

COMMONWEALTH OF PENNSYLVANIA

# Legislative Journal

MONDAY, MAY 7, 2001

SESSION OF 2001 185TH OF THE GENERAL ASSEMBLY

No. 29

## SENATE

MONDAY, May 7, 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 DIANE FAUNTLEROY, of Deliverance Evangelist Church, Philadelphia, offered the following prayer:

Praise the Lord. Shall we stand. Bow our heads in reverence to the Lord.

Lord, we thank You, we praise You, we glorify You. Father, we magnify Your name. Lord, we thank You for allowing us to live to see another day. We thank You for watching over us during the night and keeping us from all hurt, harm, and danger. We thank You for watching over our families. Lord, we thank You for everything You have done for us and what You are doing and what You are going to do for us.

Father, we ask You right now to just bless everyone who is represented here today. Bless those who are on their way. Give them traveling mercy in the name of Jesus. God, we thank You right now for what we are going to accomplish today. Let us come together, God, and bring about the business at hand. Lord, You are glorified. Let us disagree. If there are any disagreements, let us be not disagreeable. And we thank You and we praise You and glorify You, because nobody is worthy but You. In Jesus' name. Amen.

The PRESIDING OFFICER. The Chair thanks Reverend Fauntleroy, who is the guest today of Senator Kitchen.

### JOURNAL APPROVED

The PRESIDING OFFICER. A quorum of the Senate being present, the Clerk will read the Journal of the preceding Session of May 2, 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

### 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 BOARD OF CLAIMS

May 2, 2001

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, John R. McCarty, 137 Robin Street, North Versailles 15137, Allegheny County, Forty-fifth Senatorial District, for appointment as a member of the Board of Claims, to serve until November 15, 2008 and until his successor is appointed and qualified, vice James W. Harris, Mechanicsburg, whose term expired.

THOMAS J. RIDGE  
Governor

#### JUDGE, SUPERIOR COURT, OF PENNSYLVANIA

May 2, 2001

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Sandra Stoner, Esquire, 1516 Pine Hollow Road, Harrisburg 17109, Dauphin County, Fifteenth Senatorial District, as Judge of the Superior Court of Pennsylvania, to serve until the first Monday of January 2002, vice The Honorable Zoran Popovich, mandatory retirement.

THOMAS J. RIDGE  
Governor

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

May 2, 2001

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Anthony J. McFadden, 4607 Pearson Street, Philadelphia 19114, Philadelphia County, Fifth Senatorial District, for appointment as a member of the Municipal Police Officers' Education and Training Commission, to serve until February 21, 2002 and until his successor is appointed and qualified, vice Frederick D. Engle, Jr., Harrisburg, resigned.

THOMAS J. RIDGE  
Governor

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

May 2, 2001

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Frederick D. Kessler, Esquire, 43 Market Street, Lewisburg 17837, Union County, Twenty-seventh Senatorial District, for reappointment as a member of the State Board of Examiners of Nursing Home Administrators, to serve for a term of four years and until his successor is appointed and qualified, but not longer than six months beyond that period.

THOMAS J. RIDGE  
Governor

**PROTHONOTARY, CLERK OF COURTS,  
UNION COUNTY**

May 2, 2001

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Stephanie Moore, 40 Red Barberry Drive, Etters 17319, York County, Thirty-first Senatorial District, for appointment as Prothonotary and Clerk of Courts, in and for the County of Union, to serve until the first Monday of January 2002, vice The Honorable Dianne B. Lynch, resigned.

THOMAS J. RIDGE  
Governor

**MEMBER OF THE PENNSYLVANIA CANCER  
CONTROL, PREVENTION AND  
RESEARCH ADVISORY BOARD**

May 4, 2001

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Rodrigue Mortel, M.D., 1229 Sand Hill Road, Hummelstown 17036, Dauphin County, Fifteenth Senatorial District, for reappointment as a member of the Pennsylvania Cancer Control, Prevention and Research Advisory Board, to serve for a term of four years and until his successor is appointed and qualified.

THOMAS J. RIDGE  
Governor

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

May 4, 2001

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Robert C. Wonderling, 575 Paterno Drive, Harleysville 19438, Montgomery County, Twenty-fourth Senatorial District, for reappointment as a member of the Council of Trustees of Cheyney 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 WASHINGTON COUNTY  
BOARD OF ASSISTANCE**

May 4, 2001

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Frank S. Burkus (Democrat), P.O. Box 422, Millsboro 15348, Washington County, Forty-sixth Senatorial District, for appointment as a member of the Washington County Board of Assistance, to serve until December 31, 2003, and until his successor is appointed and qualified, vice Paul H. Lemmon, Marianna, resigned.

THOMAS J. RIDGE  
Governor

**MEMBER OF THE WESTMORELAND COUNTY  
BOARD OF ASSISTANCE**

May 4, 2001

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Robert J. Bulger (Independent), 429 Rear Sewickley Street, Greensburg 15601, Westmoreland County, Thirty-ninth Senatorial District, for appointment as a member of the Westmoreland County Board of Assistance, to serve until December 31, 2003, and until his successor is appointed and qualified, vice George M. Lynch, Esquire, Latrobe, resigned.

THOMAS J. RIDGE  
Governor

**RECALL COMMUNICATION  
REFERRED TO COMMITTEE**

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

MEMBER OF THE MUNICIPAL POLICE OFFICERS'  
EDUCATION AND TRAINING COMMISSION

May 2, 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 March 20, 2001 for the appointment of Jennifer L. Hoover, 41 Evergreen Street, Shavertown 18708, Luzerne County, Twentieth Senatorial District, as a member of the Municipal Police Officers' Education and Training Commission, to serve until February 21, 2002 and until her successor is appointed and qualified, vice Frederick D. Engle, Jr., Harrisburg, resigned.

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

THOMAS J. RIDGE  
Governor

**RECALL COMMUNICATION  
LAID ON THE TABLE**

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 laid on the table:

REGISTER OF WILLS, RECORDER OF  
DEEDS, CLERK OF ORPHANS' COURT,  
NORTHUMBERLAND COUNTY

May 2, 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 26, 2001 for the appointment of Mary L. Zimmerman, 16 West Center Street, Elysburg 17824, Northumberland County, Twenty-seventh Senatorial District, as Register of Wills, Recorder of Deeds, Clerk of Orphans' Court, in and for the County of Northumberland, to serve until the first Monday of January 2002, vice Frederick F. Reed, resigned.

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

THOMAS J. RIDGE  
Governor

**HOUSE MESSAGE**

**HOUSE BILL FOR CONCURRENCE**

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

May 7, 2001

HB 212 -- Committee on Game and Fisheries.

**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:

May 7, 2001

Senators WAGNER, KITCHEN, HELFRICK, COSTA, KUKOVICH, ORIE, LOGAN, BODACK, O'PAKE, MELLOW, BOSCOLA, RHOADES, STACK and SCHWARTZ presented to the Chair **SB 839**, entitled:

An Act providing funding to school districts which provide certain school tax relief; establishing the Education Volunteer School Tax Relief Fund; conferring powers and duties on the Department of Education; and making an appropriation.

Which was committed to the Committee on FINANCE, May 7, 2001.

