

COMMONWEALTH OF PENNSYLVANIA  
**Legislative Journal**

MONDAY, APRIL 30, 2001

SESSION OF 2001 185TH OF THE GENERAL ASSEMBLY

No. 26

**SENATE**

MONDAY, April 30, 2001

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

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

**PRAYER**

The Chaplain, Reverend NANCY McCLURE, of Perry Valley Presbyterian Church, Millerstown, offered the following prayer:

Let us pray.

Blessed are You, O God, creator of all that is and ever will be. We bow before You this day at the beginning of this gathering to remember that we are not alone in this life and in this world. Even when we cannot or do not sense Your presence, You are always with us. We know that if we would but open our hearts, our ears, and our eyes, we would see You everywhere. In the smiles of our children, in the hugs of our grandchildren, in the blossoming flowers of spring, You make yourself known.

O God, we ask that You would give these legislators a knowledge of Your will for our State. Let them remember that they are to serve the public trust beyond personal gain or glory. May they do their work in a spirit of wisdom, kindness, and justice. Help them struggle with the tension between what practically can be done and all the needs that the people of our State have. Give them the courage to make difficult choices in a spirit of collegiality and cooperation. Help them, O God, to use the authority they have been given to serve faithfully, always guided by Your principles of love and justice.

We commend to Your care, O God, the Commonwealth of Pennsylvania. May we live in peace and be guided by Your will. Amen.

The PRESIDING OFFICER. The Chair thanks Reverend McClure, who is the guest today of Senator Corman.

**JOURNAL APPROVED**

The PRESIDING OFFICER. A quorum of the Senate being present, the Clerk will read the Journal of the preceding Session of April 25, 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.

**COMMUNICATIONS FROM THE GOVERNOR**

**APPROVAL OF SENATE BILL**

The PRESIDING OFFICER laid before the Senate communication in writing from His Excellency, the Governor of the Commonwealth, advising that the following Senate Bill had been approved and signed by the Governor:

SB 239.

**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 PENNSYLVANIA  
HOUSING FINANCE AGENCY**

April 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, Thomas B. Hagen, 5727 Grubb Road, Erie 16506, Erie County, Forty-ninth Senatorial District, for reappointment as a member of the Pennsylvania Housing Finance Agency, to serve until July 20, 2006 and until his successor is appointed and qualified.

THOMAS J. RIDGE  
Governor

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

April 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, C. Gus Kwidis, Esquire, 237 Greenwood Drive, New Brighton 15066, Beaver County, Forty-seventh Senatorial District, for appointment as Judge of the Court of Common Pleas of Beaver County, to serve until the first Monday of January 2002, vice The Honorable Joseph S. Walko, mandatory retirement.

THOMAS J. RIDGE  
Governor

JUDGE, COURT OF COMMON PLEAS,  
BERKS COUNTY

April 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, Mary Ann Campbell, Esquire, 128 Hawthorne Court, Wyomissing 19610, Berks County, Forty-eighth Senatorial District, for appointment as Judge of the Court of Common Pleas of Berks County, to serve until the first Monday of January 2002, vice The Honorable Elizabeth G. Ehrlich, mandatory retirement.

THOMAS J. RIDGE  
Governor

JUDGE, COURT OF COMMON PLEAS,  
BUTLER COUNTY

April 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, Alexander H. Lindsay, Jr., Esquire, 186 Iron Bridge Road, Sarver 16055, Butler County, Twenty-first Senatorial District, for appointment as Judge of the Court of Common Pleas of Butler County, to serve until the first Monday of January 2002, vice The Honorable Martin J. O'Brien, mandatory retirement.

THOMAS J. RIDGE  
Governor

JUDGE, COURT OF COMMON PLEAS,  
DAUPHIN COUNTY

April 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, Bruce F. Bratton, Esquire, 2024 Haddam Neck Court, Harrisburg 17110, Dauphin County, Fifteenth Senatorial District, for appointment as Judge of the Court of Common Pleas of Dauphin County, to serve until the first Monday of January 2002, vice The Honorable Clarence C. Morrison, mandatory retirement.

THOMAS J. RIDGE  
Governor

JUDGE, COURT OF COMMON PLEAS,  
DELAWARE COUNTY

April 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, Kathrynann W. Durham, Esquire, 16 Pond's View Drive, Glen Mills 19342, Delaware County, Ninth Senatorial District, for appointment as Judge of the Court of Common Pleas of

Delaware County, to serve until the first Monday of January 2002, vice The Honorable R. Barclay Surrick, resigned.

THOMAS J. RIDGE  
Governor

JUDGE, COURT OF COMMON PLEAS,  
MONTGOMERY COUNTY

April 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, Arthur R. Tilson, Esquire, 528 Gwynedd Avenue, Penllyn 19422, Montgomery County, Twelfth Senatorial District, for appointment as Judge of the Court of Common Pleas of Montgomery County, to serve until the first Monday of January 2002, vice The Honorable Marjorie C. Lawrence, resigned.

THOMAS J. RIDGE  
Governor

MEMBER OF THE LACKAWANNA COUNTY  
BOARD OF ASSISTANCE

April 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, Edward M. Bush, Sr. (Republican), 102 Vosburg Lane, Clarks Summit 18411, Lackawanna County, Twenty-second Senatorial District, for reappointment as a member of the Lackawanna County Board of Assistance, to serve until December 31, 2001, and until his successor is appointed and qualified.

THOMAS J. RIDGE  
Governor

MEMBER OF THE LACKAWANNA COUNTY  
BOARD OF ASSISTANCE

April 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, John J. Cerra, Esquire, (Republican), R.R.1, Box 1221, Carbondale 18407, Lackawanna County, Twenty-second Senatorial District, for reappointment as a member of the Lackawanna County Board of Assistance, to serve until December 31, 2001, and until his successor is appointed and qualified.

THOMAS J. RIDGE  
Governor

MEMBER OF THE LACKAWANNA COUNTY  
BOARD OF ASSISTANCE

April 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, Dominick F. Famularo, Ed.D., (Democrat), 45 Garfield Avenue, Carbondale 18407, Lackawanna County, Twenty-second Senatorial District, for appointment as a member of the Lackawanna County Board of Assistance, to serve until December 31, 2004, and until his successor is appointed and qualified, add to complement.

THOMAS J. RIDGE  
Governor

MEMBER OF THE LACKAWANNA COUNTY  
BOARD OF ASSISTANCE

April 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 C. Grecco (Republican), 59 Green Street, Carbondale 18407, Lackawanna County, Twenty-second Senatorial District, for reappointment as a member of the Lackawanna County Board of Assistance, to serve until December 31, 2003, and until his successor is appointed and qualified.

THOMAS J. RIDGE  
Governor

MEMBER OF THE LACKAWANNA COUNTY  
BOARD OF ASSISTANCE

April 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, Terrence J. McDonald (Republican), 1708 Jefferson Avenue, Dunmore 18509, Lackawanna County, Twenty-second Senatorial District, for reappointment as a member of the Lackawanna County Board of Assistance, to serve until December 31, 2002, and until his successor is appointed and qualified.

THOMAS J. RIDGE  
Governor

MEMBER OF THE LACKAWANNA COUNTY  
BOARD OF ASSISTANCE

April 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, George A. Yavorek, Esquire, (Republican), 100 First Street, Eynon 18403, Lackawanna County, Twenty-second Senatorial District, for reappointment as a member of the Lackawanna County Board of Assistance, to serve until December 31, 2002, and until his successor is appointed and qualified.

THOMAS J. RIDGE  
Governor

MEMBER OF THE PENNSYLVANIA BOARD  
OF PROBATION AND PAROLE

April 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, Lloyd A. White, 355 North York Road, Willow Grove 19090, Montgomery County, Twelfth Senatorial District, for appointment as a member of the Pennsylvania Board of Probation and Parole, to serve for a term of six years or until his successor is appointed and qualified, but not longer than ninety days beyond that period, vice Nicholas P. Muller, Mechanicsburg, whose term expired.

THOMAS J. RIDGE  
Governor

MEMBER OF THE BOARD OF TRUSTEES OF  
SCRANTON STATE SCHOOL FOR THE DEAF

April 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, Mahmoud H. Fahmy, Ph.D., Box 441, Valley View Drive, Shrine Acres, Dallas 18612, Luzerne County, Twentieth Senatorial District, for appointment as a member of the Board of Trustees of Scranton State School for the Deaf, to serve until the third Tuesday of January 2005, and until his successor is appointed and qualified, vice Anthony Balducci, Peckville, deceased.

THOMAS J. RIDGE  
Governor

MEMBER OF THE MILK  
MARKETING BOARD

April 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, Barbara Ann Grumbine, 970 Halfway Drive, Myerstown 17067, Lebanon County, Forty-eighth Senatorial District, for appointment as a member of the Milk Marketing Board, to serve for a term of six years and until her successor is appointed and qualified, vice J. Robert Derry, Indiana, whose term expired.

THOMAS J. RIDGE  
Governor

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:

JUDGE, COURT OF COMMON PLEAS,  
BEAVER COUNTY

April 26, 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 January 24, 2001 for the appointment of C. Gus Kwidis, Esquire, 237 Greenwood Drive, New Brighton 15066, Beaver County, Forty-seventh Senatorial District, as Judge of the Court of Common Pleas of Beaver County, to serve until the first Monday of January 2002, vice The Honorable Joseph S. Walko, mandatory retirement.

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

THOMAS J. RIDGE  
Governor

RECALL COMMUNICATIONS  
LAID ON THE TABLE

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 laid on the table:

JUDGE, COURT OF COMMON PLEAS,  
BERKS COUNTY

April 26, 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 January 5, 2001 for the appointment of Mary Ann Campbell, Esquire, 128 Hawthorne Court, Wyomissing 19610, Berks County, Forty-eighth Senatorial District, as Judge of the Court of Common Pleas of Berks County, to serve until the first Monday of January 2002, vice The Honorable Elizabeth G. Ehrlich, mandatory retirement.

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

THOMAS J. RIDGE  
Governor

JUDGE, COURT OF COMMON PLEAS,  
BUTLER COUNTY

April 26, 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 December 22, 2000 for the appointment of Alexander H. Lindsay, Jr., Esquire, 186 Iron Bridge Road, Sarver 16055, Butler County, Twenty-first Senatorial District, as Judge of the Court of Common Pleas of Butler County, to serve until the first Monday of January 2002, vice The Honorable Martin J. O'Brien, mandatory retirement.

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

THOMAS J. RIDGE  
Governor

JUDGE, COURT OF COMMON PLEAS,  
DAUPHIN COUNTY

April 26, 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 January 5, 2001 for the appointment of Bruce F. Bratton, Esquire, 2024 Haddam Neck Court, Harrisburg 17110, Dauphin County, Fifteenth Senatorial District, as Judge of the Court of Common Pleas of Dauphin County, to serve until the first Monday of January 2002, vice The Honorable Clarence C. Morrison, mandatory retirement.

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

THOMAS J. RIDGE  
Governor

JUDGE, COURT OF COMMON PLEAS,  
DELAWARE COUNTY

April 26, 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 January 5, 2001 for the appointment of Kathrynann W. Durham, Esquire, 16 Pond's View Drive, Glen Mills 19342, Delaware County, Ninth Senatorial District, as Judge of the Court of Common Pleas of Delaware County, to serve until the first Monday of January 2002, vice The Honorable R. Barclay Surrick, resigned.

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

THOMAS J. RIDGE  
Governor

JUDGE, COURT OF COMMON PLEAS,  
MONTGOMERY COUNTY

April 26, 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 January 5, 2001 for the appointment of Arthur R. Tilson, Esquire, 528 Gwynedd Avenue, Penllyn 19422, Montgomery County, Twelfth Senatorial District, as Judge of the Court of Common Pleas of Montgomery County, to serve until the first Monday of January 2002, vice The Honorable Marjorie C. Lawrence, resigned.

