

COMMONWEALTH OF PENNSYLVANIA
Legislative Journal

FRIDAY, JUNE 28, 2002

SESSION OF 2002 186TH OF THE GENERAL ASSEMBLY

No. 50

SENATE

FRIDAY, June 28, 2002

The Senate met at 5 p.m., Eastern Daylight Saving Time.

The PRESIDENT (Lieutenant Governor Robert C. Jubelirer) in the Chair.

PRAYER

The following prayer was offered by the Secretary of the Senate, Hon. MARK R. CORRIGAN:

Let us pray.

Heavenly Father, the power of Your spirit unites and guides us, giving purpose and meaning to our human endeavors. As we pause in this silence, we pray that it would be sent to abide in this Chamber this evening and tonight, that our deliberations and work may be blessed and bear fruit for the common good of all. Amen.

JOURNAL APPROVED

The PRESIDENT. A quorum of the Senate being present, the Clerk will read the Journal of the preceding Session of June 27, 2002.

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

COMMUNICATION FROM THE GOVERNOR

NOMINATION 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,
ALLEGHENY COUNTY

June 28, 2002

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, Leonidas Pandeladis, Esquire, 423

Fielding Drive, Pittsburgh 15235, Allegheny County, Forty-third Senatorial District, for appointment as Judge of the Court of Common Pleas of Allegheny County, to serve until the first Monday of January 2004, vice The Honorable Paul R. Zavarella, deceased.

Mark S. Schweiker
Governor

HOUSE MESSAGES

**HOUSE CONCURS IN SENATE AMENDMENTS
BY AMENDING SAID AMENDMENTS
TO HOUSE BILLS**

The Clerk of the House of Representatives informed the Senate that the House has concurred in amendments made by the Senate by amending said amendments to **HB 754** and **1501** in which concurrence of the Senate is requested.

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

**HOUSE INSISTS UPON ITS AMENDMENTS
NONCONCURRED IN BY THE SENATE
TO SB 5, AND APPOINTS
COMMITTEE OF CONFERENCE**

The Clerk of the House of Representatives informed the Senate that the House insists upon its amendments nonconcurring in by the Senate to **SB 5**, and has appointed Messrs. PERZEL, ARGALL and D. EVANS as a Committee of Conference to confer with a similar committee of the Senate, already appointed, to consider the differences existing between the two houses in relation to said bill.

**HOUSE INSISTS UPON ITS AMENDMENTS
NONCONCURRED IN BY THE SENATE
TO SB 1366, AND APPOINTS
COMMITTEE OF CONFERENCE**

The Clerk of the House of Representatives informed the Senate that the House insists upon its amendments nonconcurring in by the Senate to **SB 1366**, and has appointed Messrs. PERZEL, S. H. SMITH and D. EVANS as a Committee of Conference to confer with a similar committee of the Senate, already appointed, to consider the differences existing between the two houses in relation to said bill.

**HOUSE INSISTS UPON ITS AMENDMENTS
NONCONCURRED IN BY THE SENATE
TO HB 4, AND APPOINTS
COMMITTEE OF CONFERENCE**

The Clerk of the House of Representatives informed the Senate that the House insists upon its amendments nonconcurring in by the Senate to **HB 4**, and has appointed Messrs. S. H. SMITH, STAIRS and D. EVANS as a Committee of Conference to confer with a similar committee of the Senate, already appointed, to consider the differences existing between the two houses in relation to said bill.

**HOUSE INSISTS UPON ITS AMENDMENTS
NONCONCURRED IN BY THE SENATE
TO HB 1848, AND APPOINTS
COMMITTEE OF CONFERENCE**

The Clerk of the House of Representatives informed the Senate that the House insists upon its amendments nonconcurring in by the Senate to **HB 1848**, and has appointed Messrs. PERZEL, BOYES and D. EVANS as a Committee of Conference to confer with a similar committee of the Senate, already appointed, to consider the differences existing between the two houses in relation to said bill.

**HOUSE INSISTS UPON ITS AMENDMENTS
NONCONCURRED IN BY THE SENATE
TO HB 2044, AND APPOINTS
COMMITTEE OF CONFERENCE**

The Clerk of the House of Representatives informed the Senate that the House insists upon its amendments nonconcurring in by the Senate to **HB 2044**, and has appointed Messrs. ARGALL, ROSS and D. EVANS, as a Committee of Conference to confer with a similar committee of the Senate, already appointed, to consider the differences existing between the two houses in relation to said bill.

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

The SECRETARY. Consent has been given for the conference committees on Senate Bill No. 5 and Senate Bill No. 1366 to meet during today's Session in the Rules room.

RECESS

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

Senator THOMPSON. Mr. President, I move that the Senate recess to the call of the Chair.

The PRESIDENT. Senator Thompson moves that the Senate recess to the call of the Chair. Without objection, the Senate will stand in recess.

AFTER RECESS

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

**REPORTS OF COMMITTEES OF
CONFERENCE SUBMITTED AND
PLACED ON THE CALENDAR**

Senator RHOADES submitted the Report of Committee of Conference on **HB 4**, which was placed on the Calendar.

Senator M.J. WHITE submitted the Report of Committee of Conference on **HB 2044**, which was placed on the Calendar.

Senator BRIGHTBILL submitted the Report of Committee of Conference on **HB 1848**, which was placed on the Calendar.

Senator BRIGHTBILL submitted the Report of Committee of Conference on **SB 1366**, which was placed on the Calendar.

Senator BRIGHTBILL submitted the Report of Committee of Conference on **SB 5**, which was placed on the Calendar.

RECESS

The PRESIDENT. Without objection, the Senate will stand in recess.

AFTER RECESS

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

LEGISLATIVE LEAVES

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

Senator BRIGHTBILL. Mr. President, I ask for legislative leaves for Senator Bell and Senator Holl, and a temporary Capitol leave for Senator Tomlinson. Without objection, those leaves are granted.

The PRESIDENT. Senator Brightbill requests legislative leaves for Senator Bell and Senator Holl, and a temporary Capitol leave for Senator Tomlinson. Without objection, those leaves are granted.

The Chair recognizes the gentleman from Lackawanna, Senator Mellow.

Senator MELLOW. Mr. President, I request a legislative leave for Senator Bodack.

The PRESIDENT. Senator Mellow requests a legislative leave for Senator Bodack. Without objection, that leave is granted.

