

COMMONWEALTH OF PENNSYLVANIA

# Legislative Journal

TUESDAY, MARCH 27, 2001

SESSION OF 2001 185TH OF THE GENERAL ASSEMBLY

No. 19

## SENATE

TUESDAY, March 27, 2001

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

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

## PRAYER

The Chaplain, DONALD MYERS, Elder and Moderator of New Fairview Church of the Brethren, York, offered the following prayer:

Let us pray.

God, who is our creator and provider of all that we need and all that we enjoy, hear our prayer. We are blessed to live in America where we are free to choose our occupations, our leaders, our lifestyles, our places of worship, to speak our minds and practice our personal faith. Only as we give over and serve others, however, are we truly free. May we use our freedom to be our best.

And now, Lord, bless and keep and guide this governmental body today, increase their desire to reach the common good, spare them from unnecessary division which takes away their strength and energy. Limit the sometimes endless meetings and demands on their ability to remain focused. Lord, show them a better way, but if a better way is not apparent, grant them patience and endurance. You have ordained them to protect us. Be with them is our prayer. Amen.

The PRESIDENT pro tempore. The Chair thanks Elder Myers, who is the guest today of Senator Waugh.

## JOURNAL APPROVED

The PRESIDENT pro tempore. A quorum of the Senate being present, the Clerk will read the Journal of the preceding Session of March 26, 2001.

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.

## REPORTS FROM COMMITTEES

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

### SB 626 (Pr. No. 801) (Amended)

An Act amending the act of June 8, 1907 (P.L.496, No.322), entitled "An act to establish a Board of Commissioners of Navigation for the river Delaware and its navigable tributaries; regulating their jurisdiction over ships, vessels, and boats, and wharves, piers, bulkheads, docks, slips, and basins; and exempting cities of the first class from certain of its provisions; and making an appropriation therefor," further providing for the commission.

### SB 627 (Pr. No. 672)

An Act amending the act of May 11, 1889 (P.L.188, No.210), entitled "A further supplement to An Act, entitled 'An act to establish a board of wardens for the Port of Philadelphia, and for the regulation of pilots and pilotage, and for other purposes,' approved March twenty-ninth, one thousand eight hundred and three, and for regulating the rates of pilotage and number of pilots," further providing for rates and fees.

### SB 635 (Pr. No. 673)

An Act amending the act of March 29, 1803 (P.L.542, No.156), entitled "An act to establish a Board of Wardens for the port of Philadelphia, and for the regulation of pilots and pilotages, and for other purposes therein mentioned," further providing for pilots.

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

### SB 214 (Pr. No. 221)

An Act amending Title 15 (Corporations and Unincorporated Associations) of the Pennsylvania Consolidated Statutes, further providing for nonprofit corporations and unincorporated nonprofit associations; making revisions, corrections and additions relating to such associations; making editorial corrections; and repealing certain acts and parts of acts.

### SB 592 (Pr. No. 629)

An Act amending Title 20 (Decedents, Estates and Fiduciaries) of the Pennsylvania Consolidated Statutes, providing for dispositions of decedent's property independent of granting letters.

### SB 654 (Pr. No. 696)

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for endangering welfare of children; and providing for certain civil immunity.

**HB 279 (Pr. No. 280)**

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for damages in actions for conversion of timber.

Senator HOLL, from the Committee on Banking and Insurance, reported the following bill:

**SB 67 (Pr. No. 62)**

An Act amending the act of October 15, 1975 (P.L.390, No.111), known as the Health Care Services Malpractice Act, further providing for the transfer of the Medical Professional Liability Catastrophe Loss Fund coverage to the private sector.

Senator EARLL, from the Committee on Finance, reported the following bills:

**SB 485 (Pr. No. 512)**

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, further providing for teachers' and employees' retirement plans.

**SB 486 (Pr. No. 513)**

An Act amending Title 71 (State Government) of the Pennsylvania Consolidated Statutes, further providing for mandatory and optional membership in the retirement system.

**SB 487 (Pr. No. 514)**

An Act amending Title 24 (Education) of the Pennsylvania Consolidated Statutes, further providing for mandatory and optional membership in the retirement system.

**HB 23 (Pr. No. 13)**

An Act amending the act of July 28, 1953 (P.L.723, No.230), known as the Second Class County Code, providing for optional assessed value limitations.

**HB 26 (Pr. No. 1081)**

An Act amending Titles 24 (Education) and 71 (State Government) of the Pennsylvania Consolidated Statutes, further providing for mandatory and optional membership, for credited school service, for membership of the Public School Employees' Retirement Board and the State Employees' Retirement Board, for administrative duties of board and for management of fund and accounts.

**HB 27 (Pr. No. 616)**

An Act amending Titles 24 (Education) and 71 (State Government) of the Pennsylvania Consolidated Statutes, further defining "salary deductions"; and further providing for member contributions for creditable school service, for contributions for purchase of credit for creditable nonschool service, for incomplete payments, for termination of annuities, for administrative duties of board, for reporting requirements of board, for duties of board regarding applications and elections of members, for duties of employers, for creditable nonstate service, for member contributions for purchase of credit for previous State service or to become a full coverage member, for contributions for the purchase

of credit for creditable nonstate service and for duties of heads of departments and for rights and duties of State employees and members.

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

**SB 1 (Pr. No. 800)**

An Act to provide from the General Fund for the expenses of the Executive, Legislative and Judicial Departments of the Commonwealth, the public debt and for the public schools for the fiscal year July 1, 2001, to June 30, 2002, for certain institutions and organizations, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 2001; to provide for the appropriation of Federal funds to the Executive Department of the Commonwealth and for the establishment of restricted receipt accounts for the fiscal year July 1, 2001, to June 30, 2002, and for the payment of bills remaining unpaid at the close of the fiscal year ending June 30, 2001.

**SB 712 (Pr. No. 763)**

A Supplement to the act of April 1, 1863 (P.L.213, No.227), entitled "An act to accept the grant of Public Lands, by the United States, to the several states, for the endowment of Agricultural Colleges," making appropriations for carrying the same into effect; and providing for a basis for payments of such appropriations, for a method of accounting for the funds appropriated and for certain fiscal information disclosure.

**SB 713 (Pr. No. 764)**

A Supplement to the act of July 28, 1966 (3rd Sp.Sess., P.L.87, No.3), known as the University of Pittsburgh—Commonwealth Act, making appropriations for carrying the same into effect; providing for a basis for payments of such appropriations; and providing a method of accounting for the funds appropriated and for certain fiscal information disclosure.

**SB 714 (Pr. No. 765)**

A Supplement to the act of November 30, 1965 (P.L.843, No.355), entitled "An act providing for the establishment and operation of Temple University as an instrumentality of the Commonwealth to serve as a State-related university in the higher education system of the Commonwealth; providing for change of name; providing for the composition of the board of trustees; terms of trustees, and the power and duties of such trustees; providing for preference to Pennsylvania residents in tuition; providing for public support and capital improvements; authorizing appropriations in amounts to be fixed annually by the General Assembly; providing for the auditing of accounts of expenditures from said appropriations; authorizing the issuance of bonds exempt from taxation within the Commonwealth; requiring the President to make an annual report of the operations of Temple University," making appropriations for carrying the same into effect; providing for a basis for payments of such appropriations; and providing a method of accounting for the funds appropriated and for certain fiscal information disclosure.

**SB 715 (Pr. No. 766)**

A Supplement to the act of July 7, 1972 (P.L.743, No.176), entitled "An act providing for the establishment and operation of Lincoln University as an instrumentality of the Commonwealth to serve as a State-related institution in the higher education system of the Commonwealth; providing for change of name; providing for the composition of the board of trustees; terms of trustees, and the power and duties of such trustees; providing for preference to Pennsylvania residents in tuition; authorizing appropriations in amounts to be fixed annually by the General Assembly; providing for the auditing of accounts of expenditures

from said appropriations; providing for public support and capital improvements; authorizing the issuance of bonds exempt from taxation within the Commonwealth; requiring the President to make an annual report of the operations of Lincoln University," making appropriations for carrying the same into effect; providing for a basis for payments of such appropriations; and providing a method of accounting for the funds appropriated and for certain fiscal information disclosure.

**SB 716 (Pr. No. 767)**

An Act making an appropriation to the Trustees of Drexel University, Philadelphia, for instruction and student aid.

**SB 717 (Pr. No. 768)**

An Act making appropriations to the Trustees of the University of Pennsylvania.

**SB 718 (Pr. No. 769)**

An Act making appropriations to the Philadelphia Health and Education Corporation for the MCP Hahnemann University and for continuation of pediatric services.

**SB 719 (Pr. No. 770)**

An Act making appropriations to the Thomas Jefferson University, Philadelphia.

**SB 720 (Pr. No. 771)**

An Act making an appropriation to the Philadelphia College of Osteopathic Medicine, Philadelphia.

**SB 721 (Pr. No. 772)**

An Act making an appropriation to the Pennsylvania College of Optometry, Philadelphia, for instruction.

**SB 722 (Pr. No. 773)**

An Act making an appropriation to the University of the Arts, Philadelphia, for instruction and student aid.

**SB 723 (Pr. No. 774)**

An Act making appropriations to the Trustees of the Berean Training and Industrial School at Philadelphia for operation and maintenance expenses and for payment of debt service.

**SB 724 (Pr. No. 775)**

An Act making an appropriation to the Johnson Technical Institute of Scranton for operation and maintenance expenses.

**SB 725 (Pr. No. 776)**

An Act making an appropriation to the Williamson Free School of Mechanical Trades in Delaware County for operation and maintenance expenses.

**SB 726 (Pr. No. 777)**

An Act making an appropriation to the Fox Chase Institute for Cancer Research, Philadelphia, for the operation and maintenance of the cancer research program.