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

THOMAS J. RIDGE  
Governor

MEMBER OF THE MILK  
MARKETING BOARD

April 30, 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 December 12, 2000 for the appointment of Barbara Ann Grumbine, 970 Halfway Drive, Myerstown 17067, Lebanon County, Forty-eighth Senatorial District, as a member of the Milk Marketing Board, to serve for a term of six years and until her successor is appointed and qualified, vice J. Robert Derry, Indiana, whose term expires *sic*.

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

THOMAS J. RIDGE  
Governor

HOUSE MESSAGES

HOUSE BILLS FOR CONCURRENCE

The Clerk of the House of Representatives presented to the Senate the following bills for concurrence, which were referred to the committees indicated:

April 27, 2001

HB 1176, 1177, 1178, 1180, 1181, 1182 and 1183 -- Committee on Appropriations.

April 30, 2001

HB 1179, 1184, 1185, 1186, 1187, 1188, 1189, 1190, 1191, 1192, 1193, 1194, 1195, 1196, 1197, 1198, 1199, 1200, 1201, 1202, 1203, 1204, 1205, 1206, 1207, 1208, 1209, 1210, 1211, 1212, 1213, 1214 and 1215 -- Committee on Appropriations.

HB 339 and 343 -- Committee on Judiciary.

BILLS INTRODUCED AND REFERRED

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

April 27, 2001

Senators ARMSTRONG, TARTAGLIONE, STOUT, THOMPSON, CORMAN, LAVALLE, M. WHITE, EARLL, ORIE, HELFRICK, O'PAKE, COSTA, SCARNATI, SCHWARTZ, WAUGH, MADIGAN, DENT, GREENLEAF, LEMMOND, PUNT and GERLACH presented to the Chair SB 813, entitled:

An Act amending the act of June 2, 1915 (P.L. 736, No. 338), known as the Workers' Compensation Act, further providing for the discount rate on workers' compensation insurance policies.

Which was committed to the Committee on LABOR AND INDUSTRY, April 27, 2001.

April 30, 2001

Senators PICCOLA, WAUGH and CORMAN presented to the Chair SB 822, entitled:

A Joint Resolution proposing an amendment to the Constitution of the Commonwealth of Pennsylvania, providing for spending limitations on the Commonwealth.

Which was committed to the Committee on FINANCE, April 30, 2001.

Senators LEMMOND, COSTA, CORMAN, SCHWARTZ, BOSCOLA, WAUGH, RHOADES, BODACK, PUNT, TARTAGLIONE, KUKOVICH, FUMO, LAVALLE, O'PAKE, ROBBINS, THOMPSON, BELL, MUSTO, GERLACH and GREENLEAF presented to the Chair SB 824, entitled:

An Act amending the act of November 1, 1971 (P.L. 495, No. 113), entitled, as amended, "An act providing for the compensation of county officers in counties of the second through eighth classes, for compensation of district attorneys in cities and counties of the first class, for compensation of district election officers in all counties, for the disposition of fees, for filing of bonds in certain cases and for duties of certain officers," further providing for the compensation of district election officers.

Which was committed to the Committee on STATE GOVERNMENT, April 30, 2001.

Senators MADIGAN, JUBELIRER, HELFRICK, COSTA, MUSTO, O'PAKE, RHOADES, LEMMOND, KITCHEN and THOMPSON presented to the Chair SB 825, entitled:

An Act amending the act of December 19, 1974 (P.L. 973, No. 319), known as the Pennsylvania Farmland and Forest Land Assessment Act of 1974, providing for payments to certain local taxing authorities to offset assessments reduced under this act.

Which was committed to the Committee on AGRICULTURE AND RURAL AFFAIRS, April 30, 2001.

Senator SCHWARTZ presented to the Chair SB 829, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for restrictions on firearms purchases, for sale or transfer of firearms and for administrative duties of Pennsylvania State Police relating to firearms and other dangerous articles.

Which was committed to the Committee on JUDICIARY, April 30, 2001.

Senators MELLOW, O'PAKE, WAGNER, MUSTO, STOUT, KASUNIC, RHOADES, BODACK, THOMPSON, BOSCOLA, BELL, COSTA, HUGHES, KITCHEN, KUKOVICH, LAVALLE, LOGAN, PUNT, SCHWARTZ, STACK, TARTAGLIONE, WILLIAMS and WOZNIAC presented to the Chair SB 830, entitled:

An Act amending Titles 24 (Education) and 71 (State Government) of the Pennsylvania Consolidated Statutes, providing for retirement eligibility.

Which was committed to the Committee on FINANCE, April 30, 2001.

Senators JUBELIRER, TILGHMAN, BELL, TOMLINSON, WAGNER, THOMPSON, KUKOVICH, SCHWARTZ, WAUGH, MOWERY, D. WHITE, M. WHITE, RHOADES, LEMMOND, ROBBINS, SCARNATI, ERICKSON, LOGAN, BOSCOLA and PUNT presented to the Chair **SB 832**, entitled:

An Act amending the act of February 9, 1999 (P.L.1, No.1), known as the Capital Facilities Debt Enabling Act, further providing for appropriation for and limitation on redevelopment assistance capital projects.

Which was committed to the Committee on FINANCE, April 30, 2001.

Senators LEMMOND, COSTA, SCHWARTZ, M. WHITE, MOWERY, EARLL, BOSCOLA, THOMPSON, ROBBINS, TARTAGLIONE, WAUGH, BELL, MUSTO and STACK presented to the Chair **SB 833**, entitled:

An Act repealing acts relating to enrollment taxes.

Which was committed to the Committee on FINANCE, April 30, 2001.

### APPOINTMENTS BY THE PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The Chair wishes to announce the President pro tempore has made the following appointments:

Senator Lisa M. Boscola as a member of the Advisory Committee of the Department of Health for the Primary Health Care Practitioners Program.

Senator Joe Conti as a member of the Intergovernmental Affairs Committee of the Council of State Governments.

Senator Robert J. Mellow as the alternate member of the Executive Committee of the Eastern Regional Conference of the Council of State Governments.

Senator J. Barry Stout as a member of the Transportation Committee of the Eastern Regional Conference of the Council of State Governments.

### REPORTS FROM COMMITTEE

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

#### **SB 52 (Pr. No. 48) (Rereported)**

An Act requiring the Department of Community and Economic Development to require a certification that a developer has no delinquent municipal taxes within certain taxing districts, outstanding utility bills or any fines or fees owed to the municipality as part of a grant or loan from the department.

#### **SB 137 (Pr. No. 939) (Amended) (Rereported)**

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, providing for regulation of credit card marketing on a college or university campus.

#### **SB 282 (Pr. No. 844) (Rereported)**

An Act amending Title 51 (Military Affairs) of the Pennsylvania Consolidated Statutes, further providing for eligibility for paralyzed veteran's pension.

#### **SB 483 (Pr. No. 503) (Rereported)**

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

#### **SB 654 (Pr. No. 925) (Rereported)**

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 26 (Pr. No. 1749) (Amended) (Rereported)**

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 termination of annuities, 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 103 (Pr. No. 1750) (Amended) (Rereported)**

An Act designating a portion of the Mon/Fayette Expressway, State Route 43, as the J. Barry Stout Expressway; designating a portion of the Mon/Fayette Expressway, State Route 43, as the James J. Manderino Memorial Highway; designating the twin bridges at milepost 45 of the Mon/Fayette Expressway as the Joe Montana Bridges; designating State Route 1077 in Donora Borough and Carroll Township, Washington County, as the Stan Musial Byway; designating a portion of State Route 24 in York County as the 24th Infantry Division Association Highway; designating a bridge on the Mon/Fayette Expressway as the Braddock's Crossing Bridge; designating a portion of the Mon/Fayette Expressway, State Route 43, as the Medal of Honor Highway; designating State Route 65 as the 65th Infantry Division Memorial Highway; designating a certain bridge on State Route 1002 over French Creek in Venango Borough, Crawford County, as the Venango Veterans Memorial Bridge; designating Exit 10 in Harborcreek Township, Erie County, on Interstate 90 as the Trooper Matthew R. Bond Memorial Interchange; designating a portion of U.S. Route 62, Pennsylvania Route 8 in Venango County as the Colonel Francis S. Gabreski Highway; designating a portion of Kittanning Bypass in Armstrong County as the Henry Livengood Memorial Highway; designating a certain bridge on State Route 655 over the Juniata River as the Mapleton Area Veterans Memorial Bridge; designating a certain bridge on Interstate 79 over the Ohio River at Neville Island as the Pittsburgh Naval and Shipbuilders Memorial Bridge 1941-1945; designating the interchange of Interstate 79 and Interstate 90 in Erie County as the Charles D. Buzzanco Interchange; designating a bridge in the Borough of Renovo, Clinton County, as the Pennsylvania Railroad Bridge; designating portions of State highways in Luzerne County as the James A. Musto Bypass; designating a bridge on Interstate Route 476 over the Schuylkill River, Conshohocken Road and State Route 23 in West Conshohocken and Plymouth Townships, Montgomery County, as the Pearl Harbor Memorial Bridge; and designating a portion of Pennsylvania Route 8 in Allegheny County as the Rick Cessar Highway.

#### **HB 153 (Pr. No. 231) (Rereported)**

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for unlawful activities relating to vehicle equipment and for vehicle inspection by police or Commonwealth personnel; and providing for motor carrier safety.

**HB 1176 (Pr. No. 1363)**

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

**HB 1177 (Pr. No. 1364)**

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

**HB 1178 (Pr. No. 1365)**

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

**HB 1180 (Pr. No. 1367)**

An Act making an appropriation from the Public School Employees' Retirement Fund to provide for expenses of the Public School Employees' Retirement Board for the fiscal year July 1, 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.

**HB 1181 (Pr. No. 1368)**

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.

**HB 1182 (Pr. No. 1369)**

An Act making an appropriation from the State Employees' Retirement Fund to provide for expenses of the State Employees' Retirement Board for the fiscal year July 1, 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.

**HB 1183 (Pr. No. 1370)**

An Act making appropriations from the Professional Licensure Augmentation Account and from restricted revenue accounts within the General Fund to the Department of State for use by the Bureau of Professional and Occupational Affairs in support of the professional licensure boards assigned thereto.

**LEGISLATIVE LEAVES**

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

Senator O'PAKE. Mr. President, I request legislative leaves for Senator Bodack, Senator Logan, and Senator Stout, and a temporary Capitol leave for Senator Schwartz.

The PRESIDING OFFICER. Senator O'Pake requests legislative leaves for Senator Bodack, Senator Logan, and Senator Stout, and a temporary Capitol leave for Senator Schwartz. Without objection, those leaves will be granted.

**LEAVE OF ABSENCE**

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

**SENATE CONCURRENT RESOLUTION**

**WEEKLY ADJOURNMENT**

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

In the Senate, April 30, 2001

RESOLVED, (the House of Representatives concurring), That when the Senate adjourns this week it reconvene on Monday, May 7, 2001, unless sooner recalled by the President Pro Tempore of the Senate; and be it further

RESOLVED, That when the House of Representatives adjourns this week it reconvene on Monday, May 7, 2001, unless sooner recalled by the Speaker of the House of Representatives.

On the question,  
Will the Senate adopt the resolution?

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

**YEA-49**

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

**NAY-0**

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

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

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

**SPECIAL ORDER OF BUSINESS  
GUESTS OF SENATOR MARY JO WHITE  
PRESENTED TO THE SENATE**

The PRESIDENT. The Chair recognizes the gentlewoman from Venango, Senator White.

Senator M. J. WHITE. Mr. President, I rise today to introduce some foreign exchange students who are visiting the Senate today. These young people are studying in the 21st Senatorial District and also in Senator Robbins' district in Mercer County.

There are three from the Ukraine: Victoria Popchenko, Juriy Ostashevskiy, and Tonia Vitenko. From Russia we have with us today Elena Evdokinova, and we have a German student who has received a scholarship from the U. S. Congress and the German Bundestag, Julia Gebauer, who is studying at Wilmington High School. They are in the gallery today, and I would like the Senate to welcome them.

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

(Applause.)