CALENDAR

BILLS OUT OF ORDER

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

THIRD CONSIDERATION CALENDAR

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

HB 2491 (Pr. No. 4185) -- The Senate proceeded to consideration of the bill, entitled:

A Supplement to the act of July 28, 1966 (3rd Sp.Sess., P.L.87, No.3), entitled "An act providing for the establishment and operation of the University of Pittsburgh as an instrumentality of the Commonwealth to serve as a State-related university in the higher education system of the Commonwealth; providing for change of name; providing for the composition of the board of trustees; terms of trustees, and the power and duties of such trustees; authorizing appropriations in amounts to be fixed annually by the General Assembly; providing for the auditing of accounts of expenditures from said appropriations; providing for public support and capital improvements; authorizing the issuance of bonds exempt from taxation within the Commonwealth; requiring the chancellor to make an annual report of the operations of the University of Pittsburgh," making appropriations for carrying the same into effect; providing for a basis for payments of such appropriations; and providing a method of accounting for the funds appropriated and for certain fiscal information disclosure.

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-50

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

NAY-0

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

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

HB 2492 (Pr. No. 4186) -- The Senate proceeded to consideration of the bill, entitled:

A Supplement to the act of November 30, 1965 (P.L.843, No.355), known as the Temple University-Commonwealth Act, making appropriations for carrying the same into effect; providing for a basis for payments of such appropriations; and providing a method of accounting for the funds appropriated and for certain fiscal information disclosure.

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-50

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

NAY-0

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

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

HB 2493 (Pr. No. 4187) -- The Senate proceeded to consideration of the bill, entitled:

A Supplement to the act of July 7, 1972 (P.L.743, No.176), known as the Lincoln University-Commonwealth Act, making appropriations for carrying the same into effect; providing for a basis for payments of such appropriations; and providing a method of accounting for the funds appropriated and for certain fiscal information disclosure.

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-50

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

NAY-0

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

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

HB 2495 (Pr. No. 4188) -- The Senate proceeded to consideration of the bill, entitled:

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

Considered the third time and agreed to,

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

On the question,
Shall the bill pass finally?

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

YEA-49

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

NAY-1

Corman

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

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

HB 2496 (Pr. No. 4189) -- The Senate proceeded to consideration of the bill, entitled:

An Act making appropriations to the Philadelphia Health and Education Corporation for the Colleges of Medicine, Public Health, Nursing and Health Professions and for continuation of pediatric services.

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
Bell	Holl	Musto	Tomlinson
Bodack	Hughes	O'Pake	Wagner
Boscola	Jubelirer	Orie	Waugh
Brightbill	Kasunic	Piccola	Wenger
Conti	Kitchen	Punt	White, Donald
Costa	Kukovich	Rhoades	White, Mary Jo
Dent	LaValle	Robbins	Williams, Anthony H.
Earll	Lemmond	Scarnati	Williams, Constance
Erickson	Logan	Schwartz	Wozniak
Fumo	Madigan	Stack	
Gerlach	Mellow	Stout	
Greenleaf	Mowery	Tartaglione	

NAY-1

Corman

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

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

HB 2497 (Pr. No. 4190) -- The Senate proceeded to consideration of the bill, entitled:

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

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
Bell	Holl	Musto	Tomlinson
Bodack	Hughes	O'Pake	Wagner
Boscola	Jubelirer	Orie	Waugh
Brightbill	Kasunic	Piccola	Wenger
Conti	Kitchen	Punt	White, Donald
Costa	Kukovich	Rhoades	White, Mary Jo
Dent	LaValle	Robbins	Williams, Anthony H.
Earll	Lemmond	Scarnati	Williams, Constance
Erickson	Logan	Schwartz	Wozniak
Fumo	Madigan	Stack	
Gerlach	Mellow	Stout	
Greenleaf	Mowery	Tartaglione	

NAY-1

Corman

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

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

HB 2498 (Pr. No. 4191) -- The Senate proceeded to consideration of the bill, entitled:

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

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
Bell	Holl	Musto	Tomlinson
Bodack	Hughes	O'Pake	Wagner
Boscola	Jubelirer	Orie	Waugh
Brightbill	Kasunic	Piccola	Wenger
Conti	Kitchen	Punt	White, Donald
Costa	Kukovich	Rhoades	White, Mary Jo
Dent	LaValle	Robbins	Williams, Anthony H.
Earll	Lemmond	Scarnati	Williams, Constance
Erickson	Logan	Schwartz	Wozniak
Fumo	Madigan	Stack	
Gerlach	Mellow	Stout	
Greenleaf	Mowery	Tartaglione	

NAY-1

Corman

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

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

HB 2499 (Pr. No. 4192) -- The Senate proceeded to consideration of the bill, entitled:

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

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
Bell	Holl	Musto	Tomlinson
Bodack	Hughes	O'Pake	Wagner
Boscola	Jubelirer	Orie	Waugh
Brightbill	Kasunic	Piccola	Wenger
Conti	Kitchen	Punt	White, Donald
Costa	Kukovich	Rhoades	White, Mary Jo
Dent	LaValle	Robbins	Williams, Anthony H.
Earll	Lemmond	Scarnati	Williams, Constance
Erickson	Logan	Schwartz	Wozniak
Fumo	Madigan	Stack	
Gerlach	Mellow	Stout	
Greenleaf	Mowery	Tartaglione	

NAY-1

Corman

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

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

HB 2502 (Pr. No. 4193) -- The Senate proceeded to consideration of the bill, entitled:

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

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
Bell	Holl	Musto	Tomlinson
Bodack	Hughes	O'Pake	Wagner
Boscola	Jubelirer	Orie	Waugh
Brightbill	Kasunic	Piccola	Wenger
Conti	Kitchen	Punt	White, Donald
Costa	Kukovich	Rhoades	White, Mary Jo
Dent	LaValle	Robbins	Williams, Anthony H.
Earll	Lemmond	Scarnati	Williams, Constance
Erickson	Logan	Schwartz	Wozniak
Fumo	Madigan	Stack	
Gerlach	Mellow	Stout	
Greenleaf	Mowery	Tartaglione	

NAY-1

Corman

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

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

HB 2512 (Pr. No. 4194) -- The Senate proceeded to consideration of the bill, entitled:

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

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
Bell	Holl	Musto	Tomlinson
Bodack	Hughes	O'Pake	Wagner
Boscola	Jubelirer	Orie	Waugh
Brightbill	Kasunic	Piccola	Wenger
Conti	Kitchen	Punt	White, Donald
Costa	Kukovich	Rhoades	White, Mary Jo
Dent	LaValle	Robbins	Williams, Anthony H.
Earll	Lemmond	Scarnati	Williams, Constance
Erickson	Logan	Schwartz	Wozniak
Fumo	Madigan	Stack	
Gerlach	Mellow	Stout	
Greenleaf	Mowery	Tartaglione	

NAY-1

Corman

A constitutional two-thirds 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.