**SB 727 (Pr. No. 778)**

An Act making appropriations to the Wistar Institute, Philadelphia, for operation and maintenance expenses and for research.

**SB 728 (Pr. No. 779)**

An Act making an appropriation to the Central Penn Oncology Group.

**SB 729 (Pr. No. 780)**

An Act making an appropriation to St. Francis Hospital, Pittsburgh, for cardiovascular studies.

**SB 730 (Pr. No. 781)**

An Act making an appropriation to the Lancaster Cleft Palate for outpatient-inpatient treatment.

**SB 731 (Pr. No. 782)**

An Act making an appropriation to the Pittsburgh Cleft Palate for outpatient-inpatient treatment.

**SB 732 (Pr. No. 783)**

An Act making an appropriation to the Burn Foundation, Philadelphia for outpatient and inpatient treatment.

**SB 733 (Pr. No. 784)**

An Act making an appropriation to The Children's Institute, Pittsburgh for treatment and rehabilitation of certain persons with disabling diseases.

**SB 734 (Pr. No. 785)**

An Act making an appropriation to The Children's Hospital of Philadelphia for comprehensive patient care and general maintenance and operation of the hospital.

**SB 735 (Pr. No. 786)**

An Act making an appropriation to the Beacon Lodge Camp, Mifflin County, for services to the blind.

**SB 736 (Pr. No. 787)**

An Act making an appropriation to the Arsenal Family and Children's Center in Pittsburgh for services for children and their families.

**SB 737 (Pr. No. 788)**

An Act making appropriations to the Carnegie Museums of Pittsburgh for operations and maintenance expenses and the purchase of apparatus, supplies and equipment.

**SB 738 (Pr. No. 789)**

An Act making an appropriation to the Franklin Institute Science Museum for maintenance expenses.

**SB 739 (Pr. No. 790)**

An Act making an appropriation to the Academy of Natural Sciences for maintenance expenses.

**SB 740 (Pr. No. 791)**

An Act making an appropriation to the African-American Museum in Philadelphia for operating expenses.

**SB 741 (Pr. No. 792)**

An Act making an appropriation to the Everhart Museum in Scranton for operating expenses.

**SB 742 (Pr. No. 793)**

An Act making an appropriation to the Mercer Museum in Doylestown, Pennsylvania, for operating expenses.

**SB 743 (Pr. No. 794)**

An Act making an appropriation to the Whitaker Center for Science and the Arts in Harrisburg, Pennsylvania, for operating expenses.

Senator MOWERY, from the Committee on Public Health and Welfare, reported the following bill:

**SB 507 (Pr. No. 802) (Amended) (Rereported)**

An Act establishing the Community-Based Health Care Assistance Program; and authorizing grants to certain community-based health care provider organizations.

**RESOLUTION REPORTED FROM COMMITTEE**

Senator RHOADES, from the Committee on Education, reported the following resolution:

**SR 31 (Pr. No. 803) (Amended)**

A Resolution observing April 10, 2001, as "School Violence Awareness and Prevention Day."

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

**BILLS INTRODUCED AND REFERRED**

The PRESIDENT pro tempore laid before the Senate the following Senate Bills numbered, entitled, and referred as follows, which were read by the Clerk:

March 27, 2001

Senators JUBELIRER, PICCOLA, LEMMOND, CONTI, MOWERY, WENGER, SCHWARTZ, M. WHITE, THOMPSON, TILGHMAN, HOLL and BRIGHTBILL presented to the Chair **SB 3**, entitled:

A Joint Resolution proposing an amendment to the Constitution of the Commonwealth of Pennsylvania, changing and adding provisions relating to the selection of justices and judges.

Which was committed to the Committee on JUDICIARY, March 27, 2001.

Senators HUGHES, CORMAN, MELLOW, O'PAKE, KITCHEN, KUKOVICH, LAVALLE, STOUT, TARTAGLIONE, WAGNER, SCHWARTZ, WOZNIAK, COSTA, BODACK, MUSTO, BOSCOLA, STACK, LOGAN, FUMO, KASUNIC and WILLIAMS presented to the Chair **SB 600**, entitled:

An Act providing for grants and tax credits to establish or expand community technology centers to provide disadvantaged residents of economically distressed urban and rural communities with access to information technology; and making appropriations.

Which was committed to the Committee on COMMUNICATIONS AND HIGH TECHNOLOGY, March 27, 2001.

Senators MUSTO, KUKOVICH, BODACK, COSTA, CONTI, O'PAKE, TILGHMAN, HUGHES, TARTAGLIONE, SCHWARTZ, KITCHEN, MELLOW, RHOADES, BOSCOLA, STOUT, LEMMOND and STACK presented to the Chair **SB 696**, entitled:

An Act amending the act of July 6, 1989 (P.L.169, No.32), known as the Storage Tank and Spill Prevention Act, providing for certain notification when there are releases from underground storage tanks.

Which was committed to the Committee on ENVIRONMENTAL RESOURCES AND ENERGY, March 27, 2001.

Senators SCHWARTZ, TARTAGLIONE, EARLL, MELLOW and KITCHEN presented to the Chair **SB 699**, entitled:

An Act to ensure equitable coverage of prescription contraceptive drugs and devices and the medical and counseling services necessary for their effective use.

Which was committed to the Committee on BANKING AND INSURANCE, March 27, 2001.

Senators GREENLEAF, HOLL, BELL, EARLL, GERLACH, RHOADES, WAUGH and TILGHMAN presented to the Chair **SB 703**, entitled:

An Act amending the act of October 15, 1975 (P.L.390, No.111), known as the Health Care Services Malpractice Act, authorizing certain health care providers to elect not to be insured or self-insured in the mandated amount.

Which was committed to the Committee on BANKING AND INSURANCE, March 27, 2001.

Senators GREENLEAF, STOUT, BELL and MOWERY presented to the Chair **SB 704**, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, authorizing automated red light enforcement systems.

Which was committed to the Committee on TRANSPORTATION, March 27, 2001.

Senators GREENLEAF, COSTA, GERLACH, O'PAKE, HOLL, STACK, TARTAGLIONE and THOMPSON presented to the Chair **SB 708**, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, providing for permissible argument as to damages at trial.

Which was committed to the Committee on JUDICIARY, March 27, 2001.

Senator PUNT presented to the Chair **SB 710**, entitled:

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

Which was committed to the Committee on JUDICIARY, March 27, 2001.

### LEGISLATIVE LEAVE

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

Senator MELLOW. Mr. President, I request a temporary Capitol leave for Senator Stout.

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

### LEAVE OF ABSENCE

Senator BRIGHTBILL asked and obtained a leave of absence for Senator SCARNATI, for today's Session, for personal reasons.

### CALENDAR

#### THIRD CONSIDERATION CALENDAR

#### PREFERRED APPROPRIATION BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

**SB 631 (Pr. No. 614)** -- The Senate proceeded to consideration of the bill, entitled:

An Act making appropriations from the Workmen's Compensation Administration Fund to the Department of Labor and Industry and the Department of Community and Economic Development to provide for the expenses of administering the Workers' Compensation Act, The Pennsylvania Occupational Disease Act and the Office of Small Business Advocate for the fiscal year July 1, 2001, to June 30, 2002, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 2001.

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	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	White, Donald
Dent	LaValle	Robbins	White, Mary Jo
Earl	Lemmond	Schwartz	Williams
Fumo	Logan	Stack	Wozniak
Gerlach	Madigan	Stout	

#### NAY-0

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

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

### SPECIAL ORDER OF BUSINESS

#### GUESTS OF SENATOR ROBERT J.

#### THOMPSON PRESENTED TO THE SENATE

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

Senator THOMPSON. Mr. President, it is my pleasure to introduce two student Pages today, both juniors from West Chester East High School. One is Amy Kotesich, a junior and president of the class of 2002, a member of the French National Honor Society, the National Honor Society, and student representative for the West Chester Area School District's Safe Schools Committee. Her future goals include college and a possible career in journalism.

With her is fellow classmate Brittany Gibbs, who is the vice president of the class of 2002, a member of the West Chester East High School Dance Team, the Black Student Union, and the National Organization of Black Chemists and Chemical Engineers, and also an honor roll member. Her future goal is a possible major in college in political science or international affairs. I would like the Senate to give them a warm welcome, and also Amy's parents, John and Donna Kotesich, who are in the gallery.

The PRESIDENT pro tempore. Would the guests of Senator Thompson please rise so the Senate may give you a very warm welcome.

(Applause.)

### **GUESTS OF SENATOR VINCENT J. FUMO PRESENTED TO THE SENATE**

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

Senator FUMO. Mr. President, I would like the Senate to give its warm welcome to the fourth grade students of Mt. Carmel Catholic School in South Philadelphia, the church where I was baptized. I would like them to stand and have the Senate give them its warm welcome.

The PRESIDENT pro tempore. Would the guests of Senator Fumo please rise so we may welcome you to the Senate of Pennsylvania.

(Applause.)

### **GUESTS OF SENATOR JAMES J. RHOADES PRESENTED TO THE SENATE**

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

Senator RHOADES. Mr. President, I have four very special guests. Mr. Al Luedtke and Mrs. Diane Luedtke from Jim Thorpe are the host family for two lovely young ladies, Nastia Bodrykh from Siberia, and Arta Ahmeti from Kosovo. They are here spending the day in Harrisburg, touring and watching Pennsylvania State government in action. I would appreciate it if the Senate would extend its usual warm welcome to our guests.

The PRESIDENT pro tempore. Would the guests of Senator Rhoades kindly rise so we may extend to you a warm welcome to the Senate of Pennsylvania.

(Applause.)

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

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

Senator O'PAKE. Mr. President, I have several guests in the gallery. There are two groups. The first group is from the Berks County, Pennsylvania, Association of Retired State Employees. As we all know, today they are lobbying for a cost-of-living adjustment in their retirement benefits, and there are about 40 or so from Berks County who are in the gallery, and first I would like you to recognize them, Mr. President.