#### **GUESTS OF SENATOR ROBERT J. THOMPSON PRESENTED TO THE SENATE**

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

Senator THOMPSON. Mr. President, I, too, have a distinguished constituent in the gallery today. He is a junior at West Chester's B. Reed Henderson High School. As a member of the wrestling team, in front of a crowd of 7,500 at Hersheypark Arena recently, Jermaine Jones became the first wrestler in the history of Chester County to win two Pennsylvania Interscholastic Athletic Association titles. He finished the 2000-01 season with an undefeated record of 37 wins, and has won 61 straight matches over the past 2 years. He has completed a stellar career of 108 wins and 7 losses.

Jermaine would like to study business management when he goes to college. He is the son of Mr. and Mrs. Bruce Jones of West Chester, who are here with him today in the gallery. Also in the gallery with him are Dave Berkes, principal of Henderson High School; Ken McCormick, the athletic director; and Mr. McCormick's son, David, a third grader in the West Chester School District. I ask the Senate to give them its usual warm welcome.

The PRESIDENT. Jermaine, would you please stand, along with your mentors, teachers, and parents.

(Applause.)

The PRESIDENT. We wish you only the best in your studies.

#### **GUESTS OF SENATOR LISA M. BOSCOLA PRESENTED TO THE SENATE**

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

Senator BOSCOLA. Mr. President, I have several guests I would like to introduce here today. One group is from Monroe County and they are here for the Disability Budget Coalition Rally. They are Sal Liccione, Corey Shaffer, J. C. Stryffeler, Dorothy and William Power, Lois Maliko, and Debbie Smith. I would like the Senate to give them its usual warm welcome.

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

(Applause.)

Senator BOSCOLA. Mr. President, I also have two individuals from Bethlehem, Steve Nevarro and Gerald Tanboro, who are both from the Bethlehem Boys' and Girls' Club. Steve is the president and Gerald received the Youth of the Year Award from the Bethlehem Boys' and Girls' Club. Actually, he said to me today he would love to grow up and be a Pennsylvania State

Senator. So I would like the Senate to give them its usual warm welcome.

The PRESIDENT. Would Steve and Gerald please rise so the Senate may welcome you.

(Applause.)

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

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

Senator O'PAKE. Mr. President, if you have been in the East Wing today you saw the exhibits being set up by the Small Business Development Councils throughout the Commonwealth. I think each of our districts is represented there. From my district, representing Kutztown University, we have a group in the gallery. I am not sure who all are still here, but I would like the group from Kutztown University, the Small Business Development Council, to stand up and be recognized by the Senate. They are doing an excellent job, and we appreciate their efforts.

The PRESIDENT. Our guests from Kutztown University are with us and are already standing. Let us welcome them.

(Applause.)

#### **GUEST OF SENATOR STEWART J. GREENLEAF PRESENTED TO THE SENATE**

The PRESIDENT. The Chair recognizes the gentleman from Montgomery, Senator Greenleaf.

Senator GREENLEAF. Mr. President, I rise to have the Senate recognize Kristin Zegers, who is a graduate student at Bryn Mawr College. She graduated from West Chester University and is now pursuing two master's degrees at Bryn Mawr. She has been working for some months now as an intern in both my Harrisburg office and my district office. She has done a wonderful job helping us deal with a variety of issues concerning the Committee on Judiciary. This is her last week, and I just wanted to have her recognized.

The PRESIDENT. Kristin is in the gallery. Would the Senate please acknowledge her efforts with a round of applause.

(Applause.)

#### **GUEST OF SENATOR DAVID J. BRIGHTBILL PRESENTED TO THE SENATE**

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

Senator BRIGHTBILL. Mr. President, I am pleased to be able to introduce a young man from Hamburg, Pennsylvania, Steven Werley, who is serving today as a guest Page. His parents are Thomas and Fay Werley. He is a ninth grade student at Hamburg Area High School. His interests are Ski Club and social studies, and I also know that he has an interest in history. I recommended a book to him, and we are going to send him a quiz in a couple of weeks from now to see if he read it. He is a member of the Boy Scouts of America, a truly fine organization. Would the Senate give Steven its traditional warm welcome.

The PRESIDENT. Steven, would you please rise so the Senate may welcome you.



(Applause.)

**GUESTS OF SENATOR ROBERT J. MELLOW PRESENTED TO THE SENATE**

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

Senator MELLOW. Mr. President, I would like to introduce four people, three first, and then finally a young man who is also going to participate in the Boys' and Girls' Club youth competition tomorrow.

First, Mr. President, I want to introduce Rick Kasavage from the Boys' and Girls' Club, Ann Carol Cooper, and Bob Finch, who is the executive director of the Boys' and Girls' Club of Northeastern Pennsylvania. Those three are all seated over here.

And not that they are not an important introduction, but the important introduction is the young man who is seated right here, Raphael Cooper, and Ann is his mother. Tomorrow he will be participating in the Youth of the Year competition here in Harrisburg. He is an 18-year-old student at Temple University. He is a tremendously gifted individual, both in theater and dance, and I would like to ask Raphael Cooper to stand up so we could acknowledge him. He also participates in the competition tomorrow. Raphael, stand up.

The PRESIDENT. Raphael, thank you for being with us. (Applause.)

**HOUSE MESSAGES**

**SENATE BILL RETURNED WITH AMENDMENTS**

The Clerk of the House of Representatives returned to the Senate **SB 1**, with the information the House has passed the same with amendments in which the concurrence of the Senate is requested.

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

**HOUSE BILL FOR CONCURRENCE**

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

April 30, 2001

**HB 996** -- Committee on Education.

**HOUSE RESOLUTION FOR CONCURRENCE**

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

April 30, 2001

**HR 112** -- Committee on Rules and Executive Nominations.

**RECESS**

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

Senator BRIGHTBILL. Mr. President, I request a recess of the Senate for the purpose of a Republican caucus. We anticipate it not taking longer than an hour or an hour and a half.

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

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

The PRESIDENT. For purposes of Republican and Democratic caucuses, with the intention of returning at approximately 4:15 p.m., without objection, the Senate stands in recess.

**AFTER RECESS**

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

**CALENDAR**

**THIRD CONSIDERATION CALENDAR**

**BILL ON THIRD CONSIDERATION AND FINAL PASSAGE**

**HB 41 (Pr. No. 1714)** -- 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 simple assault.

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

On the question,  
Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution and were as follows, viz:

YEA-49

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

NAY-0

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

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

#### BILLS OVER IN ORDER

**SB 153, SB 154, HB 157, HB 279 and SB 372** -- Without objection, the bills were passed over in their order at the request of Senator BRIGHTBILL.

#### BILL OVER IN ORDER TEMPORARILY

**SB 375** -- Without objection, the bill was passed over in its order temporarily at the request of Senator BRIGHTBILL.

#### BILLS AMENDED

**SB 377 (Pr. No. 736)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of December 22, 1989 (P.L.687, No.90), known as the Mortgage Bankers and Brokers Act, further providing for license requirements and exemptions, for application for license, for licensee requirements, for authority of department or commission and for penalties.

On the question,

Will the Senate agree to the bill on third consideration?

Senator WENGER offered the following amendment No. A1736:

Amend Title, page 1, line 6, by striking out "requirements and"

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.

**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.

On the question,

Will the Senate agree to the bill on third consideration?

Senator MELLOW, on behalf of Senator OPAKE, offered the following amendment No. A0950:

Amend Sec. 1 (Sec. 2306), page 3, lines 15 through 17, by striking out all of said lines and inserting:

(10) An authority pursuant to the act of August 23, 1967 (P.L.251, No.102), known as the "Economic Development Financing Law."

(11) A redevelopment authority pursuant to the act of May 24, 1945 (P.L.991, No.385), known as the "Urban Redevelopment Law."

On the question,

Will the Senate agree to the amendment?

It was agreed to.

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

#### LEGISLATIVE LEAVE CANCELLED

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

Senator MELLOW. Mr. President, I would like to cancel Senator Schwartz's temporary Capitol leave. She is here with us on the floor.

The PRESIDENT. That leave is cancelled.

#### THIRD CONSIDERATION CALENDAR RESUMED

#### BILL AMENDED

**SB 626 (Pr. No. 801)** -- The Senate proceeded to consideration of the bill, entitled:

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.

On the question,

Will the Senate agree to the bill on third consideration?

Senator BRIGHTBILL offered the following amendment No. A1594:

Amend Sec. 1 (Sec. 1), page 2, line 10, by striking out "or his designee"

Amend Sec. 1 (Sec. 1), page 2, line 10, by inserting after "officio": or the designee of the Secretary

Amend Sec. 1 (Sec. 1), page 2, line 11, by striking out "or his designee," and inserting: who shall serve ex-officio or the designee of the Secretary and

Amend Sec. 1 (Sec. 1), page 2, line 14, by striking out ", or his designee"

Amend Sec. 1 (Sec. 1), page 2, line 15, by inserting after "officio": or the designee of the Director

Amend Sec. 1 (Sec. 1), page 2, line 21, by inserting after "given": as provided in 65 Pa.C.S. Ch. 7 (relating to open meetings)

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.

#### SECOND CONSIDERATION CALENDAR

#### BILL OVER IN ORDER

**HB 23** -- Without objection, the bill was passed over in its order at the request of Senator BRIGHTBILL.

## BILLS ON SECOND CONSIDERATION

**HB 59 (Pr. No. 45)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, providing for civil immunity for antidrug and town-watch volunteers.

Considered the second time and agreed to,

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

**HB 62 (Pr. No. 48)** -- The Senate proceeded to consideration of the bill, entitled:

An Act authorizing the Department of General Services, with the approval of the Governor, to grant and convey a tract of land situated in the Borough of Canonsburg, Washington County.

Considered the second time and agreed to,

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

**SB 82 (Pr. No. 923)** -- 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 scattering rubbish.

Considered the second time and agreed to,

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

## BILLS REREFERRED

**HB 91 (Pr. No. 1484)** -- The Senate proceeded to consideration of the bill, entitled:

An Act limiting building permit requirements and property tax reassessment for the rehabilitation of historic homesites; and conferring powers and duties on the Pennsylvania Historical and Museum Commission.

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

**HB 154 (Pr. No. 1670)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, adding definitions; further providing for penalties for persons who violate pedestrian right-of-way in crosswalks; providing for maintenance of certain pedestrian crosswalks and for enforcement of summary offenses in State park and forest lands; and further providing for snowmobiles and all-terrain vehicles.

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

**HB 155 (Pr. No. 1671)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, adding and amending definitions; further providing for registration plates, for licensing of drivers, for driver's license violations, for commercial drivers, for obedience to and effect of traffic laws, for traffic-control devices, for right-of-way, for maximum speed limits, for rights and duties of pedestrians, for fleeing or attempting to elude police officer, for lighting equipment, for equipment of authorized and emergency vehicles, for inspection requirements and for enforcement; authorizing the Attorney General to issue subpoenas for the purpose of investigating gasoline and fuel prices; providing for a shared-ride program for persons with disabilities; and making an appropriation.

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

## BILLS OVER IN ORDER

**SB 212 and SB 214** -- Without objection, the bills were passed over in their order at the request of Senator BRIGHTBILL.

## BILL ON SECOND CONSIDERATION

**SB 230 (Pr. No. 243)** -- The Senate proceeded to consideration of the bill, entitled:

An Act designating December 15 of each year as "Bill of Rights Day."

Considered the second time and agreed to,

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

## BILL AMENDED AND REREFERRED

**SB 242 (Pr. No. 846)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of February 13, 1970 (P.L.19, No.10), entitled "An act enabling certain minors to consent to medical, dental and health services, declaring consent unnecessary under certain circumstances," providing for definitions and for mental health treatment.

On the question,

Will the Senate agree to the bill on second consideration?