**NONPREFERRED APPROPRIATION BILLS
ON THIRD CONSIDERATION AND FINAL PASSAGE**

HB 2490 (Pr. No. 4011) -- The Senate proceeded to consideration of the bill, entitled:

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

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-50

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

NAY-0

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

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

HB 2494 (Pr. No. 3573) -- The Senate proceeded to consideration of the bill, entitled:

An Act making an appropriation to the Trustees of Drexel University, Philadelphia.

Considered the third time and agreed to,

On the question,
Shall the bill pass finally?

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

YEA-49

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

NAY-1

Corman

A constitutional two-thirds 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 2501 (Pr. No. 3579) -- The Senate proceeded to consideration of the bill, entitled:

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

Considered the third time and agreed to,

On the question,
Shall the bill pass finally?

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

YEA-49

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

NAY-1

Corman

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

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

HB 2503 (Pr. No. 3581) -- The Senate proceeded to consideration of the bill, entitled:

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

Considered the third time and agreed to,

On the question,
Shall the bill pass finally?

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

YEA-49

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

NAY-1

Corman

A constitutional two-thirds 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 2504 (Pr. No. 3582) -- The Senate proceeded to consideration of the bill, entitled:

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

Considered the third time and agreed to,

On the question,
Shall the bill pass finally?

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

YEA-49

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

NAY-1

Corman

A constitutional two-thirds 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 2505 (Pr. No. 3583) -- The Senate proceeded to consideration of the bill, entitled:

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

Considered the third time and agreed to,

On the question,
Shall the bill pass finally?

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

YEA-49

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

NAY-1

Corman

A constitutional two-thirds 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 2506 (Pr. No. 3584) -- The Senate proceeded to consideration of the bill, entitled:

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

Considered the third time and agreed to,

On the question,
Shall the bill pass finally?

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

YEA-49

Armstrong	Helfrick	Murphy	Thompson
Bell	Holl	Musto	Tomlinson
Bodack	Hughes	O'Pake	Wagner
Boscola	Jubelirer	Orie	Waugh
Brightbill	Kasunic	Piccola	Wenger
Conti	Kitchen	Punt	White, Donald
Costa	Kukovich	Rhoades	White, Mary Jo

Dent	LaValle	Robbins	Williams, Anthony H.
Earll	Lemmond	Scarnati	Williams, Constance
Erickson	Logan	Schwartz	Wozniak
Fumo	Madigan	Stack	
Gerlach	Mellow	Stout	
Greenleaf	Mowery	Tartaglione	

NAY-1

Corman

A constitutional two-thirds 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 2507 (Pr. No. 3585) -- The Senate proceeded to consideration of the bill, entitled:

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

Considered the third time and agreed to,

On the question,
Shall the bill pass finally?

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

YEA-49

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

NAY-1

Corman

A constitutional two-thirds 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 2508 (Pr. No. 3586) -- The Senate proceeded to consideration of the bill, entitled:

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

Considered the third time and agreed to,

On the question,
Shall the bill pass finally?

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

YEA-49

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

NAY-1

Corman

A constitutional two-thirds 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 2509 (Pr. No. 3587) -- The Senate proceeded to consideration of the bill, entitled:

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

Considered the third time and agreed to,

On the question,
Shall the bill pass finally?

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

YEA-49

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

NAY-1

Corman

A constitutional two-thirds 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 2510 (Pr. No. 3588) -- The Senate proceeded to consideration of the bill, entitled:

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

Considered the third time and agreed to,

On the question,
Shall the bill pass finally?

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

YEA-49

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

NAY-1

Corman

A constitutional two-thirds 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 2511 (Pr. No. 3589) -- The Senate proceeded to consideration of the bill, entitled:

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

Considered the third time and agreed to,

On the question,
Shall the bill pass finally?

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

YEA-49

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

NAY-1

Corman

A constitutional two-thirds 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 2513 (Pr. No. 3591) -- The Senate proceeded to consideration of the bill, entitled:

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

Considered the third time and agreed to,

On the question,
Shall the bill pass finally?

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

YEA-49

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

NAY-1

Corman

A constitutional two-thirds 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 2514 (Pr. No. 3592) -- The Senate proceeded to consideration of the bill, entitled:

An Act making an appropriation to the Beacon Lodge Camp.

Considered the third time and agreed to,

On the question,
Shall the bill pass finally?

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

YEA-49

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

NAY-1

Corman

A constitutional two-thirds 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 2515 (Pr. No. 3593) -- The Senate proceeded to consideration of the bill, entitled:

An Act making an appropriation to the Arsenal Family and Children's Center.

Considered the third time and agreed to,

On the question,
Shall the bill pass finally?

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

YEA-49

Armstrong	Helfrick	Murphy	Thompson
Bell	Holl	Musto	Tomlinson
Bodack	Hughes	O'Pake	Wagner
Boscola	Jubelirer	Orie	Waugh
Brightbill	Kasunic	Piccola	Wenger
Conti	Kitchen	Punt	White, Donald
Costa	Kukovich	Rhoades	White, Mary Jo
Dent	LaValle	Robbins	Williams, Anthony H.
Earll	Lemmond	Scarnati	Williams, Constance

Erickson	Logan	Schwartz	Wozniak
Fumo	Madigan	Stack	
Gerlach	Mellow	Stout	
Greenleaf	Mowery	Tartaglione	

NAY-1

Corman

A constitutional two-thirds 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 2516 (Pr. No. 3594) -- The Senate proceeded to consideration of the bill, entitled:

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

Considered the third time and agreed to,

On the question,
Shall the bill pass finally?

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

YEA-47

Armstrong	Greenleaf	Mellow	Stack
Bell	Helfrick	Mowery	Stout
Bodack	Holl	Murphy	Tartaglione
Boscola	Hughes	Musto	Thompson
Brightbill	Jubelirer	O'Pake	Tomlinson
Conti	Kasunic	Orie	Wagner
Costa	Kitchen	Piccola	Waugh
Dent	Kukovich	Punt	Wenger
Earl	LaValle	Rhoades	White, Donald
Erickson	Lemmond	Robbins	Williams, Anthony H.
Fumo	Logan	Scarnati	Williams, Constance
Gerlach	Madigan	Schwartz	

NAY-3

Corman White, Mary Jo Wozniak

A constitutional two-thirds 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 2517 (Pr. No. 3595) -- The Senate proceeded to consideration of the bill, entitled:

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

Considered the third time and agreed to,

On the question,
Shall the bill pass finally?

