 3, by inserting a period after "degree"

Amend Sec. 1 (Sec. 4914), page 2, lines 3 through 7, by striking out "unless the defendant is" in line 3 and all of lines 4 through 7

On the question,

Will the Senate agree to the amendment?

It was agreed to.

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

HB 819 CALLED UP OUT OF ORDER

HB 819 (Pr. No. 3742) -- Without objection, the bill was called up out of order, from page 4 of the Third Consideration Calendar, by Senator BRIGHTBILL.

BILL AMENDED

HB 819 (Pr. No. 3742) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of April 27, 1927 (P.L.465, No.299), referred to as the Fire and Panic Act, further providing for school tobacco control.

On the question,

Will the Senate agree to the bill on third consideration?

Senator BRIGHTBILL offered the following amendment No. A4644:

Amend Title, page 1, line 15, by removing the period after "control" and inserting: ; and making a repeal.

Amend Bill, page 4, line 2, by striking out all of said line and inserting:

Section 2. As much of section 1102(a) of the act of November 10, 1999 (P.L.491, No.45), known as the Pennsylvania Construction Code Act, as repeals section 15.1 of the act is repealed.

Section 3. This act shall take effect as follows:

- (1) The following provisions shall take effect immediately:
 - (i) Section 2 of this act.
 - (ii) This section.
- (2) The remainder of this act shall take effect in 60 days.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

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

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

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

Senator HUGHES. Mr. President, I would like to take a brief moment to acknowledge the presence of two of Philadelphia's finest and two individuals who have consistently, over the years, provided great service to this State and to this country. First of all, our City Controller, the Honorable Jonathan Saidel. If we could give a round of applause for Jonathan.

(Applause.)

And secondly, my Congressman and my constituent, from the First Congressional District, the Honorable Robert Brady.

(Applause.)

The PRESIDENT. The Chair thanks Senator Hughes for the introduction of our special guests, Congressman Brady, as well as City Controller Jonathan Saidel.

CONSIDERATION OF CALENDAR RESUMED**HB 550 CALLED UP OUT OF ORDER**

HB 550 (Pr. No. 4195) -- Without objection, the bill was called up out of order, from page 4 of the Third Consideration Calendar, by Senator BRIGHTBILL.

BILL AMENDED

HB 550 (Pr. No. 4195) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of May 17, 1921 (P.L.682, No.284), known as The Insurance Company Law of 1921, providing for payment of life insurance benefits and for publication of rate increases on home page; further providing for inclusion of health maintenance organizations in conversion notifications; changing the expiration date of an article; further defining "insurer" and "person" for purposes of insurance holding companies; and further providing for standards and management of an insurer within a holding company system.

On the question,

Will the Senate agree to the bill on third consideration?

Senator DENT offered the following amendment No. A4820:

Amend Title, page 1, line 15, by inserting after "DEFINING": "long-term care insurance"; defining "prepaid home health or personal care service policy"; further defining

Amend Bill, page 3, by inserting between lines 26 and 27:

Section 3. Section 1103 of the act, added December 15, 1992 (P.L.1129, No.148), is amended to read:

Section 1103. Definitions.—As used in this article, the following words and phrases shall have the meanings given to them in this section:

"Applicant." The term includes the following:

- (1) In the case of an individual long-term care insurance policy, the person who seeks to contract for benefits.

(2) In the case of a group long-term care insurance policy, the proposed certificate holder.

"Certificate." Any certificate issued under a group long-term care insurance policy which has been delivered or issued for delivery in this Commonwealth.

"Commissioner." The Insurance Commissioner of the Commonwealth.

"Department." The Insurance Department of the Commonwealth.

"Functionally necessary." The appropriateness of services directed to address the individual's inability to perform tasks required for daily living, as defined through regulation, and the individual's need for continuous care or supervision.

"Group long-term care insurance." A long-term care insurance policy which is delivered or issued for delivery in this Commonwealth and issued to any of the following:

(1) Employers or labor organizations or a trust or to the trustees of a fund established by employers or labor organizations for employes or former employes or for members or former members of the labor organizations.

(2) Any professional, trade or occupational association for its members or former or retired members if the association:

(i) is composed of individuals, all of whom are or were actively engaged in the same profession, trade or occupation; and
(ii) has been maintained in good faith for purposes other than obtaining insurance.

(3) An association or a trust or the trustee of a fund established or maintained for the benefit of members of associations. To qualify under this paragraph:

(i) The insurer of the association or associations must file evidence with the commissioner that the association or associations have at the outset a minimum of one hundred (100) persons and have been organized and maintained in good faith for purposes other than that of obtaining insurance, have been in active existence for at least one year and have a constitution and bylaws which provide that:

(A) the association or associations hold regular meetings not less than annually to further purposes of the members;

(B) except for credit unions, the association or associations collect dues or solicit contributions from members; and

(C) the members have voting privileges and representation on the governing board and committees.

(ii) Thirty (30) days after filing, the association or associations will be deemed to satisfy organizational requirements unless the commissioner makes a finding that the association or associations do not satisfy those organizational requirements.

(4) A group other than as described in clauses (1), (2) and (3) of this section, subject to a finding by the commissioner that:

(i) the issuance of the group policy is not contrary to the best interest of the public;

(ii) the issuance of the group policy would result in economies of acquisition or administration; and

(iii) the benefits are reasonable in relation to the premiums charged.

"Long-term care insurance." Any insurance policy or rider advertised, marketed, offered or designed to provide coverage for not less than twelve (12) consecutive months for each covered person on an expense-incurred, indemnity, prepaid or other basis for functionally necessary or medically necessary diagnostic, preventive, therapeutic, rehabilitative, maintenance or personal care services provided in a setting other than an acute care unit of a hospital. The term includes a policy [or, rider or prepaid home health or personal care service policy, which provides for payment of benefits based upon cognitive impairment or the loss of functional capacity. The term includes group and individual policies or riders issued by insurers, fraternal benefit societies, nonprofit health, hospital and medical service corporations, [prepaid health plans,] health maintenance organizations or similar organizations. The term does not include any insurance policy which is offered primarily to provide basic Medicare supplement coverage, basic hospital expense coverage, basic medical-surgical expense coverage, hospital confinement indemnity coverage, major medical expense coverage, disability income protection coverage, accident-only coverage, specified disease or specified accident coverage or limited benefit health coverage.

"Medically necessary." The appropriateness of treatment of the insured's condition, including nonmedical support services, based on current standards of acceptable medical practice. The term may exclude benefits for care or services which are primarily for the convenience of the insured or the person's physician.

"Policy." Any policy, contract, subscriber agreement, rider or endorsement delivered or issued for delivery in this Commonwealth by an insurer, fraternal benefit society, nonprofit health, hospital or medical service corporation, prepaid health plan, health maintenance organization or any similar organization.

"Prepaid home health or personal care service policy." A policy, contract, subscriber agreement, rider or endorsement delivered or issued for delivery in this Commonwealth to provide home health or personal care services whereby coverage for home health or personal care services is conditioned upon certification of either cognitive impairment or the inability to perform activities of daily living. This term shall not include home health or personal care services administered through a local area agency on aging or as a government service or provided by a nonprofit association, organization or corporation other than a nonprofit health, hospital or medical service corporation.

Amend Sec. 3, page 3, line 27, by striking out "3" and inserting: 4

Amend Sec. 4, page 4, line 29, by striking out "4" and inserting: 5

Amend Sec. 5, page 5, line 19, by striking out "5" and inserting: 6

Amend Sec. 6, page 5, line 27, by striking out "6" and inserting: 7

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

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

Senator CORMAN offered the following amendment No. A4819:

Amend Title, page 1, line 12, by striking out "and" and inserting a comma

Amend Title, page 1, line 13, by inserting after "page": and for coverage requirements for insulin and other blood sugar controlling agents

Amend Bill, page 2, by inserting after line 30:

Section 2. Section 634(e) of the act, added October 16, 1998 (P.L.784, No.98), is amended to read:

Section 634. Reimbursement for Diabetic Supplies.—* * *

(e) The coverage required under this section shall be subject to the annual deductibles, copayments or coinsurance requirements imposed by an entity subject to this section for similar coverages under the same health insurance policy or contract.

Amend Sec. 2, page 3, line 1, by striking out "2" and inserting: 3

Amend Sec. 3, page 3, line 27, by striking out "3" and inserting: 4

Amend Sec. 4, page 4, line 29, by striking out "4" and inserting: 5

Amend Sec. 5, page 5, line 19, by striking out "5" and inserting: 6

Amend Sec. 6, page 5, line 27, by striking out "6" and inserting: 7

On the question,

Will the Senate agree to the amendment?

It was agreed to.

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

LEGISLATIVE LEAVES CANCELLED

The PRESIDENT. Senator Greenleaf and Senator Kitchen have returned to the floor, and their leaves are cancelled.

CONSIDERATION OF CALENDAR RESUMED

THIRD CONSIDERATION CALENDAR

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

HB 777 (Pr. No. 4203) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of May 22, 2000 (P.L. 104, No. 22), known as the Capital Budget Debt Authorization and Project Itemization Act of 2000-2001, providing for a compliance option.

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-47

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

NAY-0

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

Ordered, That the Secretary of the Senate return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which concurrence of the House is requested.

HB 877 (Pr. No. 4204) -- 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 inspection of court files and records, for juvenile history record information, for place of detention and for the definition of "local agency" for purposes of matters affecting governmental units.

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-47

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

NAY-0

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

Ordered, That the Secretary of the Senate return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which concurrence of the House is requested.

**BILL REREPORTED FROM COMMITTEE AS
AMENDED, REVERTED TO PRIOR PRINTER'S No.,
ON THIRD CONSIDERATION AND FINAL PASSAGE**

HB 1393 (Pr. No. 4205) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 34 (Game) of the Pennsylvania Consolidated Statutes, further providing for unlawful taking or possession of threatened or endangered species; limiting the prohibition on the use of turkey blinds; and providing for the adoption of capital projects to be financed from current revenues of the Game Fund.

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

The PRESIDENT. The Chair recognizes the gentleman from Lebanon, Senator BRIGHTBILL.

Senator BRIGHTBILL. Mr. President, I move that we revert to prior Printer's No. 2647 on House Bill No. 1393.

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

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

The PRESIDENT. The Senate now has before it House Bill No. 1393, Printer's No. 2647.

On the question,
Will the Senate agree to the bill on third consideration?
It was 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-47

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

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.

BILLS REREPORTED FROM COMMITTEE AS AMENDED ON THIRD CONSIDERATION AND FINAL PASSAGE

HB 2149 (Pr. No. 4207) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of December 14, 1992 (P.L.818, No.133), known as the Port of Pittsburgh Commission Act, further providing for specific powers of the commission; providing for economic development projects; and further providing for rights of obligees and for contracts and purchases.

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-47

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

NAY-0

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

Ordered, That the Secretary of the Senate return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which concurrence of the House is requested.

HB 2498 (Pr. No. 4208) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of October 6, 1998 (P.L.705, No.92), known as the Pennsylvania Keystone Opportunity Zone Act, providing for keystone opportunity expansion zones and related matters and for authorized expenditures; further providing for additional tax exemptions, tax deductions, tax abatements and tax credits; 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-47

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

NAY-0

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

Ordered, That the Secretary of the Senate return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which concurrence of the House is requested.

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

HB 58 (Pr. No. 2116) -- 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 extending the statute of limitations for dealing in proceeds of unlawful activities.

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-47

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

NAY-0

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

Ordered, That the Secretary of the Senate return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which concurrence of the House is requested.

BILL OVER IN ORDER

SB 130 -- Without objection, the bill was passed over in its order at the request of Senator BRIGHTBILL.

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

HB 181 (Pr. No. 4178) -- The Senate proceeded to consideration of the bill, entitled:

An Act authorizing the Department of Community and Economic Development to adopt a program of training, examination and qualification for tax collectors.

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-47

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

Costa	Kitchen	Punt	Wenger
Dent	Kukovich	Rhoades	White
Earll	LaValle	Robbins	Williams
Fumo	Lemmond	Salvatore	Wozniak
Gerlach	Loeper	Schwartz	

NAY-0

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

Ordered, That the Secretary of the Senate return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which concurrence of the House is requested.

RECONSIDERATION OF VOTE

The PRESIDENT. The Chair recognizes the gentleman from Lebanon, Senator BRIGHTBILL.

Senator BRIGHTBILL. Mr. President, I move that we reconsider the vote by which House Bill No. 181 passed finally.

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

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

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-39

Armstrong	Greenleaf	Madigan	Tartaglione
Bell	Hart	Mellow	Thompson
Bodack	Helfrick	Murphy	Tilghman
Boscola	Holl	Musto	Tomlinson
Brightbill	Hughes	O'Pake	Wagner
Conti	Jubelirer	Piccola	Wenger
Costa	Kitchen	Rhoades	White
Dent	Kukovich	Robbins	Williams
Fumo	LaValle	Schwartz	Wozniak
Gerlach	Loeper	Stout	

NAY-8

Corman	Kasunic	Mowery	Salvatore
Earll	Lemmond	Punt	Waugh

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

Ordered, That the Secretary of the Senate return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which concurrence of the House is requested.

BILL OVER IN ORDER TEMPORARILY

HB 285 -- Without objection, the bill was passed over in its order temporarily at the request of Senator BRIGHTBILL.

BILLS OVER IN ORDER

SB 295 and HB 295 -- Without objection, the bills were passed over in their order at the request of Senator BRIGHTBILL.

BILLS OVER IN ORDER TEMPORARILY

HB 393, HB 454 and HB 538 -- Without objection, the bills were passed over in their order temporarily at the request of Senator BRIGHTBILL.

SPECIAL ORDER OF BUSINESS SUPPLEMENTAL CALENDAR No. 1

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

HB 1150 (Pr. No. 4224) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of December 19, 1990 (P.L.1200, No.202), known as the Solicitation of Funds for Charitable Purposes Act, further providing for reports by charitable organizations and for exemptions from registration.

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-47

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

NAY-0

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

Ordered, That the Secretary of the Senate return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which concurrence of the House is requested.

SPECIAL ORDER OF BUSINESS GUESTS OF SENATOR MICHAEL WAUGH PRESENTED TO THE SENATE

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

Senator WAUGH. Mr. President, I have two guests in the gallery today. First of all, Deb Hoff is a resident of Hanover in York County and a student at Penn State Harrisburg. She also is doing an internship with Representative Steve Nickol from the Hanover area. In addition to Deb, Tony Phillips from York is here today. Tony works for Community Services Group, an organization in York County that serves mentally ill individuals. He is here today just learning about the legislative process and watching.

The PRESIDENT. Will Tony and Deb please stand so the Senate can welcome you. (Applause.)

THIRD CONSIDERATION CALENDAR RESUMED

BILLS ON THIRD CONSIDERATION AND FINAL PASSAGE

SB 599 (Pr. No. 2317) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of December 20, 1985 (P.L.457, No.112), entitled Medical Practice Act of 1985, providing for certification of athletic trainers by the State Board of Medicine; and making repeals.

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-47

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

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 896 (Pr. No. 2280) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of December 12, 1994 (P.L.888, No.128), entitled Anaerobic Manure Digesters Act, further providing for the title, for legislative intent, for definitions, for development costs, for administration, for building and for funding.

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-47

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

NAY-0

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

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

BILL OVER IN ORDER TEMPORARILY

HB 951 -- Without objection, the bill was passed over in its
order temporarily at the request of Senator BRIGHTBILL.

BILL OVER IN ORDER

HB 1061 -- Without objection, the bill was passed over in its
order at the request of Senator BRIGHTBILL.

BILL OVER IN ORDER TEMPORARILY

HB 1142 -- Without objection, the bill was passed over in its
order temporarily at the request of Senator BRIGHTBILL.

BILLS ON THIRD CONSIDERATION
AND FINAL PASSAGE

HB 1161 (Pr. No. 4170) -- The Senate proceeded to consid-
eration of the bill, entitled:

An Act amending the act of December 20, 1967 (P.L.869, No.385),
known as the Public Works Contractors' Bond Law of 1967, further
providing for enforcement of claims and for financial security to be
provided by contractors and bidders; 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-47

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

NAY-0

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

Ordered, That the Secretary of the Senate return said bill to
the House of Representatives with information that the Senate
has passed the same with amendments in which concurrence of
the House is requested.

HB 1164 (Pr. No. 1317) -- The Senate proceeded to consid-
eration of the bill, entitled:

An Act amending the act of December 20, 1967 (P.L.869, No.385),
known as the Public Works Contractors' Bond Law of 1967, further
providing for financial security of contractors.

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-47

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

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.

SB 1335 (Pr. No. 2318) -- The Senate proceeded to consideration of the bill, entitled:

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

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-47

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

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 1401 (Pr. No. 2314) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 62 (Procurement) of the Pennsylvania Consolidated Statutes, imposing additional requirements on the Board of Commissioners of Public Grounds and Buildings relating to the approval of leases of real estate.

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-47

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

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 1487 (Pr. No. 2183) -- The Senate proceeded to consideration of the bill, entitled:

An Act authorizing the Department of General Services, with the approval of the Governor and of the Pennsylvania Historical and Museum Commission, to sell and convey to the County of Fayette, a certain tract of land and right-of-way situate in Wharton Township, Fayette County, Pennsylvania.