Senator MOWERY offered the following amendment No. A1574:

Amend Bill, page 1, lines 8 through 18; pages 2 through 6, lines 1 through 30; page 7, lines 1 through 14, by striking out all of said lines on said pages and inserting

Section 1. The act of February 13, 1970 (P.L.19, No.10), entitled "An act enabling certain minors to consent to medical, dental and health services, declaring consent unnecessary under certain circumstances," is amended by adding sections to read:

Section 1.1. Definitions.--When used in this act, unless the context clearly indicates otherwise:

"Facility" shall mean any mental health establishment, hospital, clinic, institution, center, day-care center, base-service unit, community mental health center, or part thereof, that provides for the diagnosis, treatment, care or rehabilitation of mentally ill persons.

"Inpatient treatment" shall mean all treatment that requires full-time or part-time residence in a facility that provides mental health treatment.

"Mental health treatment" shall mean a course of treatment, including evaluation, diagnosis, therapy and rehabilitation, designed and administered to alleviate an individual's pain and distress and to maximize the probability of recovery from mental illness. The term shall also include care and other services which supplement treatment and aid or promote recovery.

Section 1.2. Mental Health Services.—(a) This section applies to a minor thirteen years of age or older and under eighteen years of age. This section supersedes any contrary provision of the act of July 9, 1976 (P.L.817, No.143), known as the "Mental Health Procedures Act," or any other statute.

(b) A minor may submit himself or herself to mental health treatment and a parent's consent shall not be necessary if the minor:

(1) believes that the minor is in need of mental health treatment; and

(2) understands the nature of mental health treatment.

(c) A parent or guardian or an individual standing in loco parentis to the minor may consent on behalf of the minor and, by that consent, subject the minor to mental health treatment if the parent, guardian or individual believes that the minor is in need of mental health treatment. Action under this subsection shall be deemed action on behalf of the minor, and the minor's consent shall not be necessary.

(d) Consent under subsection (b) may be withdrawn only by the minor. Consent under subsection (c) may be withdrawn only by the individual who subjected the minor to mental health treatment.

(e) Before a person is accepted for mental health treatment, an explanation shall be made to him of such treatment, including the types of treatment in which he may be involved, and any restraints or restrictions to which he may be subject, together with a statement of his rights, including the right to object to treatment by filing a petition with the court.

(f) Nothing in this section shall be construed as restricting or altering a minor's existing rights to consent to treatment on the minor's own behalf.

(g) Nothing in this section shall be construed as restricting or altering a parent's or legal guardian's existing rights to object to a minor's voluntary treatment provided pursuant to the minor's consent on the minor's own behalf.

(h) The parent, guardian or individual retains responsibility for mental health services provided to the minor as would be the case for any other health service under law or contract.

Section 1.3. Outpatient Mental Health Treatment.—(a) This section applies to treatment for a minor thirteen years of age or older and under eighteen years of age. This section supersedes any contrary provision of the act of July 9, 1976 (P.L.817, No.143), known as the "Mental Health Procedures Act," or any other statute.

(1) If a minor consents to outpatient mental health treatment and the parent, guardian or person standing in loco parentis to the minor objects, the parent, guardian or person standing in loco parentis to the minor may petition the court of common pleas of the judicial district where the minor is domiciled for a determination of the minor's need for mental health treatment.

(2) If a parent, guardian or person standing in loco parentis to the minor has consented to outpatient mental health treatment on behalf of the minor and the minor objects, the minor may petition the court of common pleas of the judicial district where the minor is domiciled for a determination of the minor's need for mental health treatment.

(3) The petition shall be heard by the division or a judge of the court assigned to conduct proceedings under the "Mental Health Procedures Act" and may be heard by a mental health review officer or other master, as appointed by the president judge. A minor with mental retardation or drug or alcohol dependency shall receive mental health treatment only if the minor is also diagnosed as mentally ill; but mental retardation and alcohol or drug dependency, of themselves, shall not be deemed to constitute mental illness.

(b) Upon the filing of a petition under subsection (a):

(1) The court shall appoint counsel for the minor.

(2) The court may, upon the request of the petitioner, order the minor who is alleged to exhibit behavior showing a need for mental health treatment to undergo a mental health assessment performed by a psychiatrist or a licensed clinical psychologist. Such assessment shall include a recommended level of care and length of treatment. The court shall hear the testimony of the persons performing the assessment under this paragraph at the hearing on the petition for commitment.

(c) The following shall apply:

(1) Based on the assessment under subsection (a)(2), the court may order the termination, modification or continuation of the minor's mental health treatment. A continuation may not exceed forty-five days.

(2) To make an order under paragraph (1), the court must find all of the following by clear and convincing evidence:

(i) The minor has a diagnosed mental disorder.

(ii) The minor would benefit from mental health treatment.

(iii) The treatment represents the least restrictive alternative that is medically appropriate.

(3) If the court decision is inconsistent with the level of care and length of treatment recommended by the assessment under subsection (a)(2), the court shall set forth in its order a statement of facts and the reason for its disposition.

(4) A minor ordered to undergo treatment due to a determination under subsection (a) shall remain under the treatment designated by the court for a period of forty-five days unless sooner discharged. Prior to the end of the time period of the order, the court shall conduct a review hearing in accordance with this subsection to determine whether to:

(i) release the minor; or

(ii) make a subsequent order for outpatient mental health treatment for a period not to exceed ninety days unless sooner discharged in accordance with paragraphs (1), (2) and (3).

(5) The procedure under paragraph (4) shall be repeated until the court determines to release the minor.

Section 1.4. Inpatient Mental Health Treatment.—(a) This section applies to mental health treatment for a minor thirteen years of age or older and under eighteen years of age. This section supersedes any contrary provision of the act of July 9, 1976 (P.L.817, No.143), known as the "Mental Health Procedures Act," or any other statute.

(b) The following shall apply:

(1) A parent, guardian or person standing in loco parentis may consent to voluntary inpatient treatment, pursuant to Article II of the "Mental Health Procedures Act," on behalf of the minor on the recommendation of a physician who has examined the minor. The minor's consent shall not be necessary.

(2) A minor who has been confined for inpatient treatment on the consent of a parent or guardian and who objects to continued inpatient treatment may file a petition in the court of common pleas in the judicial district in which the minor is confined requesting a withdrawal from or modification of treatment. The court shall promptly appoint an attorney for the minor and schedule a hearing to be held within seventy-two hours, unless continued upon the request of the attorney for the child, by a judge or mental health review officer, who shall determine whether or not the voluntary treatment is in the best interest of the minor. For inpatient treatment to continue against the minor's wishes, the court must find all of the following by clear and convincing evidence:

(i) The minor has a diagnosed mental disorder.

(ii) The minor would benefit from mental health treatment.

(iii) The disorder can be treated in the particular facility where the treatment is taking place.

(iv) The treatment represents the least restrictive alternative that is medically appropriate.

(3) A minor ordered to undergo treatment due to a determination under paragraph (2) shall remain under the treatment designated by the court for a period of twenty days unless sooner discharged. Prior to the end of the time period of the order, the court shall conduct a review hearing in accordance with this subsection to determine whether to:

(i) release the minor; or

(ii) make a subsequent order for inpatient mental health treatment for a period not to exceed sixty days unless sooner discharged in accordance with paragraphs (1) and (2).

(4) The procedure under paragraph (3) shall be repeated until the court determines to release the minor.

Section 1.5. Release of Medical Records.—The individual consenting to treatment of the minor shall also have the authority to consent to the release of the minor's medical records.

Section 1.6. Court Reporting.—Court reporting shall be as follows:

(1) Each court of common pleas shall report annually to the Administrative Office of Pennsylvania Courts the number of:

(i) petitions filed under section 1.3(a);

(ii) minors ordered to be assessed under section 1.3(a)(2);

(iii) minors ordered to undergo inpatient treatment;

(iv) minors ordered to undergo outpatient treatment; and

(v) number of orders for initial and subsequent treatment periods required before each minor is released from:

(A) inpatient treatment; and

(B) outpatient treatment.

(2) The Administrative Office of Pennsylvania Courts shall compile the figures reported under paragraph (1) and report its findings, within sixty days of the receipt of the last report, to the Public Health and Welfare Committee of the Senate and the Health and Human Services Committee of the House of Representatives.

(3) This section shall expire March 1, 2004.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

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

#### BILL ON SECOND CONSIDERATION

**SB 259 (Pr. No. 916)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of May 28, 1995 (1st Sp.Sess., P.L.1009, No.14), known as the DNA Detection of Sexual and Violent Offenders Act, further providing for the definition of "other specified offense" to include the offense of burglary.

Considered the second time and agreed to,

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

#### BILL OVER IN ORDER

**SB 300** -- Without objection, the bill was passed over in its order at the request of Senator BRIGHTBILL.

#### BILLS REREFERRED

**HB 334 (Pr. No. 1071)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, making an editorial change relating to the name of the Organ Donation Awareness Trust Fund; and making an appropriation.

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

**SB 394 (Pr. No. 928)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, further providing for monthly, semi-monthly and quarterly payment of taxes withheld; and providing for the sale or transfer of unused net loss deductions.

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

**SB 396 (Pr. No. 409)** -- The Senate proceeded to consideration of the bill, entitled:

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

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

#### BILLS ON SECOND CONSIDERATION

**HB 407 (Pr. No. 424)** -- The Senate proceeded to consideration of the bill, entitled:

An Act designating the first Monday after February 4 of each year as Rosa Parks Remembrance Day.

Considered the second time and agreed to,

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

**HB 421 (Pr. No. 979)** -- The Senate proceeded to consideration of the bill, entitled:

An Act authorizing the Department of General Services, with the approval of the Governor, to grant and convey to the Bedford Cemetery Association, certain lands situate in the Township of Bedford, County of Bedford.

Considered the second time and agreed to,

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

#### BILL REREFERRED

**SB 491 (Pr. No. 518)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, further providing for personal income tax definitions.

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

#### BILL ON SECOND CONSIDERATION

**SB 508 (Pr. No. 850)** -- The Senate proceeded to consideration of the bill, entitled:

An Act designating a portion of U.S. Route 1 in Chester County as the John H. Ware III Memorial Highway.

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

#### BILL OVER IN ORDER

**SB 572** -- Without objection, the bill was passed over in its order at the request of Senator BRIGHTBILL.

#### BILLS ON SECOND CONSIDERATION

**SB 607 (Pr. No. 927)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of November 1, 1971 (P.L.495, No.113), entitled, as amended, "An act providing for the compensation of county officers in counties of the second through eighth classes, for compensation of district attorneys in cities and counties of the first class, for compensation of district election officers in all counties, for the disposition of fees, for filing of bonds in certain cases and for duties of certain officers," further providing for the compensation of clerks of election and machine operators; and making a repeal.

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

**HB 678 (Pr. No. 751)** -- The Senate proceeded to consideration of the bill, entitled:

An Act designating the dam known as the Fabridam, between Sunbury, Northumberland County, and Shamokin Dam, Snyder County, as the Adam T. Bower Memorial Dam.

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

#### BILLS REREFERRED

**SB 696 (Pr. No. 929)** -- The Senate proceeded to consideration of the bill, 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.

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

**SB 751 (Pr. No. 823)** -- The Senate proceeded to consideration of the bill, entitled:

An Act providing for a program to promote economic development in downtown areas; establishing the Discover Pennsylvania's Downtowns program; further providing for duties of the Department of Community and Economic Development; and making an appropriation.

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

#### BILL OVER IN ORDER

**SB 770** -- Without objection, the bill was passed over in its order at the request of Senator BRIGHTBILL.

#### BILLS REREFERRED

**SB 807 (Pr. No. 902)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of November 24, 1998 (P.L.882, No.111), known as the Crime Victims Act, further providing for definitions, for responsibilities of State and local law enforcement agencies and for powers and duties of bureau; amending provisions relating to compensation; and further providing for establishment of basic services for victims of crime.

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

**SB 810 (Pr. No. 904)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 74 (Transportation) of the Pennsylvania Consolidated Statutes, further defining "local transportation organization."