Senators THOMPSON, WENGER, WAUGH, KUKOVICH, KITCHEN, ERICKSON, TILGHMAN, COSTA, MADIGAN, ARMSTRONG, O'PAKE, CONTI, GERLACH, LEMMOND, BOSCOLA, RHOADES, BELL and KASUNIC presented to the Chair **SB 841**, 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 farmland valuation for inheritance tax.

Which was committed to the Committee on FINANCE, May 7, 2001.

Senators CORMAN, BRIGHTBILL, ORIE, TILGHMAN, BOSCOLA, KUKOVICH, MOWERY, MUSTO, O'PAKE, RHOADES, SCHWARTZ, TARTAGLIONE, M. WHITE and GREENLEAF presented to the Chair **SB 842**, entitled:

An Act establishing the Bureau of Privacy Protection within the Office of Attorney General; providing for its powers and duties; requiring State agencies to develop and implement permanent privacy policies; and requiring an annual report to the General Assembly.

Which was committed to the Committee on COMMUNICATIONS AND HIGH TECHNOLOGY, May 7, 2001.

Senators CORMAN, TILGHMAN, ERICKSON, BOSCOLA, COSTA, ORIE, HELFRICK, HOLL, KUKOVICH, LAVALLE, LOGAN, MUSTO, O'PAKE, RHOADES, ROBBINS, SCHWARTZ, STOUT, TARTAGLIONE, THOMPSON, WAUGH, D. WHITE, M. WHITE and STACK presented to the Chair **SB 843**, entitled:

An Act amending Title 66 (Public Utilities) of the Pennsylvania Consolidated Statutes, further providing for electricity supplied to certain organizations.

Which was committed to the Committee on CONSUMER PROTECTION AND PROFESSIONAL LICENSURE, May 7, 2001.

Senators SCHWARTZ, KITCHEN, RHOADES, KUKOVICH, BODACK, TARTAGLIONE, LOGAN, MUSTO and STACK presented to the Chair **SB 844**, entitled:

An Act requiring certain health insurers, service corporations and health maintenance organizations to offer standardized health benefits programs to certain employers; establishing a reinsurance program; providing for coverage by multiple employer arrangements; providing for action by the Insurance Commissioner regarding health benefit plans; and imposing a penalty.

Which was committed to the Committee on BANKING AND INSURANCE, May 7, 2001.

Senators SCHWARTZ, KITCHEN, RHOADES, KUKOVICH, BODACK, TARTAGLIONE, LOGAN, MUSTO and STACK presented to the Chair **SB 845**, entitled:

An Act requiring all health insurers, health service corporations and health maintenance organizations to provide individual health benefits coverage on an open enrollment basis; and establishing the Individual Health Coverage Program.

Which was committed to the Committee on BANKING AND INSURANCE, May 7, 2001.

Senators SCHWARTZ, COSTA, TARTAGLIONE, STACK and MELLOW presented to the Chair **SB 846**, entitled:

An Act amending the act of July 19, 1979 (P.L.130, No.48), known as the Health Care Facilities Act, providing for hospital staffing, for protection for health care facility employees who initiate or intend or attempt to initiate certain actions related to health care facility care or services and for violations.

Which was committed to the Committee on PUBLIC HEALTH AND WELFARE, May 7, 2001.

Senators GREENLEAF, KITCHEN and KUKOVICH presented to the Chair **SB 847**, entitled:

An Act amending the act of December 22, 1983 (P.L.303, No.83), referred to as the Animal Destruction Method Authorization Law, prohibiting the use of animals for certain purposes.

Which was committed to the Committee on AGRICULTURE AND RURAL AFFAIRS, May 7, 2001.

Senators GREENLEAF, KITCHEN, COSTA, KUKOVICH, STACK, TARTAGLIONE and M. WHITE presented to the Chair **SB 848**, entitled:

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

Which was committed to the Committee on AGRICULTURE AND RURAL AFFAIRS, May 7, 2001.

Senators GREENLEAF, KITCHEN, COSTA, FUMO and KUKOVICH presented to the Chair **SB 849**, entitled:

An Act amending the act of December 15, 1986 (P.L.1610, No.181), known as the Rabies Prevention and Control in Domestic Animals and Wildlife Act, further providing for the definition of "cat" and for rabies vaccinations.

Which was committed to the Committee on AGRICULTURE AND RURAL AFFAIRS, May 7, 2001.

Senators GREENLEAF, KITCHEN, LOGAN, COSTA and TARTAGLIONE presented to the Chair **SB 850**, entitled:

An Act amending the act of December 7, 1982 (P.L.784, No.225), known as the Dog Law, further providing for harboring dangerous dogs.

Which was committed to the Committee on AGRICULTURE AND RURAL AFFAIRS, May 7, 2001.

Senators GREENLEAF, KITCHEN, HOLL, MOWERY and RHOADES presented to the Chair **SB 851**, 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, further providing for determining the value of land in agricultural use, agricultural reserve use or forest reserve use.

Which was committed to the Committee on AGRICULTURE AND RURAL AFFAIRS, May 7, 2001.

Senators GREENLEAF, KITCHEN and RHOADES presented to the Chair **SB 852**, entitled:

An Act amending the act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929, providing for the Agricultural Lands Preservation Board.

Which was committed to the Committee on AGRICULTURE AND RURAL AFFAIRS, May 7, 2001.

Senators GREENLEAF, WAUGH, KITCHEN and KUKOVICH presented to the Chair **SB 853**, entitled:

An Act authorizing the establishment of land bank programs and affordable housing programs with the approval of the electorate; providing for funding by proceeds from tax on the transfer of real property; and specifying the purposes of such programs.

Which was committed to the Committee on LOCAL GOVERNMENT, May 7, 2001.

Senators GREENLEAF, LEMMOND, BOSCOLA, ORIE, HOLL, KITCHEN, MUSTO, SCARNATI, SCHWARTZ, STACK, TARTAGLIONE, TILGHMAN, TOMLINSON and WAUGH presented to the Chair **SB 854**, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for use of force in law enforcement.

Which was committed to the Committee on JUDICIARY, May 7, 2001.

Senators GREENLEAF, LEMMOND, BOSCOLA, ORIE, HOLL, KITCHEN, MUSTO, SCARNATI, SCHWARTZ, STACK, TARTAGLIONE, TILGHMAN, TOMLINSON and WAUGH presented to the Chair **SB 855**, entitled:

An Act amending the act of April 27, 1927 (P.L.414, No.270), entitled as amended, "An act providing for a system of recording the identification of persons convicted of crime, and of fugitives from justice, and habitual criminals; conferring powers and imposing duties upon the Pennsylvania State Police, district attorneys, police officers,

wardens or keepers of jails, prisons, workhouses, or other penal institutions, and sheriffs; providing for the payment of certain expenses by the counties; and imposing penalties," providing for a short title; defining "correctional institution"; and further providing for criminal records, for reporting, for fingerprinting, for unified criminal identification, for district attorneys and for violations.

Which was committed to the Committee on JUDICIARY, May 7, 2001.

Senators GREENLEAF, LEMMOND, LOGAN, CONTI, COSTA, HOLL, LAVALLE, MOWERY, PICCOLA, M. WHITE and KUKOVICH presented to the Chair **SB 856**, entitled:

A Joint Resolution proposing integrated amendments to the Constitution of the Commonwealth of Pennsylvania, providing for retention election of justices of the peace.