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-47

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

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 1560 (Pr. No. 2238) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of October 22, 1986 (P.L.1452, No.143), entitled Pennsylvania Adult Basic and Literacy Education Act, further providing for short title, for findings and purpose, for definitions, for grant program, for limitations on funding, for interagency coordinating council, for audits and records and for monitoring and reporting.

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-47

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

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 1583 (Pr. No. 2316) -- 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 providing for excise taxes and for hotel room tax.

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-47

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

Fumo	Lemmond	Salvatore	Wozniak
Gerlach	Loeper	Schwartz	

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

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

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-46

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

NAY-1

White

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 285 CALLED UP

HB 285 (Pr. No. 282) -- Without objection, the bill, which previously went over in its order temporarily, was called up, from page 3 of the Third Consideration Calendar, by Senator BRIGHTBILL.

BILL OVER IN ORDER

HB 285 -- Without objection, the bill was passed over in its order at the request of Senator BRIGHTBILL.

BILLS OVER IN ORDER TEMPORARILY

HB 1639, HB 1728 and HB 1980 -- Without objection, the bills were passed over in their order temporarily at the request of Senator BRIGHTBILL.

BILL OVER IN ORDER

HB 2070 -- Without objection, the bill was passed over in its order at the request of Senator BRIGHTBILL.

BILL OVER IN ORDER TEMPORARILY

HB 2189 -- Without objection, the bill was passed over in its order temporarily at the request of Senator BRIGHTBILL.

BILL ON FINAL PASSAGE OVER IN ORDER TEMPORARILY

HB 2216 (Pr. No. 4171) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 3 (Agriculture) of the Pennsylvania Consolidated Statutes, further providing for certification advisory board and programs, for employee certification and for exemptions for food employee certification.

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?

Senator BRIGHTBILL. Mr. President, if we could go over House Bill No. 2216 on page 8 of today's Calendar temporarily.
The PRESIDENT. House Bill No. 2216 will go over temporarily on final passage.

HB 1639 CALLED UP

HB 1639 (Pr. No. 4179) -- Without objection, the bill, which previously went over in its order temporarily, was called up, from page 7 of the Third Consideration Calendar, by Senator BRIGHTBILL.

BILL AMENDED

HB 1639 (Pr. No. 4179) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the Act of May 29, 1956 (1955 P.L.1804, No.600), referred to as the Municipal Police Pension Law, further providing for benefits.

On the question,
Will the Senate agree to the bill on third consideration?
Senator BRIGHTBILL offered the following amendment No. A4630:

Amend Sec. 1 (Sec. 1), page 4, line 26, by inserting an underscored comma after "MAY"]

Amend Sec. 1 (Sec. 1), page 5, line 15, by inserting after "IF": the assets of the pension fund exceed

Amend Sec. 1 (Sec. 1), page 5, line 22, by striking out "SUCH" and inserting: the

Amend Sec. 1 (Sec. 1), page 6, line 10, by inserting an underscored comma after "FORCE"

Amend Sec. 2 (Sec. 5), page 7, line 4, by striking out "SUCH" and inserting: the

Amend Sec. 2 (Sec. 5), page 7, line 12, by inserting after "THE" where it appears the second time: pension

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

It was agreed to.

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

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

HB 2272 (Pr. No. 4212) -- 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 retaliation against witness, victim or party.

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-46

Table listing names of senators who voted 'YEA' for HB 2272, including Armstrong, Bell, Bodack, Boscola, Brightbill, Conti, Corman, Costa, Dent, Fumo, Gerlach, Greenleaf, Hart, Helfrick, Holl, Hughes, Jubelirer, Kasunic, Kitchen, Kukovich, LaValle, Lemmond, Loeper, Madigan, Mellow, Mowery, Murphy, Musto, O'Pake, Piccola, Punt, Rhoades, Robbins, Salvatore, Schwartz, Stout, Tartaglione, Thompson, Tilghman, Tomlinson, Wagner, Waugh, Wenger, White, Williams, and Wozniak.

NAY-1

Earl

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

Ordered, That the Secretary of the Senate return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which concurrence of the House is requested.

BILL OVER IN ORDER TEMPORARILY

HB 2328 -- Without objection, the bill was passed over in its order temporarily at the request of Senator BRIGHTBILL.

BILLS ON THIRD CONSIDERATION AND FINAL PASSAGE

HB 2668 (Pr. No. 4001) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 20 (Decedents, Estates and Fiduciaries) of the Pennsylvania Consolidated Statutes, changing the name of the Organ Donation Awareness Trust Fund to The Governor Robert P. Casey Memorial Organ and Tissue Donation Awareness Trust Fund.

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-47

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

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 2800 (Pr. No. 4114) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of August 6, 1971 (P.L.281, No.72), entitled "An act standardizing the procedures for pledges of assets to secure deposits of public funds with banking institutions pursuant to other laws; establishing a standard rule for the types, amounts and valuations of assets eligible to be used as collateral for deposits of public funds; permitting assets to be pledged against deposits on a pooled basis; and authorizing the appointment of custodians to act as pledgees of assets," further providing for amounts required to be pledged and for eligible assets and valuation.

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-47

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

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 OVER IN ORDER

SB 474, HB 519 and HB 891 -- Without objection, the bills were passed over in their order at the request of Senator BRIGHTBILL.

BILL AMENDED

SB 897 (Pr. No. 1012) -- The Senate proceeded to consideration of the bill, entitled:

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

On the question, Will the Senate agree to the bill on second consideration? Senator MURPHY offered the following amendment No. A4587:

Amend Title, page 1, line 2, by inserting after "therapy,": further providing for the State Board of Physical Therapy;

Amend Bill, page 1, lines 9 through 11, by striking out all of said lines and inserting:

Section 1. Section 2.1(a) of the act of October 10, 1975 (P.L.383, No.110), known as the Physical Therapy Practice Act, added December 20, 1985 (P.L.500, No.117), is amended to read:

Section 2.1. State Board of Physical Therapy.--(a) The board shall consist of [nine] eleven members, all of whom shall be residents of Pennsylvania. [Five] Six members shall be physical therapists licensed to practice in this Commonwealth, each having had at least five years of experience as a physical therapist, three years of which must have immediately preceded the appointment to the board. One member shall be a physical therapist assistant currently registered with the board or an athletic trainer currently certified by the board[, provided that the

initial appointee shall be a physical therapist assistant who is currently listed with the board and who shall not be required to be registered until the provisions of section 9.1 have been implemented]. Two members shall be representatives of the public. One member shall be the Commissioner of Professional and Occupational Affairs. One member shall be the Physician General of the Commonwealth or his designee. The members of the board shall be appointed by the Governor, with the advice and consent of a majority of the members elected to the Senate.

Section 2. Section 9 of the act, amended April 4, 1984 (P.L.196, No.41), is amended to read:

Amend Sec. 1 (Sec. 9), page 3, line 30; page 4, line 1, by striking out "amount of \$200,000 per occurrence and \$600,000 annual aggregate" and inserting: amounts required to be maintained by physicians pursuant to the act of October 15, 1975 (P.L.390, No.111), known as the "Health Care Services Malpractice Act."

Amend Sec. 1 (Sec. 9), page 5, lines 19 through 25, by striking out "shall not treat a person without a" in line 19, all of lines 20 through 25 and inserting: may treat a person without a referral as provided for in subsection (b) for up to 30 days from the date of the first treatment. A physical therapist shall not treat a person beyond 30 days from the date of the first treatment unless he or she has obtained a referral from a licensed physician, dentist or podiatrist.

Amend Sec. 2, page 5, line 28, by striking out "2" and inserting: 3
Amend Sec. 3, page 6, line 8, by striking out "3" and inserting: 4

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

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

BILLS OVER IN ORDER

HB 1132, HB 1136, HB 1141, HB 1429 and HB 2313 --
Without objection, the bills were passed over in their order at the request of Senator BRIGHTBILL.

EXECUTIVE NOMINATIONS

EXECUTIVE SESSION

Motion was made by Senator SALVATORE, that the Senate do now resolve itself into Executive Session for the purpose of considering certain nominations made by the Governor.

Which was agreed to by voice vote.

NOMINATIONS TAKEN FROM TABLE

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

The Clerk read the nominations as follows:

MEMBER OF THE BOARD OF GOVERNORS OF THE STATE SYSTEM OF HIGHER EDUCATION

October 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, Daniel P. Elby, 3535 Pebble Ridge Drive, York 17402-4358, York County, Twenty-eighth Senatorial District, for reappointment as a member of the Board of Governors of the

State System of Higher Education, to serve until December 31, 2002 and until his successor is appointed and qualified.

THOMAS J. RIDGE
Governor

MEMBER OF THE BOARD OF GOVERNORS OF THE STATE SYSTEM OF HIGHER EDUCATION

November 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, David P. Holveck, 138 Piqua Circle, Berwyn 19312, Chester County, Nineteenth Senatorial District, for appointment as a member of the Board of Governors of the State System of Higher Education, to serve until December 31, 2002 and until his successor is appointed and qualified, vice F. Eugene Dixon, Jr., Lafayette Hill, resigned.

THOMAS J. RIDGE
Governor

MEMBER OF THE BOARD OF GOVERNORS OF THE STATE SYSTEM OF HIGHER EDUCATION

October 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, R. Benjamin Wiley, 3570 Tanager Drive, Erie 16506, Erie County, Forty-ninth Senatorial District, for reappointment as a member of the Board of Governors of the State System of Higher Education, to serve until December 31, 2002 and until his successor is appointed and qualified.

THOMAS J. RIDGE
Governor

COMMONWEALTH TRUSTEE OF THE UNIVERSITY OF PITTSBURGH--OF THE COMMONWEALTH SYSTEM OF HIGHER EDUCATION

October 25, 2000

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Elizabeth Jeanne Gleason, 552 Elknud Lane, Johnstown 15905, Cambria County, Thirty-fifth Senatorial District, for reappointment as a Commonwealth Trustee of the University of Pittsburgh--of the Commonwealth System of Higher Education, to serve until October 5, 2004, and until her successor is appointed and qualified.

THOMAS J. RIDGE
Governor

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

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

YEA-47

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

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.

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:

CONTROLLER, BUCKS COUNTY

May 15, 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, Raymond F. McHugh, 1496 Nancy Drive, Southampton 18966, Bucks County, Tenth Senatorial District, for appointment as Controller, in and for the County of Bucks, to serve until the first Monday of January 2002, vice Rea Boylan Thomas, Esquire, resigned.

THOMAS J. RIDGE
Governor

MEMBER OF THE PENNSYLVANIA GAME COMMISSION

September 29, 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, Roxane S. Palone (District 2), 139 Johnson Road, Waynesburg 15370, Greene County, Forty-sixth Senatorial District, for appointment 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.

THOMAS J. RIDGE
Governor

MEMBER OF THE PENNSYLVANIA GAME COMMISSION

May 18, 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, Russell E. Schleiden (District 3), R.R. 2, Box 165, Centre Hall 16828, Centre County, Thirty-fourth Senatorial District, for appointment as a member of the Pennsylvania Game Commission, to serve for a term of eight years or until his successor is appointed and qualified, but not longer than six months beyond that period, vice George M. Miller, Brockway, whose term expired.

THOMAS J. RIDGE
Governor

JUDGE, COURT OF COMMON PLEAS, PHILADELPHIA COUNTY

October 5, 2000

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Denis P. Cohen, Esquire, 6447 Woodcrest Avenue, Philadelphia 19151, Philadelphia County, Seventh Senatorial District, for appointment as Judge of the Court of Common Pleas of Philadelphia County, to serve until the first Monday of January 2002, vice The Honorable Petrese B. Tucker, resigned.

THOMAS J. RIDGE
Governor

JUDGE, MUNICIPAL COURT

September 22, 2000

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Wendy L. Pew, Esquire, 210 West Rittenhouse Square, Apartment 1407, Philadelphia 19103, Philadelphia County, First Senatorial District, for appointment as Judge of the Municipal Court of Philadelphia, to serve until the first Monday of January 2002, vice The Honorable Edward G. Mekel, resigned.

THOMAS J. RIDGE
Governor

JUDGE, COURT OF COMMON PLEAS, PHILADELPHIA COUNTY

September 22, 2000

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Margaret T. Murphy McKeown, Esquire, 13460 Lindsay Street, Philadelphia 19116, Philadelphia County, Fifth Senatorial District, for appointment as Judge of the Court of Com-

mon Pleas of Philadelphia County, to serve until the first Monday of January 2002, vice The Honorable Ricardo C. Jackson, resigned.

THOMAS J. RIDGE
Governor

MEMBER OF THE PENNSYLVANIA
TURNPIKE COMMISSION

September 29, 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, Timothy J. Carson, Esquire, 227 Curwen Road, Rosemont 19010, Montgomery County, Seventeenth Senatorial District, for appointment as a member of the Pennsylvania Turnpike Commission, to serve for a term of four years or until his successor is appointed and qualified, but not longer than ninety days beyond that period, vice James F. Malone, III, Esquire, Pittsburgh, whose term expired.

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-47

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

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.

EXECUTIVE SESSION RISES

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

The motion was agreed to by voice vote.

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

BILLS OUT OF ORDER

Without objection, the bills on Supplemental Calendar No. 2 were called out of order by Senator BRIGHTBILL.

**BILLS ON THIRD CONSIDERATION
AND FINAL PASSAGE**

HB 599 (Pr. No. 4227) -- The Senate proceeded to consideration of the bill, entitled:

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

Considered the 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-47

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

NAY-0

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

Ordered, That the Secretary of the Senate return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which concurrence of the House is requested.

HB 819 (Pr. No. 4228) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of April 27, 1927 (P.L.465, No.299), referred to as the Fire and Panic Act, further providing for school tobacco control; 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-45

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

NAY-2

Earll White

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

Ordered, That the Secretary of the Senate return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which concurrence of the House is requested.

CONSIDERATION OF CALENDAR RESUMED

HB 393 CALLED UP

HB 393 (Pr. No. 2864) -- Without objection, the bill, which previously went over in its order temporarily, was called up, from page 3 of the Third Consideration Calendar, by Senator BRIGHTBILL.

BILL AMENDED

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

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

On the question,

Will the Senate agree to the bill on third consideration?

Senator PICCOLA offered the following amendment No. A3807:

Amend Sec. 1 (Sec. 7707), page 5, line 22, by striking out "(A) JUDICIAL.--"

Amend Sec. 1 (Sec. 7707), page 5, lines 28 through 30; page 6, lines 1 through 5, by striking out all of said lines on said pages

Amend Sec. 1 (Chapter Analysis), page 10, lines 16 and 17, by striking out all of said lines and inserting:

8303. Right to a hearing.

8304. Intervention.

8305. Construction.

Amend Sec. 1 (Sec. 8301), page 11, line 12, by striking out all of said line and inserting: subdivisions, or their departments, commissions, boards, agencies or authorities.

Amend Sec. 1 (Sec. 8302), page 11, lines 28 through 30; page 12, line 1, by striking out all of said lines on said pages and inserting: section if the allegation in the action or any communication to the government is not relevant or material to the enforcement or implementation of an environmental law or regulation and:

Amend Sec. 1 (Sec. 8302), page 12, line 2, by striking out "(2) THE" and inserting: (1) the

Amend Sec. 1 (Sec. 8302), page 12, line 3, by inserting after "WITH": malicious and

Amend Sec. 1 (Sec. 8302), page 12, line 4, by removing the period after "FALSITY" and inserting a semicolon

Amend Sec. 1 (Sec. 8302), page 12, line 5, by striking out "(3) THE" and inserting: (2) the

Amend Sec. 1 (Sec. 8302), page 12, line 7, by removing the period after "RELATIONSHIPS" and inserting: ; or

Amend Sec. 1 (Sec. 8302), page 12, line 8, by striking out "(4) THE" and inserting: (3) the

Amend Sec. 1, page 12, by inserting between lines 11 and 12: § 8303. Right to a hearing.

A person who wishes to raise the defense of immunity from civil liability under this chapter may file a motion with the court requesting the court to conduct a hearing to determine the preliminary issue of immunity. If a motion is filed, the court shall then conduct a hearing and if the motion is denied, the moving party shall have an interlocutory appeal of right to the Commonwealth Court, during which time all discovery shall be stayed.

Amend Sec. 1 (Sec. 8303), page 12, line 12, by striking out "8303" and inserting: 8304

Amend Sec. 1 (Sec. 8304), page 12, line 16, by striking out "8304" and inserting: 8305

Amend Sec. 2, page 12, line 25, by striking out "(F)(2)(V)" and inserting: (f)(5)

On the question,

Will the Senate agree to the amendment?

It was agreed to.

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

RECESS

The PRESIDENT. The Chair recognizes the gentleman from Lebanon, Senator Brightbill.

Senator BRIGHTBILL. Mr. President, I request a brief recess of the Senate for approximately 30 minutes. Before we come back there will be a short caucus of the Republicans in the Rules room, and we expect that to take about a half-hour.

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

Senator MUSTO. Mr. President, for the information of the Democratic Members, there will be no caucus.

The PRESIDENT. For the purpose of a recess to run for approximately 30 minutes, and the need for a Republican caucus in the Rules room, with the intention of returning at about 4 p.m., the Senate stands in recess.

AFTER RECESS

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

SPECIAL ORDER OF BUSINESS
SUPPLEMENTAL CALENDAR No. 3BILL ON THIRD CONSIDERATION
AND FINAL PASSAGE

HB 1639 (Pr. No. 4229) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the Act of May 29, 1956 (1955 P.L.1804, No.600), referred to as the Municipal Police Pension Law, further providing for benefits.