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

**SB 814 (Pr. No. 905)** -- The Senate proceeded to consideration of the bill, entitled:

An Act requiring host municipality agreements for certain municipal and residual waste facilities; and establishing transportation and safety requirements, including a fee and registration for vehicles that collect and transport municipal and residual waste to certain municipal and residual waste disposal and processing facilities.

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

#### SPECIAL ORDER OF BUSINESS ANNOUNCEMENTS BY THE SECRETARY

The SECRETARY. Consent has been given for the Committee on Education to meet off the floor during today's Session to consider House Bill No. 996; also the Committee on Rules and Executive Nominations to consider Senate Resolutions No. 30 and 65, House Resolution No. 112, and certain nominations.

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

### ANNOUNCEMENT BY THE MAJORITY LEADER

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

Senator BRIGHTBILL. Mr. President, as a Special Order of Business, if we could turn to Petitions and Remonstrances.

In addition, I request a meeting of the Committee on Education in the Rules room and then a meeting of the Committee on Rules and Executive Nominations off the floor, and perhaps we could do both of those contemporaneously.

The PRESIDING OFFICER. There will be an immediate meeting of the Senate Committee on Education, followed by an immediate meeting of the Senate Committee on Rules and Executive Nominations.

### SENATE RESOLUTION ADOPTED

Senators KITCHEN, MELLOW, CONTI, TARTAGLIONE, STACK, HUGHES, KUKOVICH, FUMO and WILLIAMS, by unanimous consent, offered **Senate Resolution No. 69**, entitled:

A Resolution honoring the memory of Leon Howard Sullivan, pastor, community activist, humanitarian and international leader.

On the question,  
Will the Senate adopt the resolution?

The PRESIDING OFFICER. The Chair recognizes the gentlewoman from Philadelphia, Senator Kitchen.

Senator KITCHEN. Mr. President, my remarks and our Senate resolution honor a great man who left us on April 24. Reverend Sullivan was 78 and was a champion of the people for more than five decades. A retired minister from Zion Baptist Church in Philadelphia, Pennsylvania, Reverend Sullivan's dynamic style and ability to move mountains and corporations earned him the nickname of "The Lion from Zion."

Reverend Sullivan was the first African-American on the board of directors of the General Motors Corporation and is the author of "Moving Mountains: The Principles and Purposes of Leon Sullivan." He was born in Charleston, West Virginia, in 1922 and married Grace Banks in 1944.

In 1964, he founded the Opportunities Industrialization Centers of America and OIC International, a skills training program devised to train people of all races, ages, and gender. Since its beginning, OIC has provided skills training to over 3 million people toward the goals of gainful employment and business creation with billions of dollars added to the economies of the world. To date, there are more than 75 training facilities in America and 17 countries in Africa, and OIC is one of the world's largest nonprofit training organizations. Of all of Reverend Sullivan's accomplishments, OIC remained the closest to his heart.

In 1977, Reverend Sullivan formulated what has become known as his legacy, the "Sullivan Principles," a set of ethical directives that called for equitable treatment and promoted South African workers. These guidelines were instrumental in the abolishment of apartheid in South Africa. At the fifth African-African Summit in Accra, Ghana, Reverend Sullivan announced

the expansion of the original Sullivan Principles to the Global Sullivan Principles for corporate social responsibility. These guidelines enforce fair employment practices around the world, and hundreds of corporations and city governments worldwide have signed on to date.

In 1983, Reverend Sullivan founded the International Foundation for Education and Self-Help. The foundation is a nonprofit organization set up to train 100,000 skilled workers, 100,000 newly developed farmers, and 5 million people in literacy. The foundation operates programs such as Teachers for Africa, SOS, which is school supplies for the children of Africa, the African-African American Summit, the Self-Help Investment Program, the Angola Training Center, and other activities.

In 1991, Reverend Sullivan created the African-African American Summit, which brings American corporations, business leaders, and heads of state together with African leaders to discuss political, economical, educational, and social development of the African continent. At the 1999 summit in Accra, Ghana, Reverend Sullivan announced the Peoples Investment Fund for Africa, the goal of which is to address the critical need for grassroots economic development by supporting self-help, micro-finance initiatives to provide additional capital base for African small business clients, thereby helping to create job opportunities and alleviate poverty in Africa.

In 1963, Life Magazine cited Reverend Sullivan as one of the 100 Outstanding Young Adults in the United States. In 1992, he was awarded the Presidential Medal of Freedom by President Bush. In 1999, he received the Notre Dame Award, awarded to people who have achieved international recognition for the contribution of the welfare of humanity, and in December 1999, he received the Eleanor Roosevelt Award from President Bill Clinton.

Thank you, Mr. President.

The PRESIDING OFFICER. The Chair recognizes the gentleman from Bucks, Senator Conti.

Senator CONTI. Mr. President, I am honored to follow my colleague from Philadelphia in recognizing and saying a few words about a man whom I did not know personally but I certainly admired for much of my life, Reverend Leon Sullivan. He was known by Presidents, he was known by world leaders. He was certainly known by the heads of international corporations. But more importantly, he was known by common everyday people across the Commonwealth and certainly in the city of Philadelphia. Ask the folks in Philadelphia who Leon Sullivan was, and they will know. Ask the people in Washington, D.C., who Leon Sullivan was, and they will know. And certainly ask the folks in South Africa who Leon Sullivan was, and they also will know.

He may have started his life poor, Mr. President, but he was filled with a spiritual wealth that we could only hope for. He was an advocate for the poor, a defender for the politically disenfranchised, and when it came to race relations, he was a true visionary, not just in the United States but all across the world. He was in fact the very definition of grassroots action. Whether he was tending to his congregation, Zion Baptist in Philadelphia, or taking on multinational corporations, he got involved and got others involved also.

It is fitting that the prior speaker reflected on the Sullivan Principles, which really helped put an end to apartheid. They were conceived in 1977, and apartheid ended in 1993. And from the news article that was written over the weekend in the Philadelphia Inquirer, it reminded us that Reverend Sullivan was actually chastised for the nature of his principles initially, but boy, he certainly turned out to be a visionary when it was he who recognized the economic principles involved in helping to end apartheid by bringing to all the corporations that did business in South Africa the same principles of equality and benefits for all who worked there. I think he was so important to putting an end to apartheid in 1993. Certainly his job training programs were way ahead of their time, and something we could all emulate also.

In the end, Leon Sullivan was a preacher first and foremost, and like all good preachers, he was interested in building people up rather than tearing them down. When it came to helping others, when it came to organizing the best individuals, but most importantly when it came to overcoming difficult circumstances and finding the good in things when there was not much good to find, he was relentless, and he could not be stopped.

Now that he is gone, his successes are really too many to mention today, he will stand forever as a testament to the greatness as the man who was referred to as the "Lion from Zion." He was a giant of a man, tall in stature and tall in spirit. He was an inspiration to countless individuals, myself included, and affected the lives of many more who never knew him. But as I said, Mr. President, we knew him and respected him.

Thank you, Mr. President.

And the question recurring,

Will the Senate adopt the resolution?

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

### ANNOUNCEMENT BY THE PRESIDING OFFICER

The PRESIDING OFFICER. There will be an immediate meeting of the Committee on Rules and Executive Nominations in the Rules room. All members of the Committee on Rules and Executive Nominations will please report to the Rules room.

### PETITIONS AND REMONSTRANCES

The PRESIDING OFFICER. The Chair recognizes the gentleman from Allegheny, Senator Wagner.

Senator WAGNER. Mr. President, last week I supported Senate Resolution No. 35, which was sponsored by Senator Conti, myself, and many other Members of the Senate. That resolution passed unanimously in this body, very quickly without discussion, and I thought it was important, Mr. President, to stand today and speak in regard to that resolution because it is a very, very important item.

That resolution, Mr. President, asks the Pennsylvania Department of Environmental Protection to submit a formal request to the U.S. Department of Environmental Protection Agency, EPA, to exempt Pennsylvania from the liquid fuels oxygen content requirement in gasoline that we use in our

automobiles. Mr. President, this is a mandate placed on Pennsylvania as part of the United States Clean Air Act passed a number of years ago. This requirement of using MTBE, methyl tertiary butyl ether, as an additive to gasoline is causing serious problems with our water in Pennsylvania and in many other States across this country. In attempting to clean our air, we are finding out that we are polluting our water, especially our groundwater, in southeastern Pennsylvania and also in western Pennsylvania and in the central portion of Pennsylvania.

Two weeks ago, Mr. President, on April 19, the Senate Committee on Intergovernmental Affairs held a public hearing in Doylestown, Pennsylvania. This committee, chaired by Senator Conti and Minority chair Senator Stack, had an excellent hearing held in Senator Conti's senatorial district. Citizens, gas station owners, municipal officials, affected homeowners, the oil industry itself, and the Department of Environmental Protection all testified at the hearing in regard to this growing problem in our environment related to water. Ironically enough, the United States Environmental Protection Agency was invited but was absent from that hearing. I personally want to thank Senator Conti for inviting me to that hearing, even though I am not part of that committee, due to my concern in regard to offering a similar resolution in the previous legislative Session, which also passed the Senate unanimously, asking the Federal government to do something about this problem.

Mr. President, MTBE, again, an additive to gasoline, is in groundwater and is making drinking water supplies undrinkable due to its undesirable taste and odor of the water. Unlike other compounds in gasoline, MTBE dissolves and spreads quickly in groundwater. MTBE does not degrade easily, and it is difficult and costly to remove it from groundwater. At higher levels it poses a risk to the health of human beings. The health effects of ingesting or inhaling MTBE range from headaches to dizziness to asthma, kidney disease, central nervous system disorders, and even cancer at higher doses. Residents of several Bucks County communities where MTBE has been found contaminating drinking water have reported the disappearance of even wildlife in certain areas. One family wonders whether MTBE might be related to their daughter's learning disability, and another to stomach problems of a child less than 5 years old.

Other States, in addition to Pennsylvania, such as New Jersey and New York, have already begun phasing out and banning MTBE in gasoline to prevent it from getting into the water systems. The Environmental Protection Agency announced last year that it would ask Congress to end the oxygenated gas requirement that resulted in increased levels of MTBE in our gasoline. There is evidence, Mr. President, that the Federal government knew of this problem long ago, back in 1987, that MTBE was seeping into water supplies in at least four States in our country. So this problem is not a new problem, Mr. President. It has been going on for quite some time, and is the reason why we are here today talking about it.

But, Mr. President, we need to act now in regard to MTBE. We need the Department of Environmental Protection here in Pennsylvania, our own department, to put MTBE at a higher level on their radar screen. We need to urge Congress and the Federal government to ban the use of MTBE, a known carcinogen in lab animals. The government created this problem



when it required an oxygenated additive to gasoline. We, meaning State government, and especially the Federal government, have to solve the problem by taking it out of gasoline. As one at the public hearing so aptly testified that day, next to the air we breathe, the most important thing in our lives is the water that we consume.

Mr. President, I am not convinced that our department at the State level is as committed as some of us in the General Assembly to addressing this problem, and that is the reason why I stand up here today, to put it on the public record that I would like to see an aggressive approach taken by the Commonwealth of Pennsylvania in a lobbying effort at the Federal level in Washington with EPA and with Congress to correct this problem. At the public hearing we had Congressman Greenwood testify, and he indicated that he was trying to address the problem, but there was a strong lobbying effort in Washington for MTBE to be used as an additive. Therefore, we need a strong counter-lobbying effort from State governments to get this additive out of gasoline.

Mr. President, I stand to talk about this problem because I believe it is becoming a crisis in our Commonwealth, a crisis that we have to address. And it is very, very important that we all put it at a higher level, because we know as more gasoline is used in our automobiles, there is a greater potential of it leaking into water systems, which is precisely what is happening, and as that happens we are actually polluting our water systems in Pennsylvania - groundwater, water in lakes and reservoirs, water that we use for cooking our food and drinking and even washing our clothes. So, Mr. President, I stand to urge the Commonwealth, the administration, and Members of the General Assembly to do whatever we can to address this problem.

I thank you, Mr. President, for the opportunity and Senator Conti for having a public hearing in regard to this issue. Thank you.