The PRESIDENT pro tempore. Would the guests introduced by Senator O'Pake kindly rise so we may welcome you to the Senate of Pennsylvania.

(Applause.)

Senator O'PAKE. Mr. President, we also have in the gallery some State champions, the Brandywine Heights Area High School Wrestling Champions, who won the PIAA Class AA State Wrestling Championship in March in Hershey. They are accompanied by their coach, who himself is a member of the Pennsylvania Sports Hall of Fame, and I would ask that the Chair recognize them, as well as a gold medalist from Conrad Weiser

Area School District, who for the second year in a row won the gold in the Class AA 125 pound class, and we have a gold medalist from the Oley Valley School District, Jeremy Walsh, who captured the gold in the Class AA 130 pound class.

So the Brandywine Heights Area Class AA Wrestling State Champions, with their coach, Sam Lovello, as well as Evan Sola from Conrad Weiser and Jeremy Walsh from the Oley Valley School District, all champions in Class AA State wrestling.

The PRESIDENT pro tempore. Would all the guests of Senator O'Pake please rise so we may welcome you to the Senate of Pennsylvania.

(Applause.)

### **RECESS**

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

Senator BRIGHTBILL. Mr. President, at this time I request a recess of the Senate for the purpose of a Republican caucus, and we expect it to be probably not more than 30 or 45 minutes.

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

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

The PRESIDENT pro tempore. For purposes of Republican and Democratic caucuses in their respective Caucus rooms, without objection, the Senate will stand in recess.

### **AFTER RECESS**

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

### **THIRD CONSIDERATION CALENDAR RESUMED**

#### **BILL AMENDED**

**SB 2 (Pr. No. 690)** — The Senate proceeded to consideration of the bill, entitled:

An Act establishing a special fund and accounts for money received by the Commonwealth from the Master Settlement Agreement with tobacco manufacturers; and establishing the Tobacco Settlement Investment Board.

On the question,

Will the Senate agree to the bill on third consideration?

Senator BRIGHTBILL offered the following amendment No. A0869:

Amend Title, page 1, line 3, by striking out "and"

Amend Title, page 1, line 4, by removing the period after "Board" and inserting: ; and reserving funds.

Amend Sec. 3, page 3, line 15, by striking out "Money" and inserting: Moneys

Amend Sec. 3, page 3, lines 15 and 16, by striking out "investment of the money in" and inserting: investments from

Amend Sec. 3, page 3, line 17, by striking out "Money" and inserting: Moneys

Amend Sec. 3, page 3, line 17, by inserting a comma after "appropriation"

Amend Sec. 3, page 3, line 17, by inserting a comma after "6"

Amend Sec. 3, page 3, line 18, by striking out "lapses" and inserting: lapse

Amend Sec. 7, page 9, line 20, by striking out "chairman" and inserting: chairmen

Amend Sec. 7, page 9, line 21, by striking out "chairman" and inserting: chairmen

Amend Bill, page 10, by inserting between lines 4 and 5: Section 9. Reservation of funds.

A portion of the moneys from the Tobacco Settlement Fund shall be reserved for expansion of the PACE or PACENET program established under Chapter 5 of the act of August 26, 1971 (P.L.351, No.91), known as the State Lottery Law, as may be provided by law.

Amend Sec. 9, page 10, line 5, by striking out "9" and inserting: 10

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 OVER IN ORDER

**HB 41** -- Without objection, the bill was passed over in its order at the request of Senator BRIGHTBILL.

#### BILLS ON THIRD CONSIDERATION AND FINAL PASSAGE

**SB 49 (Pr. No. 47)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of December 19, 1988 (P.L.1262, No.156), known as the Local Option Small Games of Chance Act, further defining "daily drawing."

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	Mowery	Thompson
Bell	Holl	Murphy	Tilghman
Bodack	Hughes	Musto	Tomlinson
Boscola	Jubelirer	O'Pake	Wagner
Brightbill	Kasunic	Piccola	Waugh
Conti	Kitchen	Punt	Wenger
Corman	Kukovich	Rhoades	White, Donald
Costa	LaValle	Robbins	White, Mary Jo
Dent	Lemmond	Schwartz	Williams
Earll	Logan	Stack	Wozniak
Fumo	Madigan	Stout	
Gerlach	Mellow	Tartaglione	

#### NAY-1

Helfrick

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 99 (Pr. No. 709)** -- The Senate proceeded to consideration of the bill, entitled:

An Act designating State Route 3160 in Allegheny County as the 99th Infantry Division Memorial Highway; and designating a portion of State Route 288 in Beaver County as The Dr. Aaron and Dr. Milton L. Caplan Highway.

Considered the third time and agreed to,

On the question,

Shall the bill pass finally?

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

Senator GERLACH. Mr. President, I am very pleased to stand and ask for the support of my colleagues in the passage of House Bill No. 99. I was very pleasantly surprised to see that part of the bill asks for the naming of State Route 288, The Dr. Aaron and Dr. Milton L. Caplan Highway. Having been born and raised in Ellwood City in Lawrence County, both doctors have served the community for generations and provided outstanding medical and community service to the people of Ellwood City. And to see that there is an effort, through this bill, to name this highway on their behalf is something I think is very, very appropriate, and I ask that the Members vote in favor of House Bill No. 99, not only for the other portion of the bill, but also for the naming of this highway for Dr. Aaron and Dr. Milton L. Caplan.

Thank you.

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-47

Armstrong	Greenleaf	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	White, Donald
Dent	LaValle	Robbins	White, Mary Jo
Earll	Lemmond	Schwartz	Williams
Fumo	Logan	Stack	Wozniak
Gerlach	Madigan	Stout	

#### NAY-0

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

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

#### BILL AMENDED

**SB 147 (Pr. No. 152)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, prohibiting the unauthorized taking of newspapers from municipal recycling containers placed for collection.

On the question,

Will the Senate agree to the bill on third consideration?

Senator MUSTO offered the following amendment No. A0872:

Amend Title, page 1, line 3, by striking out "newspapers" and inserting: recyclable items

Amend Sec. 1 (Sec. 3935), page 1, lines 12 and 13, by striking out all of line 12 and "recycling or" in line 13 and inserting: recyclable item

Amend Sec. 1 (Sec. 3935), page 1, by inserting between lines 14 and 15:

(b) Notice.—Each municipality shall establish a public information and education program concerning the requirements of this section. The governing body of a municipality may, in its discretion as it deems necessary and appropriate, place an advertisement in a newspaper of general circulation in the municipality, post a notice in public places where public notices are customarily posted, including a notice with other official notifications periodically mailed to residential taxpayers or utilize any combination of the foregoing.

Amend Sec. 1 (Sec. 3935), page 1, line 15, by striking out "(b)" and inserting: (c)

Amend Sec. 1 (Sec. 3935), page 2, lines 2 and 3, by striking out all of said lines and inserting:

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

"Municipal recycling container." A container that is owned  
Amend Sec. 1 (Sec. 3935), page 2, by inserting between lines 7 and 8:

"Recyclable item." Any of the following:

- (1) Clear glass or colored glass.
- (2) Aluminum, steel or bimetallic can.
- (3) High-grade office paper or corrugated paper.
- (4) Plastic.
- (5) Newspaper that other persons have sorted, bundled or bailed for recycling.

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 MICHAEL A. O'PAKE PRESENTED TO THE SENATE

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

Senator O'PAKE. Mr. President, we have some more guests in the gallery from Berks County. We are fortunate to have visiting with us today a group from the senior center Meals on Wheels program in Reading. They are very eager to find out what we are going to do about the tobacco settlement, and I ask the Senate to recognize them in the gallery.

The PRESIDENT pro tempore. Would the guests of Senator O'Pake in the gallery kindly rise so we may welcome you to the Senate of Pennsylvania.

(Applause.)

## THIRD CONSIDERATION CALENDAR RESUMED

### BILLS OVER IN ORDER

**SB 290, SB 365 and SB 421** -- Without objection, the bills were passed over in their order at the request of Senator BRIGHTBILL.

### BILLS ON THIRD CONSIDERATION AND FINAL PASSAGE

**SB 490 (Pr. No. 517)** -- 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 the offense of aggravated assault.

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	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	White, Donald
Dent	LaValle	Robbins	White, Mary Jo
Earll	Lemmond	Schwartz	Williams
Fumo	Logan	Stack	Wozniak
Gerlach	Madigan	Stout	

#### NAY-0

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

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

**SB 500 (Pr. No. 684)** -- The Senate proceeded to consideration of the bill, entitled:

An Act providing for tobacco use prevention; and imposing powers and duties on the Department of Health.

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

Senator MOWERY. Mr. President, I rise to ask my colleagues to vote in support of Senate Bill No. 500, the Tobacco Use Prevention and Cessation Efforts Act. This represents the implementation of a comprehensive effort to prevent tobacco use through statewide community and school-based programs. It would include tobacco cessation programs with the priority to serve the uninsured and low-income population aimed at helping Pennsylvanians stop smoking, and the inclusion of chronic disease programs, and this effort will reduce the heavy burden of tobacco-related diseases on individuals and society. The efforts would be administered by the State Department of Health, which would award grants, both statewide and at the local level.

An example of possible approaches that could be especially beneficial to youth in the program is one that is being run by the Susan P. Byrnes Health Education Center in York. This center promotes healthy lifestyles among youth through education, using unique teaching theaters equipped with state-of-the-art exhibits, to enable students to explore the wonders of life without tobacco.

Another method is to combat smoking and promote healthy living among younger Pennsylvanians. We could use the Channel One network. The network airs educational programming in 763 Pennsylvania schools, and the Health Department could use Channel One advertisements to educate our students on health issues.