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-47

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

NAY-0

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

Ordered, That the Secretary of the Senate return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which concurrence of the House is requested.

CONSIDERATION OF CALENDAR RESUMED

HB 1728 CALLED UP

HB 1728 (Pr. No. 4180) -- Without objection, the bill, which previously went over in its order temporarily, was called up, from page 7 of the Third Consideration Calendar, by Senator BRIGHTBILL.

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

HB 1728 (Pr. No. 4180) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of December 7, 1990 (P.L.639, No.165), known as the Hazardous Material Emergency Planning and Response Act, further providing for additional powers and duties for the Pennsylvania Emergency Management Agency, for definitions, for establishment and functions of local emergency planning committees, for hazardous material safety program, for emergency reporting and notification requirements, for establishment of funds, for emergency management grants, for facility and vehicle inspection and testing, for immunity from civil liability and for enforcement; and making editorial changes.

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-47

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

NAY-0

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

Ordered, That the Secretary of the Senate return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which concurrence of the House is requested.

HB 2216 CALLED UP

HB 2216 (Pr. No. 4171) -- Without objection, the bill, which previously went over in its order temporarily, was called up, from page 8 of the Third Consideration Calendar, by Senator BRIGHTBILL.

BILL ON FINAL PASSAGE

HB 2216 (Pr. No. 4171) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 3 (Agriculture) of the Pennsylvania Consolidated Statutes, further providing for certification advisory board and programs, for employee certification and for exemptions for food employee certification.

On the question,
Shall the bill pass finally?

LEGISLATIVE LEAVES

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

Senator MELLOW. Mr. President, I request temporary Capitol leaves for Senator Fumo, Senator Williams, and Senator Schwartz.

The PRESIDENT. Without objection, those leaves will be granted.

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-28

Armstrong	Helfrick	Mowery	Salvatore
Boscola	Jubelirer	Murphy	Stout
Brightbill	Kasunic	Musto	Wagner
Conti	Kukovich	O'Pake	Waugh
Corman	LaValle	Piccola	Wenger
Costa	Lemmond	Punt	White
Hart	Loeper	Robbins	Wozniak

NAY-19

Bell	Gerlach	Madigan	Thompson
Bodack	Greenleaf	Mellow	Tilghman
Dent	Holl	Rhoades	Tomlinson
Earll	Hughes	Schwartz	Williams
Fumo	Kitchen	Tartaglione	

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

Ordered, That the Secretary of the Senate return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which concurrence of the House is requested.

LEGISLATIVE LEAVE CANCELLED

The PRESIDENT. Senator Schwartz has returned, and her temporary Capitol leave is cancelled.

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

The SECRETARY. Consent has been given for the Committee on Appropriations to meet imminently in the Rules room to consider House Bill No. 1470.

RECESS

Senator BRIGHTBILL. Mr. President, I request a brief recess of the Senate for the purpose of a meeting of the Committee on Appropriations, to be followed by a meeting of the Committee on Rules and Executive Nominations, to be followed by what we hope will be a brief Republican caucus.

The PRESIDENT. For the above-mentioned meetings and a Republican caucus, the Senate will now stand in recess.

AFTER RECESS

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

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

The SECRETARY. Consent has been given for the Committee on Rules and Executive Nominations to meet imminently in

the Rules room to consider the following bills: Senate Bills No. 390, 612, 712, 844, 1117, 1178, 1280, 1330, 1444, and Senate Resolution No. 130.

RECESS

The PRESIDENT. All Members of the Committee on Rules and Executive Nominations should report to the Rules room in the rear of the Senate for the already-described meeting. And again, the Senate will stand in recess.

AFTER RECESS

The PRESIDING OFFICER (Robert J. Thompson) in the Chair.

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

REPORTS FROM COMMITTEES

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

SB 390 (Pr. No. 2325) (Amended) (Rereported) (Concurrence)

An Act amending the act of December 31, 1965 (P.L.1257, No.511), entitled The Local Tax Enabling Act, further defining "net profits."

SB 612 (Pr. No. 2309) (Rereported) (Concurrence)

An Act amending Title 34 (Game) of the Pennsylvania Consolidated Statutes, further providing for controlled goose hunting areas, for unlawful taking or possession of game or wildlife, for certain mandatory hunter education requirements, for the use of crossbows as legal hunting devices, for the application, issuance and fees of various licenses including elk hunting licenses, for deer control permits in cities of the first class and for disabled person permits.

SB 712 (Pr. No. 2326) (Amended) (Rereported) (Concurrence)

An Act amending the act of May 2, 1945 (P.L.382, No.164), entitled Municipality Authorities Act of 1945, further providing for the purposes and powers of an authority, for governing body residency requirements and for water and sewer service to tenants.

SB 844 (Pr. No. 2327) (Amended) (Rereported) (Concurrence)

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, providing for participation in certain environmental cases and for criminal victim aid good Samaritan civil immunity.

SB 1117 (Pr. No. 2310) (Rereported) (Concurrence)

An Act amending Title 30 (Fish) of the Pennsylvania Consolidated Statutes, further providing for waterways patrolmen and employees, for assistant executive directors, for deputy waterways conservation officers and for the use of property; clarifying provisions for repeat offenders; exempting certain military personnel from license requirements;

further providing for issuing agents; and requiring a study of the financial feasibility of providing certain free fishing licenses.

SB 1178 (Pr. No. 2328) (Amended) (Rereported) (Concurrence)

An Act authorizing the Department grant and convey to Somerset County Conservancy Charitable Trust, certain lands situate in Somerset Township, Somerset County; authorizing the Governor, to quitclaim to Rush Township a tract of land situate in Rush Township, Centre County; authorizing the Department of and convey to Huston Township Sewer Authority, certain lands situate in Huston Township, Clearfield County; authorizing the Department grant and convey to Mt. Rock United Methodist Church, certain lands situate in West Pennsboro Township, Cumberland County; authorizing the Governor, to convey a tract of land in the Borough of Selinsgrove, Snyder County, to the Eastern Snyder County Regional Authority in exchange for another tract of land in the Borough of Selinsgrove, Snyder County; authorizing approval of the Governor, to grant and convey to Snyder County certain lands situate in Penn Township; authorizing the Department of General Services, with the approval of the Governor and the Department of Conservation and Natural Resources, to amend the use restriction and reversionary covenant on the real estate conveyed to Hartley Township, situate in Hartley Township, Union County; and authorizing and directing the Department of General Services, with the approval of the Governor, to convey to the Pocono Mountains Municipal Airport Authority certain property located in Coolbaugh Township, Monroe County, which is part of the facility formerly known as the Mount Pocono Airport, and now known as the Pocono Mountains Municipal Airport; authorizing the Department of General Services, with the approval of the Governor and of the Pennsylvania Historical and Museum Commission, to sell and convey to the County of Fayette, a certain tract of land and right-of-way situate in Wharton Township, Fayette County, Pennsylvania; authorizing and directing the Department of General Services, with the approval of the Governor and Department of Transportation, to sell and convey to the Borough of Hollidaysburg certain land situate in the Borough of Hollidaysburg, Blair County, Pennsylvania; authorizing and directing the State Armory Board of the Department of Military and Veterans Affairs and the Department of General Services, with the approval of the Governor, to convey to the Huntingdon Area School District certain land situate in Huntingdon Borough, Huntingdon County, Pennsylvania; and authorizing and directing the Department of General Services, with the approval of the Governor, to grant and convey to Philadelphia Suburban Water Company, certain lands situate in West Bradford Township and Newlin Township, Chester County, and authorizing and directing the Department of General Services, with the approval of the Governor, to release a use restriction and reversionary covenant on a portion, 1.5-acres, of the lands conveyed to Chester County under Act 5 of 1988.

SB 1280 (Pr. No. 2276) (Rereported) (Concurrence)

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.

SB 1330 (Pr. No. 2319) (Amended) (Rereported) (Concurrence)

An Act authorizing the Department of General Services, with the approval of the Governor, to sell and convey to the Wernersville Municipal Authority certain land situate on Wernersville State Hospital, South Heidelberg Township, Berks County; and authorizing the Department of General Services, with the approval of the Governor and the Depart-

ment of Transportation, to convey to the Grand Canyon Airport Authority certain lands situate in Shippen and Delmar Townships, Tioga County.

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

HB 1470 (Pr. No. 4234) (Amended) (Rereported)

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, adding and amending definitions; further providing for certificates of title; providing for salvage, theft and reconstructed vehicles; further providing for registration of vehicles, for registration plates, for registration violations and suspensions, for licensing of drivers, for comprehensive system for driver education and control, for driver's license violations, for driver's license compact, for commercial drivers, for required financial responsibility, for payments to special funds, for registration fees, for permits, for the Motor Vehicle Transaction Recovery Fund, for obedience to and effect of traffic laws, for traffic-control devices, for right-of-way, for special stops required, for stopping, standing and parking, for speed restrictions, for rights and duties of pedestrians, for depositing waste and other material on highway, property or water and for abandonment and stripping of vehicles; providing for restitution of property owners and for restrictions on alcoholic beverages; further providing for accidents involving overturned vehicles, for serious traffic offenses, for accidents and accident reports, for equipment standards, for lighting equipment, for safety and antipollution equipment, for vehicles for transportation of school children, for equipment of authorized and emergency vehicles, for inspection requirements, for official inspection stations, for vehicle size, weight and load, for powers of the Department of Transportation and local authorities, for enforcement, for misuse of documents and plates, for tampering with odometers, for abandoned vehicles and cargos, for messenger service and for snowmobiles and all-terrain vehicles; providing for motor carrier safety; further providing for liquid fuels and fuels tax refunds; conferring powers and duties on the Department of Health; and making repeals.

RESOLUTION REPORTED FROM COMMITTEE

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

SR 130 (Pr. No. 2217) (Rereported) (Concurrence)

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.

The PRESIDING OFFICER. The resolution will be placed on the Calendar.

**SPECIAL ORDER OF BUSINESS
SUPPLEMENTAL CALENDAR No. 4**

BILL AMENDED

HB 393 (Pr. No. 4230) -- The Senate proceeded to consideration of the bill, entitled:

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

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?

RECONSIDERATION OF VOTE

The PRESIDING OFFICER. The Chair recognizes the gentleman from Lebanon, Senator Brightbill.

Senator BRIGHTBILL. Mr. President, I move that we reconsider the vote by which House Bill No. 393 was agreed to on third consideration.

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

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

And the question recurring,
Will the Senate agree to the bill on third consideration?

Senator BRIGHTBILL offered the following amendment No. A4895:

Amend Sec. 2, page 13, lines 8 through 11, by striking out all of said lines and inserting:

Section 2. (a) The following acts or parts of acts are repealed:

Amend Sec. 2, page 13, by inserting between lines 21 and 22:

(b) All other acts and parts of acts are repealed insofar as they are inconsistent with this act.

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

Senator MUSTO. Mr. President, could we be at ease?

The PRESIDING OFFICER. At the request of Senator Musto, the Senate will be at ease.

(The Senate was at ease.)

The PRESIDING OFFICER. The Chair recognizes the gentleman from Luzerne, Senator Musto.

Senator MUSTO. Mr. President, the amendment is agreed to.

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

It was agreed to.

The PRESIDING OFFICER. Without objection, the bill will go over as amended.

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

SPECIAL ORDER OF BUSINESS
SUPPLEMENTAL CALENDAR No. 5

BILL ON THIRD CONSIDERATION
AND FINAL PASSAGE

HB 2014 (Pr. No. 4167) -- 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 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-47

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

NAY-0

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

Ordered, That the Secretary of the Senate return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which concurrence of the House is requested.

SPECIAL ORDER OF BUSINESS
SUPPLEMENTAL CALENDAR No. 6

SENATE CONCURS IN HOUSE AMENDMENTS
AS AMENDED

SB 1330 (Pr. No. 2319) -- The Senate proceeded to consideration of the bill, entitled:

An Act authorizing the Department of General Services, with the approval of the Governor, to sell and convey to the Wernersville Municipal Authority certain land situate on Wernersville State Hospital, South Heidelberg Township, Berks County; and authorizing the Department of General Services, with the approval of the Governor and the Department of Transportation, to convey to the Grand Canyon Airport Authority certain lands situate in Shippen and Delmar Townships, Tioga County.

On the question,
Will the Senate concur in the amendments made by the House, as amended by the Senate, to Senate Bill No. 1330?

Senator BRIGHTBILL. 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. 1330.

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

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

YEA-47

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

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.

BILL ON CONCURRENCE IN HOUSE AMENDMENTS OVER IN ORDER TEMPORARILY

SB 612 -- Without objection, the bill was passed over in its order temporarily at the request of Senator BRIGHTBILL.

SENATE CONCURS IN HOUSE AMENDMENTS

SB 1117 (Pr. No. 2310) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 30 (Fish) of the Pennsylvania Consolidated Statutes, further providing for waterways patrolmen and employees, for assistant executive directors, for deputy waterways conservation officers and for the use of property; clarifying provisions for repeat offenders; exempting certain military personnel from license requirements; further providing for issuing agents; and requiring a study of the financial feasibility of providing certain free fishing licenses.

On the question,

Will the Senate concur in the amendments made by the House to Senate Bill No. 1117?

Senator BRIGHTBILL. Mr. President, I move that the Senate do concur in the amendments made by the House to Senate Bill No. 1117.

On the question,

Will the Senate agree to the motion?

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

YEA-47

Armstrong	Greenleaf	Madigan	Stout
Bell	Hart	Mellow	Tartaglione
Bodack	Helfrick	Mowery	Thompson
Boscola	Holl	Murphy	Tilghman

Brightbill	Hughes	Musto	Tomlinson
Conti	Jubelirer	O'Pake	Wagner
Corman	Kasunic	Piccola	Waugh
Costa	Kitchen	Punt	Wenger
Dent	Kukovich	Rhoades	White
Earll	LaValle	Robbins	Williams
Fumo	Lemmond	Salvatore	Wozniak
Gerlach	Loeper	Schwartz	

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 1280 (Pr. No. 2276) -- 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.

On the question,

Will the Senate concur in the amendments made by the House to Senate Bill No. 1280?

Senator BRIGHTBILL. Mr. President, I move that the Senate do concur in the amendments made by the House to Senate Bill No. 1280.

On the question,

Will the Senate agree to the motion?

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

YEA-47

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

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.

**RESOLUTION ON CONCURRENCE
IN HOUSE AMENDMENTS**

SENATE CONCURS IN HOUSE AMENDMENTS

Senator BRIGHTBILL, without objection, called up from page 2 of Supplemental Calendar No. 6, **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.

On the question,

Will the Senate concur in the amendments made by the House to Senate Resolution No. 130?

Senator BRIGHTBILL. Mr. President, I move that the Senate do concur in the amendments by the House to Senate Resolution No. 130.

On the question,

Will the Senate agree to the motion?

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

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

RECESS

The PRESIDENT. The Chair recognizes the gentleman from Lebanon, Senator Brightbill.

Senator BRIGHTBILL. Mr. President, I request a recess to the call of the President pro tempore. We hope to be back around 9:30 p.m. We are waiting for the House to send some bills over.

The PRESIDENT. The Senate stands in recess to the call of the President pro tempore.

AFTER RECESS

The PRESIDING OFFICER (Robert J. Thompson) in the Chair.

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

**SPECIAL ORDER OF BUSINESS
SUPPLEMENTAL CALENDAR No. 7**

**BILL ON THIRD CONSIDERATION
AND FINAL PASSAGE**

HB 393 (Pr. No. 4235) -- The Senate proceeded to consideration of the bill, entitled:

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

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 PRESIDING OFFICER. The Chair recognizes the gentleman from Westmoreland, Senator Kukovich.

Senator KUKOVICH. Mr. President, this issue has been debated extensively in both Chambers for a long time now, and I think that the result of the Piccola amendment that passed earlier, which strengthens the bill, and the agreed-to amendment that was passed shortly after that corrects a serious problem in the bill, and I do think that because of those amendments, this legislation is an improvement to protect citizens from unnecessary SLAPP suits. I do not feel it is as good as some of the original versions or some other versions that I have seen over the years, but I think it is worthy of being supported.

I just want to put on the record that after some reflection I am going to cast a "no" vote, not necessarily because I am against the entire work product. As I said, I think it is an improvement, but my major concern is that some of the things we are doing in this bill are being done because we have been told that we have to conform with Federal laws and regulations. We have had a lot of time in the last 2 years and even before that to try to get a complete understanding of exactly what parameters within which we must comply.

Earlier this evening I saw a letter dated 1997 which referred to those compliance regulations, but I have yet to see the exact citations, I have yet to see an example of what other States have done to comply, I have yet to see one other State with statutory legislation similar to this to which we have been told we must comply, and maybe that is all correct. The point is at this late hour I am not sure. And I am concerned about sometime down the road, 6 months from now, finding out that we have put some risk to the environment by hasty action, and for that reason I personally will cast a "no" vote.

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

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

Senator PICCOLA. Mr. President, I rise to urge an affirmative vote on final passage of House Bill No. 393, as amended. The provisions of this bill that deal with SLAPP suits have had a long and torturous journey through the legislature, and I think we have arrived at language that is presently in House Bill No. 393 that not only protects the citizens of this Commonwealth who wish to assert their rights under the law to intervene in cases involving environmental concerns in their neighborhoods, but also meets the constitutional requirements and also the court's requirements that would allow them to govern the procedure under which these cases are determined.