**The PRESIDING OFFICER (Noah W. Wenger) in the Chair.**

The PRESIDING OFFICER. The Chair recognizes the gentleman from Bucks, Senator Conti.

Senator CONTI. Mr. President, thank you to my colleague from Allegheny County for those very kind remarks on the hearing we had on this very important issue. It has been my pleasure to work with the Senator from Allegheny County on this issue. He has really taken the lead on this in prior Sessions, so we stand side by side in a bipartisan fashion. I also wish to re-emphasize his thoughts about the EPA not testifying. We were all very disappointed in that, but I will join with my colleague from Allegheny County and all the Senators in the Chamber in working with our Department of Environmental Protection as we take this fight to Washington to try to make a difference on the oxygenate mandate, as he articulated.

So I rise to thank the gentleman and also to say that our work now moves from Harrisburg to Washington, and we will not rest until we work on this very important issue to ensure that we all have safe drinking water here in the Commonwealth of Pennsylvania.

Thank you, Mr. President.

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

Senator MELLOW. Mr. President, I have petitions of a speech that I would like to give, but perhaps Senator Brightbill would like to conclude activities on the floor and then I would be only too happy to make the speech afterwards.

**CONSIDERATION OF CALENDAR RESUMED**

**SB 375 CALLED UP**

**SB 375 (Pr. No. 236)** -- Without objection, the bill, which previously went over in its order temporarily, was called up, from page 2 of the Third Consideration Calendar, by Senator BRIGHTBILL.

**BILL AMENDED**

**SB 375 (Pr. No. 236)** -- The Senate proceeded to consideration of the bill, entitled:

An Act authorizing the maintenance and operation of multipurpose service centers for displaced homemakers and single parents; and providing for powers and duties of the Department of Education.

On the question,

Will the Senate agree to the bill on third consideration?

Senator MELLOW offered the following amendment No. A1762:

Amend Sec. 2, page 2, line 4, by striking out "or"  
Amend Sec. 3, page 2, line 20, by inserting after "and": be  
Amend Sec. 3, page 3, line 4, by inserting after "effect": for one year following approval

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

Amend Sec. 4, page 3, line 20, by striking out "which" and inserting: that

Amend Sec. 4, page 3, line 26, by striking out "Job" and inserting: Provide job

Amend Sec. 4, page 4, line 5, by inserting after "sources": including

Amend Sec. 4, page 4, line 6, by striking out "Develop" and inserting: Developing

Amend Sec. 4, page 4, line 9, by striking out "Financial" and inserting: Providing financial

Amend Sec. 4, page 4, line 14, by striking out "Assist" and inserting: Assisting

Amend Sec. 4, page 4, line 17, by striking out "shall be provided"

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.

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

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

MEMBER OF THE STATE BOARD  
OF EDUCATION

April 24, 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 December 12, 2000 for the appointment of Frederick J. Hartwigsen, 6 Devonshire Square, Mechanicsburg 17055, Cumberland County, Thirty-first Senatorial District, as a member of the State Board of Education, to serve until October 1, 2004 or until his successor is appointed and qualified, vice Earl H. Horton, Landisville, whose term expired.

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

THOMAS J. RIDGE  
Governor

JUDGE, COURT OF COMMON PLEAS,  
BEAVER COUNTY

April 26, 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 January 24, 2001 for the appointment of C. Gus Kwidis, Esquire, 237 Greenwood Drive, New Brighton 15066, Beaver County, Forty-seventh Senatorial District, as Judge of the Court of Common Pleas of Beaver County, to serve until the first Monday of January 2002, vice The Honorable Joseph S. Walko, mandatory retirement.

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

THOMAS J. RIDGE  
Governor

JUDGE, COURT OF COMMON PLEAS,  
BERKS COUNTY

April 26, 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 January 5, 2001 for the appointment of Mary Ann Campbell, Esquire, 128 Hawthorne Court, Wyomissing 19610, Berks County, Forty-eighth Senatorial District, as Judge of the Court of Common Pleas of Berks County, to serve until the first Monday of January 2002, vice The Honorable Elizabeth G. Ehrlich, mandatory retirement.

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

THOMAS J. RIDGE  
Governor

JUDGE, COURT OF COMMON PLEAS,  
BUTLER COUNTY

April 26, 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 December 22, 2000 for the appointment of Alexander H. Lindsay, Jr., Esquire, 186 Iron Bridge Road, Sarver 16055, Butler County, Twenty-first Senatorial District, as Judge of the Court of Common Pleas of Butler County, to serve until the first Monday of January 2002, vice The Honorable Martin J. O'Brien, mandatory retirement.

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

THOMAS J. RIDGE  
Governor

JUDGE, COURT OF COMMON PLEAS,  
DAUPHIN COUNTY

April 26, 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 January 5, 2001 for the appointment of Bruce F. Bratton, Esquire, 2024 Haddam Neck Court, Harrisburg 17110, Dauphin County, Fifteenth Senatorial District, as Judge of the Court of Common Pleas of Dauphin County, to serve until the first Monday of January 2002, vice The Honorable Clarence C. Morrison, mandatory retirement.

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

THOMAS J. RIDGE  
Governor

JUDGE, COURT OF COMMON PLEAS,  
DELAWARE COUNTY

April 26, 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 January 5, 2001 for the appointment of Kathrynann W. Durham, Esquire, 16 Pond's View Drive, Glen Mills 19342, Delaware County, Ninth Senatorial District, as Judge of the Court of Common Pleas of Delaware County, to serve until the first Monday of January 2002, vice The Honorable R. Barclay Surrick, resigned.

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

THOMAS J. RIDGE  
Governor

JUDGE, COURT OF COMMON PLEAS,  
MONTGOMERY COUNTY

April 26, 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 January 5, 2001 for the appointment of Arthur R. Tilson, Esquire, 528 Gwynedd Avenue, Penllyn 19422, Montgomery County, Twelfth

Senatorial District, as Judge of the Court of Common Pleas of Montgomery County, to serve until the first Monday of January 2002, vice The Honorable Marjorie C. Lawrence, resigned.

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

THOMAS J. RIDGE  
Governor

MEMBER OF THE MILK  
MARKETING BOARD

April 30, 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 December 12, 2000 for the appointment of Barbara Ann Grumbine, 970 Halfway Drive, Myerstown 17067, Lebanon County, Forty-eighth Senatorial District, as a member of the Milk Marketing Board, to serve for a term of six years and until her successor is appointed and qualified, vice J. Robert Derry, Indiana, whose term expire *[sic]*.

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

THOMAS J. RIDGE  
Governor

MEMBER OF THE STATE BOARD OF EXAMINERS  
OF NURSING HOME ADMINISTRATORS

April 24, 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 December 13, 2000 for the appointment *[sic]* of Frederick D. Kessler, Esquire, 43 Market Street, Lewisburg 17837, Union County, Twenty-seventh Senatorial District, as a member of the State Board of Examiners of Nursing Home Administrators, 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.

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

THOMAS J. RIDGE  
Governor

**NOMINATIONS RETURNED TO THE GOVERNOR**

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

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

The PRESIDING OFFICER. The nominations will be returned to the Governor.

**REPORT FROM COMMITTEE ON  
RULES AND EXECUTIVE NOMINATIONS**

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

MEMBER OF THE COUNCIL OF TRUSTEES OF  
BLOOMSBURG UNIVERSITY OF PENNSYLVANIA  
OF THE STATE SYSTEM OF HIGHER EDUCATION

April 11, 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, Ramona H. Alley, 311 Foundryville Road, Berwick 18603, Columbia County, Twenty-seventh Senatorial District, for reappointment as a member of the Council of Trustees of Bloomsburg University of Pennsylvania of the State System of Higher Education, to serve until the third Tuesday of January 2007, and until her successor is appointed and qualified.

THOMAS J. RIDGE  
Governor

MEMBER OF THE COUNCIL OF TRUSTEES OF  
BLOOMSBURG UNIVERSITY OF PENNSYLVANIA  
OF THE STATE SYSTEM OF HIGHER EDUCATION

April 11, 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, Richard F. Beierschmitt, 508 West Third Street, Mt. Carmel 17851, Northumberland County, Twenty-seventh Senatorial District, for appointment as a member of the Council of Trustees of Bloomsburg 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 David J. Cope, Hydetown, whose term expired.

THOMAS J. RIDGE  
Governor

MEMBER OF THE CHILDREN'S  
TRUST FUND BOARD

April 10, 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, Walter H. Smith, Jr., Ph.D., 407 Shelbourne Drive, Pittsburgh 15239, Allegheny County, Forty-fifth Senatorial District, for appointment as a member of the Children's Trust

Fund Board, to serve for a term of three years and until his successor is appointed and qualified, vice Thomas W. Fitch, Ridgway, whose term expired.

THOMAS J. RIDGE  
Governor

MEMBER OF THE BOARD OF TRUSTEES OF  
CLARKS SUMMIT STATE HOSPITAL

April 12, 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, Wanda T. Neyman, 813 Lincoln Street, Dickson City 18519, Lackawanna County, Twenty-second Senatorial District, for reappointment as a member of the Board of Trustees of Clarks Summit State Hospital, to serve until the third Tuesday of January 2007, and until her 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

April 11, 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, Virginia Lancaster McGarvey, 5191 Jordan Road, Erie 16510, Erie County, Forty-ninth Senatorial District, for appointment 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 2003, and until her successor is appointed and qualified, vice Frank J. Jakovac, Gibsonia, resigned.

THOMAS J. RIDGE  
Governor

MEMBER OF THE STATE HARNESS  
RACING COMMISSION

April 9, 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 Roy W. Wilt, 262 Leech Road, Greenville 16125, Mercer County, Fiftieth Senatorial District, for reappointment as a member of the State Harness Racing Commission, to serve for a term of three years and until his successor is appointed and qualified, but not longer than six months beyond that period.

THOMAS J. RIDGE  
Governor

MEMBER OF THE COUNCIL OF TRUSTEES OF  
LOCK HAVEN UNIVERSITY OF PENNSYLVANIA  
OF THE STATE SYSTEM OF HIGHER EDUCATION

April 6, 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, Chris B. Dwyer, RD 2, Box 119, Mill Hall 17751, Clinton County, Thirty-fourth Senatorial District, for appointment as a member of the Council of Trustees of Lock Haven 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 Karen R. Rockey, Lock Haven, whose term expired.

THOMAS J. RIDGE  
Governor

MEMBER OF THE COUNCIL OF TRUSTEES OF  
LOCK HAVEN UNIVERSITY OF PENNSYLVANIA  
OF THE STATE SYSTEM OF HIGHER EDUCATION

April 6, 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, Donald L. Faulkner, Esquire, 333 North Vespers Street, Lock Haven 17745, Clinton County, Thirty-fourth Senatorial District, for reappointment as a member of the Council of Trustees of Lock Haven 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  
MANSFIELD UNIVERSITY OF PENNSYLVANIA  
OF THE STATE SYSTEM OF HIGHER EDUCATION

April 6, 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, Lewis B. Lee, RD 2, Box 251B, Thompson 18465, Susquehanna County, Twentieth Senatorial District, for reappointment as a member of the Council of Trustees of Mansfield University of Pennsylvania of the State System of Higher Education, to serve until the third Tuesday of January 2007, and until his successor is appointed and qualified.

THOMAS J. RIDGE  
Governor

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

April 6, 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, Craig G. Litchfield, 33 West Avenue, Wellsboro 16901, Tioga County, Twenty-third Senatorial District, for reappointment as a member of the Council of Trustees of Mansfield University of Pennsylvania of the State System of Higher Education, to serve until the third Tuesday of January 2007, and until his successor is appointed and qualified.

THOMAS J. RIDGE  
Governor

MEMBER OF THE BOARD OF TRUSTEES OF  
SCRANTON STATE SCHOOL FOR THE DEAF

April 12, 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, Alphonzo Fazio, 234 South Apple Street, Dunmore 18504, Lackawanna County, Twenty-second Senatorial District, for appointment as a member of the Board of Trustees of Scranton State[sic: data missing] for the Deaf, to serve until the third Tuesday of January 2007, and until his successor is appointed and qualified, vice William T. Moran, Jr., Lake Ariel, resigned.