The Tobacco Use Prevention and Cessation Efforts Act would include a stringent accountability and performance evaluation component, and would be overseen by an advisory committee that included legislative representation. We want to ensure that we support only approaches that work and serve our taxpayers' interests. Let us help Pennsylvanians kick the habit. Let us work to prevent kids from starting to smoke. I ask my colleagues to vote in favor of Senate Bill No. 500.

Thank you, Mr. President.

The PRESIDENT pro tempore. The Chair recognizes the gentlewoman from Northampton, Senator Boscola.

Senator BOSCOLA. Mr. President, I am so pleased that Senate Bill No. 500 is being voted on today, and I am proud to be cosponsoring that with Senator Mowery. I remember last year I was given valentines by middle school students and high school students who wanted to see a part of the tobacco settlement money being used for smoking prevention and education programs. There were hundreds of valentines, and they said, Senator Boscola, please keep us healthy, keep us from ever picking up a single cigarette, and Senate Bill No. 500 does just that. I want to thank the leadership, on behalf of those students, for putting this bill forward.

Mr. President, I have long taken the position that when we put money into statewide and community-based programs for prevention and cessation of smoking, we are not really spending the money, but we are actually investing it, because it is commonly agreed by those who crunch the numbers in the public health field that for every dollar we invest in tobacco prevention, we save \$12 in lower health care costs and improved productivity down the road. Mr. President, study after study has shown that nipping the nicotine addiction problem in the bud, in other words

keeping our youngsters from starting this terrible, self-destructive habit in the first place, is the most important approach to holding down health care costs, reducing lost time and productivity on the job, and helping our fellow citizens live longer, healthier lives. By the same token, we must support efforts to help people who are already addicted to tobacco in the first place. Many of them, they really want to stop, but they are unable to do so, and they need our help as well.

Mr. President, every day, including today, more than 5,000 kids will try their first cigarette, and about one-third of all teenagers are going to smoke cigarettes today. That is why it is up to us, at this historic time in Pennsylvania, to help them make the right decision and make the right decision before it is too late. So, Mr. President, now is the time, when smoking has lost some of its glamor, when it has become an inconvenient habit in the workplace and in many other public places, and when we have unprecedented and unexpected funds to invest, now is the time to act.

I thank you, Mr. President, for allowing me to speak today.

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

Senator O'PAKE. Mr. President, I rise to urge support for this bill, as well as Senate Bills No. 501, 502, and 504 today, and to explain why. Writing these bills, Mr. President, to spend \$11 billion in tobacco settlement money, has been a very tedious and very difficult process, and I want to commend Senator Brightbill and several Senators who worked with me on this side of the aisle, as well as our staffs, for the excellent job they have done to this point. These bills represent an unprecedented opportunity for health care and research that will benefit all Pennsylvanians. We support them.

However, our votes on them in their current form will not spell an end to our efforts. As Senate Democrats said when we joined in announcing the bipartisan agreement on this tobacco package, these bills are good, and in fact they are very similar to proposals that we made more than a year ago, but they are still a work in progress. We would prefer that this package include an allocation formula. Eventually it must. However, we recognize the importance of moving the process forward so that ultimately we will put these dollars to work in the best way for the people of Pennsylvania.

Mr. President, we have also maintained for a long time that our efforts would be incomplete if we failed to address the prescription drug crisis. Senate Democrats have, for many months now, advocated what we believe is a solution, FAIRx, with a prescription benefits manager bargaining for bulk discounts and lower prices that would lower prescription drug costs for senior citizens and expand the PACE enrollment by thousands without using funds from either the tobacco settlement or the General Fund. Supported by the AARP and the Silver Ribbon Campaign, which we offer the silver ribbon to all our colleagues here, we strongly believe that FAIRx is the key that will open the door to prescription price relief for senior citizens, and we are encouraged by the Majority Leader's agreement to release our FAIRx bill from the Committee on Aging and Youth tomorrow and to hold public hearings on this important pocketbook issue.

With that understanding, Mr. President, and with the understanding that we will continue to participate in the discussions that will be needed to finally and hopefully soon send these proposals with an allocation formula to the Governor, I am pleased to support these bills today, and I urge an affirmative vote on all of them.

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-47

Armstrong	Greenleaf	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	White, Donald
Dent	LaValle	Robbins	White, Mary Jo
Earll	Lemmond	Schwartz	Williams
Fumo	Logan	Stack	Wozniak
Gerlach	Madigan	Stout	

## NAY-0

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

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

**SB 501 (Pr. No. 685)** -- The Senate proceeded to consideration of the bill, entitled:

An Act providing for Commonwealth universal research enhancement; and imposing powers and duties on the Department of Health.

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 PRESIDENT pro tempore. The Chair recognizes the gentleman from Allegheny, Senator Murphy.

Senator MURPHY. Mr. President, I would like to comment on Senate Bill No. 501, which I am proud to sponsor with Senator Jack Wagner, a colleague from Allegheny County. We have come a long way in the past 100 years. Thanks to advances in medicine and public health, we can expect to live 20 years longer, and have happier, healthier, and more productive lives. Children born today, in fact, may see their life span expand to 100 years or more because of research advances we can expect in the next decade. Most of the miracles we now take for granted started out as untested ideas and only came through research and trial and error, and much of that research that brought us here

was undertaken by institutions and laboratories throughout Pennsylvania. Pennsylvania's research institutions have an incredible track record of research achievements.

Thanks to the national tobacco settlement, we have an opportunity to promote research efforts that unlock new mysteries and save lives. This investment would help Pennsylvania laboratories and academic institutions, and improve the lives of millions of people in the future. That is why I am asking my colleagues to support Senate Bill No. 501, the Commonwealth Universal Research Enhancement Act, or CURE. Under CURE, the State Department of Health would use a portion of the tobacco money to fund and promote biomedical, health services, collaborative and clinical research projects by Pennsylvania research institutions.

As I said before, Mr. President, Pennsylvania institutions are on the cutting edge of medical research. Why, just in the past few months, Penn State University has made international headlines for its research efforts. Last year, we learned that researchers at Penn State College of Medicine identified a process involving the transfer of retrovirus from cell to cell, a discovery that could provide a new target for the development of a single antiviral drug for a wide spectrum of viral diseases such as AIDS, rabies, ebola, measles, mumps, influenza, and the like. Now, it is important to note that when published in the proceedings of the National Academy of Scientists, reviewers called the results important and groundbreaking.

The University of Pittsburgh has also received worldwide recognition in this case as a leader in transplant technology. The university's transplant programs comprise the largest and busiest center in the world. On average, a transplant is performed every 16 hours at either the University of Pittsburgh Medical Center, the Veterans Affairs Medical Center, or Children's Hospital of Pittsburgh. Through research trial, physicians can now transplant eight life-saving organs from one donor. Tissues, including bone cartilage, bone marrow, and corneas, can also be transplanted. Currently, more than 54,000 people are waiting for an organ transplant. Every 18 minutes a new name is added to the national list. The need will continue to grow. By the year 2010, 1 in 20 people will require an organ, cornea, or tissue transplant. Now, even with expanded public relations efforts, there are still so many people on the waiting list, and 10 people die each day awaiting transplants.

This need has spawned research efforts at the McGowan Center for Artificial Organ Development in Pittsburgh. The McGowan Center is researching an artificial heart, artificial blood, and artificial lung devices to assist those waiting for transplants and trauma victims. What is more, these devices will be made here in Pennsylvania, leading to more high-tech jobs in the manufacturing industry and high-tech construction jobs for the building trades.

The money from the tobacco settlement spent on research will provide the necessary funds for our universities and research centers to build state-of-the-art lab facilities and hire the best and the brightest researchers in the world. But it is essential that we act on this quickly. President Bush announced he plans to double, yes, double, the National Institutes of Health funding, and every institution in the United States will be working hard to obtain these grants. The competition will continue to be fierce, but by

making this investment now, Pennsylvania will stand in a better position to reach out to the hundreds of millions of additional dollars.

Now these are just some of the worthwhile efforts that could benefit from CURE funding. In addition to the health breakthroughs, this funding helps us to advance the infrastructure of our knowledge-based economy. As we transition from a coal and steel State to a leader in biotechnology, this fund will help to obtain hundreds of millions of dollars and Federal research funding in the future. Currently, Pennsylvania receives almost \$1 billion in funding from the National Institutes of Health. We rank about fourth or fifth in the nation on total money, and the University of Pittsburgh and the University of Pennsylvania are both in the top 10 institutions in the nation that receive funding.

Well, taking all this data together, there is general agreement that a Commonwealth dollar invested in biomedical research yields at least a 20-fold return in leveraged dollars, job creation, and work force productivity, but more important than dollars can measure will be the discoveries made to improve the health of children and adults throughout the world.

Mr. President, this investment through CURE works hand-in-hand with the other measures in the legislative tobacco settlement package to promote medical research efforts in Pennsylvania. Hopefully, this will result in discoveries and improve the lives of countless individuals and families. We can make a difference with this money, and we should invest wisely in ways that provide real benefits to all Pennsylvanians. CURE is good medicine for Pennsylvania-based medical research and families, and I urge my colleagues to vote "yes" on Senate Bill No. 501.

Thank you, Mr. President.

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

Senator WAGNER. Mr. President, I rise today, along with my colleague, Senator Murphy, and I am sure everyone in this Chamber, in support of Senate Bill No. 501, which would direct a portion of tobacco settlement funds to medical research and a portion of those funds to cancer research. Mr. President, all of the bills that we are voting on today, Senate Bills No. 500, 501, 502, and 504, are excellent pieces of legislation that will well serve the people of Pennsylvania.

Mr. President, there is not a man or woman in this room today whose family, or for that matter any family in Pennsylvania, has not been touched by a serious illness. Every one of us knows the panic and the uncertainty and the heart-breaking combination of helplessness and hope when a serious illness strikes a loved one or simply someone we know. Senate Bill No. 501, the Commonwealth Universal Research Enhancement Act, which is before us today, can be a means of easing that uncertainty and helplessness. Funding health research, particularly cancer research, is an exceptional use of the money that comes from the tobacco settlement dollars. It might even lead to a cure of many life-threatening diseases.