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

YEA-47

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

NAY-3

Corman White, Mary Jo Wozniak

A constitutional two-thirds 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 2518 (Pr. No. 3596) -- The Senate proceeded to consideration of the bill, entitled:

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

Considered the third time and agreed to,

On the question,
Shall the bill pass finally?

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

YEA-47

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

NAY-3

Corman White, Mary Jo Wozniak

A constitutional two-thirds 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 2519 (Pr. No. 3597) -- The Senate proceeded to consideration of the bill, entitled:

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

Considered the third time and agreed to,

On the question,
Shall the bill pass finally?

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

YEA-47

Armstrong	Greenleaf	Mellow	Stack
Bell	Helfrick	Mowery	Stout
Bodack	Holl	Murphy	Tartaglione
Boscola	Hughes	Musto	Thompson
Brightbill	Jubelirer	O'Pake	Tomlinson
Conti	Kasunic	Orie	Wagner
Costa	Kitchen	Piccola	Waugh
Dent	Kukovich	Punt	Wenger
Earl	LaValle	Rhoades	White, Donald
Erickson	Lemmond	Robbins	Williams, Anthony H.
Fumo	Logan	Scarnati	Williams, Constance
Gerlach	Madigan	Schwartz	

NAY-3

Corman White, Mary Jo Wozniak

A constitutional two-thirds 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 2520 (Pr. No. 3598) -- The Senate proceeded to consideration of the bill, entitled:

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

Considered the third time and agreed to,

On the question,
Shall the bill pass finally?

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

YEA-47

Armstrong	Greenleaf	Mellow	Stack
Bell	Helfrick	Mowery	Stout
Bodack	Holl	Murphy	Tartaglione

Boscola	Hughes	Musto	Thompson
Brightbill	Jubelirer	O'Pake	Tomlinson
Conti	Kasunic	Orie	Wagner
Costa	Kitchen	Piccola	Waugh
Dent	Kukovich	Punt	Wenger
Earl	LaValle	Rhoades	White, Donald
Erickson	Lemmond	Robbins	Williams, Anthony H.
Fumo	Logan	Scarnati	Williams, Constance
Gerlach	Madigan	Schwartz	

NAY-3

Corman White, Mary Jo Wozniak

A constitutional two-thirds 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 2521 (Pr. No. 3599) -- The Senate proceeded to consideration of the bill, entitled:

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

Considered the third time and agreed to,

On the question,
Shall the bill pass finally?

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

YEA-47

Armstrong	Greenleaf	Mellow	Stack
Bell	Helfrick	Mowery	Stout
Bodack	Holl	Murphy	Tartaglione
Boscola	Hughes	Musto	Thompson
Brightbill	Jubelirer	O'Pake	Tomlinson
Conti	Kasunic	Orie	Wagner
Costa	Kitchen	Piccola	Waugh
Dent	Kukovich	Punt	Wenger
Earl	LaValle	Rhoades	White, Donald
Erickson	Lemmond	Robbins	Williams, Anthony H.
Fumo	Logan	Scarnati	Williams, Constance
Gerlach	Madigan	Schwartz	

NAY-3

Corman White, Mary Jo Wozniak

A constitutional two-thirds 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 2522 (Pr. No. 3600) -- The Senate proceeded to consideration of the bill, entitled:

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

Considered the third time and agreed to,

On the question,
Shall the bill pass finally?

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

YEA-47

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

NAY-3

Corman White, Mary Jo Wozniak

A constitutional two-thirds 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.

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

REPORT ADOPTED

SB 5 (Pr. No. 2172) -- The Senate proceeded to consideration of the bill entitled:

An Act to provide from the General Fund for the expenses of the Executive, Legislative and Judicial Departments of the Commonwealth, the public debt and for the public schools for the fiscal year July 1, 2002, to June 30, 2003, for certain institutions and organizations, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 2002; to provide appropriations from the State Lottery Fund, the Energy Conservation and Assistance Fund, the Hazardous Material Response Fund, The State Stores Fund, the Milk Marketing Fund, the Home Investment Trust Fund, the Emergency Medical Services Operating Fund, the Tuition Payment Fund, the Banking Department Fund, the Firearm Records Check Fund, the Ben Franklin Technology Development Authority Fund and the Tobacco Settlement Fund to the Executive Department; to provide appropriations from the Judicial Computer System Augmentation Account to the Judicial Department for the fiscal year July 1, 2002, to June 30, 2003; to provide appropriations from the Motor License Fund for the fiscal year July 1, 2002, to June 30, 2003, for the proper operation of the several departments of the Commonwealth and the Pennsylvania State Police authorized to spend Motor License Fund moneys; to provide for the appropriation of Federal funds to the Executive Department of the Commonwealth and for the establishment of restricted receipt accounts for the fiscal year July 1, 2002, to June 30, 2003, and for the payment of bills remaining unpaid at the close of the fiscal year ending June 30, 2002; and to provide for the additional appropriation of Federal and State funds from the General Fund, the State Lottery Fund and the Tobacco Settlement Fund for the Executive Department of the Commonwealth

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.

Senator BRIGHTBILL. Mr. President, I move that the Senate adopt the Report of the Committee of Conference on Senate Bill No. 5.

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-29

Armstrong	Gerlach	Murphy	Tomlinson
Bell	Greenleaf	Orie	Waugh
Brightbill	Helfrick	Piccola	Wenger
Conti	Holl	Punt	White, Donald
Corman	Jubelirer	Rhoades	White, Mary Jo
Dent	Lemmond	Robbins	
Earll	Madigan	Scarnati	
Erickson	Mowery	Thompson	

NAY-21

Bodack	Kitchen	O'Pake	Williams, Anthony H.
Boscola	Kukovich	Schwartz	Williams, Constance
Costa	LaValle	Stack	Wozniak
Fumo	Logan	Stout	
Hughes	Mellow	Tartaglione	
Kasunic	Musto	Wagner	

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

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

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

REPORT ADOPTED

SB 1366 (Pr. No. 2173) -- The Senate proceeded to consideration of the bill entitled:

An Act amending the act of April 9, 1929 (P.L.343, No.176), known as The Fiscal Code, further providing, in cigarette sales and licensing, for intent, for definitions, for licensing and for the Cigarette Licensing, Marketing and Control Board; providing for tax collection by the Pennsylvania Liquor Control Board; further regulating abandoned property; providing for the Budget Stabilization Reserve Fund, for a transfer from the Underground Storage Tank Indemnification Fund to the General Fund and for the Tobacco Settlement Fund; and making a repeal.

Senator BRIGHTBILL. Mr. President, I move that the Senate adopt the Report of the Committee of Conference on Senate Bill No. 1366.