Which was committed to the Committee on STATE GOVERNMENT, May 7, 2001.

Senators GREENLEAF, THOMPSON, LOGAN, CONTI and EARLL presented to the Chair **SB 857**, entitled:

A Joint Resolution proposing an amendment to the Constitution of the Commonwealth of Pennsylvania, requiring an individual to pass a certification examination before filing nominating petition to become a justice of the traffic court in the City of Philadelphia and district justice.

Which was committed to the Committee on STATE GOVERNMENT, May 7, 2001.

Senators GREENLEAF, LEMMOND, EARLL, CONTI, LOGAN, TARTAGLIONE and THOMPSON presented to the Chair **SB 858**, entitled:

A Joint Resolution proposing integrated amendments to the Constitution of the Commonwealth of Pennsylvania, making editorial changes by replacing the phrase "justice of the peace" with "district justice."

Which was committed to the Committee on JUDICIARY, May 7, 2001.

Senators GREENLEAF, WAGNER, COSTA, LEMMOND, BOSCOLA, KUKOVICH, SCHWARTZ, M. WHITE, BELL, CORMAN, HELFRICK, HOLL, MOWERY, THOMPSON and WAUGH presented to the Chair **SB 859**, entitled:

An Act amending Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, further providing for adoption; making a conforming amendment; and making repeals.

Which was committed to the Committee on JUDICIARY, May 7, 2001.

Senators BOSCOLA, COSTA, HUGHES, DENT, FUMO and KITCHEN presented to the Chair **SB 860**, entitled:

An Act designating a bridge on State Route 33 over the Lehigh River in Northampton County as the Gene Hartzell Memorial Bridge.

Which was committed to the Committee on TRANSPORTATION, May 7, 2001.

## RESOLUTIONS INTRODUCED AND REFERRED

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

May 2, 2001

Senators TARTAGLIONE, WAGNER, BELL, BODACK, BOSCOLA, CONTI, COSTA, FUMO, HOLL, HUGHES, KASUNIC, KITCHEN, KUKOVICH, LAVALLE, LOGAN, MADIGAN, MELLOW, MUSTO, O'PAKE, RHOADES, STACK, STOUT, TOMLINSON, WILLIAMS, WOZNAK and ERICKSON presented to the Chair **SR 59**, entitled:

A Resolution calling upon the Governor to renew contract negotiations by entering into binding arbitration and to reward valued Commonwealth employees for their dedicated work.

Which was committed to the Committee on LAW AND JUSTICE, May 2, 2001.

Senators LAVALLE, M. WHITE, TARTAGLIONE, MELLOW, WAGNER, KUKOVICH, STOUT, MUSTO, COSTA, WAUGH, BODACK, LOGAN, STACK, SCHWARTZ, WOZNAK, BOSCOLA, KITCHEN and KASUNIC presented to the Chair **SR 63**, entitled:

A Resolution directing the Legislative Budget and Finance Committee to study the relative advantages and disadvantages of expanding the State Workers' Insurance Fund or other State agency to be the sole provider of Workers' Compensation insurance, including, but not limited to, comparisons in the level of benefits for workers and cost relative to premiums.

Which was committed to the Committee on LABOR AND INDUSTRY, May 2, 2001.

Senators CONTI, TOMLINSON, RHOADES, GREENLEAF, LEMMOND, LAVALLE, WAGNER, KITCHEN, HELFRICK, COSTA, MOWERY, TARTAGLIONE, LOGAN, BOSCOLA, MELLOW, SCHWARTZ, WAUGH, MUSTO and STACK presented to the Chair **SR 67**, entitled:

A Resolution urging the Department of Education to establish a Safe School Helpline.

Which was committed to the Committee on EDUCATION, May 2, 2001.

May 7, 2001

Senators WAUGH, KUKOVICH, ERICKSON, THOMPSON, DENT, TOMLINSON, ROBBINS, MURPHY, ARMSTRONG, LAVALLE, WENGER, PUNT, D. WHITE, BRIGHTBILL, O'PAKE, MELLOW, TILGHMAN, LEMMOND, MUSTO, BOSCOLA, RHOADES, STACK, GERLACH, LOGAN and EARLL presented to the Chair **SR 66**, entitled:

A Resolution observing the month of May 2001, as "Historic Preservation Month" in Pennsylvania.

Which was committed to the Committee on RULES AND EXECUTIVE NOMINATIONS, May 7, 2001.

Senators PICCOLA, JUBELIRER, BRIGHTBILL, KUKOVICH, ARMSTRONG, WAGNER, MURPHY, M. WHITE, WENGER, MOWERY, COSTA, DENT, O'PAKE, BOSCOLA, WAUGH, ROBBINS, GREENLEAF, HOLL, LOGAN, THOMPSON and EARLL presented to the Chair **SR 68**, entitled:

A Resolution declaring May 6 through 12, 2001, as "Pennsylvania Home Education Week" in this Commonwealth.

Which was committed to the Committee on RULES AND EXECUTIVE NOMINATIONS, May 7, 2001.

Senators PICCOLA, MURPHY, WENGER, KUKOVICH, WAGNER, JUBELIRER, BRIGHTBILL, FUMO, MOWERY, ROBBINS, STOUT, LAVALLE, D. WHITE, O'PAKE, TILGHMAN, ORIE, DENT, TARTAGLIONE, TOMLINSON, THOMPSON, MELLOW, COSTA, SCHWARTZ, ARMSTRONG, MADIGAN, ERICKSON, PUNT, LOGAN, SCARNATI, LEMMOND, MUSTO, GERLACH, BOSCOLA, HOLL, M. WHITE, WAUGH, RHOADES, GREENLEAF, WOZNIAC, STACK and EARLL presented to the Chair **SR 70**, entitled:

A Resolution designating the week of May 6 through 12, 2001, as "Nurses Week" in Pennsylvania.

Which was committed to the Committee on RULES AND EXECUTIVE NOMINATIONS, May 7, 2001.

### REPORTS FROM COMMITTEE

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

#### SB 611 (Pr. No. 662)

An Act amending Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, further providing for information relating to prospective child-care personnel.

#### SB 774 (Pr. No. 866)

An Act amending Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, further providing for information relating to prospective child-care personnel.

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

### LEGISLATIVE LEAVE

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

Senator BRIGHTBILL. Mr. President, I request a legislative leave for Senator Bell.

The **PRESIDENT**. Senator Brightbill requests a legislative leave for Senator Bell. Without objection, that leave will be granted.

### LEAVE OF ABSENCE

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

## SENATE CONCURRENT RESOLUTION

### RECESS ADJOURNMENT

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

In the Senate, May 7, 2001

RESOLVED, (the House of Representatives concurring), That when the Senate adjourns this week it reconvene on Monday, May 21, 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 21, 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

Bell	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.

### SPECIAL ORDER OF BUSINESS GUESTS OF SENATOR HAROLD F. MOWERY PRESENTED TO THE SENATE

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

Senator MOWERY. Mr. President, we are here today to welcome Trinity High School Boys' and Girls' Basketball Team champions. We are honored to have with us the PIAA Class AA Basketball Champions, both of them. These teams, the boys' champions and the girls' champions, are not only from the same senatorial district, they are also from the same school. The boys and girls of Trinity High School pulled off this very impressive feat in the March championship tournament in Hershey.