This bill started out in the House with an amendment that was placed in it by the House. Our committee here in the Senate amended the bill, and it did not meet with the satisfaction of

many of the environmental groups that have an interest in this particular legislation. I worked with a number of groups to arrive at the language that we presently have in House Bill No. 393, and I think we have arrived at a process and procedure which protects all of the rights of the interested parties, particularly those potential defendants who might be the victims of a potential SLAPP piece of litigation.

What we have done in this bill is to allow a defendant, a potential defendant, to assert their defense of immunity early in the process and to require the court, if such an assertion of immunity is made, to have a hearing on that question of immunity, and should the question of immunity be found against the defendant, that the defendant would have the right to an interlocutory appeal directly to an appellate court with a stay of any further discovery or any further proceedings in the case until that appeal is decided. That provides the maximum amount of protection, I believe, and within the bounds of the Constitution and the power of the courts to determine procedure that we could possibly get.

I think we have done a good and fair job for all of the interested parties under these circumstances, and I urge an affirmative vote on House Bill No. 393.

LEGISLATIVE LEAVES

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

Senator MELLOW. Mr. President, I request temporary Capitol leaves for Senator Bodack and Senator O'Pake.

The PRESIDENT. Without objection, those leaves are granted.

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-30

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

NAY-17

Bodack	Kasunic	O'Pake	Williams
Costa	Kitchen	Schwartz	Wozniak
Fumo	Kukovich	Stout	
Greenleaf	LaValle	Tartaglione	
Hughes	Mellow	Tilghman	

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

Ordered, That the Secretary of the Senate return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which concurrence of the House is requested.

SPECIAL ORDER OF BUSINESS
SUPPLEMENTAL CALENDAR No. 2 RESUMED

BILL ON THIRD CONSIDERATION
AND FINAL PASSAGE

HB 550 (Pr. No. 4226) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of May 17, 1921 (P.L.682, No.284), known as The Insurance Company Law of 1921, providing for payment of life insurance benefits, for publication of rate increases on home page and for coverage requirements for insulin and other blood sugar controlling agents; further providing for inclusion of health maintenance organizations in conversion notifications; changing the expiration date of an article; further defining "long-term care insurance"; defining "prepaid home health or personal care service policy"; further defining "insurer" and "person" for purposes of insurance holding companies; and further providing for standards and management of an insurer within a holding company system.

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-47

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

NAY-0

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

Ordered, That the Secretary of the Senate return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which concurrence of the House is requested.

SPECIAL ORDER OF BUSINESS
SUPPLEMENTAL CALENDAR No. 8

SENATE CONCURS IN HOUSE AMENDMENTS
AS AMENDED

SB 712 (Pr. No. 2326) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of May 2, 1945 (P.L.382, No.164), entitled Municipality Authorities Act of 1945, further providing for the purposes and powers of an authority, for governing body residency requirements and for water and sewer service to tenants.

On the question,
Will the Senate concur in the amendments made by the House, as amended by the Senate, to Senate Bill No. 712?

Senator BRIGHTBILL. 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. 712.

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

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

YEA-47

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

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 AS AMENDED

SB 844 (Pr. No. 2327) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, providing for participation in certain environmental cases and for criminal victim aid good Samaritan civil immunity.

On the question,
Will the Senate concur in the amendments made by the House, as amended by the Senate, to Senate Bill No. 844?

Senator BRIGHTBILL. 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. 844.

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

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

YEA-47

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

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 AS AMENDED

SB 1178 (Pr. No. 2328) -- The Senate proceeded to consideration of the bill, entitled:

An Act authorizing the Department grant and convey to Somerset County Conservancy Charitable Trust, certain lands situate in Somerset Township, Somerset County; authorizing the Governor, to quitclaim to Rush Township a tract of land situate in Rush Township, Centre County; authorizing the Department of and convey to Huston Township Sewer Authority, certain lands situate in Huston Township, Clearfield County; authorizing the Department grant and convey to Mt. Rock United Methodist Church, certain lands situate in West Pennsboro Township, Cumberland County; authorizing the Governor, to convey a tract of land in the Borough of Selinsgrove, Snyder County, to the Eastern Snyder County Regional Authority in exchange for another tract of land in the Borough of Selinsgrove, Snyder County; authorizing approval of the Governor, to grant and convey to Snyder County certain lands situate in Penn Township; authorizing the Department of General Services, with the approval of the Governor and the Department of Conservation and Natural Resources, to amend the use restriction and reversionary covenant on the real estate conveyed to Hartley Township, situate in Hartley Township, Union County; and authorizing and directing the Department of General Services, with the approval of the Governor, to convey to the Pocono Mountains Municipal Airport Authority certain property located in Coolbaugh Township, Monroe County, which is part of the facility formerly known as the Mount Pocono Airport, and now known as the Pocono Mountains Municipal Airport; authorizing the Department of General Services, with the approval of the Governor and of the Pennsylvania Historical and Museum Commission, to sell and convey to the County of Fayette, a certain tract of land and right-of-way situate in Wharton Township, Fayette County, Pennsylvania; authorizing and directing the Department of General Services, with the approval of the Governor and Department of Transportation, to sell and convey to the Borough of Hollidaysburg certain land situate in the Borough of Hollidaysburg, Blair County, Pennsylvania; authorizing and directing the State Armory Board of the Department of Military and Veterans Affairs and the Department of General Services, with the approval of the Governor, to convey to the Huntingdon Area School District certain land situate in Huntingdon Borough, Huntingdon County, Pennsylvania; and authorizing and directing the Department of General Services, with the approval of the Governor, to grant and convey to Philadelphia Suburban Water Company, certain lands situate in

West Bradford Township and Newlin Township, Chester County, and authorizing and directing the Department of General Services, with the approval of the Governor, to release a use restriction and reversionary covenant on a portion, 1.5-acres, of the lands conveyed to Chester County under Act 5 of 1988.

On the question,

Will the Senate concur in the amendments made by the House, as amended by the Senate, to Senate Bill No. 1178?

Senator BRIGHTBILL. 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. 1178.

On the question,

Will the Senate agree to the motion?

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

YEA-47

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

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. 9

SENATE CONCURS IN HOUSE AMENDMENTS AS AMENDED

SB 390 (Pr. No. 2325) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of December 31, 1965 (P.L.1257, No.511), entitled The Local Tax Enabling Act, further defining "net profits."

On the question,

Will the Senate concur in the amendments made by the House, as amended by the Senate, to Senate Bill No. 390?

Senator BRIGHTBILL. 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. 390.

On the question,

Will the Senate agree to the motion?

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

YEA-47

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

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.

RECESS

The PRESIDENT. The Chair recognizes the gentleman from Lebanon, Senator Brightbill.

Senator BRIGHTBILL. Mr. President, I request a brief recess of the Senate for the purpose of a Republican caucus in the Rules room. We hope to be back in probably about 20 or 25 minutes.

The PRESIDENT. For the purpose of a Republican caucus to be held in the Rules room in the rear of the Senate, the Senate stands in recess.

AFTER RECESS

The PRESIDING OFFICER (Robert J. Thompson) in the Chair.

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

SPECIAL ORDER OF BUSINESS SUPPLEMENTAL CALENDAR No. 6 RESUMED

SB 612 CALLED UP

SB 612 (Pr. No. 2309) -- Without objection, the bill, which previously went over in its order temporarily, was called up, from page 1 of Supplemental Calendar No. 6, by Senator BRIGHTBILL.

SENATE CONCURS IN HOUSE AMENDMENTS

SB 612 (Pr. No. 2309) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 34 (Game) of the Pennsylvania Consolidated Statutes, further providing for controlled goose hunting areas, for unlawful taking or possession of game or wildlife, for certain mandatory hunter education requirements, for the use of crossbows as legal hunting devices, for the application, issuance and fees of various licenses including elk hunting licenses, for deer control permits in cities of the first class and for disabled person permits.

On the question,

Will the Senate concur in the amendments made by the House to Senate Bill No. 612?

Senator BRIGHTBILL. Mr. President, I move that the Senate do concur in the amendments made by the House to Senate Bill No. 612.

On the question,

Will the Senate agree to the motion?

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

YEA-47

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

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.

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

CONSIDERATION OF CALENDAR RESUMED

HB 2189 CALLED UP

HB 2189 (Pr. No. 3462) -- Without objection, the bill, which previously went over in its order temporarily, was called up, from page 7 of the Third Consideration Calendar, by Senator BRIGHTBILL.

BILL AMENDED

HB 2189 (Pr. No. 3462) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of December 12, 1973 (P.L.397, No.141), referred to as the Teacher Certification Law, providing for a short title; further providing for definitions relating to professional standards and requirements, for the Professional Standards and Practices Commission,

for its membership and qualifications, for its powers and duties, for its organization and meetings and for complaints; providing for the imposition of discipline against professional educators; further providing for confidentiality, for duties of local school board officials, for department action after investigation, for hearings, for decisions by hearing officers, for appeals, for reinstatement and for unauthorized release of information; providing for immunity from liability; further providing for commission proceedings and procedures; and providing for charter school staff members.

On the question,

Will the Senate agree to the bill on third consideration?

Senator BRIGHTBILL, on behalf of Senator GREENLEAF, offered the following amendment No. A4914:

Amend Sec. 5 (Sec. 9.2), page 17, line 4, by inserting after "subparagraph.": Notwithstanding the provisions of this subparagraph, an applicant shall not be reinstated if the indictment was for an offense under 18 Pa.C.S. Ch. 31 (relating to sexual offenses) where the victim is a minor.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

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

Senator MELLOW offered the following amendment No. A4901:

Amend Sec. 2 (Sec. 1.2), page 2, line 27, by removing the period after "certificate" and inserting: of a professional educator.

Amend Sec. 4 (Sec. 9), page 11, lines 27 and 28, by striking out "Complaints involving sexual abuse or exploitation of" in line 27 and all of line 28 and inserting: Complaints involving sexual abuse or exploitation of a child or a student may be filed beyond the date of the alleged occurrence or date of its discovery up until five years after the

Amend Sec. 5 (Sec. 9.1), page 14, line 28, by striking out "certified" and inserting: certificated

Amend Sec. 5 (Sec. 9.1), page 15, line 19, by inserting after "school": or their designees

Amend Sec. 5 (Sec. 9.2), page 17, line 30; page 18, line 1, by striking out "receipt of an adjudication from another jurisdiction" and inserting: the time allotted for the professional educator to respond to the order to show cause

On the question,

Will the Senate agree to the amendment?

It was agreed to.

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

HB 2328 CALLED UP

HB 2328 (Pr. No. 4211) -- Without objection, the bill, which previously went over in its order temporarily, was called up, from page 8 of the Third Consideration Calendar, by Senator BRIGHTBILL.

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

HB 2328 (Pr. No. 4211) -- 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 forfeiture relating to intestate succession, for forfeiture relating to intestate succession, for granting of letters testamentary and letters of administration, for qualifications to serve as a personal representative, for revocation of letters testamentary and letters of administration and for removal of personal representative; and providing for a preadjudication rule.

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-47

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

NAY-0

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

Ordered, That the Secretary of the Senate return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which concurrence of the House is requested.

HOUSE MESSAGES

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 181**, in which concurrence is requested.

The PRESIDENT. 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 516, 552, 769, 958, 997, 1154, 1265, 1316, 1477 and 1531** with the information the House has passed the same with amendments in which the concurrence of the Senate is requested.

The PRESIDENT. Pursuant to Senate Rule XIV, section 5, these bills will be referred to the Committee on Rules and Executive Nominations.

HOUSE CONCURS IN SENATE BILLS

The Clerk of the House of Representatives returned to the Senate **SB 1032, 1312 and 1547**, with the information the House has passed the same without amendments.

HOUSE CONCURS IN 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 to **HB 1604**.

SPECIAL ORDER OF BUSINESS ANNOUNCEMENT BY THE SECRETARY

The SECRETARY. Consent has been given for the Committee on Rules and Executive Nominations to meet in the Rules room to consider Senate Bills No. 552, 769, 958, 997, 1154, 1316, 1403, 1444, 1477, 1531, and House Bill No. 181.

RECESS

Senator BRIGHTBILL. Mr. President, I request a brief recess of the Senate for the purpose of a meeting of the Committee on Rules and Executive Nominations to take place in the Rules room.

The PRESIDENT. For the purpose of a meeting of the Committee on Rules and Executive Nominations to be conducted in the Rules room at the rear of the Senate, the Senate stands in recess.

AFTER RECESS

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

HOUSE MESSAGES

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 877**, in which concurrence of the Senate is requested.

SENATE BILLS RETURNED WITH AMENDMENTS

The Clerk of the House of Representatives returned to the Senate **SB 1088 and 1403**, with the information the House has passed the same with amendments in which the concurrence of the Senate is requested.

SUSPENSION OF RULE XIV

Senator BRIGHTBILL. Mr. President, I move to suspend Rule XIV to the extent that it requires that Senate Bill No. 1403,

Senate Bill No. 1088, and House Bill No. 877 be referred to the Committee on Rules and Executive Nominations, and that Senate Bill No. 1403, Senate Bill No. 1088, and House Bill No. 877 be placed on a Supplemental Calendar.

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

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

YEA-47

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

NAY-0

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

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

REPORTS FROM COMMITTEE

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

SB 552 (Pr. No. 2184) (Rereported) (Concurrence)

An Act amending the act of July 10, 1990 (P.L.404, No.98), entitled Real Estate Appraisers Certification Act, providing for continuing education for broker/appraisers; and making an editorial change.

SB 769 (Pr. No. 2332) (Rereported) (Concurrence)

An Act amending the act of May 25, 1945 (P.L.1050, No.394), entitled, Local Tax Collection Law, further defining "tax collector"; providing for continuing education of qualified tax collectors and for interim assessment, duplicate and warrant; further providing for installment payment of taxes and for collection and payment over of taxes; and providing for appointment of delinquent tax collector.

SB 958 (Pr. No. 2330) (Rereported) (Concurrence)

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for the number of judges of the courts of common pleas in certain judicial districts; providing for reimbursement for common pleas court costs and for judgment by confession filed against incorrectly identified debtors; further providing for county judicial center or courthouse, for composition of investigating grand jury and for confidential communications with sexual assault counselors; providing for confidential communications to crime stopper or similar anticrime program; and further providing for exemption from attachment of retirement funds and accounts.

SB 997 (Pr. No. 2159) (Rereported) (Concurrence)

An Act requiring purchasers of real estate with buildings thereon to bring the buildings into compliance with municipal codes; providing for nuisance abatement; and imposing penalties.

SB 1154 (Pr. No. 2322) (Rereported) (Concurrence)

An Act amending the act of August 9, 1955 (P.L.323, No.130), entitled, as amended, The County Code, providing for insurance and other employee benefits, further providing for hotel occupancy taxes, for hotel room tax in sixth class counties, for office hours and for delivery of tax duplicates; and further regulating contractors, grounds and buildings and bridges, viaducts and culverts.

SB 1316 (Pr. No. 2298) (Rereported) (Concurrence)

An Act amending the act of June 23, 1931 (P.L.932, No.317), entitled The Third Class City Code, further providing for residency requirements for vacancy appointments; authorizing the imposition of a municipal public services and safety tax; and making a repeal.

SB 1444 (Pr. No. 2334) (Amended) (Rereported) (Concurrence)

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for probable cause arrests in domestic violence cases; defining the offense of bomb threats; and further providing for firearms not to be carried without a license, for sale or transfer of firearms and for firearms background check advisory committee.

SB 1477 (Pr. No. 2291) (Rereported) (Concurrence)

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.

SB 1531 (Pr. No. 2308) (Rereported) (Concurrence)

An Act amending the act of April 12, 1951 (P.L.90, No.21), entitled, as reenacted, Liquor Code, further providing for definitions, for standing at hearings on license applications, for posting of notice of application for a license, for issuance of licenses and for sales by liquor licensees; repealing provisions relating to certain types of licenses; providing for a public venue license and for a performing arts facility license; further providing for stadium or arena permits, for malt and brewed beverages retail licenses, for limiting number of licenses in each municipality, for incorporated units of National Veterans' Organizations, for places of amusement not to be licensed, for renewal of licenses, for licenses not assignable and transfers and for granting of liquor licenses in certain municipalities, for local option and for unlawful acts relative to licensees; providing for responsible alcohol management; and further providing for penalties.

HB 181 (Pr. No. 4231) (Rereported) (Concurrence)

An Act amending the act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929, authorizing the Department of Community and Economic Development to adopt a program of training, examination and qualification for tax collectors; and restricting the ability of the Pennsylvania Housing Finance Agency to insure or guarantee mortgages and other debt.

RECESS

The PRESIDENT. The Chair recognizes the gentleman from Lebanon, Senator Brightbill.

Senator BRIGHTBILL. Mr. President, for the information of the Members, we are waiting for Supplemental Calendars to be printed, and as soon as they are printed we will be again running bills. For that purpose, I request a brief recess of the Senate.

The PRESIDENT. The Senate will stand in recess.

AFTER RECESS

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

CONSIDERATION OF CALENDAR RESUMED

HB 454 CALLED UP

HB 454 (Pr. No. 4209) -- Without objection, the bill, which previously went over in its order temporarily, was called up, from page 4 of the Third Consideration Calendar, by Senator BRIGHTBILL.