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-28

Armstrong	Erickson	Mowery	Scarnati
Bell	Gerlach	Murphy	Thompson
Brightbill	Helfrick	Orie	Tomlinson
Conti	Holl	Piccola	Waugh
Corman	Jubelirer	Punt	Wenger
Dent	Lemmond	Rhoades	White, Donald
Earll	Madigan	Robbins	White, Mary Jo

NAY-22

Bodack	Kasunic	Musto	Wagner
Boscola	Kitchen	O'Pake	Williams, Anthony H.
Costa	Kukovich	Schwartz	Williams, Constance
Fumo	LaValle	Stack	Wozniak
Greenleaf	Logan	Stout	
Hughes	Mellow	Tartaglione	

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

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

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

REPORT ADOPTED

HB 4 (Pr. No. 4196) -- 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, further defining the "Pennsylvania System of School Assessment test" or "PSSA test"; providing for report of graduate rates for certain colleges and universities; further providing for establishment of independent schools, for school athletics, publications and organizations, for retention of records and for annual budgets; providing for membership of the School Reform Commission and responsibilities relating to financial matters of first class school districts in distress; further providing for intermediate unit board of directors; providing for conditional employment; further providing for age limits and temporary residence and for educational support services definitions and providers, for high school certificates, for charter school definitions, for funding for charter schools and for provisions applicable to charter schools; adding provisions for cyber charter schools; further providing for regulations and provisions applicable to charter schools, for education empowerment districts, for waivers, for alternative education and for trustee councils in institutions of the State System of Higher Education; providing for placement of adjudicated delinquents in first class school districts; further providing for Commonwealth reimbursement definitions, for small district assistance and for temporary special aid to certain school districts; providing for basic education funding for 2001-2002 school year; further providing for payments to intermediate units, for payments on account of transportation of nonpublic school pupils, for special education payments and for certain payments; providing for Commonwealth reimbursement for charter schools and cyber charter schools; further providing for school performance incentives; authorizing the Multipurpose Service Center Grant Program; further providing for powers and duties of the State Board of Education; and making an appropriation.

Senator BRIGHTBILL. Mr. President, I move that the Senate adopt the Report of the Committee of Conference on House Bill

No. 4. This is the School Code, which includes the funding for local schools.

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-29

Armstrong	Gerlach	Murphy	Tomlinson
Bell	Greenleaf	Orie	Waugh
Brightbill	Helfrick	Piccola	Wenger
Conti	Holl	Punt	White, Donald
Corman	Jubelirer	Rhoades	White, Mary Jo
Dent	Lemmond	Robbins	
Earll	Madigan	Scarnati	
Erickson	Mowery	Thompson	

NAY-21

Bodack	Kitchen	O'Pake	Williams, Anthony H.
Boscola	Kukovich	Schwartz	Williams, Constance
Costa	LaValle	Stack	Wozniak
Fumo	Logan	Stout	
Hughes	Mellow	Tartaglione	
Kasunic	Musto	Wagner	

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

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

LEGISLATIVE LEAVE CANCELLED

The PRESIDENT. The Chair notes the presence on the floor of Senator Tomlinson. His temporary Capitol leave is cancelled.

**SPECIAL ORDER OF BUSINESS
SUPPLEMENTAL CALENDAR No. 5**

REPORT ADOPTED

HB 2044 (Pr. No. 4198) -- The Senate proceeded to consideration of the bill entitled:

An Act amending Title 27 (Environmental Resources) of the Pennsylvania Consolidated Statutes, consolidating the Environmental Laboratory Accreditation Act; providing for whistleblower protection; establishing a waste transportation safety program, the Waste Transportation Safety Account and a disposal fee for municipal waste landfills; providing for deposit of the disposal fee, for surcharge and for allocation from Environmental Stewardship Fund; imposing penalties; and making repeals.

Senator BRIGHTBILL. Mr. President, I move that the Senate adopt the Report of the Committee of Conference on House Bill No. 2044.

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-28

Armstrong	Erickson	Madigan	Robbins
Bell	Gerlach	Mowery	Thompson
Brightbill	Greenleaf	Murphy	Tomlinson
Conti	Helfrick	Orie	Waugh
Corman	Holl	Piccola	Wenger
Dent	Jubelirer	Punt	White, Donald
Earll	Lemmond	Rhoades	White, Mary Jo

NAY-22

Bodack	Kitchen	O'Pake	Wagner
Boscola	Kukovich	Scarnati	Williams, Anthony H.
Costa	LaValle	Schwartz	Williams, Constance
Fumo	Logan	Stack	Wozniak
Hughes	Mellow	Stout	
Kasunic	Musto	Tartaglione	

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

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

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

REPORT ADOPTED

HB 1848 (Pr. No. 4197) -- 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, in sales and use tax, for definitions, for imposition, for exclusions, for licenses, for collection, for bulk and auction sales and for crimes; providing, in local tax situs, for situs of mobile telecommunications services; further providing, in personal income tax, for definitions, for classes of income, for special tax provisions for poverty, for contributions, for bulk and auction sales and transfers; in corporate net income tax, for definitions, for imposition and for interest in unincorporated entities; and in capital stock and franchise tax, for definitions, for imposition, for deposit of proceeds, for interest in unincorporated entities and for applicability and expiration; establishing revenue-neutral reconciliation in utilities gross receipts tax; providing, in public utility realty tax and for surcharge; further providing, in realty transfer tax, for furnishing stamps; in cigarette tax, for incidence and rate, for floor tax, for commissions on sales and for disposition of certain funds; in research and development tax credit, for time limitations and for termination; in inheritance tax, for definitions, for transfers not subject to tax and for estate tax and for estate tax returns; providing for immediate assessment, settlement or collection and for depreciation of certain property in cities of the first class; and making repeals.

Senator BRIGHTBILL. Mr. President, I move that the Senate adopt the Report of the Committee of Conference on House Bill No. 1848.

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-26

Armstrong	Helfrick	Orie	Tomlinson
Bell	Holl	Piccola	Waugh
Brightbill	Jubelirer	Punt	Wenger
Conti	Lemmond	Rhoades	White, Donald
Corman	Madigan	Robbins	White, Mary Jo
Dent	Mowery	Scarnati	
Erickson	Murphy	Thompson	

NAY-24

Bodack	Greenleaf	Logan	Stout
Boscola	Hughes	Mellow	Tartaglione
Costa	Kasunic	Musto	Wagner
Earll	Kitchen	O'Pake	Williams, Anthony H.
Fumo	Kukovich	Schwartz	Williams, Constance
Gerlach	LaValle	Stack	Wozniak

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

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

RECESS

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

Senator BRIGHTBILL. Mr. President, I ask for a recess of the Senate for the purpose of a Republican caucus, which will be held downstairs in the Majority Caucus Room.