On Friday, March 23, the Trinity girls' team won their championship, defeating Vincentia Academy 67 to 58. The very next day the girls cheered the boys on, and the boys defeated a

tough Aliquippa High School team 79 to 65. The Trinity girls last won a State championship in 1986. For the boys, this was their first title, after making it to the finals in 1989 and 1992. It is an understatement to say the school is bursting with pride, as all of us are in the 31st Senatorial District. And I think all of us here in the Senate can appreciate what the Trinity boys and girls have really accomplished.

So I ask my colleagues to welcome Trinity girls' basketball team coach, Harry DeFrank, whom I cannot say enough about, but he and I coached Little League a few years ago. And in addition to that, the Trinity boys' coach, Larry Kostelac, and Doug Marshall, the assistant coach. And today both teams have with them Sister Francine Gagne.

Mr. President, I would like for this body to show just how much we appreciate having two State champs from the same school. I think it is rather unique.

Thank you, Mr. President.

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

(Applause.)

The PRESIDENT. The Chair thanks Senator Mowery for those important reflections, and again congratulations to the champions from Trinity. Thank you for being with us.

#### **GUESTS 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 and honored to have as a guest in the gallery today a young man by the name of Jim Collins, who is a senior at Northern Lebanon High School. Jim captured a gold medal at the PIAA Class AA State Wrestling Championship in the 112-pound weight division, and Jim also became the first wrestler in the history of Lebanon County to take a State title. I told Jim about Senator Robbins, and I told him about how he was also a champion wrestler, and Jim took a look at Senator Robbins and said that he thinks he can take him.

(Laughter.)

Accompanying Jim are his very proud parents, Jim and Faith Collins; his sister, Jenna; his wrestling coach, Earl Stoddard; the assistant coach, Rusty Wallace; Superintendent of Northern Lebanon School District, Don Bell; and the Dean of Students, Dave Woods.

The PRESIDENT. Would Jim and his family and guests please rise so the Senate may welcome you.

(Applause.)

The PRESIDENT. The Chair thanks Senator Brightbill, and certainly it was an accomplished high school career in the sport of wrestling.

#### **GUESTS OF SENATOR ROBERT D. ROBBINS PRESENTED TO THE SENATE**

The PRESIDENT. Now to someone well known in the world of wrestling feats is the gentleman from Mercer, Senator Robbins.

Senator ROBBINS. Mr. President, all I really know, in response to Senator Brightbill's challenge, is it better be a short race.

The PRESIDENT. Not on the mat?

Senator ROBBINS. Mr. President, it does not matter where. Jim, congratulations. You did a great job this year.

Mr. President, I am also pleased to introduce a couple of guests today. I have with me Colleen Shaughnessy and Michael Castiglione, who are serving as guest Pages in the Senate today. Both residents of Mercer County, Colleen and Michael are eighth graders at St. Michael School in Greenville.

Colleen is a member of the school's band, swim team, and is a varsity basketball cheerleader. Michael is a member of the school's soccer, basketball, and volleyball teams. Additionally, both Colleen and Michael are honor students.

They are accompanied here today by fellow classmates Trichelle Hoovler, who is a member of the band, a cheerleader, and an honor student, and Ben Loreno, who also plays soccer and is an honor student. Both of these young students are serving as guest Pages in the House of Representatives today with Representative Rod Wilt. Tomorrow they will shadow both of us.

With them is their teacher, Mrs. Nancy Kremm, who is seated in the gallery. Mrs. Kremm started this guest Page program for St. Michael School in Greenville 5 or 8 years ago. I think it is a great program, and I commend her for taking the time out of her busy schedule to put it together, and also thank these young students for being with us.

Mr. President and fellow Members, please join me to welcome my guests today to the Senate of Pennsylvania.

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

(Applause.)

#### **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 to begin in about 1 hour and 15 minutes. We will announce the caucus when we are ready to begin.

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

Senator MELLOW. Mr. President, I ask that the Democratic Members report to our caucus room immediately.

The PRESIDENT. For purposes of Republican and Democratic caucuses, with the Democratic Members to report immediately following this announcement, and the Republican meeting to begin at approximately 4 p.m., or a few minutes thereafter, 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

## PREFERRED APPROPRIATION BILL OVER IN ORDER

**HB 1176** -- Without objection, the bill was passed over in its order at the request of Senator BRIGHTBILL.

## PREFERRED APPROPRIATION BILLS ON THIRD CONSIDERATION AND FINAL PASSAGE

**HB 1177 (Pr. No. 1364)** -- The Senate proceeded to consideration of the bill, entitled:

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

Considered the third time and agreed to,

On the question,  
Shall the bill pass finally?

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

## YEA-49

Bell	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 without amendments.

**HB 1178 (Pr. No. 1365)** -- The Senate proceeded to consideration of the bill, entitled:

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

Considered the third time and agreed to,

On the question,  
Shall the bill pass finally?

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

## YEA-49

Bell	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 without amendments.

**HB 1180 (Pr. No. 1367)** -- The Senate proceeded to consideration of the bill, entitled:

An Act making an appropriation from the Public School Employees' Retirement Fund to provide for expenses of the Public School Employees' Retirement Board for the fiscal year July 1, 2001, to June 30, 2002, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 2001.

Considered the third time and agreed to,

On the question,  
Shall the bill pass finally?

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

## YEA-49

Bell	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 without amendments.



## PREFERRED APPROPRIATION BILL OVER IN ORDER

**HB 1181** -- Without objection, the bill was passed over in its order at the request of Senator BRIGHTBILL.

## PREFERRED APPROPRIATION BILLS ON THIRD CONSIDERATION AND FINAL PASSAGE

**HB 1182 (Pr. No. 1369)** -- The Senate proceeded to consideration of the bill, entitled:

An Act making an appropriation from the State Employees' Retirement Fund to provide for expenses of the State Employees' Retirement Board for the fiscal year July 1, 2001, to June 30, 2002, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 2001.

Considered the third time and agreed to,

On the question,  
Shall the bill pass finally?

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

## YEA-49

Bell	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 without amendments.

**HB 1183 (Pr. No. 1370)** -- The Senate proceeded to consideration of the bill, entitled:

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.

Considered the third time and agreed to,

On the question,  
Shall the bill pass finally?

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

## YEA-49

Bell	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 without amendments.

## BILLS AMENDED

**HB 23 (Pr. No. 1624)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of July 28, 1953 (P.L.723, No.230), known as the Second Class County Code, providing for optional assessed value limitations; extending the deadline for assessment appeals in counties of the second class; and making a repeal.

On the question,

Will the Senate agree to the bill on third consideration?

Senator BRIGHTBILL offered the following amendment No. A1883:

Amend Sec. 1, page 1, line 11, by striking out "an article" and inserting: articles

Amend Sec. 2, page 4, lines 12 through 20, by striking out all of said lines and inserting:

Article XIX-BSpecial Provisions for AssessmentsSection 1901-B. Deadline for Assessment Appeals.

In the year 2001, the Board of Property Assessment Appeals and Review shall permit appeals to be taken from assessments up to and including June 1, and no later, in any county of the second class, notwithstanding any contrary provision contained in any administrative code or resolution adopted by the county. For years beginning with 2002, the final date by which appeals may be taken from assessments of properties shall be determined as provided by ordinance.