THOMAS J. RIDGE  
Governor

MEMBER OF THE BOARD OF TRUSTEES OF  
THADDEUS STEVENS COLLEGE OF TECHNOLOGY

February 15, 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 C. Aho, 331 Carter Moir Drive, Lancaster 17601, Lancaster County, Thirteenth Senatorial District, for reappointment as a member of the Board of Trustees of Thaddeus Stevens College of Technology, to serve until the third Tuesday of January 2007, and until his successor is appointed and qualified.

THOMAS J. RIDGE  
Governor

MEMBER OF THE LUZERNE COUNTY  
BOARD OF ASSISTANCE

April 11, 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, Richard A. Alley, M.D., (Republican), RD 1, Lauren Run Road, Trailwood 18702, Luzerne County, Fourteenth Senatorial District, for appointment as a member of the Luzerne County Board of Assistance, to serve until December 31, 2001, and until his successor is appointed and qualified, vice Ann Marie C. Adonizio, Pittstown Township, whose term expired.

THOMAS J. RIDGE  
Governor

MEMBER OF THE LUZERNE COUNTY  
BOARD OF ASSISTANCE

April 11, 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, Sandra S. Piccone, (Republican), 149 James Street, Kingston 18704, Luzerne County, Twentieth Senatorial District, for reappointment as a member of the Luzerne County Board of Assistance, to serve until December 31, 2001, and until her successor is appointed and qualified.

THOMAS J. RIDGE  
Governor

MEMBER OF THE LUZERNE COUNTY  
BOARD OF ASSISTANCE

April 11, 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, Joseph M. Salvo, (Republican), 1050 Sheffield Road, Shavertown 18708, Luzerne County, Twentieth Senatorial District, for reappointment as a member of the Luzerne County Board of Assistance, to serve until December 31, 2002, and until his successor is appointed and qualified.

THOMAS J. RIDGE  
Governor

**NOMINATIONS LAID ON THE TABLE**

Senator ROBBINS. Mr. President, I request that the nominations just read by the Clerk be laid on the table.

The PRESIDING OFFICER. The nominations will be laid on the table.

**EXECUTIVE NOMINATION**

**EXECUTIVE SESSION**

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

Which was agreed to by voice vote.

**NOMINATION TAKEN FROM TABLE**

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

The Clerk read the nomination as follows:

MEMBER OF THE STATE TAX  
EQUALIZATION BOARD

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, Gloria Vannucci Goldy, 275 Blossom Hill Drive, Lancaster 17601, Lancaster County, Thirteenth Senatorial District, for appointment as a member of the State Tax Equalization Board, to serve until November 14, 2003, or until her successor is appointed and qualified, vice Charles H. Dougherty, Philadelphia, declined appointment.

THOMAS J. RIDGE  
Governor

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

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

YEA-49

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

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  
RESOLUTIONS REPORTED FROM  
COMMITTEE**

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

**SR 30 (Pr. No. 552)**

A Resolution designating the month of May 2001 as "Teen Pregnancy Prevention Month" in Pennsylvania.

**SR 65 (Pr. No. 940)**

A Resolution designating May 2001 as "Stroke Awareness Month" in Pennsylvania.

**HR 112 (Pr. No.1260)**

A Concurrent Resolution designating April 24, 2001, as "Pennsylvania's Day of Remembrance of the Armenian Genocide of 1915-1923."

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

**REPORT FROM COMMITTEE**

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

**HB 996 (Pr. No. 1755) (Amended)**

An Act authorizing payments to certain entities for the purchase of automatic external defibrillators; providing for powers and duties of the Department of Education; requiring certain training; and providing for civil immunity for certain users of automated external defibrillators.

**CONGRATULATORY RESOLUTIONS**

The PRESIDING OFFICER 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. Thomas Purcell by Senator Armstrong.

Congratulations of the Senate were extended to Mr. and Mrs. Peter Stanilla, John Achey, Jacob Wagner, Rory Sweeney, Zachary Cook and to John Moser by Senator Brightbill.

Congratulations of the Senate were extended to Mr. and Mrs. Joe Bentz and to The Honorable James C. Greenwood by Senator Conti.

Congratulations of the Senate were extended to T. David Filson by Senator Corman.

Congratulations of the Senate were extended to Timothy McLaughlin by Senators Fumo and Stack.

Congratulations of the Senate were extended to Edith B. Tascione by Senator Gerlach.

Congratulations of the Senate were extended to Christopher Engart by Senator Greenleaf.

Congratulations of the Senate were extended to Zachary Lawrence Miller, Nathan P. Ulrich, Benjamin Matthew Stanley, Jesse James Monroe and to the Kulpmont Lions Ladies Club by Senator Helfrick.

Congratulations of the Senate were extended to Mr. and Mrs. Eugene F. McKinney, Mr. and Mrs. Walter G. Lingenfelter and to Mr. and Mrs. Durwood Hatch by Senator Jubelirer.

Congratulations of the Senate were extended to Mr. and Mrs. Bruno Prutz by Senator Kasunic.

Congratulations of the Senate were extended to Dr. Dennis Clawson and to the members of the 258th Engineer Combat Battalion by Senator Kukovich.

Congratulations of the Senate were extended to Edwin D. Hill by Senator LaValle.

Congratulations of the Senate were extended to Mr. and Mrs. Abdiel Phillips, Jr., George Everhart and to Frank DuRoss by Senator Lemmond.

Congratulations of the Senate were extended to James B. Moyer, Jr., by Senator Logan.

Congratulations of the Senate were extended to Dr. and Mrs. Elmer C. Morrow by Senator Madigan.

Congratulations of the Senate were extended to Thomas E. Lehman by Senator Mowery.

Congratulations of the Senate were extended to Andrew Austin, Philip Kirby and to the Honorable Donald Belles by Senator Musto.

Congratulations of the Senate were extended to Industrial Plywood, Incorporated, of Reading by Senator O'Pake.

Congratulations of the Senate were extended to Kenneth Fulton, Virginia Fallon, Helena G. Hughes, Kevin E. Shields, Justin F. Gerle, Wes Blaha, Scott Alan Molnar, Paul A. Hughes, Sally A. Shamalla and to Carson Middle School Chapter of the Family, Career and Community Leaders of America, by Senator Orie.

Congratulations of the Senate were extended to Kimberly Walters, Michelle Bumbaugh and to Nancy Malinosky by Senator Punt.

Congratulations of the Senate were extended to the Chester County Board of County Commissioners by Senators Thompson, Gerlach, and Bell.

Congratulations of the Senate were extended to Abby Stamelman Hocky by Senator Tilghman.

Congratulations of the Senate were extended to Lenniece Crosby, Anthony Joseph LaFleur and to Bethany Buckwalter by Senator Waugh.

Congratulations of the Senate were extended to Brent Michael Howard and to Velma McPherson by Senator D. White.

Congratulations of the Senate were extended to John and Kathy Allen and to Joseph Samuel Smith by Senator M. J. White.

Congratulations of the Senate were extended to Jenny Frankowski by Senator Wozniak.

### BILLS ON FIRST CONSIDERATION

Senator PICCOLA. 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:

**HB 996, HB 1176, HB 1177, HB 1178, HB 1180, HB 1181, HB 1182 and HB 1183.**

And said bills having been considered for the first time,  
Ordered, To be printed on the Calendar for second consideration.

### PETITIONS AND REMONSTRANCES (Continued)

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

Senator MELLOW. Mr. President, there is no doubt in my mind that the people of Pennsylvania are truly concerned about the economic prosperity and the potential downturn which could affect the economy and their livelihoods. Their anxieties, Mr. President, are further compounded by incidents such as the massive layoffs in the district that I represent at the Corning Plant in Benton Township, Lackawanna County, during these past 3 months. Executive and company officials, Mr. President, came in like gangbusters last year. They made lofty projections and boasted of their ability to provide life-sustaining jobs and wages for nearly 2,000 residents of northeastern Pennsylvania.

They stood at a news conference in September of the year 2000, some 7 months ago, with ear-to-ear broad smiles, excited about the future of northeastern Pennsylvania and what they could do for our people. They stood, Mr. President, along with the Governor and my Congressman, Don Sherwood, who has expressed his surprise and dismay and disappointment about the news that followed. These are the same people, Mr. President, who brought in experts who researched and determined that they could pay workers in my district less than they could pay the same workers in other parts of the Commonwealth.

Mr. President, Corning also received over \$9.5 million in loans, grants, and tax credits from the State, all at the expense of the Pennsylvania taxpayers. But what do we, the Commonwealth of Pennsylvania, have to show for it? Very little, Mr. President, or perhaps nothing at all, unless you count the 400 people being sent home without a job to 400 families in northeastern Pennsylvania who looked forward to a steady paycheck and benefits. That is 400 more people today, Mr. President, who are looking for a job. What is even more insulting about the incident is that some people left previous employment to be part of something bigger, something more promising for their future and for the future of their families.

Corning, Mr. President, came to Benton Township in Lackawanna County last year, with the promise of providing 2,500 jobs by the year 2003 to the people of northeastern Pennsylvania, but when you looked at the long faces of those walking out of the plant last week holding a pink slip, you must wonder how many more jobs and how many more people who work for Corning might be let go. Mr. President, nearly 150 people were let go last Thursday from this new Corning announcement of the plant back in September. That is in addition to the 250 people who were released by Corning in early March of this year, for a total of 400 people who have been let go from this facility.

One New York analyst predicts a recovery next year, but is uncertain as to when exactly that recovery will take place. That same analyst, Mr. President, was quoted in the Scranton Times, and I quote, "A lot of people missed the boat on this one," meaning a lot of people were not accurate on the Corning announcement. But we cannot afford, Mr. President, to keep missing the boat in Pennsylvania. This is especially true, and we continue to provide millions upon millions of tax dollars on tax breaks and incentives to companies that cannot properly forecast their own future.

This incident at Corning is devastating, not just for the 400 families, but to a community and to an area which already has had its share of economic challenges. Supporting large tax cuts for the wealthy and big corporations, Mr. President, is no guarantee that working people in Pennsylvania will be treated properly. We need to do our homework. We can no longer count on rosy predictions and figures put out by company executives or company public relations wizards to tell us how things will be in a year or 2 years right here in Pennsylvania, and how they are going to make our life better by taking our tax dollars and expanding in Pennsylvania when in fact, Mr. President, they do not and have not held up to their part of the bargain.

Our biggest concern should always be with the workers. Job security is a significant worry for the people of Pennsylvania.

Even the most optimistic workers in our Commonwealth are worried about their jobs, a part of our work force. We should shift our emphasis in this Commonwealth, Mr. President, from creating large tax cuts to providing a sound, long-term investment approach for economic development for all.

The fallout from the Corning layoffs should remind us of our priority. And, Mr. President, that priority should always be that we place the economic security of the workers of Pennsylvania and the families of the people of Pennsylvania as the most important thing that we ever deal with in dealing with companies that want to tell us that they are going to do such a great job for Pennsylvania and take our money and then not live up to their obligation. In this particular case, Mr. President, an announcement that was made in September, some 7 months ago, where \$9.5 million of Pennsylvania tax dollars was given to a company with a promise that they would employ 2,500 people by the year 2003, has gone awry. Four hundred people have been laid off from the 600 that had been employed initially. God only knows when those other 200 jobs will be done away with.

And, Mr. President, we should always be mindful that the most important security of our economy that we have is to guarantee the proper security to our workers and to Pennsylvania families.

Thank you very much.

The PRESIDING OFFICER. The Chair recognizes the gentlewoman from Northampton, Senator Boscola.

Senator BOSCOLA. Mr. President, I rise to echo the remarks of our Democratic Leader. You know, the nightly news, if you watch it, is filled with uncertainty about our economy and what it all means to investors on Wall Street. But what about the working families who live on our streets? Who cares about those 400 workers in Senator Mellow's district who lost their jobs? We do, Mr. President. I am a member of the Democratic Party, and I am proud to be a Democrat. Democrats care about those 400 men and women who have lost their jobs.