BILL AMENDED

HB 454 (Pr. No. 4209) -- 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 aggravated assault, for use of tear or noxious gas in labor disputes; defining the offense of disarming a law enforcement officer; imposing a penalty; and for willful obstruction of emergency telephone calls.

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

KUKOVICH AMENDMENT A4831

Senator KUKOVICH offered the following amendment No. A4831:

Amend Title, page 1, line 3, by inserting after "disputes": , for information relating to prospective child-care personnel

Amend Sec. 3, page 6, line 5, by striking out all of said line and inserting:

Section 3. Sections 6344(h) and 6902 of Title 18 are amended to read:

§ 6344. Information relating to prospective child-care personnel.
* * *

(h) Fees.—The department may charge a fee not to exceed \$10 in order to conduct the certification as required in subsection (b)(2), except that no fee shall be charged to an individual who makes the request in order to apply to become a volunteer with an affiliate of Big Brothers of America [or], Big Sisters of America, Boy Scouts of America or Girl Scouts of the United States of America.
* * *

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

The PRESIDENT. The Chair recognizes the gentleman from Westmoreland, Senator Kukovich.

Senator KUKOVICH. Mr. President, currently there is a fee which is to be paid to the State when volunteers or workers who deal with children have to have a background check. Last Session we unanimously, in both the House and the Senate, gave a waiver of that fee for Big Brothers and Big Sisters. It was to encourage volunteerism. The impact on the State for doing the background check was very nominal. Again this Session, individuals from both the Boy Scouts of America and the Girl Scouts of America have asked for the same kind of consideration to try to increase volunteerism and to have that fee waived. The background check is still performed as any background check is, but the volunteer or that particular Boy Scout or Girl Scout unit does not have to pay that fee, and I ask for an affirmative vote.

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

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

COSTA AMENDMENT A4814

Senator MELLOW, on behalf of Senator COSTA, offered the following amendment No. A4814:

Amend Title, page 1, line 5, by striking out "OFFENSE OF" and inserting: offenses of home invasion robbery and

Amend Sec. 2, page 5, line 20, by striking out "A SECTION" and inserting: sections

Amend Sec. 2, page 5, by inserting between lines 20 and 21:
§ 3504. Home invasion robbery.

(a) Offense defined.—A person commits an offense under this section if he enters a building or occupied structure, or separately secured or occupied portion thereof, with intent to:

(1) inflict serious bodily injury upon another;
(2) threaten another with or intentionally put another in fear of immediate serious bodily injury;

(3) inflict bodily injury upon another or threaten another with or intentionally put another in fear of immediate bodily injury; or

(4) physically take or remove property from the person of another by force, however slight.

(b) Defense.—It is a defense to prosecution under this section that the building or structure was abandoned or the actor is licensed or privileged to enter.

(c) Grading.—

(1) Except as provided in paragraph (2), an offense under this section is a felony of the second degree.

(2) If no individual is present at the time of entry, an offense under this section is a felony of the third degree.

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

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

BOSCOLA AMENDMENT A4815

Senator BOSCOLA offered the following amendment No. A4815:

Amend Title, page 1, line 4, by striking out "AND" and inserting a comma

Amend Title, page 1, line 4, by inserting after "CALLS": and for arson and related offenses

Amend Bill, page 5, by inserting between lines 19 and 20:

Section 2. Section 3301 of Title 18 is amended by adding a subsection to read:

§ 3301. Arson and related offenses.

(h.1) Prohibition on certain service.—A person convicted of violating this section shall be prohibited from serving as a member of a volunteer firefighter company and shall be prohibited from being certified as a firefighter under section 4 of the act of November 13, 1995 (P.L.604, No.61), known as the State Fire Commissioner Act.

Amend Sec. 2, page 5, line 20, by striking out "2" and inserting: 3

Amend Sec. 3, page 6, line 5, by striking out "3" and inserting: 4

Amend Sec. 4, page 7, line 21, by striking out "4" and inserting: 5

On the question,

Will the Senate agree to the amendment?

It was agreed to.

And the question recurring,

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

COSTA AMENDMENT A4826

Senator COSTA offered the following amendment No. A4826:

Amend Title, page 1, line 2, by inserting after "for": the definition of "offensive weapons," for use or possession of electric or electronic incapacitation devices, for penalties, for

Amend Sec. 1, page 1, line 9, by inserting after "SECTIONS": 908(c),

Amend Bill, page 1, lines 9 through 11, by striking out all of said lines and inserting:

Section 1. Section 908(c) of Title 18 of the Pennsylvania Consolidated Statutes is amended to read:

§ 908. Prohibited offensive weapons.

(c) Definition.—As used in this section, the following words and phrases shall have the meanings given to them in this subsection:

"Firearm." Any weapon which is designed to or may readily be converted to expel any projectile by the action of an explosive or the frame or receiver of any such weapon.

"Offensive weapons." Any bomb, grenade, machine gun, sawed-off shotgun with a barrel less than 18 inches, firearm specially made or specially adapted for concealment or silent discharge, any blackjack, sandbag, metal knuckles, dagger, knife, razor or cutting instrument, the blade of which is exposed in an automatic way by switch, push-button, spring mechanism, or otherwise, any stun gun, stun baton, taser or other electronic or electronic weapon, or other implement for the infliction of serious bodily injury which serves no common lawful purpose.

Section 2. Title 18 is amended by adding a section to read:

§ 908.1. Use or possession of electric or electronic incapacitation device.

(a) Offense defined.—A person commits an offense if he uses an electric or electronic incapacitation device or weapon on another person.

(b) Authorized possession.—A person may possess and use an electric or electronic incapacitation device in the exercise of reasonable force in defense of the person or the person's property if the electric or electronic incapacitation device is labeled with or accompanied by clearly written instructions as to its use and the damages involved in its use.

(c) Prohibited possession.—

(1) No person under 18 years of age may possess or use an electric or electronic incapacitation device.

(2) No person prohibited from possessing a firearm pursuant to section 6105 (relating to persons not to possess, use, manufacture, control, sell or transfer firearms), may possess or use an electric or electronic incapacitation device.

(d) Grading.—An offense under subsection (a) shall constitute a felony of the second degree if the actor acted with the intent to commit a felony. Otherwise any offense under this section is graded as a misdemeanor of the first degree.

(e) Exceptions.—Nothing in this section shall prohibit the possession or use by, or the sale or furnishing of any electric or electronic incapacitation device to, a law enforcement agency, peace officer, the National Guard or reserves or a member of the National Guard or reserves for use in their official duties.

(f) Definition.—As used in this section, the term "electric or electronic incapacitation device" means a portable device which is designed or intended by the manufacturer to be used, offensively or defensively, to temporarily immobilize or incapacitate persons by means of electric pulse or current, including devices operating by means of carbon dioxide propellant. The term does not include cattle prods, electric fences or other electric devices when used in agricultural, animal husbandry or food production activities.

Section 3. Sections 2702 and 2708 of Title 18 are amended to read:

Amend Sec. 2, page 5, line 20, by striking out "2" and inserting: 4

Amend Sec. 3, page 6, line 5, by striking out "3" and inserting: 5

Amend Sec. 4, page 7, line 21, by striking out "4" and inserting: 6

On the question,

Will the Senate agree to the amendment?

It was agreed to.

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

SPECIAL ORDER OF BUSINESS SUPPLEMENTAL CALENDAR No. 11

SENATE CONCURS IN HOUSE AMENDMENTS AS AMENDED

SB 1444 (Pr. No. 2334) -- 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 probable cause arrests in domestic violence cases; defining the offense of bomb threats; and further providing for firearms not to be carried without a license, for sale or transfer of firearms and for firearms background check advisory committee.

On the question,

Will the Senate concur in the amendments made by the House, as amended by the Senate, to Senate Bill No. 1444?

Senator BRIGHTBILL. 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. 1444.

On the question,

Will the Senate agree to the motion?

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

YEA-47

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

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 TO SENATE AMENDMENTS

HB 181 (Pr. No. 4231) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929, authorizing the Department of Community and Economic Development to adopt a program of training, examination and qualification for tax collectors; and restricting the ability of the Pennsylvania Housing Finance Agency to insure or guarantee mortgages and other debt.

On the question,

Will the Senate concur in the amendments made by the House to Senate amendments to House Bill No. 181?

Senator BRIGHTBILL. Mr. President, I move that the Senate do concur in the amendments made by the House to Senate amendments to House Bill No. 181.

On the question,

Will the Senate agree to the motion?

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

Senator MELLOW. Mr. President, I am not going to speak very long on the issue, but I must rise to oppose House Bill No. 181, based on the amendment that was put in that specifically deals with the Pennsylvania Housing and Finance Agency.

Mr. President, with the enactment of this proposal, an individual who is looking for a mortgage through the Pennsylvania Housing and Finance Agency must be declined twice by a private mortgage guaranty company, bank, or another company in that particular business. What that means, first of all, is an individual who is coming to the State for a mortgage because they have some kind of a problem with regard to credit or they for some reason will have a very difficult time being accepted on the private market, and to say that they have to be declined once by a private company, bank, or other lending institution would be one thing, but to say they have to be declined the second time

just adds that much more of a layer of delay for these particular people who want to use this particular agency for the purpose of being able to acquire a mortgage.

And for that reason, Mr. President, and because it just makes the process that much more difficult and it makes the individuals who have already been declined once go back to another lending agency and be declined for the second time, and in most cases it could be costly to the applicant, I do not think it serves the best interests of the individuals who need help from the Pennsylvania Housing and Finance Agency. Therefore, I ask for a negative vote on House Bill No. 181.

LEGISLATIVE LEAVES

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

Senator MELLOW. Mr. President, I request temporary Capitol leaves for Senator Tartaglione and Senator Kitchen.

The PRESIDENT. Without objection, those leaves will be granted.

And the question recurring,

Will the Senate agree to the motion?

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

YEA-25

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

NAY-22

Bell	Hughes	Musto	Tartaglione
Bodack	Kasunic	O'Pake	Wagner
Boscola	Kitchen	Punt	Williams
Costa	Kukovich	Rhoades	Wozniak
Earll	LaValle	Schwartz	
Fumo	Mellow	Stout	

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 552 (Pr. No. 2184) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of July 10, 1990 (P.L.404, No.98), entitled Real Estate Appraisers Certification Act, providing for continuing education for broker/appraisers; and making an editorial change.

On the question,

Will the Senate concur in the amendments made by the House to Senate Bill No. 552?

Senator BRIGHTBILL. Mr. President, I move that the Senate do concur in the amendments made by the House to Senate Bill No. 552.

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

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

YEA-47

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

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 769 (Pr. No. 2332) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of May 25, 1945 (P.L.1050, No.394), entitled, Local Tax Collection Law, further defining "tax collector"; providing for continuing education of qualified tax collectors and for interim assessment, duplicate and warrant; further providing for installment payment of taxes and for collection and payment over of taxes; and providing for appointment of delinquent tax collector.

On the question,
Will the Senate concur in the amendments made by the House to Senate Bill No. 769?

Senator BRIGHTBILL. Mr. President, I move that the Senate do concur in the amendments made by the House to Senate Bill No. 769.

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

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

YEA-47

Armstrong	Greenleaf	Madigan	Stout
Bell	Hart	Mellow	Tartaglione
Bodack	Helfrick	Mowery	Thompson
Boscola	Holl	Murphy	Tilghman

Brightbill	Hughes	Musto	Tomlinson
Conti	Jubelirer	O'Pake	Wagner
Corman	Kasunic	Piccola	Waugh
Costa	Kitchen	Punt	Wenger
Dent	Kukovich	Rhoades	White
Earll	LaValle	Robbins	Williams
Fumo	Lemmond	Salvatore	Wozniak
Gerlach	Loeper	Schwartz	

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 958 (Pr. No. 2330) -- 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 the number of judges of the courts of common pleas in certain judicial districts; providing for reimbursement for common pleas court costs and for judgment by confession filed against incorrectly identified debtors; further providing for county judicial center or courthouse, for composition of investigating grand jury and for confidential communications with sexual assault counselors; providing for confidential communications to crime stopper or similar anticrime program; and further providing for exemption from attachment of retirement funds and accounts.

On the question,
Will the Senate concur in the amendments made by the House to Senate Bill No. 958?

Senator BRIGHTBILL. Mr. President, I move that the Senate do concur in the amendments made by the House to Senate Bill No. 958.

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

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

YEA-47

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

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 997 (Pr. No. 2159) -- The Senate proceeded to consideration of the bill, entitled:

An Act requiring purchasers of real estate with buildings thereon to bring the buildings into compliance with municipal codes; providing for nuisance abatement; and imposing penalties.

On the question, Will the Senate concur in the amendments made by the House to Senate Bill No. 997?

Senator BRIGHTBILL. Mr. President, I move that the Senate do concur in the amendments made by the House to Senate Bill No. 997.

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

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

YEA-47

Table listing names of senators who voted 'YEA' for SB 997, including Armstrong, Bell, Bodack, Boscola, Brightbill, Conti, Corman, Costa, Dent, Earll, Fumo, Gerlach, Greenleaf, Hart, Helfrick, Holl, Hughes, Jubelirer, Kasunic, Kitchen, Kukovich, LaValle, Lemmond, Loeper, Madigan, Mellow, Mowery, Murphy, Musto, O'Pake, Piccola, Punt, Rhoades, Robbins, Salvatore, Schwartz, Stout, Tartaglione, Thompson, Tilghman, Tomlinson, Wagner, Waugh, Wenger, White, Williams, and Wozniak.

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.

BILL ON CONCURRENCE IN HOUSE AMENDMENTS OVER IN ORDER TEMPORARILY

SB 1154 -- Without objection, the bill was passed over in its order temporarily at the request of Senator BRIGHTBILL.

BILL ON CONCURRENCE IN HOUSE AMENDMENTS OVER IN ORDER

SB 1316 -- Without objection, the bill was passed over in its order at the request of Senator BRIGHTBILL.

SENATE CONCURS IN HOUSE AMENDMENTS

SB 1477 (Pr. No. 2291) -- 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.

On the question, Will the Senate concur in the amendments made by the House to Senate Bill No. 1477?

Senator BRIGHTBILL. Mr. President, I move that the Senate do concur in the amendments made by the House to Senate Bill No. 1477.

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

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

YEA-47

Table listing names of senators who voted 'YEA' for SB 1477, including Armstrong, Bell, Bodack, Boscola, Brightbill, Conti, Corman, Costa, Dent, Earll, Fumo, Gerlach, Greenleaf, Hart, Helfrick, Holl, Hughes, Jubelirer, Kasunic, Kitchen, Kukovich, LaValle, Lemmond, Loeper, Madigan, Mellow, Mowery, Murphy, Musto, O'Pake, Piccola, Punt, Rhoades, Robbins, Salvatore, Schwartz, Stout, Tartaglione, Thompson, Tilghman, Tomlinson, Wagner, Waugh, Wenger, White, Williams, and Wozniak.

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 1531 (Pr. No. 2308) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of April 12, 1951 (P.L.90, No.21), entitled, as reenacted, Liquor Code, further providing for definitions, for standing at hearings on license applications, for posting of notice of application for a license, for issuance of licenses and for sales by liquor licensees; repealing provisions relating to certain types of licenses; providing for a public venue license and for a performing arts facility license; further providing for stadium or arena permits, for malt and brewed beverages retail licenses, for limiting number of licenses in each municipality, for incorporated units of National Veterans' Organizations, for places of amusement not to be licensed, for renewal of licenses, for licenses not assignable and transfers and for granting of liquor licenses in certain municipalities, for local option and for unlawful acts relative to licensees; providing for responsible alcohol management; and further providing for penalties.

On the question, Will the Senate concur in the amendments made by the House to Senate Bill No. 1531?

Senator BRIGHTBILL. Mr. President, I move that the Senate do concur in the amendments made by the House to Senate Bill No. 1531.

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

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

YEA-31

Bodack	Gerlach	Mellow	Stout
Boscola	Greenleaf	Murphy	Thompson
Brightbill	Hart	Musto	Tilghman
Conti	Holl	O'Pake	Tomlinson
Corman	Jubelirer	Piccola	Wagner
Dent	Kukovich	Punt	Waugh
Earll	Lemmond	Salvatore	Wozniak
Fumo	Loeper	Schwartz	

NAY-14

Bell	Kitchen	Rhoades	White
Costa	LaValle	Robbins	Williams
Hughes	Madigan	Tartaglione	
Kasunic	Mowery	Wenger	

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.

SB 1154 CALLED UP

SB 1154 (Pr. No. 2322) -- Without objection, the bill, which previously went over in its order temporarily, was called up, from page 2 of Supplemental Calendar No. 11, by Senator BRIGHTBILL.

SENATE CONCURS IN HOUSE AMENDMENTS

SB 1154 (Pr. No. 2322) -- 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, providing for insurance and other employee benefits, further providing for hotel occupancy taxes, for hotel room tax in sixth class counties, for office hours and for delivery of tax duplicates; and further regulating contractors, grounds and buildings and bridges, viaducts and culverts.

On the question,
Will the Senate concur in the amendments made by the House to Senate Bill No. 1154?

Senator BRIGHTBILL. Mr. President, I move that the Senate do concur in the amendments made by the House to Senate Bill No. 1154.