Mr. President, it is estimated that 66,000 Pennsylvanians this year alone will be diagnosed with cancer, and 30,000 Pennsylvanians will die of cancer this year. These statistics are truly unbelievable, but we know they are real. Mr. President, we, as policymakers, have a very real chance at combating and

conquering this dreaded disease called cancer with the proper utilization of tobacco settlement funds. I have long advocated that at least 25 percent of these dollars be directed toward cancer research. The early diagnosis of cancer can in fact help us treat cancer and have more cancer survivors. Mr. President, our cancer research facilities in Pennsylvania have been and continue to be on the cutting edge of leading the charge for finding a cure for cancer. I believe that providing significant tobacco settlement funding for this research is vital to the goal of good health for all of Pennsylvania.

Mr. President, I know we have several cancer research facilities in Pennsylvania—I believe it is eight—one of which is the University of Pittsburgh Cancer Institute. Just recently in U.S. News and World Report, that facility, UPCI, was rated the 16th best cancer care facility in the country, and it is getting better. Presently there is a facility under construction, the new Hillman Cancer Research Facility, which will be opened in the summer of 2002, a 350,000 square foot facility which will allow UPCI to accommodate more than twice the current number of patients and will double the amount of laboratory space available for research. The Hillman Cancer Center will allow patients to access a full range of treatment facilities at a single location in the Pittsburgh area. Truly, Mr. President, it is one of the finest research facilities today, and it will get better tomorrow. Presently, today the University of Pittsburgh Cancer Institute is one of the finest, if not the finest, melanoma cancer research facility in the world, something that we all can be very proud of as Pennsylvanians.

Mr. President, taking a significant portion of the tobacco settlement dollars and devoting it to research, and hopefully a significant portion of those research dollars to cancer research, can help us find a cure for this dreaded disease. I, obviously, support this. I know my colleagues do. It is the right thing to do for Pennsylvania.

Thank you, Mr. President.

#### POINT OF ORDER

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

Senator SCHWARTZ. Mr. President, I just rise to ask for a ruling of the Chair on a possible conflict of interest in my voting on this legislation. My brother has been offered the position as director of one of the cancer research institutes that could benefit from this legislation, and I would ask for a ruling of the Chair as to whether it is appropriate for me to vote on this legislation.

The PRESIDENT pro tempore. The Chair would rule that the lady certainly is not only entitled but is required to vote. It does not affect you directly, it affects your brother, and I think that it would be appropriate for you. I appreciate the fact that you disclosed this, but I think that it would be in order for you to vote.

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-47

Armstrong	Greenleaf	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	White, Donald
Dent	LaValle	Robbins	White, Mary Jo
Earl	Lemmond	Schwartz	Williams
Fumo	Logan	Stack	Wozniak
Gerlach	Madigan	Stout	

## NAY-0

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

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

**SB 502 (Pr. No. 686)** -- The Senate proceeded to consideration of the bill, entitled:

An Act establishing the Hospital Uncompensated Care Program and the Hospital Extraordinary Expense Program in the Department of Public Welfare; and imposing penalties.

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

Senator GERLACH. Mr. President, Pennsylvania's hospitals serve on the front lines of our health care delivery system, providing quality care to millions of Pennsylvanians. Yet many of our hospitals are taking on more and more patients who cannot afford to pay, and that involves a huge financial burden. Consider this: The rate of increase in Pennsylvania's uninsured is more than double the increase that is occurring on a national basis, and over half the hospitals in Pennsylvania are losing money on patient care. Uncompensated care rose nearly 10 percent to total \$834 million, and in many cases hospitals have to wait over 2 months for payments from insurers. The bottom line is, our hospitals are picking up a huge tab for uninsured patients, and the cost is threatening the quality and availability of the care they provide. Our hospitals are key community resources and we need to help them meet their goal of providing quality affordable care. That is why this bill is so important. It will provide proper reimbursement to hospitals and ensure that they can continue to meet the health care needs of Pennsylvanians.

Specifically, this proposal would establish two programs to help hospitals offset the cost of caring for the uninsured. The Hospital Uncompensated Care Program would reimburse hospitals based on a formula involving the amount of uncompensated care provided, the number of low-income Medicare patients served, and the number of Medical Assistance

patients served. So hospitals that take care of the largest number of uninsured people would benefit the most, as they should. A separate Hospital Extraordinary Expense Program would reimburse hospitals for extraordinary expenses incurred when treating a person without health insurance, such as a trauma patient.

Unless we make a commitment to help our hospitals with the rising costs of uncompensated care, we are faced with the very real prospect of fewer medical services being available to the citizens of Pennsylvania. Allocating a portion of the tobacco settlement fund to uncompensated care is important to providing patients with continued access to needed hospital services and to ensuring that Pennsylvania's health care system remains among the finest in the nation.

Thank you, Mr. President, and I ask for an affirmative vote by all my colleagues here in the Senate on Senate Bill No. 502.

The PRESIDENT pro tempore. The Chair recognizes the gentleman from Fayette, Senator Kasunic.

Senator KASUNIC. Mr. President, I just want to say a few words today on this legislation that I am cosponsoring with my colleague from the other side of the aisle, Senator Gerlach. Known as the Hospital Uncompensated Care Act, this legislation would reimburse our hospitals who have been caring for our uninsured Pennsylvanians and those who simply cannot afford to pay their entire hospital bill. Two programs would be established under this legislation, Mr. President. The first, the Hospital Uncompensated Care Program, would use 85 percent of the funding available and give grants to those hospitals that carry a majority of the burden while caring for those who cannot pay their medical bills. Half of the hospitals in the Commonwealth would share in the funds available under this program.

To give my colleagues an idea of the magnitude of this problem, particularly in more rural and depressed areas of the State, I have figures for two hospitals in my particular district, Brownsville Hospital and Highlands Hospital. Brownsville Hospital's uncompensated care figure reached \$843,359 for its fiscal year 2000, a remarkably high figure considering the hospital has just 119 beds. Highlands Hospital, located in Connellsville in my district, provided \$1.2 million in uncompensated care in the year 2000. Highlands has just 87 beds in their facility. This figure constitutes 60 percent of Highland's total losses. Mr. President, this legislation will help small hospitals like Brownsville and Highlands Hospital which need State help to recover some of their debt.

Mr. President, I am also in fear of the fact that if we do not do something and if we do not act responsibly, many hospitals such as Brownsville and Highlands Hospital and many other rural hospitals across the State may be forced to close their doors. I do not think we can afford that. As Pennsylvanians, we cannot afford to see any hospitals close their doors. This is a matter of life and death.

Another program under this legislation, the Hospital Extraordinary Expense Program, would take the leftover 15 percent and reimburse hospitals for expenses incurred for treating those uninsured individuals in extreme cases, such as trauma patients. Both programs serve to help curb the debt of our local hospitals across the Commonwealth. These programs are more important because these grants served as thank you notes, thank

you notes from each and every one of us and from the Commonwealth to our hospitals for not turning their backs on those who are in need, those who simply cannot afford to pay hospital bills and no longer are insured.

Thank you, Mr. President, and I urge a unanimous vote by my colleagues here in the Senate.

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-47

Armstrong	Greenleaf	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	White, Donald
Dent	LaValle	Robbins	White, Mary Jo
Earll	Lemmond	Schwartz	Williams
Fumo	Logan	Stack	Wozniak
Gerlach	Madigan	Stout	

## NAY-0

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

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

**SB 504 (Pr. No. 687)** -- The Senate proceeded to consideration of the bill, entitled:

An Act providing for medical assistance benefits for workers with disabilities; and imposing powers and duties on the Department of Public Welfare.

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

Senator RHOADES. Mr. President, we all realize that the purpose of the tobacco settlement package, part of which we are considering today, and in particular Senate Bill No. 504, is to address critical health care issues in this Commonwealth. The Medical Assistance for Workers with Disabilities Act, Senate Bill No. 504, is a key, important objective part of this whole package. Senate Bill No. 504 will create a program that provides important medical benefits to Pennsylvanians with disabilities, citizens who are most in need of access to affordable, accessible, and quality Medical Assistance. In order to succeed in our mission, we need to provide this low-cost, high-quality resource.

Today I am pleased to say that the vision of providing people with disabilities access to affordable and quality Medical Assistance could soon become a reality. Senate Bill No. 504 would establish that program in the Department of Public Welfare for low-income workers with disabilities to purchase health insurance benefits under the State's Medical Assistance program. It is new, it is unique, it is a start.

Mr. President, the need for the program exists. The resources to fund it are available, and the will to make this vision a reality has never been stronger. Now we can make this happen for Pennsylvania's disabled citizens. Please support Senate Bill No. 504 to make this vision a reality.

Thank you, Mr. President.

The PRESIDENT pro tempore. The Chair recognizes the gentlewoman from Philadelphia, Senator Kitchen.

Senator KITCHEN. Mr. President, I rise to support Senate Bill No. 504. This bill takes care of a special group of people. Oftentimes these people have worked but are unable to work at the present time. They often have some form of income that is just above the Medical Assistance guidelines, but yet they do not have enough to pay for medical insurance.

So, Mr. President, I applaud this legislation. I think that it goes a long way in treating the workers of Pennsylvania in a fair and respectful manner, and I ask all my colleagues to vote for Senate Bill No. 504.

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-47

Armstrong	Greenleaf	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	White, Donald
Dent	LaValle	Robbins	White, Mary Jo
Earll	Lemmond	Schwartz	Williams
Fumo	Logan	Stack	Wozniak
Gerlach	Madigan	Stout	

## NAY-0

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

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

## BILL OVER IN ORDER

**SB 634** -- Without objection, the bill was passed over in its order at the request of Senator BRIGHTBILL.

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

**SB 505 (Pr. No. 798)** -- The Senate proceeded to consideration of the bill, entitled:

An Act establishing regional biotechnology research centers; and providing for powers and duties of the Department of Community and Economic Development and the Department of Health and for funding standards.