These are 400 families who are already feeling the pinch. They are paying mortgages and car loans. They are feeling the pinch from the high cost of prescription drugs, rising property taxes, while all along trying to save for their child's education, which they believe is beyond their reach, too. These working families do not want to hear about corporate tax cuts and making Pennsylvania's business climate right.

Over the last 7 years that I have been in this legislature, we have cut business taxes every single year, and still we are at the bottom rung of job creation in this State. These families, they want to work hard. They want to work hard at a job that will provide for their families. We as Democrats understand that. We understand the needs of working families, and I think most people would agree with us that it is just not right to give \$9 million in State funds to one large corporation and then allow that company to give 400 pink slips to working men and women. That is just not right, Mr. President.

Thank you.

The PRESIDING OFFICER. The Chair recognizes the gentleman from Dauphin, Senator Piccola.

Senator PICCOLA. Mr. President, I would like to just briefly respond to the gentleman and the lady concerning the issues that were raised with the layoffs at the Corning plant in northeastern

Pennsylvania. I certainly share the concern and the sense of tragedy that is associated any time when that number of men and women are laid off from jobs. It certainly is not something we want to see here in Pennsylvania, and I think that it is certainly appropriate to express our concern and our dedication to improve the situation if we can with regard to those kinds of events.

I do not want it to be said, however, that such a concern is only a concern of the Democratic Party. It certainly is also a concern of the Republican Party, and I think that one of the best ways to address those kinds of concerns across the board is to make sure that this Commonwealth is a friendly place in which to do business, a place where the taxes for businesses are as low as possible, a place where regulatory oversight is kept at an absolute minimum, a place where employers feel that the Commonwealth is a friendly place, a partner in the enterprise as opposed to an adversary.

I do not know anything in particular about these layoffs in northeastern Pennsylvania. I do share the concern of the lady and the gentleman that we should take note of them and to make sure that the same kinds of circumstances certainly do not repeat themselves. But, Mr. President, I do not want it to be believed from the remarks on the floor that this is a concern that is only shared by one party.

Thank you, Mr. President.

The PRESIDING OFFICER. The Chair recognizes the gentleman from Allegheny, Senator Wagner.

Senator WAGNER. Mr. President, I rise to talk about the same issue, an issue that we discussed and our Democratic Leader brought up in our caucus today and we discussed for quite a bit of time. I also want to add my comments and my concerns about those 400 people in Lackawanna County who lost their jobs at a company that received millions of dollars from State government, and it is my understanding that they were State loans, State grants, and tax cuts. And I think it is important to talk about it.

Those 400 working men and women, Mr. President, are not in an economic slowdown. Those 400 men and women are in an unemployment line, and they are in that unemployment line because the company made a false promise. It took \$9 million in State funding that was supposed to be used to create jobs. Instead, a false hope was presented, and 400 people do not have those jobs. That does not seem like, sound like, or is sound economic policy. Mr. President, we should at least ask for our \$9 million back and maybe take the building that was built and supposed to be utilized for those 400 workers and apply it to another company that could put those 400 workers to work. We should take that money and retrain those 400 laid-off workers for new jobs, and possibly still return some dollars to the State Treasury. In my rough math, Mr. President, that \$9 million with 400 workers, we could have about \$20,000 per worker for retraining, if we were to get the \$9 million back.

It is obvious, Mr. President, that we need to be more proactive in really addressing the economic concerns of those 400 people - 400 lives, 400 families. For years we have heard the Majority party criticize this party for just throwing money at some problems. Well, maybe it works in the opposite way this time, that we are standing up and saying that something needs to be done to make sure that those 400 families have some hope. There



needs to be a focus to either retrain the workers, get back the money, get back the plant, but obviously to address the problem, and that is basically all we are talking about.

Thank you, Mr. President.

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

Senator MELLOW. Mr. President, I appreciate the comments that were made by especially Senator Boscola and Senator Wagner, and also by Senator Piccola. But I must tell you that it is very disheartening, extremely disheartening to look at a company the size of Corning, which is not an abc.com that just came alive based on Internet stock over the past several years to make projections that unfortunately were not valid projections.

Mr. President, there was so much hope back in September, and I do not know whether it was just coincidental, but it was just several months before the general election, and there was so much hope back at that particular date that northeastern Pennsylvania would benefit from a major corporation, establishing a new product line that would locate in Lackawanna County in Benton Township, and they would employ 2,500 people by the year 2003, which means in 2 years we would have 2,500 people in northeastern Pennsylvania who are not working in this particular industry who would be working in a 2-year period of time. We were further promised, Mr. President, that these would be family-sustaining positions, where they would pay enough money where the wage earner in a family could go to work, the spouse could stay home and take care of the family, and that person could provide the proper type of living that that family so badly needs and so badly deserves.

It is hard for me to understand, Mr. President, how 150 layoffs took place last Thursday and 250 layoffs took place just in the previous month of March, and that was only 6 months after the announcement had been made that this company was going to locate this operation in northeastern Pennsylvania and hire 2,500 people. It is not hard for me to understand how this company benefitted to the tune of \$9.5 million, and as Senator Wagner mentioned, various grants and loans and various types of training programs. I believe that it is incumbent on their part immediately to return that money to the Commonwealth of Pennsylvania and to the taxpayers.

Mr. President, just recently I took a ride near the facility that is under construction, and if you drive by the facility, it is the former plant of a company that existed a few years ago that is no longer in existence. Corning took over the operation of that facility, and they have converted this into a major construction development in the building of a facility, but why are they going to build a facility for 2,500 people, when there is a good chance that nobody is going to be working there, not even the current 200 people who are employed at Corning today? It is highly unfortunate what took place, because people in the district that I represent who for entirely too long, Mr. President, have been riding in the back of the bus, that they have been trying for many, many years to shed, basically shed the image of being a coal cracker, because many people down here have referred to me, oh, you come from the region where there are coal crackers and slate pickers. I am sure, Mr. President, in some point that might have been said in jest, but sometimes there is a lot of truth said in jest, and there is a lot of hurt when people have such great promise for

the future and such great vision for what can take place so that they can keep their educated children right there at home where they can marry and raise a family and continue to grow and prosper.

A lot of people, Mr. President, have been misled and I want to say deceived by the action of what took place with Corning, and it is unfortunate that it has taken place. It is not something that I enjoy doing on the floor of this Senate here this afternoon or this evening, because I would never want anything that I am saying here to be interpreted by some executives from Corning to say that if they have an opportunity of doing something in northeastern Pennsylvania that they will not now do it because their hand was called on what has taken place in Benton. But there must be voices in this General Assembly who are going to speak out for those people who cannot speak out for themselves. They have elected us to come here to Harrisburg to do the right thing by them, Mr. President, and to try to give them a better tomorrow.

The point that must be made is this: That just because we give billions and billions and billions of dollars of tax cuts to the largest of large corporations and to the wealthiest of the wealthy people in Pennsylvania, that does not mean that they are in turn coming back to Pennsylvania and to provide for the proper type of employment of our 12.3 or 12.4 million people who live here. And I, for one, who have served in this body for a number of years, am extremely upset about what is taking place here, and I think it is reprehensible that that \$9.5 million is not in a check back to the State coffers today. It should be given from Corning back to the Commonwealth of Pennsylvania with the understanding that when it comes to the day and time when they are going to live up to their promise of September of the year 2000, of 2,500 jobs in place by the year 2003, then we will cooperate with them and we will give them the grants and give them the loans, and we will provide for the proper type of job training for the people who must be trained to handle this new operation. And until then, I honestly believe that the executives of Corning in New York State owe the people of Pennsylvania an apology and an explanation, and I am not sure what should come first.

Thank you.

#### **BILL INTRODUCED AND REFERRED**

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

April 30, 2001

Senators WENGER, WAUGH, MADIGAN, COSTA, SCHWARTZ, TARTAGLIONE, M. WHITE, O'PAKE, BOSCOLA, SCARNATI, ROBBINS, THOMPSON, CORMAN, RHOADES, LEMMOND and STACK presented to the Chair **SB 816**, entitled:

An Act amending Titles 18 (Crimes and Offenses) and 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, providing for assaults with biological agents on animals.

Which was committed to the Committee on AGRICULTURE AND RURAL AFFAIRS, April 30, 2001.

### RESOLUTION INTRODUCED AND REFERRED

The PRESIDING OFFICER laid before the Senate the following Senate Resolution numbered, entitled, and referred as follows, which was read by the Clerk:

April 30, 2001

Senators MURPHY, MOWERY, WENGER, HELFRICK, THOMPSON, GREENLEAF, LAVALLE, MUSTO, TOMLINSON, KUKOVICH, ARMSTRONG, ERICKSON, ORIE, COSTA, TILGHMAN, ROBBINS, LEMMOND, D. WHITE, DENT, WAUGH, WAGNER, TARTAGLIONE, O'PAKE, SCHWARTZ, BOSCOLA, KITCHEN, LOGAN and EARLL presented to the Chair **SR 65**, entitled:

A Resolution designating May 2001 as "Stroke Awareness Month" in Pennsylvania.

Which was committed to the Committee on RULES AND EXECUTIVE NOMINATIONS, April 30, 2001.

### ANNOUNCEMENTS BY THE SECRETARY

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

#### SENATE OF PENNSYLVANIA

#### COMMITTEE MEETINGS

TUESDAY, MAY 1, 2001

|            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                          |
|------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|
| 9:00 A.M.  | AGRICULTURE AND RURAL AFFAIRS (public informational meeting on stray voltage and federal agricultural issues; and a committee meeting to consider Senate Bills No. 793 and 816)                                                                                                                                                                                                                                                                                                                           | Majority Caucus Rm.      |
| 10:30 A.M. | URBAN AFFAIRS AND HOUSING (to consider Senate Bill No. 787 and House Bill No. 52)                                                                                                                                                                                                                                                                                                                                                                                                                         | Room 461<br>Main Capitol |
| 11:00 A.M. | LOCAL GOVERNMENT (to consider Senate Bills No. 218, 219, 220, 765, 766, 767, 768 and 780; and House Bills No. 61 and 193)                                                                                                                                                                                                                                                                                                                                                                                 | Room 8E-B<br>East Wing   |
| 11:30 A.M. | JUDICIARY (public hearing and committee meeting to consider the following nominations: Bruce F. Bratton, Esq., Court of Common Pleas, Dauphin County; Kathrynann W. Durham, Esq., Court of Common Pleas, Delaware County; C. Gus Kwidis, Esq., Court of Common Pleas, Beaver County; Alexander H. Lindsay, Jr., Esq., Court of Common Pleas, Butler County; and Robert A. Mazzoni, Esq., Court of Common Pleas, Lackawanna County; and a committee meeting to consider Senate Bills No. 221, 406 and 655) | Room 8E-B<br>East Wing   |

FRIDAY, MAY 4, 2001

|            |                                                                                               |                   |
|------------|-----------------------------------------------------------------------------------------------|-------------------|
| 10:00 A.M. | INTERGOVERNMENTAL AFFAIRS (public hearing on Senate Resolution No. 35) <u>C A N C E L E D</u> | TBA<br>Pittsburgh |
|------------|-----------------------------------------------------------------------------------------------|-------------------|

MONDAY, MAY 7, 2001

|            |                                                     |                        |
|------------|-----------------------------------------------------|------------------------|
| 11:00 A.M. | LOCAL GOVERNMENT (public hearing on eminent domain) | Room 8E-A<br>East Wing |
|------------|-----------------------------------------------------|------------------------|

### ADJOURNMENT

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

Senator PICCOLA. Mr. President, I move that the Senate do now adjourn until Tuesday, May 1, 2001, at 1 p.m., Eastern Daylight Saving Time.

The motion was agreed to by voice vote.

The Senate adjourned at 6:25 p.m., Eastern Daylight Saving Time.