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

Senator O'PAKE. Mr. President, how long does the Majority Leader expect to be in caucus? We ask the Democrats to come to our caucus room immediately.

The PRESIDENT. For purposes of Republican and Democratic caucuses to be held in their respective caucus rooms, without objection, the Senate will stand in recess.

AFTER RECESS

The PRESIDING OFFICER (Senator Mary Jo White in the Chair.)

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

REPORT FROM COMMITTEE

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

HB 2529 (Pr. No. 4203) (Amended) (Rereported)

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.

HOUSE MESSAGE

SENATE BILL RETURNED WITH AMENDMENTS

The Clerk of the House of Representatives returned to the Senate SB 238, with the information the House has passed the

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

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

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 Bills No. 238, 834, 1035, House Bill No. 2164, and certain nominations.

RECESS

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

Senator BRIGHTBILL. Madam President, I ask for a brief recess of the Senate for the purpose of a meeting of the Committee on Rules and Executive Nominations, which will begin immediately in the Rules room.

The PRESIDING OFFICER. Senator Brightbill requests a brief recess of the Senate for the purpose of a meeting of the Committee on Rules and Executive Nominations, which will be held in the Rules room at the rear of the Senate Chamber. For that purpose, without objection, the Senate will stand in recess.

AFTER RECESS

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

REPORTS FROM COMMITTEE

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

SB 238 (Pr. No. 2176) (Amended) (Rereported) (*Concurrence*)

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for definitions, for suspension of operating privileges, for driving with suspended or revoked licenses, for chemical testing to determine alcohol or controlled substance amounts, for occupational limited license, for probationary licenses, for alcohol restrictions for certain drivers and for insurance benefits; providing for automated red light enforcement systems in first class cities; further providing for meeting or overtaking school buses and for parking regulations; adding a penalty for violating provisions relating to blind pedestrians; further providing for violations by pedestrians and for driving under the influence of alcohol or a controlled substance; providing for operation of motor homes on certain highways; and further providing for length of vehicles, for suspensions of inspection stations, for moving wooden structures, for limitations on record disclosure, for vehicle impoundment, for vehicle immobilization, towing and storage, for disposition of impounded vehicles and loads and for recidivism.

SB 1035 (Pr. No. 2178) (Amended) (Rereported) (*Concurrence*)

An Act authorizing and directing the Department of General Services, with the approval of the Governor, to grant and convey to Kitchichtinny Historical Society, Inc., certain lands situate in Antrim

Township, Franklin County; and authorizing the Department of General Services, with the approval of the Department of Transportation and the Governor, to grant and convey to the West Chester Area School District, certain lands in West Goshen Township, Chester County; and authorizing and directing the Department of General Services, with the approval of the Governor, to grant and convey to Pennsylvania Suburban Water Company (as successor to Philadelphia Suburban Water Company by merger), certain lands situate in Canaan Township, Wayne County, and Carbondale and Fell Townships in Lackawanna County.

HB 2164 (Pr. No. 4204) (Amended) (Rereported) (*Concurrence*)

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for suspension of operating privilege; imposing penalties on department employees or agents who issue fraudulent driver's licenses and on persons exhibiting such licenses; further providing for motorcycle fees; and providing for removal from the record of certain suspensions.

CONSIDERATION OF CALENDAR RESUMED

BILLS ON CONCURRENCE IN HOUSE AMENDMENTS AS AMENDED

SENATE CONCURS IN HOUSE AMENDMENTS AS AMENDED

SB 589 (Pr. No. 2169) -- 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 postconviction DNA testing.

On the question,

Will the Senate concur in the amendments made by the House, as amended by the Senate, to Senate Bill No. 589?

Senator BRIGHTBILL. Madam President, I move that the Senate do concur in the amendments made by the House, as amended by the Senate, to Senate Bill No. 589.

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-50

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

NAY-0

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

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

SENATE CONCURS IN HOUSE AMENDMENTS AS AMENDED

SB 1045 (Pr. No. 2170) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of June 29, 1996 (P.L.434, No.67), known as the Job Enhancement Act, further providing for definitions and for eligibility.

On the question,

Will the Senate concur in the amendments made by the House, as amended by the Senate, to Senate Bill No. 1045?

Senator BRIGHTBILL. Madam President, I move that the Senate do concur in the amendments made by the House, as amended by the Senate, to Senate Bill No. 1045.

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-50

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

NAY-0

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

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

BILLS ON CONCURRENCE IN HOUSE AMENDMENTS

SENATE CONCURS IN HOUSE AMENDMENTS

SB 462 (Pr. No. 2156) -- The Senate proceeded to consideration of the bill, entitled:

An Act providing for the regulation of viatical settlements and for powers and duties of the Insurance Department.

On the question, Will the Senate concur in the amendments made by the House to Senate Bill No. 462?

Senator BRIGHTBILL. Madam President, I move that the Senate do concur in the amendments made by the House to Senate Bill No. 462.

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-50

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

NAY-0

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

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

SENATE CONCURS IN HOUSE AMENDMENTS

SB 893 (Pr. No. 2160) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of December 5, 1972 (P.L.1280, No. 284), known as the Pennsylvania Securities Act of 1972, further providing for definitions, for exempt securities and transactions, for exemption proceedings, for registration by coordination, for general registration provisions, for denial, suspension, revocation and conditioning of registrations, for federally covered securities, for exemptions and for registration and notice filing procedures; providing for prearranged trading programs; further providing for time limitations on rights of actions, for right of the Pennsylvania Securities Commission to bring actions, for investigations and subpoenas and for criminal penalties; providing for return of sales compensation; further providing for administration, for fees, for assessments, for administrative files, for miscellaneous powers of commission, for hearings and judicial review, for regulations and forms and orders; and providing for burden of proof.

On the question,

Will the Senate concur in the amendments made by the House to Senate Bill No. 893?

Senator BRIGHTBILL. Madam President, I move that the Senate do concur in the amendments made by the House to Senate Bill No. 893.

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-50

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

NAY-0

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

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

SENATE CONCURS IN HOUSE AMENDMENTS

SB 984 (Pr. No. 2099) -- The Senate proceeded to consideration of the bill, entitled:

An Act authorizing and directing the Department of General Services, with the approval of the Governor, to grant and convey to Kittochtinny Historical Society, Inc., certain lands situate in the Borough of Chambersburg, Franklin County, Pennsylvania; and authorizing the Department of General Services, with the approval of the Governor, to remove certain restrictions imposed on lands conveyed or to be conveyed to Smithfield Township, situate in Smithfield Township, Huntingdon County, Pennsylvania.