Amend Sec. 3, page 4, line 21, by striking out "3" and inserting: 2

Amend Sec. 4, page 4, line 25, by striking out "4" and inserting: 3

On the question,

Will the Senate agree to the amendment?

It was agreed to.

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

**SB 52 (Pr. No. 48)** -- The Senate proceeded to consideration of the bill, entitled:

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.

On the question,

Will the Senate agree to the bill on third consideration?

Senator BRIGHTBILL offered the following amendment No. A1886:

Amend Sec. 1, page 1, line 15, by striking out "any" where it appears the first time and inserting: and no

Amend Sec. 1, page 1, line 15, by striking out "or any" and inserting a comma

On the question,

Will the Senate agree to the amendment?

It was agreed to.

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

**HB 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.

On the question,

Will the Senate agree to the bill on third consideration?

Senator BRIGHTBILL offered the following amendment No. A1884:

Amend Sec. 1 (Sec. 8332.6), page 2, line 19, by striking out "governmental entity" and inserting: government agency

Amend Sec. 1 (Sec. 8332.6), page 3, line 8, by striking out "governmental entity" and inserting: government agency

Amend Sec. 1 (Sec. 8332.6), page 3, lines 17 and 18, by striking out "governmental entity" and inserting: government agency

Amend Sec. 1 (Sec. 8332.6), page 3, lines 23 through 27, by striking out all of said lines

On the question,

Will the Senate agree to the amendment?

It was agreed to.

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

#### BILLS OVER IN ORDER

**HB 62, HB 103 and SB 259** -- Without objection, the bills were passed over in their order at the request of Senator BRIGHTBILL.

#### BILLS ON THIRD CONSIDERATION AND FINAL PASSAGE

**HB 279 (Pr. No. 280)** -- The Senate proceeded to consideration of the bill, entitled:

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

Considered the third time and agreed to,

On the question,

Shall the bill pass finally?

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

#### YEA-49

Bell	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
Earl	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 without amendments.

**SB 282 (Pr. No. 844)** -- The Senate proceeded to consideration of the bill, entitled:

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

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

Bell	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
Earl	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 present said bill to the House of Representatives for concurrence.

**SB 770 (Pr. No. 862)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 45 (Legal Notices) of the Pennsylvania Consolidated Statutes, further providing for additional publication in legal journals.

Considered the third time and agreed to,

On the question,  
Shall the bill pass finally?

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

## YEA-49

Bell	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 present said bill to the House of Representatives for concurrence.

## SECOND CONSIDERATION CALENDAR

## BILLS REREFERRED

**HB 52 (Pr. No. 1256)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of July 7, 1947 (P.L.1368, No.542), known as the Real Estate Tax Sale Law, further providing for the definition of "taxing district" and for repeals; and imposing duties on the Department of Community and Economic Development and the Legislative Reference Bureau.

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

**HB 61 (Pr. No. 434)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of February 1, 1966 (1965 P.L.1656, No.581), known as The Borough Code, further providing for specific powers of boroughs relating to care and erection of memorials and municipal music.

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

## BILLS ON SECOND CONSIDERATION

**SB 137 (Pr. No. 939)** -- The Senate proceeded to consideration of the bill, entitled:

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.

Considered the second time and agreed to,

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

**HB 153 (Pr. No. 231)** -- The Senate proceeded to consideration of the bill, entitled:

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.

Considered the second time and agreed to,

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

## BILLS OVER IN ORDER

**HB 193 and SB 212** -- Without objection, the bills were passed over in their order at the request of Senator BRIGHTBILL.

## BILL REREFERRED

**SB 214 (Pr. No. 221)** -- The Senate proceeded to consideration of the bill, entitled:

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

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 218, SB 219 and SB 220** -- Without objection, the bills were passed over in their order at the request of Senator BRIGHTBILL.

## BILL ON SECOND CONSIDERATION

**SB 221 (Pr. No. 227)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, prohibiting criminal transmission of human immunodeficiency virus/acquired immune deficiency syndrome.

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

## BILL LAID ON THE TABLE

**SB 300 (Pr. No. 816)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of August 26, 1971 (P.L.351, No.91), known as the State Lottery Law, eliminating the PACENET program; providing for a single pharmacy benefits manager for a Drug Utilization Review Committee and its duties and for rebate agreements governing reimbursement by certain public plans; and imposing powers and duties on the Department of Aging.

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

## BILL OVER IN ORDER

**SB 406** -- Without objection, the bill was passed over in its order at the request of Senator BRIGHTBILL.

## BILL ON SECOND CONSIDERATION

**SB 483 (Pr. No. 503)** -- The Senate proceeded to consideration of the bill, entitled:

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.

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

## BILL REREFERRED

**SB 572 (Pr. No. 598)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for exemptions from jury duty and for list of qualified jurors.

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 654 (Pr. No. 925)** -- 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 endangering welfare of children; and providing for certain civil immunity.

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

## BILL OVER IN ORDER

**SB 655** -- Without objection, the bill was passed over in its order at the request of Senator BRIGHTBILL.

## BILLS REREFERRED

**SB 765 (Pr. No. 855)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of February 1, 1966 (1965 P.L.1656, No.581), known as The Borough Code, further providing for the State Association of Boroughs and for regional borough associations.

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

**SB 766 (Pr. No. 856)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of June 24, 1931 (P.L.1206, No.331), known as The First Class Township Code, further providing for certain reimbursement.

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

**SB 767 (Pr. No. 857)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of May 1, 1933 (P.L.103, No.69), known as The Second Class Township Code, further providing for county associations and for the State Association of Township Supervisors.

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 768, SB 780 and SB 787** -- Without objection, the bills were passed over in their order at the request of Senator BRIGHTBILL.

## BILL ON SECOND CONSIDERATION

**SB 816 (Pr. No. 941)** -- The Senate proceeded to consideration of the bill, 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.

Considered the second time and agreed to,

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

UNFINISHED BUSINESS  
CONGRATULATORY RESOLUTIONS

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

Congratulations of the Senate were extended to the Reverend Ralph Zehe by Senator Bodack.

Congratulations of the Senate were extended to Robert J. Thompson, L. Jack Bradt, James H. Roth, Richard D. Lowe, Pocono Mountain School District, Stroudsburg Junior High School, Pleasant Valley High School, Pleasant Valley School District, Lehigh Valley Public Broadcasting Station, WLVT, Saucon Valley School District and to Pocono Mountain School District by Senator Boscola.

Congratulations of the Senate were extended to Dr. Betsy A. Adams by Senator Brightbill.

Congratulations of the Senate were extended to Nicholas S. Molloy by Senator Conti.

Congratulations of the Senate were extended to Mr. and Mrs. Robert Drabic and to the citizens of Ferguson Township by Senator Corman.

Congratulations of the Senate were extended to the students of the Northwest Pennsylvania Collegiate Academy by Senator Earll.

Congratulations of the Senate were extended to Lauren Melo and to Anthony J. Colarusso by Senator Gerlach.

Congratulations of the Senate were extended to Andrew Misjuns Gaibiselis by Senator Holl.