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

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

YEA-44

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

NAY-3

Boscola	Dent	Kasunic
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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. 10

BILL ON THIRD CONSIDERATION
AND FINAL PASSAGE

HB 2189 (Pr. No. 4237) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of December 12, 1973 (P.L.397, No.141), referred to as the Teacher Certification Law, providing for a short title; further providing for definitions relating to professional standards and requirements, for the Professional Standards and Practices Commission, for its membership and qualifications, for its powers and duties, for its organization and meetings and for complaints; providing for the imposition of discipline against professional educators; further providing for confidentiality, for duties of local school board officials, for department action after investigation, for hearings, for decisions by hearing officers, for appeals, for reinstatement and for unauthorized release of information; providing for immunity from liability; further providing for commission proceedings and procedures; and providing for charter school staff members.

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-47

Armstrong	Greenleaf	Madigan	Stout
Bell	Hart	Mellow	Tartaglione
Bodack	Helfrick	Mowery	Thompson
Boscola	Holl	Murphy	Tilghman
Brightbill	Hughes	Musto	Tomlinson

Conti	Jubelirer	O'Pake	Wagner
Corman	Kasunic	Piccola	Waugh
Costa	Kitchen	Punt	Wenger
Dent	Kukovich	Rhoades	White
Earll	LaValle	Robbins	Williams
Fumo	Lemmond	Salvatore	Wozniak
Gerlach	Loeper	Schwartz	

NAY-0

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

Ordered, That the Secretary of the Senate return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which concurrence of the House is requested.

**SPECIAL ORDER OF BUSINESS
SUPPLEMENTAL CALENDAR No. 12**

**BILL ON CONCURRENCE IN HOUSE
AMENDMENTS TO SENATE AMENDMENTS
OVER IN ORDER TEMPORARILY**

HB 877 -- Without objection, the bill was passed over in its order temporarily at the request of Senator BRIGHTBILL.

SENATE CONCURS IN HOUSE AMENDMENTS

SB 1088 (Pr. No. 2333) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of July 6, 1989 (P.L.169, No.32), entitled, as amended, Storage Tank and Spill Prevention Act, reenacting authority for a certain allocation under the Underground Storage Tank Environmental Cleanup Program; and further providing for the upgrade loan program.

On the question,
Will the Senate concur in the amendments made by the House to Senate Bill No. 1088?

Senator BRIGHTBILL. Mr. President, I move that the Senate do concur in the amendments made by the House to Senate Bill No. 1088.

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

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

YEA-47

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

Fumo	Lemmond	Salvatore	Wozniak
Gerlach	Loeper	Schwartz	

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.

CONSIDERATION OF CALENDAR RESUMED

HB 1142 CALLED UP

HB 1142 (Pr. No. 4032) -- Without objection, the bill, which previously went over in its order temporarily, was called up, from page 5 of the Third Consideration Calendar, by Senator BRIGHTBILL.

**BILL REVERTED TO PRIOR PRINTER'S No. ON
THIRD CONSIDERATION AND FINAL PASSAGE**

HB 1142 (Pr. No. 4032) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of December 21, 1998 (P.L.1307, No.174), known as the Community and Economic Improvement Act, further providing for the location of real property within neighborhood improvement districts; extending provisions relating to neighborhood improvement districts to all municipalities; and making editorial changes.

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

The PRESIDENT. The Chair recognizes the gentleman from Lebanon, Senator Brightbill.

Senator BRIGHTBILL. Mr. President, I move to revert to prior Printer's No. 3337 on House Bill No. 1142.

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

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

The PRESIDENT. The Senate now has before it House Bill No. 1142, Printer's No. 3337.

On the question,
Will the Senate agree to the bill on third consideration?
It was 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-47

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

NAY-0

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

Ordered, That the Secretary of the Senate return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which concurrence of the House is requested.

**SPECIAL ORDER OF BUSINESS
SUPPLEMENTAL CALENDAR No. 12 RESUMED**

SENATE CONCURS IN HOUSE AMENDMENTS

SB 1403 (Pr. No. 2335) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of March 10, 1949 (P.L.30, No.14), entitled Public School Code of 1949, providing for CPR instruction; further providing for attendance in district to which territory of residence formerly attached; providing for safe schools advocates and for safe schools standing to sue and enforcement; further providing for agricultural education; establishing the Pennsylvania Athletic Oversight Council; providing for interscholastic athletics accountability; further providing for transportation, for education empowerment definitions and for lists and districts; and providing for an education empowerment pilot program.

On the question,

Will the Senate concur in the amendments made by the House to Senate Bill No. 1403?

Senator BRIGHTBILL. Mr. President, I move that the Senate do concur in the amendments made by the House to Senate Bill No. 1403.

On the question,

Will the Senate agree to the motion?

The PRESIDENT. The Chair recognizes the gentleman from Blair, Senator Jubelirer.

The PRESIDENT pro tempore. Mr. President, as someone who has joined in a bipartisan effort with the Special Senate Committee investigating the PIAA and pushed strongly for an overhaul of that organization, I find much in this measure to recommend its approval. This bill will establish a level of oversight and accountability never before exercised. Our action tonight, or I should say this morning, will start the clock ticking toward a serious deadline for adopting the reforms determined

essential, a dozen major steps aimed at restoring fairness and common sense and fiscal responsibility to the operation of interscholastic athletics.

Mr. President, I believe the court case where the PIAA was found guilty of discrimination against women and the sizable financial hit they took as a result was the turning point in this debate. A few of the true leaders in the organization decided it was time to end the resistance and begin cooperating to carry out the reforms our Senate investigation identified as vital. They decided the public interest should prevail over the internal interest of the PIAA.

One of the most positive results of reform is to put a halt to the fondness the PIAA has for litigation. Much of the budgetary problems they face can be indeed chalked up to court cases where they fought an appeal beyond reason. It is costly, it is intimidating, and in many cases it is wrongheaded on the facts. With better policies and financial controls in place, they should have far less need or compulsion to litigate, and that will be a real win for student athletes and their families. The other education provisions mixed in here take away nothing from the advantages of this set of PIAA reforms.

Let us send this measure to the Governor for his signature and score a huge victory for interscholastic sports in the State, a victory, Mr. President, that has been 3 years in the making and one that has been sought by a lot of people in many areas of our Commonwealth that have long been convinced that the PIAA was out of control. This is a good, solid, necessary reform. By doing this, we will make sure the PIAA begins to do the job they should be doing for the people they are supposed to be serving.

Mr. President, I want to pay tribute to Chairman Rhoades of the Special Senate Committee, Senator Mellow and the Senate Democrats who worked very hard on this committee, and to the Senate Republicans as well who worked very hard on this committee. It was a very daunting task, one that was frustrating, one that was very difficult, but one in which I think this Special Senate Committee distinguished itself and made this Senate proud. We have a compromised bill, one that the House of Representatives worked on with the PIAA and with some people in the PIAA who truly wanted reform, and I believe that this is the beginning of many reforms that are long overdue, and the real winners, Mr. President, are certainly high school athletics. But the student athletes and their parents and the fans can now begin to believe that there is accountability and there is responsibility to them. That is certainly where we ought to begin. This is a beginning, and I hope, Mr. President, that these reforms will do what we hoped to do, and that is to restore confidence in high school athletics once again.

Thank you, Mr. President.

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

Senator SCHWARTZ. Mr. President, the hour is late, or early, as the case may be, into the next day, so I will not speak at length about some of the problems in Senate Bill No. 1403. Obviously, there are some other features of this legislation other than the one referred to by the previous speaker.

In particular, some language was added in the House that speaks to the Education Empowerment Act, and I do not want to get into the whole discussion and debate that we had about that

legislation, as this one did not go through any kind of review process in the Committee on Education, and I would be happy to engage in that discussion about accountability and how we can best improve education and the quality of education for our children in this Commonwealth and how we can work with school districts that do have trouble and are not seeing their children achieve, but what this does is again single out a particular school district. It tries to do so by couching the language in what I would consider convoluted criteria, but it does single out one school district in this Commonwealth, the Harrisburg School District, which is treated differently. It is treated differently by assuring that immediately the school district would lose the power of the local school board by having the mayor appoint a control board that would take away all the authority from the local elected officials of the local school board, and those who are in this area follow the news media, I am sure, and coverage of this case as it has gone through the courts. This is, as I see it, an attempt to try to fix that court problem which is that the Harrisburg School District is being treated so differently. And it is.

There is an attempt in the language to say it is somehow similar to the School District of Philadelphia, which it is not. The School District of Philadelphia has an appointed school board appointed by the mayor. Some changes were made in that by the local home rule charter in Philadelphia, but that is no way comparable. So what we see here is one particular school district being singled out, one particular school board being undermined, the result of which is not at all clear that it is going to result in improvements for the children in the Harrisburg School District.

I should also be clear that there are at least two, possibly three, other school districts that could be affected by this legislation, although not immediately: the Reading School District, the Erie School District, and possibly the Allentown School District. So I would say that this is not legislation that is intended in any way necessarily to help advance what should be all of our goals, which is to improve the quality of education for our children. So I am sorry to see this language added at this late hour without the kind of due deliberation that we should give it.

I would also like to say on another topic that there was also language added that would increase a mandate. Many of my colleagues are very concerned about mandates to school districts that would say that school districts where there are charter schools would have to provide transportation on days when public schools in the school district are closed but the charter school might elect to be open. That could be all summer, that could be for many additional days, and the school district would now have to pay for that transportation that they did not expect to have to provide. I supported charter schools, I continue to support charter schools, but I think we have to recognize the financial burden it has placed on school districts. This bill, without any attention to the fiscal impact for either the State or for the local school districts, is adding additional mandates for school districts that are already heavily burdened by the growth of charter schools. So I think that was added at the last moment, just a couple of hours ago, and I think unreasonably so without a greater discussion about how we can help assure that charter schools are supported and our local school districts are able to help them financially.

So again, without going into the other detail I would like to be able to be engaged in, but in respect to the late hour and the fatigue many of my colleagues feel, I did feel it was important to point out some of the problems we face in this legislation. I know some of my colleagues have legislation they would like to see, some of the language in this bill pass. I ask for a "no" vote on this legislation in respect to the children in the Harrisburg School District, respect for the local elected officials of the school board, and for all of us and the attention that we have given to working closely with the State and our local school boards in improving the quality of education in the State. Mr. President, I would say this is no way to get there.

Thank you very much.

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

Senator PICCOLA. Mr. President, I was not going to speak on this subject, but since the gentlewoman from Philadelphia has raised the issue, it is true that there is correcting language to the Empowerment Act that we passed last May, meeting certain concerns that the Commonwealth Court made in a court decision handed down in late June that prohibited the mayor of Harrisburg from taking over the Harrisburg School District as we prescribed in that Empowerment Act.

I must disagree with the gentlewoman from Philadelphia. This proposal and the proposed takeover by the mayor of Harrisburg of the Harrisburg City School District by a board of control appointed by him is for the children of Harrisburg. The children of Harrisburg are suffering. They are not receiving education in the city schools.

Let me tell you what has happened since we enacted the empowerment legislation. Children in the Harrisburg schools are without textbooks. Even today, even today in November there are children in the Harrisburg School District who do not have textbooks. Today the city school district is without a superintendent. They dismissed summarily the superintendent, the second superintendent within the last 2 years, having to pay out on a contract hundreds of thousands of dollars while they are already paying out hundreds of thousands of dollars on the prior superintendent's contract, hundreds of thousands of dollars that could have been used to buy textbooks.

They have an interim superintendent they appointed who is a city slumlord, who owns properties which previously had back taxes owed on them, and have numerous city code violations against the property that she and her husband own. The vice president of the school board has decided that the city schools are so incompetent that her child is going to go to a charter school and not go to the public school. That is the vice president of the school board. And the city school board has spent thousands, if not hundreds of thousands, of dollars on legal fees, not only suing the Commonwealth and trying to get out from underneath empowerment, but trying to keep the empowerment board that they did appoint from meeting the public and keep the meeting behind closed doors. That is the incompetency of the Harrisburg School District that we are trying to wrest away from the school board and place in the hands of the elected, I might point out, the elected mayor of the city of Harrisburg.

Now, I have a lot of statistics here on the poor performance of the Harrisburg School District, and I am not going to get into

them at 2:15 a.m., but the Harrisburg School District is a shambles. It is in chaos, it is a disaster, and it is a shame that a district like that is the school district for the capital city of this Commonwealth. It is my view that this model for executive control by the city executive of the city of Harrisburg has the potential to become the model for rescuing troubled urban school districts. And if we are successful, I firmly believe that the experience, expertise, and the accomplishments of the mayor of Harrisburg, who incidentally is a Democrat and I am a Republican, will take the steps necessary to rescue this school district from the demise that it has seen in recent years.

Mr. President, I strongly urge that we adopt Senate Bill No. 1403.

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

Senator DENT. Mr. President, I rise in support of this legislation. I just wanted to point out for the record or spread upon the record the fact that the School District of Allentown in no way can be taken over by the mayor under this legislation. If you turn to page 50, Section (3), subsection (A.1), "For a school district of the second class [with] which has a history of extraordinary low test performance, which is coterminous with [the] a city of the third class...that has opted under the 'optional third class city charter law'...to be governed by a mayor-council form of government and which has a population in excess of forty-five thousand (45,000), the secretary shall waive the inclusion of the school district on the education empowerment list under Section 1703-B(A) and immediately certify the school district as an education empowerment district."

What that means, essentially, is that the Allentown School District is not eligible to be taken over by its mayor because the School District of Allentown and the city of Allentown are not coterminous. The city of Allentown actually has two school districts within it - the School District of Allentown and also the Parkland School District. Therefore, it cannot be taken over under this legislation. I just want to spread that on the record, and again I urge support of this legislation.

Thank you.

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

Senator SCHWARTZ. Mr. President, just briefly, I want to say that I believe that the comments that were made about the Harrisburg School District actually speak to exactly what the problem was with the legislation and the courts, that it is intended to single out a particular school district and the problems of that school district.

Let me just say that the Educational Empowerment Act and some of the positive aspects of that is the whole work that is being done with these empowerment teams in setting an improvement plan out that is demanding expectations of high performance by the students, and I support that very, very strongly. But if in fact the previous speaker really believes that the preferable way to govern school districts in this Commonwealth, which would apply to many school districts potentially, is to have mayors and municipalities run those school districts, we should be looking at legislation that would broadly apply. We could have hearings and discuss that as a significant change in

governance rather than singling out one school district, one moment in time.

The comments of the previous speaker, once before speaking about Harrisburg, really speaks to how this is really geared particularly toward one school district and is not really speaking about a model for a change in governance. If that were the case, we would have looked at this as a governance issue, we would have looked at it more broadly, we would have looked at how it would apply in other circumstances and possibly come to some very reasoned legislation. I do not think that this legislation gets us there.

Thank you, Mr. President.

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

Senator WAGNER. Mr. President, I rise to speak briefly also in regard to Senate Bill No. 1403, in that the hour is late at 2:15 a.m., but I feel compelled to make a couple of comments.

Number one, with regard to the PIAA enhancements, I support that. I have supported it through a previous resolution within the Senate. However, I am not supporting Senate Bill No. 1403 because of the Educational Empowerment Act changes to, originally I believe, Senate Bill No. 652. Mr. President, I felt that piece of legislation was a bad piece of legislation to begin with. It was not educational empowerment, it was truly disempowerment to individual school districts. I felt that when the original bill passed, and I still feel it today.

One of my school districts, Mr. President, Sto-Rox School District, is part of those 11 school districts that fall under the Educational Empowerment Act and could frankly fall under greater control, according to the legislation as I read it here today. That is my concern.

My concern is that that school district and other school districts, and I do not know as much about the Harrisburg School District as my colleague from Harrisburg does, but I can tell you that more political control of school districts is not in the best interest of those school districts, particularly school districts within my senatorial district. What we really need in this General Assembly is a good discussion, public discussion, about how we can enhance the educational system in this Commonwealth. If we want to do it, we should do it in a systematic way rather than a reactionary way.

Senator Schwartz has put forth some excellent pieces of legislation, such as full-day kindergarten. Other colleagues have put legislation forth to enhance preschool programs, Head Start programs, so that when children enter school they are not behind. And in the 11 school districts that we keep identifying, we do not address the socioeconomic problems within those districts, and that is really at the core of the problem, that children entering school are behind the day they walk in the door. And at some point, at some time, this General Assembly has to begin to address those issues. I firmly believe that the Educational Empowerment Act, or its enhancements, are not addressing that problem.

Thank you.

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

Senator MELLOW. Mr. President, I would just like to make one very brief observation on this. It is kind of ironic and maybe even a bit institutionally hypocritical that today or tonight or this morning, or whatever it is, we are going to pass a bill to expand educational empowerment. At the same time, Mr. President, we are passing a bill to give the Pennsylvania Interscholastic Athletic Association several years to come into the proper type of compliance.

I would like to congratulate Senator Jubelirer and the other Members of the Special Committee who did a lot of hard, tough work over a significant period of time to try to bring the PIAA under control. As we talk today they are still out of control. Perhaps this educational empowerment proposal should have been expanded today to include the PIAA, because in the same way that the head of the Harrisburg School District apparently was not doing his or her job and the previous head of the school district was not doing his or her job, and it cost the Harrisburg School District a significant amount of money, the head of the PIAA, Mr. President, is not doing his job and his executive assistant is not doing his job. And the fact that they have not done their jobs properly has cost the PIAA and the school districts that are involved in the PIAA and the young men and women who participate in interscholastic athletic sports in Pennsylvania, it has cost them significantly. So maybe there should be a way that we could expand the educational empowerment to include the PIAA, because that does also include the education of young men and women in Pennsylvania.