On the question,

Will the Senate concur in the amendments made by the House to Senate Bill No. 984?

Senator BRIGHTBILL. Madam President, I move that the Senate do concur in the amendments made by the House to Senate Bill No. 984.

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-50

Armstrong	Greenleaf	Mowery	Tartaglione
Bell	Helfrick	Murphy	Thompson
Bodack	Holl	Musto	Tomlinson
Boscola	Hughes	O'Pake	Wagner
Brightbill	Jubelirer	Orie	Waugh

Conti	Kasunic	Piccola	Wenger
Corman	Kitchen	Punt	White, Donald
Costa	Kukovich	Rhoades	White, Mary Jo
Dent	LaValle	Robbins	Williams, Anthony H.
Earll	Lemmond	Scarnati	Williams, Constance
Erickson	Logan	Schwartz	Wozniak
Fumo	Madigan	Stack	
Gerlach	Mellow	Stout	

NAY-0

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

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

BILL ON CONCURRENCE IN HOUSE AMENDMENTS AS AMENDED

SENATE CONCURS IN HOUSE AMENDMENTS TO SENATE AMENDMENTS AS AMENDED

HB 599 (Pr. No. 4166) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of May 17, 1921 (P.L.682, No.284), known as The Insurance Company Law of 1921, further providing for requisites for foreign companies to do business; deleting provisions relating to admitted assets; further providing for standard nonforfeiture law for individual deferred annuities and for title insurance agents; further defining "wet marine and transportation insurance"; further providing for placement of surplus lines insurance, for requirements for eligible surplus lines insurers, for surplus lines licensee's duty to notify insured, for declarations, for licensing of surplus lines licensee, for records of surplus lines licensee, for suspension, revocation or nonrenewal of surplus lines licensee's license and for service of process in actions against surplus lines insurer; providing for fraternal benefit societies; and making a repeal.

On the question,

Will the Senate concur in the amendments made by the House to Senate amendments, as further amended by the Senate, to House Bill No. 599?

Senator BRIGHTBILL. Madam President, I move that the Senate do concur in the amendments made by the House to Senate amendments, as further amended by the Senate, to House Bill No. 599.

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-50

Armstrong	Greenleaf	Mowery	Tartaglione
Bell	Helfrick	Murphy	Thompson
Bodack	Holl	Musto	Tomlinson
Boscola	Hughes	O'Pake	Wagner
Brightbill	Jubelirer	Orie	Waugh
Conti	Kasunic	Piccola	Wenger
Corman	Kitchen	Punt	White, Donald

Costa	Kukovich	Rhoades	White, Mary Jo
Dent	LaValle	Robbins	Williams, Anthony H.
Earll	Lemmond	Scarnati	Williams, Constance
Erickson	Logan	Schwartz	Wozniak
Fumo	Madigan	Stack	
Gerlach	Mellow	Stout	

NAY-0

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

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

THIRD CONSIDERATION CALENDAR RESUMED

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

HB 767 (Pr. No. 4160) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of March 28, 1984 (P.L.150, No.28), known as the Automobile Lemon Law, further providing for definitions and for resale of returned motor vehicle.

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-50

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

NAY-0

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

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

BILL REREPORTED FROM COMMITTEE AS AMENDED OVER IN ORDER

HB 900 -- Without objection, the bill was passed over in its order at the request of Senator BRIGHTBILL.

BILLS REREPORTED FROM COMMITTEE AS AMENDED, AMENDED

HB 927 (Pr. No. 4164) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of May 22, 1933 (P.L.853, No.155), known as The General County Assessment Law, further providing for subjects of taxation enumerated; providing for a limitation on certain taxation; and prohibiting the imposition of certain taxes.

On the question, Will the Senate agree to the bill on third consideration? Senator BRIGHTBILL offered the following amendment No. A4259:

Amend Sec. 4, page 5, line 26, by striking out "This" and inserting: The amendment of section 201(a) of the

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 928 (Pr. No. 4165) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of May 21, 1943 (P.L.571, No.254), known as The Fourth to Eighth Class County Assessment Law, further providing for subjects of taxation enumerated; providing for a limitation on certain taxation; and prohibiting the imposition of certain taxes.

On the question, Will the Senate agree to the bill on third consideration? Senator BRIGHTBILL offered the following amendment No. A4258:

Amend Sec. 4, page 4, line 5, by striking out "This" and inserting: The amendment of section 201(a) of the

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

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

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

SB 1403 (Pr. No. 2165) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Titles 12 (Commerce and Trade) and 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, adding provisions relating to trade secrets; and further providing for the offense of theft of trade secrets.

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-50

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

NAY-0

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

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

**SPECIAL ORDER OF BUSINESS
SUPPLEMENTAL CALENDAR No. 6**

**BILL REREPORTED FROM COMMITTEE
AS AMENDED, AMENDED**

HB 2529 (Pr. No. 4195) -- The Senate proceeded to consideration of the bill, 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.

On the question,
Will the Senate agree to the bill on third consideration?
Senator THOMPSON offered the following amendment No. A4298:

Amend Sec. 1 (Sec. 317), page 6, line 16, by striking out "\$1,300,000,000" \$1,325,000,000

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.

CONSIDERATION OF CALENDAR RESUMED

THIRD CONSIDERATION CALENDAR RESUMED

**BILL ON THIRD CONSIDERATION
AND FINAL PASSAGE**

SB 315 (Pr. No. 320) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 71 (State Government) of the Pennsylvania Consolidated Statutes, further providing for retention and reinstatement of service credits.

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-50

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

NAY-0

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

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

BILL OVER IN ORDER TEMPORARILY

HB 412 -- Without objection, the bill was passed over in its order temporarily at the request of Senator BRIGHTBILL.

BILL LAID ON THE TABLE

SB 559 (Pr. No. 621) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of May 17, 1921 (P.L.682, No.284), known as The Insurance Company Law of 1921, further providing for certain outreach duties of the Insurance Department.

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

BILL OVER IN ORDER TEMPORARILY

HB 582 -- Without objection, the bill was passed over in its order temporarily at the request of Senator BRIGHTBILL.

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

SB 885 (Pr. No. 1026) -- 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, further providing for the reporting of student conduct; and requiring the adoption of a code of student conduct.