Congratulations of the Senate were extended to Marquita Blanding, Brandace King and to Joy Cooper by Senator Hughes.

Congratulations of the Senate were extended to Mr. and Mrs. Vaughn Wakefoose and to Mr. and Mrs. George Hammel by Senator Jubelirer.

Congratulations of the Senate were extended to Michael J. Beer and to Dr. Evelyn Hovanec by Senator Kasunic.

Congratulations of the Senate were extended to Paul Belluomini, John T. Krempecki and to the Edgewood Nursing Center by Senator Kukovich.

Congratulations of the Senate were extended to Matthew C. Keller and to David R. Lindsay by Senator Lemmond.

Congratulations of the Senate were extended to Beatrice Cimakosky Rutkoski by Senators Mellow and Musto.

Congratulations of the Senate were extended to Sean Allen Burke by Senator Musto.

Congratulations of the Senate were extended to the 2001 Canadian-American Friendship Soccer Tournament, St. Joseph Medical Center of Reading and to American Stroke Association and providers of rehabilitative services by Senator O'Pake.

Congratulations of the Senate were extended to Andrew William Samuto, Justin Alan Stewart, Kelly Quigley, Diane Zebrine, Mark Paganico and to the Pennsylvania Junior Classical League by Senator Orie.

Congratulations of the Senate were extended to Chris Erhardt and to the South Mountain Restoration Center by Senator Punt.

Congratulations of the Senate were extended to Bernard Carter, Jr., Shaun Briggs and to the Reverend John B. Boyle by Senator Rhoades.

Congratulations of the Senate were extended to Phyllis Belk and to the Emmanuel Johnson Funeral Home, Inc., by Senator Schwartz.

Congratulations of the Senate were extended to Nicholas DiMarcantonio by Senator Stack.

Congratulations of the Senate were extended to John W. Beatty and to Pearl W. Hicks by Senator Thompson.

Congratulations of the Senate were extended to the Kittanning Little League by Senator D. White.

Congratulations of the Senate were extended to Mr. and Mrs. Paul Mayercsik and to Mr. and Mrs. Richard E. Orris by Senator Wozniak.

## POSTHUMOUS CITATION

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

A posthumous citation honoring the late Fran Kalafsky was extended to the family by Senator Orie.

## BILLS ON FIRST CONSIDERATION

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

The motion was agreed to.

The bills were as follows:

**SB 611 and SB 774.**

And said bills having been considered for the first time,

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

## COMMUNICATIONS FROM THE GOVERNOR

## NOMINATIONS REFERRED TO COMMITTEE

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

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

May 7, 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, Lorna D. Horsey, 612 Cristina Place, Philadelphia 19139, Philadelphia County, Seventh Senatorial District, for reappointment as a member of the Council of Trustees of Cheyney 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

JUDGE, COURT OF COMMON PLEAS,  
PHILADELPHIA COUNTY

May 7, 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, Henry Hart, III, Esquire, 7100 McCallum Street, Philadelphia 19119, Philadelphia County, Fourth Senatorial District, for appointment as Judge of the Court of Common Pleas of Philadelphia County, to serve until the first Monday of January 2002, vice The Honorable Stephen E. Levin, resigned.

THOMAS J. RIDGE  
Governor

**RECALL COMMUNICATION  
REFERRED TO COMMITTEE**

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

JUDGE, COURT OF COMMON PLEAS,  
PHILADELPHIA COUNTY

May 7, 2001

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated February 27, 2001 for the appointment of Henry Hart, III, Esquire, 7100 McCallum Street, Philadelphia 19119, Philadelphia County, Fourth Senatorial District, as Judge of the Court of Common Pleas of Philadelphia County, to serve until the first Monday of January 2002, vice The Honorable Murray C. Goldman, mandatory retirement.

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

THOMAS J. RIDGE  
Governor

**ANNOUNCEMENTS BY THE SECRETARY**

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

SENATE OF PENNSYLVANIA

COMMITTEE MEETINGS

TUESDAY, MAY 8, 2001

9:30 A.M.	FINANCE (to consider Senate Bills No. 16 and 117; and House Bills No. 90 and 200)	Room 8E-A East Wing
10:15 A.M.	JUDICIARY (public hearing to consider the nominations of Mary A. Achilles as Victim Advocate, Sean R. Ryan and Michael M. Webster to the PA Board of Probation and Parole; and a committee meeting to consider Senate Bills No. 224 and 834; and House Bills No. 176 and 343)	Room 8E-A East Wing

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

The SECRETARY. Consent has been given for the Committee on Rules and Executive Nominations to meet imminently in the Rules room to consider Senate Resolutions No. 66, 68 and 70, and certain nominations.

**RECESS**

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

Senator BRIGHTBILL. Mr. President, we will recess very briefly for the purpose of a meeting of the Committee on Rules and Executive Nominations. After that meeting, we will do Executive Nominations, at which time we will recess again, with an expectation of returning at 8:30 p.m.

The PRESIDENT. For the purpose of a meeting of the Committee on Rules and Executive Nominations, without objection, the Senate stands in brief recess.

**AFTER RECESS**

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

**COMMUNICATIONS FROM THE GOVERNOR  
REPORTED FROM COMMITTEE ON RULES  
AND EXECUTIVE NOMINATIONS,  
TAKEN FROM THE TABLE**

Senator ROBBINS, from the Committee on Rules and Executive Nominations, by unanimous consent, reported the following communication, and called from the table a certain communication from His Excellency, the Governor of the Commonwealth, recalling the following nominations, which were read by the Clerk as follows:

MEMBER OF THE MUNICIPAL POLICE OFFICERS'  
EDUCATION AND TRAINING COMMISSION

May 2, 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 March 20, 2001 for the appointment of Jennifer L. Hoover, 41 Evergreen Street, Shavertown 18708, Luzerne County, Twentieth Senatorial District, as a member of the Municipal Police Officers' Education and Training Commission, to serve until February 21, 2002 and until her successor is appointed and qualified, vice Frederick D. Engle, Jr., Harrisburg, resigned.

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

THOMAS J. RIDGE  
Governor

REGISTER OF WILLS, RECORDER OF  
DEEDS, CLERK OF ORPHANS' COURT,  
NORTHUMBERLAND COUNTY

May 2, 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 26, 2001 for the appointment of Mary L. Zimmerman, 16 West Center Street, Elysburg 17824, Northumberland County, Twenty-seventh Senatorial District, as Register of Wills, Recorder of Deeds, Clerk of Orphans' Court, in and for the County of Northumberland, to serve until the first Monday of January 2002, vice Frederick F. Reed, resigned.

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 PRESIDENT. 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 BOARD OF TRUSTEES  
OF ALLENTOWN STATE HOSPITAL

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, Ernest Kaiser, 520 North Front Street, Allentown 18102, Lehigh County, Sixteenth Senatorial District, for appointment as a member of the Board of Trustees of Allentown State Hospital, to serve until the third Tuesday of January 2007, and until his successor is appointed and qualified, vice Joseph M. Pascuzzo, D.O., Allentown, resigned.