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

**BILL AMENDED**

**SB 14 (Pr. No. 735)** -- The Senate proceeded to consideration of the bill, entitled:

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

On the question,  
Will the Senate agree to the bill on second consideration?  
Senator BRIGHTBILL offered the following amendment No. A0870:

Amend Title, page 1, line 1, by striking out "CERTAIN"  
Amend Title, page 1, line 1, by inserting after "CONSUMER": and other  
Amend Sec. 1, page 1, line 6, by striking out "CONSUMER"  
Amend Sec. 6, page 6, line 12, by inserting after "effective": as of  
Amend Sec. 6, page 6, line 14, by striking out "the home equity or other consumer" and inserting: any

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

**POINT OF ORDER**

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

Senator HUGHES. Mr. President, point of order. I do not know if this is appropriate right now, but I understand my ice cream is being eaten, and I need to have an opportunity to interrogate whomever I need to interrogate on that.

The PRESIDENT pro tempore. May we adopt the amendment, Senator?

Senator HUGHES. No, Mr. President. It depends. If my ice cream is being eaten, we have to interrupt the action here.

The PRESIDENT pro tempore. We recognize that.

And the question recurring,  
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**

**SB 35, HB 103, SB 153, SB 154, SB 280, SB 286, SB 330 and SB 372** -- Without objection, the bills were passed over in their order at the request of Senator BRIGHTBILL.

**BILL ON SECOND CONSIDERATION**

**SB 503 (Pr. No. 737)** -- The Senate proceeded to consideration of the bill, entitled:

An Act establishing the adult basic coverage insurance program; and imposing powers and duties on the Insurance Department.

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

**BILL OVER IN ORDER**

**SB 549** -- Without objection, the bill was passed over in its order at the request of Senator BRIGHTBILL.

**BILL ON SECOND CONSIDERATION**

**SB 597 (Pr. No. 634)** -- The Senate proceeded to consideration of the bill, entitled:

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

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

**EXECUTIVE NOMINATIONS****EXECUTIVE SESSION**

Motion was made by Senator ROBBINS,  
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 THE TABLE**

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

The Clerk read the nominations as follows:

**MEMBER OF THE PENNSYLVANIA  
COUNCIL ON AGING**

December 12, 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, Helen-Ann Comstock, 231 South Sixth Street, Philadelphia 19106, Philadelphia County, First Senatorial District, for reappointment as a member of the Pennsylvania Council on Aging, to serve until October 8, 2002, and until her successor is appointed and qualified.

THOMAS J. RIDGE  
Governor

**MEMBER OF THE BOARD OF TRUSTEES  
OF ALLENTOWN STATE HOSPITAL**

January 19, 2001

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, Grant Stevenson, 108 North Sixth Street, Allentown 18101, Lehigh County, Sixteenth Senatorial District, for reappointment as a member of the Board of Trustees of Allentown State Hospital, to serve until the third Tuesday of January 2007, and until his successor is appointed and qualified.

THOMAS J. RIDGE  
Governor

**MEMBER OF THE COUNCIL OF TRUSTEES  
OF EAST STROUDSBURG UNIVERSITY OF  
PENNSYLVANIA OF THE STATE SYSTEM  
OF HIGHER EDUCATION**

March 2, 2001

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 M. Sanko, 2436 North Second Street, Harrisburg 17110, Dauphin County, Fifteenth Senatorial District, for reappointment as a member of the Council of Trustees of East Stroudsburg University of Pennsylvania of the State System of Higher Education, to serve until the third Tuesday of January 2007, and until his successor is appointed and qualified.

THOMAS J. RIDGE  
Governor

**MEMBER OF THE COUNCIL OF TRUSTEES  
OF EAST STROUDSBURG UNIVERSITY OF  
PENNSYLVANIA OF THE STATE SYSTEM  
OF HIGHER EDUCATION**

March 2, 2001

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Robert Willever, 531 Cattrell Street, Easton 18042, Northampton County, Eighteenth Senatorial District, for reappointment as a member of the Council of Trustees of East Stroudsburg University of Pennsylvania of the State System of Higher Education, to serve until the third Tuesday of January 2007, and until his successor is appointed and qualified.

THOMAS J. RIDGE  
Governor

**MEMBER OF THE COUNCIL OF TRUSTEES OF  
EDINBORO UNIVERSITY OF PENNSYLVANIA OF  
THE STATE SYSTEM OF HIGHER EDUCATION**

March 2, 2001

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 Council of Trustees of Edinboro University of Pennsylvania of the State System of Higher Education, to serve until the third Tuesday of January 2007, 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**

January 4, 2001

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 M. Sanko, 2436 North Second Street, Harrisburg 17110, Dauphin County, Fifteenth Senatorial District, for reappointment as a member of the Board of Governors of the State System of Higher Education, to serve until December 31, 2004 and until his successor is appointed and qualified.

THOMAS J. RIDGE  
Governor

**MEMBER OF THE BOARD OF TRUSTEES  
OF NORRISTOWN STATE HOSPITAL**

January 30, 2001

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Bruce L. Castor, Jr., Esquire, 548 Mininger Road, Souderton 18964, Montgomery County, Twenty-fourth Senatorial District, for reappointment as a member of the Board of Trustees of Norristown State Hospital, to serve until the third Tuesday of January 2007, and until his successor is appointed and qualified.

THOMAS J. RIDGE  
Governor

**MEMBER OF THE BOARD OF TRUSTEES  
OF NORRISTOWN STATE HOSPITAL**

January 30, 2001

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Mark W. Ostrander, 1206 Astor



Street, Norristown 19401, Montgomery County, Twenty-fourth Senatorial District, for appointment as a member of the Board of Trustees of Norristown State Hospital, to serve until the third Tuesday of January 2005, and until his successor is appointed and qualified, vice Judith A. Swanson, Pottstown, resigned.

THOMAS J. RIDGE  
Governor

**MEMBER OF THE BOARD OF TRUSTEES  
OF NORRISTOWN STATE HOSPITAL**

January 30, 2001

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 R. Tilson, 405 Norfolk Road, Flourtown 19031, Montgomery County, Twenty-fourth Senatorial District, for appointment as a member of the Board of Trustees of Norristown State Hospital, to serve until the third Tuesday of January 2007, and until his successor is appointed and qualified, vice Mary Ellen Rehman, Spring City, whose term expired.

THOMAS J. RIDGE  
Governor

**MEMBER OF THE STATE BOARD  
OF OSTEOPATHIC MEDICINE**

February 21, 2001

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, Esther F. Richwine (Public Member), 696 South Eighty Second Street, Harrisburg 17111, Dauphin County, Fifteenth Senatorial District, for reappointment as a member of the State Board of Osteopathic Medicine, to serve for a term of four years and until her successor is appointed and qualified, but not longer than six months beyond that period.

THOMAS J. RIDGE  
Governor

**MEMBER OF THE STATE BOARD  
OF PHARMACY**

January 26, 2001

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, Frank A. Rubino, 7836 Lexington Avenue, Philadelphia 19152, Philadelphia County, Fifth Senatorial District, for reappointment as a member of the State Board of Pharmacy, to serve for a term of six years or until his successor is appointed and qualified, but not longer than six months beyond that period.

THOMAS J. RIDGE  
Governor

**MEMBER OF THE STATE BOARD  
OF PSYCHOLOGY**

February 27, 2001

o 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, Stephen Anthony Ragusea, Psy.D., 55 Aloha Street, Port Matilda 16870, Centre County, Thirty-fourth Senatorial District, for appointment as a member of the State Board of Psychology, to serve for a term of four years or until his successor is appointed and qualified, but not longer than six months beyond that period, vice Yvonne E. Keairns, Ph.D., Pittsburgh, whose term expired.

THOMAS J. RIDGE  
Governor

**MEMBER OF THE PUBLIC SCHOOL  
EMPLOYEES' RETIREMENT BOARD**

January 2, 2001

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, The Honorable Thomas Paese, 2518 North Second Street, Harrisburg 17110, Dauphin County, Fifteenth Senatorial District, for appointment as a member of the Public School Employees' Retirement Board, to serve until January 1, 2004 and until his successor is appointed and qualified, vice Samuel Sanzotto, Mechanicsburg, whose term expired.

THOMAS J. RIDGE  
Governor

**MEMBER OF THE STATE BOARD OF CERTIFIED  
REAL ESTATE APPRAISERS**

February 16, 2001

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Robert F. McRae, 1393 Hall Road, West Chester 19380, Chester County, Nineteenth Senatorial District, for appointment as a member of the State Board of Certified Real Estate Appraisers, to serve for a term of four years and until his successor is appointed and qualified, but not longer than six months beyond that period, vice David J. King, Cabot, 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 ROBBINS and were as follows, viz:

**YEA-47**

Armstrong	Greenleaf	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	White, Donald
Dent	LaValle	Robbins	White, Mary Jo
Earll	Lemmond	Schwartz	Williams



Fumo  
Gerlach

Logan  
Madigan

Stack  
Stout

Wozniak

### NAY-0

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

Ordered, That the Governor be informed accordingly.

### EXECUTIVE SESSION RISES

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

The motion was agreed to by voice vote.

### UNFINISHED BUSINESS CONGRATULATORY RESOLUTIONS

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

Congratulations of the Senate were extended to Mr. and Mrs. William S. Sims and to John Brooks by Senator Bell.

Congratulations of the Senate were extended to Robert J. Sule by Senator Boscola.

Congratulations of the Senate were extended to the Network of Victim Assistance of Bucks County by Senator Conti.