Thank you very much.

The PRESIDENT. The Chair recognizes the gentleman from Schuylkill, Senator Rhoades.

Senator RHOADES. Mr. President, I have to get up and make comments. I think a journey of a thousand miles begins with the first step. And I have to tell you, this is not the first step, this is just a series of steps, nor is it the final step. I think anyone who thinks that just because we are passing this legislation that we are going to go away in terms of watching over the PIAA is gravely mistaken. We are going to be here for a long time. As a matter of fact, on this oversight committee there will be two Senators and two Members from the House of Representatives, along with a whole team whose responsibility is going to be to meet the criteria we have established through the committee.

I want to thank the committee, Senator Jubelirer, Senator Mellow, and all the Members of the committee who traveled throughout the Commonwealth taking testimony. Sometimes it was harder for me to make sure that Senator Mellow and Senator Jubelirer were together, and they were, in being able to control their energy in terms of the way they went about their task, and they did an excellent job.

I think we made recommendations of having open meetings. You know, this is something that did not exist. It will exist now, and if it does not, as one of the points, the PIAA will go out of existence in 2 years. At least the House did one thing right in terms of dropping it from 3 to 2, and some other things we wanted them to do. They did not send us back what we sent over, but they sent us something we can live with, we can work with, we can actually refine.

We wanted them to have a competitive bidding process for nonincidental items. We took testimony. They were not doing

that. We wanted them to adopt and adhere to a policy establishing a competitive process for the selection of sites for championship competitions. And many people thought that was one of the reasons why we did this, but I have to tell you we were a long time on this track before that happened. They agreed to an annual financial and management review conducted by the committee.

We will ensure that the membership on the Board of Control is increased to be more representative and not require any member school entity to reimburse the association for legal fees. That is the restitution rule. That is about as un-American as you can get.

We are asking for an evaluation system for game officials, rules of ethics for the Board of Control, employing in-house counsel, evaluating the performance of its contracted employees, adopting no rules restricting media access to interscholastic athletics, and also to work to eliminate recruiting student athletes.

Now, this oversight committee will be responsible over the next 2 years to make sure that the Board of Control of the PIAA implements these programs. If they do not do that, we will be back here and we will be looking to put a new organization in its stead. If they do that, then the PIAA will continue on and serve as well as they have, but better than they have.

Thank you, Mr. President.

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

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

YEA-38

Armstrong	Gerlach	Mellow	Thompson
Bell	Greenleaf	Mowery	Tilghman
Boscola	Hart	Murphy	Tomlinson
Brightbill	Helfrick	Musto	Waugh
Conti	Holl	Piccola	Wenger
Corman	Jubelirer	Punt	White
Costa	LaValle	Rhoades	Williams
Dent	Lemmond	Robbins	Wozniak
Earl	Loeper	Salvatore	
Fumo	Madigan	Stout	

NAY-9

Bodack	Kitchen	Schwartz
Hughes	Kukovich	Tartaglione
Kasunic	O'Pake	Wagner

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.

HB 877 CALLED UP

HB 877 (Pr. No. 4236) -- Without objection, the bill, which previously went over in its order temporarily, was called up, from page 1 of Supplemental Calendar No. 12, by Senator BRIGHTBILL.

SENATE CONCURS IN HOUSE AMENDMENTS TO SENATE AMENDMENTS

HB 877 (Pr. No. 4236) -- 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 inspection of court files and records, for juvenile history record information, for place of detention and for the definition of "local agency" for purposes of matters affecting governmental units.

On the question,

Will the Senate concur in the amendments made by the House to Senate amendments to House Bill No. 877?

Senator BRIGHTBILL. Mr. President, I move that the Senate do concur in the amendments made by the House to Senate amendments to House Bill No. 877.

On the question,

Will the Senate agree to the motion?

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

Senator MELLOW. Mr. President, we on this side of the aisle have no opposition to House Bill No. 877. However, Mr. President, a very, very good bill that left this Chamber has been watered down substantially in the area of asbestos, when it comes to individuals who are suffering from asbestos exposure.

Mr. President, the current law in Pennsylvania deals with an individual who has reason to believe they have asbestos exposure has a 2-year period of time in which they must file a claim. With an amendment that was put in, sponsored by Senator Tartaglione, based on a bill that passed this body unanimously, which was Senate Bill No. 935, an amendment was placed into House Bill No. 877, and that amendment, which has been crossed out of the bill, starts on line 15 and reads, "An action to recover damages for injury to a person or for the death of a person caused by the exposure to asbestos shall be commenced within two years from the date the person was informed by a licensed medical professional that the person has an injury which is caused by such exposure."

Mr. President, that was a good, fair, and reasonable way to be able to expand and give people who are suffering from asbestos exposure the opportunity, once they have been notified by a doctor that they have the disease or the condition, then the 2-year period of time would commence. But, Mr. President, for some reason, the House of Representatives deleted a very good proposal to this bill which was a people's proposal right here in the Commonwealth for individuals who are suffering from asbestos exposure. I do not know the reason why it took place, Mr. President. I think the suspicions are that it may have happened because there were some Members of the House of Representatives who just did not feel comfortable with the sponsor of the proposal and therefore were looking for some way to take something out of a bill that the Senator placed into this bill over here in the Senate. What some people may have done, Mr. President, to try to get back at an individual Member of the Senate, they have deprived people in Pennsylvania--

POINT OF ORDER

Senator BRIGHTBILL. Mr. President, point of order.

The PRESIDENT. Senator Brightbill, state your point.

Senator BRIGHTBILL. Mr. President, I believe the gentleman is beginning to get to the point where he is challenging the motives of a Member of the House of Representatives, and I believe that is improper.

Senator MELLOW. Mr. President, I have not even mentioned any Member of the House of Representatives. I have not questioned anybody's motives. I want to put the facts on the record as to why House Bill No. 877, which we are prepared to vote for in the affirmative and which was a very good bill, came back to the Senate and we are now asked to approve amendments that were placed in this bill over in the House that have watered down and weakened the bill, but I certainly have not mentioned any House Member's name, and I certainly have not questioned the motives of any particular House Member.

If Senator Brightbill knows of a House Member who is responsible for doing this, I think that the obligation to the 47 Members of the Senate who are here this morning is to tell us who the person is and why it took place. I am merely trying to spread on the record that a good proposal in House Bill No. 877 has been weakened, and the people who are affected by that, Mr. President, are those who have been exposed to asbestos. That is all I am trying to say. I am certainly not trying to impugn the credibility of any Member of the House, and have not even mentioned any House Member's name. However, I have made my point.

Thank you, Mr. President.

The PRESIDENT. The Chair recognizes the gentleman from Lebanon, Senator Brightbill.

Senator BRIGHTBILL. Mr. President, I do not believe the gentleman made a motion, so this is on the concurrence, is that correct?

The PRESIDENT. Yes.

Senator BRIGHTBILL. Mr. President, I would ask for an affirmative vote.

And the question recurring,

Will the Senate agree to the motion?

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

YEA-47

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

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.

HOUSE MESSAGES

SENATE BILLS RETURNED WITH AMENDMENTS

The Clerk of the House of Representatives returned to the Senate SB 1468 and 1502, with the information the House has passed the same with amendments in which the concurrence of the Senate is requested.

SUSPENSION OF RULE XIV

The PRESIDENT. The Chair recognizes the gentleman from Lebanon, Senator Brightbill.

Senator BRIGHTBILL. Mr. President, I move to suspend Rule XIV to the extent that it requires Senate Bills No. 1468 and 1502 to be referred to the Committee on Rules and Executive Nominations, and that Senate Bills No. 1468 and 1502 be placed on a Supplemental Calendar.

The PRESIDENT. Senator Brightbill moves for the suspension of Rule XIV, which requires that Senate Bill No. 1468 and Senate Bill No. 1502 be referred to Committee on Rules and Executive Nominations, and in the alternative be placed upon a Supplemental Calendar.

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

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

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

SPECIAL ORDER OF BUSINESS SUPPLEMENTAL CALENDAR No. 14

SENATE CONCURS IN HOUSE AMENDMENTS

SB 1468 (Pr. No. 2323) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of June 25, 1999 (P.L.205, No.27) entitled "An act authorizing the Department of General Services, with the approval of the Governor, to convey to East Allen Township, Northampton County, certain land situate in East Allen Township, Northampton County, and to convey to the trustees of the University of Pittsburgh certain land situate in the City of Pittsburgh, Allegheny County; and authorizing and directing the State Armory Board of the Department of Military and Veterans Affairs and the Department of General Services, with the approval of the Governor, to convey to the Historical and Genealogical Society of Indiana County a tract of land situate in the Borough of Indiana, County of Indiana, Pennsylvania," further providing for the purpose of the conveyance.

On the question, Will the Senate concur in the amendments made by the House to Senate Bill No. 1468?

Senator BRIGHTBILL. Mr. President, I move that the Senate do concur in the amendments made by the House to Senate Bill No. 1468.

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

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

YEA-47

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

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 1502 (Pr. No. 2324) -- The Senate proceeded to consideration of the bill, entitled:

An Act authorizing the Department of General Services, with the approval of the Governor, to grant and convey to Stepping Stone Counseling and Education Services, Inc., certain lands and building situate in the City of York, York County, Pennsylvania.

On the question, Will the Senate concur in the amendments made by the House to Senate Bill No. 1502?

Senator BRIGHTBILL. Mr. President, I move that the Senate do concur in the amendments made by the House to Senate Bill No. 1502.

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

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

YEA-47

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

Fumo	Lemmond	Salvatore	Wozniak
Gerlach	Loeper	Schwartz	

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. 13**

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

HB 1470 (Pr. No. 4234) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, adding and amending definitions; further providing for certificates of title; providing for salvage, theft and reconstructed vehicles; further providing for registration of vehicles, for registration plates, for registration violations and suspensions, for licensing of drivers, for comprehensive system for driver education and control, for driver's license violations, for driver's license compact, for commercial drivers, for required financial responsibility, for payments to special funds, for registration fees, for permits, for the Motor Vehicle Transaction Recovery Fund, for obedience to and effect of traffic laws, for traffic-control devices, for right-of-way, for special stops required, for stopping, standing and parking, for speed restrictions, for rights and duties of pedestrians, for depositing waste and other material on highway, property or water and for abandonment and stripping of vehicles; providing for restitution of property owners and for restrictions on alcoholic beverages; further providing for accidents involving overturned vehicles, for serious traffic offenses, for accidents and accident reports, for equipment standards, for lighting equipment, for safety and antipollution equipment, for vehicles for transportation of school children, for equipment of authorized and emergency vehicles, for inspection requirements, for official inspection stations, for vehicle size, weight and load, for powers of the Department of Transportation and local authorities, for enforcement, for misuse of documents and plates, for tampering with odometers, for abandoned vehicles and cargos, for messenger service and for snowmobiles and all-terrain vehicles; providing for motor carrier safety; further providing for liquid fuels and fuels tax refunds; conferring powers and duties on the Department of Health; and making repeals.

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-46

Armstrong	Greenleaf	Madigan	Stout
Bell	Hart	Mellow	Tartaglione
Bodack	Helfrick	Mowery	Thompson
Boscola	Holl	Murphy	Tilghman
Brightbill	Hughes	Musto	Tomlinson

Conti	Jubelirer	O'Pake	Wagner
Corman	Kasunic	Piccola	Waugh
Costa	Kitchen	Punt	Wenger
Dent	Kukovich	Rhoades	Williams
Earll	LaValle	Robbins	Wozniak
Fumo	Lemmond	Salvatore	
Gerlach	Loeper	Schwartz	

NAY-1

White

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

Ordered, That the Secretary of the Senate return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which concurrence of the House is requested.

REMARKS ON VOTE

The PRESIDENT. The Chair recognizes the gentleman from Schuylkill, Senator Rhoades.

Senator RHOADES. Mr. President, I inadvertently voted in the affirmative on House Bill No. 1470 and would like to be recorded in the negative.

Thank you.

The PRESIDENT. The gentleman's remarks will be spread upon the record.

**UNFINISHED BUSINESS
SENATE RESOLUTION ADOPTED**

Senators BRIGHTBILL, THOMPSON, HOLL, WENGER, GREENLEAF, COSTA, TOMLINSON, BOSCOLA, EARLL, MOWERY, WHITE, STOUT, PUNT, ROBBINS, TILGHMAN, DENT, HELFRICK, MADIGAN, MURPHY and LEMMOND, by unanimous consent, offered **Senate Resolution No. 228**, entitled:

A resolution declaring the week of January 14 through 20, 2001, as "Snowbire Safety Awareness Week" in Pennsylvania

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

CONGRATULATORY RESOLUTIONS

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

Congratulations of the Senate were extended to Mr. and Mrs. Raymond C. Baxter, Mr. and Mrs. James Patton, Mr. and Mrs. Leon Schaeffer, Mr. and Mrs. Edward Royer, Mr. and Mrs. Norman Falk, Mr. and Mrs. John Weyrick, Mr. and Mrs. Luther Roth, Mr. and Mrs. John Martin, Mr. and Mrs. John Alwine, Mr. and Mrs. Galen D. Cline, Mr. and Mrs. Samuel G. Barnett, Sr., Mr. and Mrs. Clinton Hughes and to Eric Ryan Bolinder by Senator Armstrong.

Congratulations of the Senate were extended to Mr. and Mrs. Thomas P. Hummel, Mr. and Mrs. Domenic J. Pino, Michael E. Kazio and to Thresholds of Media by Senator Bell.

Congratulations of the Senate were extended to Mr. and Mrs. Frank Henderson, Mr. and Mrs. Edward Idzakovich, Mr. and

Mrs. Frank Crisafio, Mr. and Mrs. Gerald Petrone, Dan Savage, Gianna Theodora Ward-Vetrano, Karen Weimer and to William G. Stampahar by Senator Bodack.

Congratulations of the Senate were extended to Mr. and Mrs. Stanley Dziekan, Ralph Grayson Schwarz, Colin Patrick Shay, Boys & Girls Club of Easton, Community Action Committee of the Lehigh Valley (CACLV) and to the Retired and Senior Volunteer Program of Monroe County by Senator Boscola.

Congratulations of the Senate were extended to Blanca Smith by Senators Boscola and Dent.

Congratulations of the Senate were extended to Maude Miller and to Barry Rhoad by Senator Brightbill.

Congratulations of the Senate were extended to Carol and Dennis Dorney by Senators Brightbill and Dent.

Congratulations of the Senate were extended to Derek Moench, Brian McCann, Kelly Ann Lambert, Kevin Marks, William Goldman, Jr., Adam Marcus, Thomas Bailey and to Brad Sorrels by Senator Conti.

Congratulations of the Senate were extended to Mr. and Mrs. Horace F. Hanna, Jr., Mr. and Mrs. Dick Kauffman, Mr. and Mrs. John M. Byler, Sr., Mr. and Mrs. R. Keith Kelly, Mr. and Mrs. Frederick E. Phenicie, Mr. and Mrs. Dale S. Shelley, Mr. and Mrs. Charles W. Dafeldecker Jr., Cynthia Dashem, James Ferguson, Restek Corporation of Bellefonte and to the Lock Haven University Ladies' Field Hockey Team by Senator Corman.

Congratulations of the Senate were extended to Nancy Wells and to Penina Francus by Senator Costa.

Congratulations of the Senate were extended to Mr. and Mrs. Joseph J. Barnas, Mr. and Mrs. Oliver Blose, Mr. and Mrs. Paul Kolomber, Mr. and Mrs. Anthony G. Bakes, Matthew Bean and to the Allentown State Hospital by Senator Dent.

Congratulations of the Senate were extended to Ana Sainz De La Pena and to Maura Wilder by Senators Dent and Boscola.

Congratulations of the Senate were extended to Barnet Fraenkel by Senators Dent and Brightbill.

Congratulations of the Senate were extended to Betty Ferguson by Senator Earll.

Congratulations of the Senate were extended to Claudia Dunnous, Daniel Erlbaum, Dr. Howard E. Goldstein, Dr. Joseph A. Loskove, Rachel Nosowsky, Adam Rose, Paul M. Secunda and to Robert P. Stein by Senator Fumo.

Congratulations of the Senate were extended to Andrew Denning, Andrew W. Merritt, Michael J. Bauer, Wilson A. Erb and to Brent L. Mengel by Senator Gerlach.

Congratulations of the Senate were extended to Mr. and Mrs. Thomas J. Durkin, Mr. and Mrs. Robert Rubin, Evelyn S. Bissig, Eric Scott Haegele, Harold Praediger, Michael J. Seelaus, Andrew Marzzacco, Joshua E. Borkowski, Devon Garrett Pennington, Brien V. Kivlen, Stephen W. Kozeniewski, Thomas A. Lutzow, Joseph K. Webb, James Moll, Ortho-McNeil Pharmaceutical of Spring House and to Penn State Abington by Senator Greenleaf.