THOMAS J. RIDGE  
Governor

MEMBER OF THE ANIMAL HEALTH  
AND DIAGNOSTIC COMMISSION

April 3, 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, James C. Henry, 215 Angus Lane, New Bethlehem 16242, Clarion County, Twenty-first Senatorial District, for appointment as a member of the Animal Health and Diagnostic Commission, to serve for a term of four years and until his successor is appointed and qualified, but not longer than six months beyond that period, vice C. Scott McNamara, Meadville, whose term expired.

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, David J. Petrosky, R.R. 9, Box 9222, Moscow 18444, Lackawanna County, Twenty-second 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 his successor is appointed and qualified.

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, Nick J. Trunzo, 1732 Bulwer Street, Scranton 18504, 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 his successor is appointed and qualified.

THOMAS J. RIDGE  
Governor

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

March 2, 2001

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Benedict J. Miceli, 951 Grove Street, Meadville 16335, Crawford County, Fiftieth Senatorial District, for reappointment as a member of the Council of Trustees of Edinboro University of Pennsylvania of the State System of Higher Education, to serve until the third Tuesday of January 2007, and until his successor is appointed and qualified.

THOMAS J. RIDGE  
Governor

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

March 27, 2001

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

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

THOMAS J. RIDGE  
Governor

MEMBER OF THE COUNCIL OF TRUSTEES OF  
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, William F. Williams, 574 Main Street, Antes Fort, Jersey Shore 17740, Lycoming County, Twenty-third 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, John F. Dunham, 15 Sherwood Street, 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 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, Carol J. Tama, 214 Granger Street, Blossburg 16912, 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 *[sic]* successor is appointed and qualified.

THOMAS J. RIDGE  
Governor

MEMBER OF THE STATE BOARD  
OF OPTOMETRY

April 3, 2001

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Robert A. Ginsburg, O.D., 1308 Clearview Drive, Jamison 18929, Bucks County, Twelfth Senatorial District, for reappointment as a member of the State Board of Optometry, to serve for a term of four years and until his successor is appointed and qualified, but not longer than six months beyond that period.

THOMAS J. RIDGE  
Governor

MEMBER OF THE STATE REAL  
ESTATE COMMISSION

April 18, 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, Frances A. Mansberger, (Public Member), 1205 Sipe Road, York Haven 17370, York County, Thirty-first Senatorial District, for reappointment as a member of the State Real Estate Commission, to serve for a term of five years and until her successor is appointed and qualified, but not longer than six months beyond that period.

THOMAS J. RIDGE  
Governor

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

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, William L. Piper, 350 Barnstable Road, Carlisle 17013, Cumberland County, Thirty-first Senatorial District, for reappointment as a member of the Council of Trustees of Shippensburg 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 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, James L. Bobeck, (Democrat), 27 Briar Creek Road, Wilkes-Barre 18702, Luzerne County, Fourteenth Senatorial District, for appointment as a member of the Luzerne County Board of Assistance, to serve until December 31, 2003, and until his successor is appointed and qualified, vice Gerald J. Bonner, Mountaintop, 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, Shawn W. Murphy, (Republican), 61 Lehman Avenue, Dallas 18612, Luzerne County, Twentieth Senatorial District, for reappointment as a member of the Luzerne County Board of Assistance, to serve until December 31, 2003, and until her 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 PRESIDENT. The nominations will be laid on the table.

**RESOLUTIONS REPORTED FROM  
COMMITTEE**

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

**SR 66 (Pr. No. 990)**

A Resolution observing the month of May 2001, as "Historic Preservation Month" in Pennsylvania.

**SR 68 (Pr. No. 991)**

A Resolution declaring May 6 through 12, 2001, as "Pennsylvania Home Education Week" in this Commonwealth.

**SR 70 (Pr. No. 992)**

A Resolution designating the week of May 6 through 12, 2001, as "Nurses Week" in Pennsylvania.

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

**RECESS**

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

Senator BRIGHTBILL. Mr. President, I move that the Senate recess until 8:30 p.m.

The PRESIDENT. Without objection, the Senate stands in recess, and likely will return at approximately 8:30 p.m.

**AFTER RECESS**

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

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

**CONSIDERATION OF CALENDAR RESUMED**

**RECONSIDERATION OF VOTE**

**BILL AMENDED**

HB 62 (Pr. No. 48) — The PRESIDING OFFICER. The Chair recognizes the gentleman from Lebanon, Senator Brightbill.

Senator BRIGHTBILL. Mr. President, if we could turn to page 3 on today's Calendar, as a Special Order of Business, I move that we reconsider the vote by which House Bill No. 62 went over in its order.

On the question,

Will the Senate agree to the motion?

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

And the question recurring,

Will the Senate agree to the bill on third consideration?

Senator BRIGHTBILL offered the following amendment No. A1764:

Amend Sec. 1, page 1, line 11, by inserting after "land": in the Borough of Canonsburg, Washington County, as

On the question,

Will the Senate agree to the amendment?

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

#### YEA-49

Bell	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.

The PRESIDING OFFICER. House Bill No. 62 will go over in its order, as amended.

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

#### HOUSE MESSAGE

#### HOUSE CONCURS IN SENATE AMENDMENTS BY AMENDING SAID AMENDMENTS TO HOUSE BILL

The Clerk of the House of Representatives informed the Senate that the House has concurred in amendments made by the Senate by amending said amendments to HB 996, in which concurrence of the Senate is requested.

#### RULE XIV SUSPENDED

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

Senator BRIGHTBILL. Mr. President, I move to suspend Rule XIV to the extent that it requires that House Bill No. 996 be referred to the Committee on Rules and Executive Nominations

and that House Bill No. 996 be placed on a Supplemental Calendar.

On the question,

Will the Senate agree to the motion?

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

#### YEA-49

Bell	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.

The PRESIDENT. The bill will appear on the Calendar.

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

#### SENATE CONCURS IN HOUSE AMENDMENTS TO SENATE AMENDMENTS

HB 996 (Pr. No. 1878) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, providing for the establishment of independent schools; further providing for contracts with private residential rehabilitative institutions; providing for professional teacher assessment, for automatic external defibrillators, for an education support services program and for an educational improvement tax credit; and further providing for special education payments to school districts.

On the question,

Will the Senate concur in the amendments made by the House to Senate amendments to House Bill No. 996?

Senator BRIGHTBILL. Mr. President, I move that the Senate do concur in the amendments made by the House to Senate amendments to House Bill No. 996.

On the question,

Will the Senate agree to the motion?

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

Senator SCHWARTZ. Mr. President, I know the hour is late, but we have before us legislation that does demand our attention. It is not necessarily our choosing to make it at this hour, but it is legislation I would just briefly like to speak to, actually to suggest there are parts of this legislation that if we truly had time to look at, to have some input on, to maybe make some modifications on, I might well be able to be for, but unfortunately, there has been no process by which there has been any input or hearings or some ability for us to provide some legislative input. That makes it more difficult for me to be for this legislation.

So I would just like to briefly speak to each of the points of this legislation and then overall, and I will, as I say, try to make it brief. There is in this legislation a creation of something that we already have in theory in the empowerment districts, but the creation of--

The PRESIDENT. Senator Schwartz, would you yield for a moment.

A Member has the floor.

Senator SCHWARTZ. I do understand, Mr. President, that I may not be persuading any of my colleagues to vote differently than they had already intended when they came in, but I did think it was important to put at least on the record the reasons why I might be opposed to this legislation, so I ask the indulgence of my colleagues to speak about this issue.