Congratulations of the Senate were extended to Mary E. Gormley and to John Norman by Senator Holl.

Congratulations of the Senate were extended to the Brownsville High School Boys' Basketball Team by Senator Kasunic.

Congratulations of the Senate were extended to Mr. and Mrs. Joe Gaynor and to Mr. and Mrs. Lyle Merithew by Senator Lemmond.

Congratulations of the Senate were extended to Deborah Van Horn by Senators Lemmond and Musto.

Congratulations of the Senate were extended to Barry Stiger and to Ann Marie Phillips by Senator Madigan.

Congratulations of the Senate were extended to Scott C. Huntsberger by Senator Mowery.

Congratulations of the Senate were extended to Patrick Sicilio by Senator Musto.

Congratulations of the Senate were extended to Richard Thomas by Senator O'Pake.

Congratulations of the Senate were extended to the Franklin County Farm Bureau by Senator Punt.

Congratulations of the Senate were extended to Sheila Marie Chieves, Geneva Lankford-Blanks and to the Child Abuse Prevention Effort (CAPE) of Philadelphia by Senator Schwartz.

Congratulations of the Senate were extended to Dr. Daniel Haimowitz by Senator Tomlinson.

Congratulations of the Senate were extended to Kimberly Joy Kennedy, Mary Jane Eaton, Courtney Renee Shirey, Timothy Edward Reed, Deanna Henry, Rikki Lynn Baumcratz, Amanda Brison and to the East Butler Baseball Association by Senator M. J. White.

### BILLS ON FIRST CONSIDERATION

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

The motion was agreed to.

The bills were as follows:

SB 1, SB 67, SB 214, SB 485, SB 486, SB 487, SB 592, SB 626, SB 627, SB 635, SB 654, SB 712, SB 713, SB 714, SB 715, SB 716, SB 717, SB 718, SB 719, SB 720, SB 721, SB 722, SB 723, SB 724, SB 725, SB 726, SB 727, SB 728, SB 729, SB 730, SB 731, SB 732, SB 733, SB 734, SB 735, SB 736, SB 737, SB 738, SB 739, SB 740, SB 741, SB 742, SB 743, HB 23, HB 26, HB 27 and HB 279.

And said bills having been considered for the first time,

Ordered, To be printed on the Calendar for second consideration.

**The PRESIDING OFFICER (Jeffrey E. Piccola) in the Chair.**

### PETITIONS AND REMONSTRANCES

The PRESIDING OFFICER. The Chair recognizes the loser first, the gentleman from Centre, Senator Corman.

Senator CORMAN. Thank you, Mr. President, and I appreciate the recognition.

Last week we did have a discussion on the floor of the Senate, the Senator from Philadelphia and I, on the March Madness NCAA Basketball Tournament. My alma mater, the Penn State Nittany Lions, were heading down to Atlanta to take on the Temple Owls. Being a good sport, I wanted to make the match a little more interesting and put up some Creamery ice cream if the Lions could not come through, and as we all, hopefully, watched the game on Friday, we found that Penn State did come up a little bit short in that game.

When I went to get the Creamery ice cream in Penn State and they heard it was going to Philadelphia, it caused somewhat of a riot in State College. Okay, that was poor taste, I know. But when I was trying to choose what flavor to bring to the Senate floor today, some suggested I bring crow-flavored ice cream, and I passed on that. Another recently suggested it should have been rocky road, since Penn State ran into a rocky road in that game, but the gentleman preferred coffee, and I did bring some of that along with me, and the scoops will be on me.

(Applause.)

The PRESIDING OFFICER. The Chair recognizes the gentleman from Temple, Senator Hughes.

Senator HUGHES. Mr. President, it was a wonderful engagement for all Pennsylvanians to watch two of our flagship universities go at it. It was even, obviously, more wonderful for those of us who wound up in the victory column. We are proud of all of Pennsylvania's schools that participated in March Madness, and we are definitely proud of St. Joseph's University, Senator O'Pake's alma mater.

We are clearly proud of Penn State University and the performance that they made, and we believe that this is probably a turning corner for their basketball program, and I mean that in all sincerity. I think that their program has turned the corner. And we are not talking about, Mr. President, programs that just produce athletes, we are talking about a program that produced character individuals, using athletics as the vehicle to develop high-quality people. We know that will be the case with Penn State's basketball program, and we are clearly proud of not only the deserved favorite, but the sentimental favorite of probably everyone in this country, and that is John Chaney and his Temple Owls for the kind of performance they made.

We are so proud that we are going to eat that coffee ice cream. I heard one of my colleagues, I will not mention his name, say as I was coming on to the Senate floor, that ice cream sure is good. There he is, right there. I said, well, I have not had any of it yet. So that caused my great consternation, Mr. President, because I wanted to make sure that I got some of the ice cream, but that we had the opportunity to share it with all. It was a fine time for all of Pennsylvania's citizens.

And we are so proud of our Tastykakes in Philadelphia that we brought three boxes up, even though we won the wager - a box to be shared with everybody here on the Senate floor, a box to be taken back to State College to share with any of the organizations that the Senator sees fit, and a box for the good Senator Corman, so that he can enjoy and remember his fine times in Philadelphia.

So, thank you, Mr. President. Thank you, Senator Corman. It was a great and wonderful treat, and I am going to have some ice cream right now, Mr. President.

(Applause.)

The PRESIDING OFFICER. The Chair would encourage both gentlemen to begin this wagering process earlier next year so that we do not have to wait until March Madness, because we all enjoy all of these treats.

The Chair recognizes the gentleman from Lehigh, Senator Dent.

Senator DENT. Mr. President, while we are on the subject of wagering, I regret to tell the Members I forgot to place a wager with Senator Earll over the recently announced census results. The mayors of Allentown and Erie have had a longstanding debate and wager about what city was larger, Allentown or Erie, and I am quite proud to say that Allentown won that bet and is now larger than Erie. We have more than 106,000 residents. They finally counted all of them. In the case of Erie, they were overcounted, apparently. They lost population, so we are now number three, and Erie is now number four, so I just wanted to make sure my good friend, Senator Earll, knows that. While we are in a gloating mood, I wanted her to be aware of that, and that we are very proud of the fact that we are larger than Erie, appeals notwithstanding. But having said that, I failed to make the wager, and I know the mayor of Allentown expects to collect very soon from the mayor of Erie.

Thank you.

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

Senator O'PAKE. Mr. President, we are all very proud of what Temple University and Penn State did at the March Madness

competition. It certainly reflected credit on the entire State of Pennsylvania to have two Pennsylvania schools go that far. I do want to point out that the St. Joe Hawks beat Temple twice during the regular season. Unfortunately, in the last minute, the number one seed, Stanford, knocked us out of the competition, but the Hawk will never die, and we will be back next year.

The PRESIDING OFFICER. The Chair recognizes the gentleman from Schuylkill, Senator Rhoades.

Senator RHOADES. Mr. President, earlier today I was presented with a newsletter from the Pittsburgh Post-Gazette. Senator Mellow presented it to me, he found it. It is by Cheryl L. Cherico, who is a freelance writer, and I want to read this for the record. It says: (*Reading*)

#### **Judge allows legless coach to stay on the playing field**

PIAA wanted W. Allegheny coach confined to dugout.

It took a court order yesterday to ensure that West Allegheny High School baseball coach Dave Oddi will be on the field Monday when his Indians open their season against Burgettstown.

The Pennsylvania Interscholastic Athletic Association had tried to restrict Oddi, who lost both legs above the knees in a traffic accident in 1993, to the dugout.

The PIAA feared that a hard-hit foul ball down the third-base line, where Oddi stands to wave runners home, might knock him down before he could get his prosthetic legs and crutches moving. Or maybe his crutches would injure a player who overslid the base and crashed into him.

Oddi, 35, who's starting his 11th year as a coach at West Allegheny, pointed out that he'd never been struck by a ball or a player. Nevertheless, the PIAA wanted Oddi to sign a waiver, absolving the association from liability if anyone was hurt.

Oddi and the school district thought that was discriminatory under the federal Americans With Disabilities Act.—**Interesting, we just passed Senate Bill No. 504 that had something to do with disability.**

U.S. District Judge Donald Ziegler settled the matter yesterday,—**that would have been Friday, March 23. This was in March 24**—granting Oddi's request for an injunction to nullify the PIAA's new rule that said any coach or umpire who uses a cane, crutches or a prosthesis was not allowed on the baseball field during a game.

Brad Cashman, executive director of the PIAA, said the agency acted out of concern for the safety of student athletes. "Our position was certainly justified and well intended. But federal law would not support it," Cashman said.

Oddi has used prostheses and crutches since the Continental Baking Co. truck he was driving crashed on a ramp on Interstate 79 and went down an embankment June 21, 1993.

Oddi said he had never sought special treatment from the PIAA and only wanted the governing body to leave things the way they were.

"Basically, they created a rule to try to discriminate against me after I have worked so hard to get where I am," Oddi said yesterday. "You would think they would be proud and applaud my efforts, but instead they want to take it away from me."

"We have gotten what we wanted and I don't think there will be any further discussion in this matter," Oddi's attorney, Paul A. Tershel of Washington, Pa., said after Ziegler's ruling.

PIAA offices in Mechanicsburg were closed yesterday because of the state basketball championships in Hershey. Attempts to reach PIAA officials at the tournament were unsuccessful.--**They should have watched PCN. They had them all on that.**

West Allegheny Superintendent Charles Hughey--**and now here is a superintendent**--said this wasn't the first time the athletic association had tried to keep Oddi in the dugout. In 1999, both the PIAA and the Western Pennsylvania Interscholastic Athletic League said Oddi couldn't coach third base because it was too dangerous.