Congratulations of the Senate were extended to Mr. and Mrs. Raymond E. Brozek, Mr. and Mrs. Rudy Palko, Mr. and Mrs. Ed Kovich, Mr. and Mrs. Louis Welsh, Mr. and Mrs. Thomas Witherel, Mr. and Mrs. Alex Kamzalow, Mr. and Mrs. Al Herrmann, Mr. and Mrs. James C. Gainor, Matthew Michael

Michalec, Michael James Schroeder and to Young Bo Kong by Senator Hart.

Congratulations of the Senate were extended to Mr. and Mrs. Ernest F. Franczak, Mr. and Mrs. Kenneth A. Bush, Mr. and Mrs. Calvin Caldwell, Mr. and Mrs. Donald L. Lowe, Sr., Mr. and Mrs. John Anonia, Mr. and Mrs. Norbert Ososkie, Mr. and Mrs. Joseph Novicenskie, Mr. and Mrs. E. J. McHenry, Mr. and Mrs. Levi Peter Fisher, Mr. and Mrs. Robert L. Hess, Mr. and Mrs. Joseph E. Ciampi, Mr. and Mrs. Dominic M. Stello, Mr. and Mrs. Joseph Diminick, Mr. and Mrs. Edward Landi, Thomas Justin Hower, Rabbi David L. Silverman, Kurtis A. Bryan, Robert Fleck, Grace Evangelical Lutheran Church of Mt. Carmel and to the Milton Water Treatment Facility of the Pennsylvania-American Water Company by Senator Helfrick.

Congratulations of the Senate were extended to Amy Caglia, Mark M. Faulkner, Robert Williamson Bilger, Michael Loughlin, Merck & Company, Inc., of West Point and to the Woodmere Art Museum of Philadelphia by Senator Holl.

Congratulations of the Senate were extended to Lorina Marshall-Blake by Senator Hughes.

Congratulations of the Senate were extended to Mr. and Mrs. Harry Imler, Mr. and Mrs. Charles Hetrick, Mr. and Mrs. Harold Lockhoff and to JoEllen Steinbrunner by Senator Jubelirer.

Congratulations of the Senate were extended to the Loyalhanna Watershed Association by Senator Kasunic.

Congratulations of the Senate were extended to Glenn Montgomery, Bobby Starr, Conrad C. Dunn, Ali Hackett, Philip Gaye, Larry Williams, Michael D. Blum, James R. Dunn, Thomas Ricks, Morris Gardner, Billy Paul, Cleveland Hommock, Jr., and to the first generation of Dyin Allahawua by Senator Kitchen.

Congratulations of the Senate were extended to Sam VanDyke by Senator Kukovich.

Congratulations of the Senate were extended to Larry J. Larese by Senators Kukovich and Hart.

Congratulations of the Senate were extended to Mr. and Mrs. Edmund Keris, Mr. and Mrs. Robert Hook, Mr. and Mrs. Rudolph Lasher, Mr. and Mrs. Floyd Wolfe, Mr. and Mrs. James Brady, Mr. and Mrs. George Everhart, Lavonne Snell, Jean Billings Camp, Russell Simpson, Stanley Biniewicz, Lewis D. Locklin and to Helen M. Carpenter by Senator Lemmond.

Congratulations of the Senate were extended to Caryn Elizabeth Brominski by Senators Lemmond and Musto.

Congratulations of the Senate were extended to Thelma D. Williams by Senator Loeper.

Congratulations of the Senate were extended to Mr. and Mrs. Ralph G. Packard, Mr. and Mrs. Orrie L. Brown, Jr., Mr. and Mrs. George Wilcox, Mr. and Mrs. Larry C. Peterman, Mr. and Mrs. Thaddeus A. Synoracki, Mr. and Mrs. Gerald M. McLaughlin, Mr. and Mrs. Merle E. Gooch, Mr. and Mrs. Anson L. Newcomer, Mr. and Mrs. Russell H. Smith, Mr. and Mrs. Paul Robbins, Joshua R. Polcinski, Michael Clinton Weaver, Ryan Christopher Weaver and to Stephen Craig Moorhead by Senator Madigan.

Congratulations of the Senate were extended to Mark D. Taticchi, Steven H. Seitchik, Ballet Theatre of Scranton, Tobyhanna Army Depot and to St. Thomas Aquinas Parish of Archbald by Senator Mellow.

Congratulations of the Senate were extended to Regina Evans Boehm, Mary Lou Kohrt and to Claire Hart Cummings by Senators Mellow and Lemmond.

Congratulations of the Senate were extended to Forest City Water Treatment Facility of the Pennsylvania-American Water Company, Crystal Lake Water Treatment Facility of the Pennsylvania-American Water Company, Ceasetown Water Treatment Facility of the Pennsylvania-American Water Company, Brownell Water Treatment Facility of the Pennsylvania-American Water Company, Fallbrook Water Treatment Facility of the Pennsylvania-American Water Company, Nesbitt Water Treatment Facility of the Pennsylvania-American Water Company, Lake Scranton Water Treatment Facility of the Pennsylvania-American Water Company, Watres Water Treatment Facility of the Pennsylvania-American Water Company and to the Chinchilla Water Treatment Facility of the Pennsylvania-American Water Company by Senators Mellow, Musto, and Lemmond.

Congratulations of the Senate were extended to Reverend and Mrs. Clyde Michener, Edward R. Norford, Patrick Andrew Cleaver, Kevin Neal Patrick, Christopher M. Shive, Gerald Nicholas Gargiulo, Leslie Marie Kemper, Travis M. Smith, Mechanicsburg Area High School Marching Band and to the citizens of the Borough of Camp Hill by Senator Mowery.

Congratulations of the Senate were extended to Bobby MacWhinnie, Shawn K. Cavanaugh, Mary Ann Scott, Earl W. Martin, Jr., Harry Munson, Mt. Lebanon High School Girls' Volleyball Team, Mt. Lebanon High School Girls' Soccer Team, Upper St. Clair High School Boys' Varsity Golf Team, Upper St. Clair High School Girls' Golf Team, Upper St. Clair High School Girls' Tennis Team and to Magnotti & Son, Incorporated/The Fireplace & Patioplace of Pittsburgh by Senator Murphy.

Congratulations of the Senate were extended to Toni J. Rogan, Eugene Rafalli, David Barnousky, Wanda Josulevicz, Edna Davies Thomas, Frieda Lipfert and to CertainTeed Corporation of Mountain Top by Senator Musto.

Congratulations of the Senate were extended to David A. Dorsey, the Mexican-American Community of Reading and Berks County celebrating the Feast of Our Lady of Guadalupe, Muhlenberg A's Legion Baseball Team, Oley Valley Girls' Field Hockey Team, Fleetwood Area High School Boys' Soccer Team and to the Slovak Catholic Sokol by Senator O'Pake.

Congratulations of the Senate were extended to Mr. and Mrs. Charles J. Koller, Mr. and Mrs. John E. Warfel, James P. Klarsch, Stephen Robert Warsavage, Jr., and to Lower Paxton Township, Village of Linglestown Committee, by Senator Piccola.

Congratulations of the Senate were extended to David Frederick Kyper, Rachel Lyons, Mott's-Aspers Plant and to Adams Electric Cooperative of Gettysburg by Senator Punt.

Congratulations of the Senate were extended to Mr. and Mrs. John G. Brady, Mr. and Mrs. Joe Borrelli, Mr. and Mrs. Robert A. Bevan, Mr. and Mrs. Robert Smith, Mr. and Mrs. William J. Murphy, Mr. and Mrs. Richard S. Fretz, Mr. and Mrs. Edward Marzen, Mr. and Mrs. Bernard Sharpe, Mr. and Mrs. Daniel Grow, Mr. and Mrs. Andrew Botek, Mr. and Mrs. Joseph E. Lipsett, Mr. and Mrs. Robert Corson, Adam Zulic, Seth D.

Lowe, Kristine M. Bensinger, Michael Maren, Dorothy M. Lewis, Kevin Yob, Sean D. Satterfield, Rosemary Kramer, John Brill, Kevin Klinger, David Lukasevicz, Marc Griffiths, Terry Wolfe, Richard Russell, Wayne Kurtz, Edward Lehr, Goodwill Hose Company No. 1 of Frackville, Air Products & Chemicals Incorporated of Tamaqua and to the Shenandoah Fish and Game Club by Senator Rhoades.

Congratulations of the Senate were extended to Tiffany Manross, Chanelle Kristina Sherry, Kylee Cochran, Kenneth R. Calfo, Sr., Jesi Christiansen, Bilok Ihara Corporation of Meadville, French Creek Outdoor Learning Center of Meadville, Mercer County Regional Planning Commission, Penn-Northwest Development Corporation and to the Conneaut Lake High School Girls' Volleyball Team by Senator Robbins.

Congratulations of the Senate were extended to Falun Dafa by Senator Schwartz.

Congratulations of the Senate were extended to Joseph Benjamin Kluchurosky and to Jeffrey J. Rood by Senator Stapleton.

Congratulations of the Senate were extended to Dr. Kamlesh Gosai, Henry L. Heck and to the Washington County Historical Society by Senator Stout.

Congratulations of the Senate were extended to Eugene M. Tartaglione by Senator Tartaglione.

Congratulations of the Senate were extended to Eleanor Ferry, Kenneth E. Lawrence, Jr., Thomas N. Krause, Patrick D. Grugan, Louise Elizabeth Crowl, Dr. Eugene A. Bentley, Jr., Benjamin K. Hoover and to St. Peter's Church in the Great Valley by Senator Thompson.

Congratulations of the Senate were extended to Reginald E. Beauchamp by Senators Thompson and Kitchen.

Congratulations of the Senate were extended to the Honorable A. Evans Kephart, Maggie Auriemma, Margaret Logan, Dot Scandone, Josephine Kontra and to Babette Lackner by Senator Tilghman.

Congratulations of the Senate were extended to the Norristown water treatment facility of the Pennsylvania-American Water Company by Senators Tilghman and Holl.

Congratulations of the Senate were extended to Robert Ross, Adam Zwislewski, Chris Baker, Larry Loose, Richard Alpaugh, Kelly Lambert, Matthew W. Friebel, David J. Ricca, Justin Kozemchak, Kristopher Edward Turner, Brian Wynkoop and to Pennsbury High School Marching Band by Senator Tomlinson.

Congratulations of the Senate were extended to James C. Stalder, Matt Levenson, Bayer Corporation of Pittsburgh, Valspar Corporation of Pittsburgh and to the Pennsylvania-American Water Company of Pittsburgh by Senator Wagner.

Congratulations of the Senate were extended to Bryan Alan Cover, Amanda Stevens and to the Mason-Dixon Lions Club by Senator Waugh.

Congratulations of the Senate were extended to Linda M. Shirk, Kenneth L. Fenton and to Elizabethtown College by Senator Wenger.

Congratulations of the Senate were extended to Mr. and Mrs. William F. Wolbert, Mr. and Mrs. Wendell Heeter, Malen Luke, William T. Chiappini, Don Hiwiller, Saxonburg Volunteer Fire Company and to the Scrubgrass Generating Company of Kennerdell by Senator White.

Congratulations of the Senate were extended to Mr. and Mrs. Joseph Nowak, Mr. and Mrs. Charles Kohut, Mr. and Mrs. James Blankley, Mr. and Mrs. Charles W. Gartland, Mr. and Mrs. C. James Kocher, Mr. and Mrs. Robert Rorabaugh, Mr. and Mrs. Harry Robbins, Mr. and Mrs. Sylvester Lamer, Mr. and Mrs. Arnold Pavlik, Mr. and Mrs. Richard Grubb, Mr. and Mrs. Lennert Mann, Mr. and Mrs. Elder M. Kerr, Jr., Mr. and Mrs. Alfred J. Statler, Mr. and Mrs. Donald Huff, Mr. and Mrs. Robert Caldwell, Mr. and Mrs. Wayne Fyock, Mr. and Mrs. Sylvester Wissinger, Mr. and Mrs. Gerald L. Carter, Mr. and Mrs. Ed O'Dell, Mr. and Mrs. Frank Finney, Johanna Welch, Mary Sacolick and to Elizabeth Haag 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 Joseph Michael Hill and to the family of the late Robert E. Siegrist by Senator Brightbill.

Condolences of the Senate were extended to the family of the late Minnie Walker Warner by Senator Hughes.

Condolences of the Senate were extended to the family of the late Wayne Bethel and to the family of the late Terry A. Marinello by Senator Williams.

Condolences of the Senate were extended to the family of the late Richard Costelow by Senator Wozniak.

BILL ON FIRST CONSIDERATION

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

The motion was agreed to.

The bill was as follows:

HB 1963

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

HOUSE MESSAGES

SENATE BILLS RETURNED WITH AMENDMENTS

The Clerk of the House of Representatives returned to the Senate **SB 805, 1412 and 1478**, with the information the House has passed the same with amendments in which the concurrence of the Senate is requested.

The PRESIDENT. 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 BILLS

The Clerk of the House of Representatives informed the Senate that the House has concurred in amendments made by the Senate to **HB 393, 1728, 2014 and 2216**.

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 390, 712, 844, 1173, 1178, and 1330**.

HOUSE CONCURS IN SENATE BILL

The Clerk of the House of Representatives returned to the Senate **SB 1163**, with the information the House has passed the same without amendments.

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 47, 58, 227, 550, 599, 609, 777, 819, 1150, 2149, 2272 and 2498**.

HOUSE CONCURS IN SENATE CONCURRENT RESOLUTION

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

Senate Concurrent Resolution No. 43.

BILLS SIGNED

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

SB 390, SB 552, SB 612, SB 712, SB 769, SB 844, SB 958, SB 997, SB 1032, SB 1088, SB 1117, SB 1154, SB 1163, SB 1173, SB 1178, SB 1280, SB 1312, SB 1330, SB 1403, SB 1477, SB 1531, SB 1547, HB 47, HB 58, HB 181, HB 227, HB 393, HB 550, HB 599, HB 609, HB 777, HB 819, HB 1150, HB 1164, HB 1393, HB 1416, HB 1523, HB 1588, HB 1604, HB 1728, HB 2014, HB 2149, HB 2216, HB 2272, HB 2498, HB 2668 and HB 2800.

RECESS

The PRESIDENT. The Chair recognizes the gentleman from Lebanon, Senator Brightbill.

Senator BRIGHTBILL. Mr. President, I request that the Senate recess to the call of the President pro tempore.

The PRESIDENT. The Senate stands in recess to the call of the President pro tempore.

AFTER RECESS

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

HOUSE MESSAGES**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 1142, 1470, 2189 and 2328**.

**HOUSE CONCURS IN SENATE AMENDMENTS
TO HOUSE AMENDMENTS TO SENATE BILL**

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 1444**.

HOUSE BILLS FOR CONCURRENCE

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

November 21, 2000

HB 1596 -- Committee on Judiciary.

HB 1800 -- Committee on Local Government.

HB 2286 -- Committee on Finance.

HB 2324 -- Committee on Education.

HB 2584 -- Committee on Consumer Protection and Professional Licensure.

HB 2623 -- Committee on Transportation.

BILLS INTRODUCED AND REFERRED

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

November 21, 2000

Senators TILGHMAN, THOMPSON, STOUT, HELFRICK, BOSCOLA, COSTA, WAUGH, TOMLINSON, TARTAGLIONE and WOZNIAK presented to the Chair **SB 1594**, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for content of driver's license or identification card.

Which was committed to the Committee on TRANSPORTATION, November 21, 2000.

Senators HUGHES, MELLOW, FUMO, KASUNIC, O'PAKE, WOZNIAK, STOUT, MUSTO, SCHWARTZ, KUKOVICH, BODACK, COSTA, WAGNER, LAVALLE, KITCHEN, TARTAGLIONE, BELAN and STAPLETON presented to the Chair **SB 1595**, entitled:

An Act amending Title 24 (Education) of the Pennsylvania Consolidated Statutes, establishing the Pennsylvania Public School Construction Authority and the Pennsylvania Public School Construction Task Force; providing for their powers and duties; establishing the Public

School Construction Reserve Fund, the Public School Building and Facility Adequacy Grant Program, a direct grant program and an interest subsidy program; authorizing the issuance of bonds; and making appropriations.

Which was committed to the Committee on EDUCATION, November 21, 2000.

Senators BOSCOLA, HUGHES and O'PAKE presented to the Chair **SB 1596**, entitled:

An Act providing for merit scholarships for persons entering a college or university within this Commonwealth.

Which was committed to the Committee on EDUCATION, November 21, 2000.

Senators BOSCOLA and BELAN presented to the Chair **SB 1597**, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, providing for assessment and counseling of chronic runways.

Which was committed to the Committee on AGING AND YOUTH, November 21, 2000.

Senator BOSCOLA presented to the Chair **SB 1598**, entitled:

A Joint Resolution proposing an amendment to the Constitution of the Commonwealth of Pennsylvania, further providing for sessions.

Which was committed to the Committee on RULES AND EXECUTIVE NOMINATIONS, November 21, 2000.

BILLS SIGNED

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

SB 1444, SB 1468, SB 1502, HB 877, HB 1142, HB 1470, HB 2189 and HB 2328.

RECESS

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

Senator PICCOLA. Mr. President, I move that the Senate recess to the call of the President pro tempore.

On the question,

Will the Senate agree to the motion?

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

The PRESIDENT. The Senate stands in recess to the call of the President pro tempore.

(NOTE: The Senate did not reconvene but Session constitutionally expired November 30, 2000, at 12 o'clock midnight.)