The independent schools. There is a definition of a newly created process for something which will be very new in this Commonwealth, the creation of independent schools. Now, what we should know about independent schools is that it says that any school board in the Commonwealth can make any school an independent school. It is not a very keen definition about what that will mean. There is no public process defined in the legislation. There would be no input from parents and no input from teachers. It gives unprecedented powers to school districts, to school boards, and truthfully, Mr. President, we have no idea what the impact of these independent schools might be, what it would mean to our school districts, to our children, to the process of improving the quality of education. It is totally unproven strategy, and one that if we had some greater definition and thought to, maybe we could be for, but given that there really is not any, I think that there is some problem. We have spent 2 years writing what we thought was a very good Charter School Law. We are now looking at whether that in fact is working the best way. This is going into effect with no analysis or any discussion at all from the public, or truthfully from the legislature either.

Teacher testing is another thing we talked about. I have been very supportive of accountability, demanding performance from our schools. That is important. Demanding, in fact, that our teachers be of the highest quality in Pennsylvania. The fact is that we passed legislation 2 years ago requiring professional development, ongoing professional development, and that we made a commitment to do that at the local level, recognizing that all 501 of our school districts might have a different plan, a different strategic plan, a slightly different curriculum, and the professional development for our teachers should be tied to that. Now we are going to have a very separate process. We are going to spend \$4 million testing teachers with no relationship to

necessarily improving the appropriateness of professional development or improving the quality of their teaching. What purpose this serves is not at all yet clear to me or to I think many of us, and so while again I support professional development and professional accountability, there is nothing in this legislation that indicates the annual testing of 20 percent of our teachers will tell us anything that will truly improve the quality of education.

Educational support services, better known to many of us as tutoring our children, is well-intentioned, that we should be able to help parents be able to pay for tutoring for their children who are slipping behind. Unfortunately, this tutoring is not geared towards necessarily our poorest children. There is obviously no income eligibility for this. It also waits until grades 3, 4, 5, and 6, when, in fact, in this country the President is saying we should make a commitment to every child learning by the third grade, and yet we in Pennsylvania are saying we are going to wait until after they have failed in third grade or fourth grade or fifth grade or sixth grade before we will intervene to help make sure they can read. Well, to wait until sixth grade for a child to learn to read is far too late to ensure their success in school. We should instead take the \$23 million, almost \$24 million, and gear it towards much younger children, maybe not even tie it to the State assessment test, but allow other ways in which the child might be assessed in the local school district to help get them tutoring and additional assistance much, much faster than is indicated in this legislation.

I am almost to the end here. The educational tax credits. Here, too, I would be excited about a process that would encourage our business community to invest in our schools, to be a true partner in our public education system. But what this does, again it is not well defined at all, it takes \$30 million out of our tax revenues for businesses and says that they can support essentially vouchers for private and parochial schools. It is clearly biased toward parochial schools by committing two-thirds of the tax credits to parochial and private schools, and only one-third, \$10 million, for 501 school districts, to be spent potentially on innovative programs in our public schools.

I am sorry to see that slant in the tax credits, not to see the willingness to invest and engage our business community in the public schools. We need them as partners, we need them to be engaged in our public school system, and without much oversight, without much clarity about the way it will be spent, without any understanding about how many children this could affect one way or another, it is hanging out there truthfully as a very unknown, untested challenge to the business community to put money into private, parochial, and public schools in a way that we do not know.

Mr. President, one part of--

Mr. President, if you could just call for a little bit of order, it might be helpful.

The PRESIDENT. The gentlewoman makes a valid point.

Senator SCHWARTZ. Mr. President, just a little quieter din would be helpful, actually. Thank you

The last part of the legislation, unfortunately, I would rather not have to vote against, and that is the special education funding. I, as well as many of my colleagues on both sides of the aisle, recognize the importance of helping our school districts fund special education. The fact that the Governor did propose

a 10-percent increase in special education funding, I applaud him for it and I would love to be wholeheartedly engaged in voting for it, but unfortunately it was tucked into this legislation at the last minute and not left to the budget process. So it is part of one of these, what is in this legislation are really gestures towards unproven strategies. It is spending \$57.5 million of taxpayers' dollars for these unproven strategies, undefined, untested, without public input in the process, some of which could be useful for our public schools and for our 2 million children who are of school age in this Commonwealth.

We have so much to do, Mr. President. We have so much that we know would make a difference in our public schools, and so while I have great hopes that in the budget process, which will come a few weeks from now, that we might actually tackle some of the issues that we know, some of the strategy issues that we know would really make a difference.

Preschool programs. We could spend \$57 million on helping to make sure that our young people are prepared for school, ready for school, and succeed in school in the very earliest grades. That would be far more significant. If we actually tackled the issue of adequate funding and did not rely so heavily on property taxes, that would be truly meaningful. If we could reduce class size in the early grades, if we could improve and make sure that professional development does really contribute to making sure that we have the highest quality teachers in the Commonwealth, that could truly make a difference in the education system. If we passed legislation to help recruit teachers to our neediest schools, the best, most well-educated Pennsylvanians to help educate our young people, that could truly make a difference, and I hope we do that. To be sure our schools are safe, Mr. President, that could be really very important.

We have issues around school construction and school transportation. We have concerns about the financial crisis in many of our school districts that are really unsure how to pay for charter schools, unsure how to pay for school construction, school transportation, and how in fact they can do what they know they want to be doing in helping children achieve.

Mr. President, there is a lot of work we have to do in improving the quality of education. These, as I say, are token programs, they are gestures towards improving the quality of public schools. I wish they were more meaningful. I wish they were tied to proven strategies. I wish in fact, Mr. President, we would take seriously the debate that we have to be having on how to improve the quality of education for 2 million Pennsylvania children who are relying on us to do right by them in the future, not to throw them bones, not to suggest that at the almost eleventh hour we are creating the best investment we can help make in public education. That is not what we are doing, Mr. President. I would like to be able to support some of these initiatives. Unfortunately, given the process, given the tokenism, given the vagueness of these proposals, I simply cannot.

Thank you, Mr. President, and I hope that some of my colleagues will join me in voting "no," not because we are not interested in some of these programs, but because we know we can do far better.

Thank you, Mr. President.

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

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

#### YEA-36

Bell	Gerlach	Mowery	Tilghman
Bodack	Helfrick	Murphy	Tomlinson
Boscola	Holl	Musto	Wagner
Brightbill	Hughes	O'Pake	Waugh
Conti	Jubelirer	Piccola	Wenger
Costa	Kasunic	Punt	White, Donald
Dent	Lemmond	Robbins	White, Mary Jo
Erickson	Madigan	Scarnati	Williams
Fumo	Mellow	Thompson	Wozniak

#### NAY-13

Corman	Kukovich	Orie	Stack
Earll	LaValle	Rhoades	Stout
Greenleaf	Logan	Schwartz	Tartaglione
Kitchen			

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

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

#### ADJOURNMENT

Senator BRIGHTBILL. Mr. President, I move that the Senate do now adjourn until Tuesday, May 8, 2001, at 11 a.m., Eastern Daylight Saving Time.

The motion was agreed to by voice vote.

The Senate adjourned at 10:50 p.m., Eastern Daylight Saving Time.