"We had addressed the issue at that time and felt that we were able to satisfy the PIAA and WPIAL that it was not a safety issue," Hughey said. "We were hoping they would just reissue that same letter allowing him to perform his responsibility."--**Apparently, as I read this, they had allowed him to do this before, just passing in a letter.**

Tershel, West Allegheny's solicitor Bill Andrews and PIAA representatives met yesterday to try to resolve the issue, but they couldn't. Oddi turned to federal court, and Ziegler granted the order without written elaboration.

"I never ask for a change or ask [the PIAA] to rework the fields or the coaches' box for me or anything," said Oddi, who's been head coach for the past five years.--**Now, this happened in 1993. He has been coaching for 11 years. He has been the head coach for the past 5 years, and all of a sudden, now they make some kind of change--**"All I wanted was to coach baseball."

West Allegheny athletic director Dave McBain said he was puzzled by the timing of the rule, which he learned about in a flier handed out at an officials' meeting March 1. He said the rule was not mentioned at a mandatory rules-interpretation meeting the PIAA held in mid-February.

"This was strictly a PIAA rule which is very unique to Pennsylvania and is not shared with the national federation in any other state. It's just mind-boggling to me," McBain said.

I guess I have to say, it is mind-boggling to me too. You know, after 3 years of investigation, after hearings, of trying to explain that this is the kind of attitude that hurts interscholastic athletics, not only the athletes but the coaches, we continue to see the PIAA pulling the same kind of shenanigans they pulled before.

Interestingly, I asked, what was the cost of this litigation? Who paid for it? The PIAA did. Now where did that money come from? It came from the dues of the dues-paying school members. Who pays those dues? I have to say the people who attend the contests. But I have to say the school boards that collect the taxes pay the dues. And that is where it comes down, because they pay for all the athletic materials for everything that goes on.

It is interesting, too, that these rules in mid-February were not brought out until March 1, and the National Federation of High School Athletic Associations does not even have a similar kind of rule. I think the PIAA knows, you know, after 3 years of investigations, we passed legislation here. There is an oversight committee appointed, and yet we still have that same kind of arrogant attitude that exists, that they can do whatever they want to whomever they want, regardless of the situation.

Once more I say to the PIAA, get with it, get into the 21st century, and start to change. You have an oversight you can change for, and if you do not, we can reinstitute this committee, and I will tell you what, we will find a nonprofit that will run it,

that will open it up, not only its mind but its heart, to the young boys and girls and their coaches who exist.

Thank you.

## COMMUNICATIONS FROM THE GOVERNOR

### NOMINATIONS REFERRED TO COMMITTEE

The PRESIDING OFFICER laid before the Senate the following communications in writing from His Excellency, the Governor of the Commonwealth, which were read as follows and referred to the Committee on Rules and Executive Nominations:

#### MEMBER OF THE COUNCIL OF TRUSTEES OF INDIANA UNIVERSITY OF PENNSYLVANIA OF THE STATE SYSTEM OF HIGHER EDUCATION

March 27, 2001

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Robert D. Duggan, 113 Greenview Drive, Indiana 15701, Indiana County, Forty-first Senatorial District, for appointment as a member of the Council of Trustees of Indiana University of Pennsylvania of the State System of Higher Education, to serve until the third Tuesday of January 2007, and until his successor is appointed and qualified, vice The Honorable Kathleen A. Durkin, Monroeville, whose term expired.

THOMAS J. RIDGE  
Governor

#### MEMBER OF THE COUNCIL OF TRUSTEES OF INDIANA UNIVERSITY OF PENNSYLVANIA OF THE STATE SYSTEM OF HIGHER EDUCATION

March 27, 2001

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, Kim Lyttle, 5-C Jenny Lynn Court, Pittsburgh 15239, Allegheny County, Forty-fifth Senatorial District, for reappointment as a member of the Council of Trustees of Indiana University of Pennsylvania of the State System of Higher Education, to serve until the third Tuesday of January 2007, and until his successor is appointed and qualified.

THOMAS J. RIDGE  
Governor

#### MEMBER OF THE COUNCIL OF TRUSTEES OF INDIANA UNIVERSITY OF PENNSYLVANIA OF THE STATE SYSTEM OF HIGHER EDUCATION

March 27, 2001

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 M. Pulte, 7 Hickory Drive, Glen Mills 19342, Delaware County, Ninth Senatorial District, for appointment as a member of the Council of Trustees of Indiana University of Pennsylvania of the State System of Higher Education, to serve until the third Tuesday of January 2007, and until his successor is appointed and qualified, vice Jeffrey L. Brooks, Wexford, whose term expired.

THOMAS J. RIDGE  
Governor

**MEMBER OF THE COUNCIL OF TRUSTEES OF  
INDIANA UNIVERSITY OF PENNSYLVANIA OF  
THE STATE SYSTEM OF HIGHER EDUCATION**

March 27, 2001

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, The Honorable Samuel H. Smith, 211 Dinsmore Avenue, Punxsutawney 15767, Jefferson County, Fortieth Senatorial District, for appointment as a member of the Council of Trustees of Indiana University of Pennsylvania of the State System of Higher Education, to serve until the third Tuesday of January 2007, and until his successor is appointed and qualified, vice The Honorable Patrick J. Stapleton, Indiana, whose term expired.

THOMAS J. RIDGE  
Governor

**MEMBER OF THE COUNCIL OF TRUSTEES OF  
INDIANA UNIVERSITY OF PENNSYLVANIA OF  
THE STATE SYSTEM OF HIGHER EDUCATION**

March 27, 2001

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, Gealy W. Wallwork, 102 Country Club Lane, Kittanning 16201, Armstrong County, Forty-first Senatorial District, for reappointment as a member of the Council of Trustees of Indiana University of Pennsylvania of the State System of Higher Education, to serve until the third Tuesday of January 2007, and until his successor is appointed and qualified.

THOMAS J. RIDGE  
Governor

**JUDGE, COURT OF COMMON PLEAS,  
NORTHAMPTON COUNTY**

March 27, 2001

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Edward G. Smith, Esquire, 5522 Kesslersville Road, Easton 18040, Northampton County, Eighteenth Senatorial District, for appointment as Judge of the Court of Common Pleas of Northampton County, to serve until the first Monday of January 2002, vice The Honorable James C. Hogan, resigned.

THOMAS J. RIDGE  
Governor

**JUDGE, SUPERIOR COURT,  
OF PENNSYLVANIA**

March 27, 2001

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, Gregory E. Dunlap, Esquire, 613 Sweetbriar Drive, Harrisburg 17111, Dauphin County, Fifteenth Senatorial District, for appointment as Judge of the Superior Court of Pennsylvania, to serve until the first Monday of January 2002, vice The Honorable John T.J. Kelly, Jr., mandatory retirement.

THOMAS J. RIDGE  
Governor

**MEMBER OF THE STATE BOARD  
OF OPTOMETRY**

March 27, 2001

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, Jeffrey T. Haste (Public Member), 112 Laurel Glen Court, Harrisburg 17110, Dauphin County, Fifteenth Senatorial District, for appointment as a member of the State Board of Optometry, to serve for a term of four years and until his successor is appointed and qualified, but not longer than six months beyond that period, vice Ronald P. Bushick, Ranshaw, resigned.

THOMAS J. RIDGE  
Governor

**RECALL COMMUNICATION  
REFERRED TO COMMITTEE**

The PRESIDING OFFICER laid before the Senate the following communication in writing from His Excellency, the Governor of the Commonwealth, which was read as follows and referred to the Committee on Rules and Executive Nominations:

**MEMBER OF THE STATE BOARD  
OF OPTOMETRY**

March 27, 2001

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated February 12, 2001 for the appointment of Donna Kriner (Public Member), 6320 Darlington Drive, Harrisburg 17112, Dauphin County, Fifteenth Senatorial District, as a member of the State Board of Optometry, to serve until March 18, 2001 and until her successor is appointed and qualified, but not longer than six months beyond that period, vice Ronald P. Bushick, Ranshaw, resigned.

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

THOMAS J. RIDGE  
Governor

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

BILL REREPORTED FROM COMMITTEE  
AS AMENDED OVER IN ORDER

**SB 507** -- Without objection, the bill was passed over in its order at the request of Senator BRIGHTBILL.

**ANNOUNCEMENTS BY THE SECRETARY**

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

SENATE OF PENNSYLVANIA

COMMITTEE MEETINGS

WEDNESDAY, MARCH 28, 2001

10:30 A.M.	AGING AND YOUTH (to consider Senate Bill No. 300)	Room 461 Main Capitol
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TUESDAY, APRIL 3, 2001

9:00 A.M.	ENVIRONMENTAL RESOURCES AND ENERGY (to consider the nomination of David E. Hess for Secretary of Environmental Protection)	Room 461 Main Capitol
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9:30 A.M.	MILITARY AND VETERANS AFFAIRS (to consider Senate Bill No. 282; and Senate Resolution No. 32)	Room 8E-A East Wing
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1:00 P.M.	EDUCATION (public hearing on Charter Schools)	Room 8E-B East Wing
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WEDNESDAY, APRIL 18, 2001

10:00 A.M.	CONSUMER PROTECTION AND PROFESSIONAL LICENSURE (public hearing on Senate Bill No. 665: Structural Separation) <u>C A N C E L E D</u>	Room 8E-B East Wing
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THURSDAY, APRIL 19, 2001

11:00 A.M.	INTERGOVERNMENTAL AFFAIRS (public hearing on Senate Resolution No. 35)	TBA Bucks Cty
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FRIDAY, MAY 4, 2001

10:00 A.M.	INTERGOVERNMENTAL AFFAIRS (public hearing on Senate Resolution No. 35)	TBA Bucks Cty
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**ADJOURNMENT**

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

Senator BRIGHTBILL. Mr. President, I move that the Senate do now adjourn until Wednesday, March 28, 2001, at 11 a.m., Eastern Standard Time.

The motion was agreed to by voice vote.

The Senate adjourned at 4:15 p.m., Eastern Standard Time.