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-41

Table with 4 columns of names: Armstrong, Bell, Bodack, Boscola, Brightbill, Conti, Costa, Dent, Fumo, Gerlach, Greenleaf; Helfrick, Holl, Hughes, Jubelirer, Kasunic, Kitchen, Kukovich, LaValle, Lemmond, Logan, Madigan; Mellow, Murphy, Musto, O'Pake, Orié, Rhoades, Robbins, Schwartz, Stack, Stout, Tartaglione; Thompson, Tomlinson, Wagner, Wenger, White, Donald, Williams, Anthony H., Williams, Constance, Wozniak.

NAY-9

Table with 4 columns of names: Corman, Earl, Erickson; Mowery, Piccola; Punt, Scarnati; Waugh, White, Mary Jo.

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.

BILLS OVER IN ORDER

SB 974 and SB 1208 -- Without objection, the bills were passed over in their order at the request of Senator BRIGHTBILL.

BILL AMENDED

HB 1215 (Pr. No. 4087) -- The Senate proceeded to consideration of the bill, entitled:

An Act providing for the capital budget for the fiscal year 2002-2003.

On the question, Will the Senate agree to the bill on third consideration? Senator THOMPSON offered the following amendment No. A4201:

Amend Sec. 2, page 3, line 20, by striking out all of said line and inserting: Structures \$750,000,000 Special Fund as Amend Sec. 2, page 3, line 30, by striking out all of said line and inserting: Total \$1,206,000,000

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

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

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

SB 1465 (Pr. No. 2050) - 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, establishing criteria and authority for school districts to include character education in curriculum planning and the Character Education Grant Program.

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-38

Table with 4 columns of names: Armstrong, Bell, Bodack, Boscola, Conti, Costa, Dent, Fumo, Gerlach, Greenleaf; Helfrick, Holl, Hughes, Kasunic, Kitchen, Kukovich, LaValle, Lemmond, Logan, Madigan; Mellow, Musto, O'Pake, Punt, Rhoades, Robbins, Schwartz, Stack, Stout, Tartaglione; Thompson, Tomlinson, Wagner, Wenger, White, Donald, Williams, Anthony H., Williams, Constance, Wozniak.

NAY-12

Table with 4 columns of names: Brightbill, Corman, Earl; Erickson, Jubelirer, Mowery; Murphy, Orié, Piccola; Scarnati, Waugh, White, Mary Jo.

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.

LEGISLATIVE LEAVES

The PRESIDING OFFICER. The Chair recognizes the gentleman from Philadelphia, Senator Fumo.

Senator FUMO. Madam President, I request temporary Capitol leaves for Senator O'Pake and Senator A.H. Williams.

The PRESIDING OFFICER. Senator Fumo requests temporary Capitol leaves for Senator O'Pake and Senator A.H. Williams. Without objection, those leaves will be granted.

THIRD CONSIDERATION CALENDAR RESUMED

**BILL ON THIRD CONSIDERATION
AND FINAL PASSAGE**

HB 1952 (Pr. No. 4048) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of May 24, 1945 (P.L.991, No.385), known as the Urban Redevelopment Law, further providing for provisions of the redevelopment contract and for blighted property removal; and providing for a statute of limitations.

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-50

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

NAY-0

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

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

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

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

HB 927 (Pr. No. 4199) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of May 22, 1933 (P.L.853, No.155), known as The General County Assessment Law, further providing for subjects of taxation enumerated; providing for a limitation on certain taxation; and prohibiting the imposition of certain taxes.

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

On the question,
Shall the bill pass finally?

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

Senator BRIGHTBILL. Madam President, just for the Members' information, these are amendments to The General County Assessment Law.

And the question recurring,
Shall the bill pass finally?

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

YEA-37

Armstrong	Hughes	O'Pake	Wagner
Bell	Kasunic	Orie	Waugh
Bodack	Kitchen	Piccola	Wenger
Boscola	Kukovich	Punt	White, Donald
Brightbill	LaValle	Schwartz	Williams, Anthony H.
Conti	Lemmond	Stack	Williams, Constance
Dent	Madigan	Stout	Wozniak
Fumo	Mellow	Tartaglione	
Greenleaf	Murphy	Thompson	
Helfrick	Musto	Tomlinson	

NAY-13

Corman	Gerlach	Logan	Robbins
Costa	Holl	Mowery	Scarnati
Earll	Jubelirer	Rhoades	White, Mary Jo
Erickson			

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

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

HB 928 (Pr. No. 4200) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of May 21, 1943 (P.L.571, No.254), known as The Fourth to Eighth Class County Assessment Law, further providing for subjects of taxation enumerated; providing for a limitation on certain taxation; and prohibiting the imposition of certain taxes.

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

On the question,
Shall the bill pass finally?

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

Senator BRIGHTBILL. Madam President, just for the Members' information, these are amendments to The Fourth to Eighth Class County Assessment Law.

And the question recurring,
Shall the bill pass finally?

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

YEA-37

Armstrong	Hughes	O'Pake	Wagner
Bell	Kasunic	Orie	Waugh
Bodack	Kitchen	Piccola	Wenger
Boscola	Kukovich	Punt	White, Donald
Brightbill	LaValle	Schwartz	Williams, Anthony H.
Conti	Lemmond	Stack	Williams, Constance
Dent	Madigan	Stout	Wozniak
Fumo	Mellow	Tartaglione	
Greenleaf	Murphy	Thompson	
Helfrick	Musto	Tomlinson	

NAY-13

Corman	Gerlach	Logan	Robbins
Costa	Holl	Mowery	Scarnati
Earll	Jubelirer	Rhoades	White, Mary Jo
Erickson			

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

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

CONSIDERATION OF CALENDAR RESUMED

THIRD CONSIDERATION CALENDAR RESUMED

BILL AMENDED

HB 2322 (Pr. No. 4167) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for the Judicial Computer System Augmentation Account; and establishing the Access to Justice Account to provide for civil legal services to indigent persons and for imposition of fees.

On the question,

Will the Senate agree to the bill on third consideration?

Senator GREENLEAF offered the following amendment No. A4309:

Amend Sec. 1 (Sec. 3733), page 3, line 14, by striking out "OF THE" and inserting: The

Amend Sec. 1 (Sec. 3733), page 3, line 14, by removing the comma after "(1)" and inserting: shall be fixed and charged for the fiscal years as indicated:

(i) For the fiscal year 2002-2003,

Amend Sec. 1 (Sec. 3733), page 3, lines 16 and 17, by striking out UNTIL AUGUST 1, 2005.

Amend Sec. 1 (Sec. 3733), page 3, line 19, by striking out "THE" and inserting:

(ii) For the fiscal years 2003-2004 and 2004-2005, \$8.50 of each additional fee shall be deposited into the Judicial Computer System Augmentation Account and \$1.50 of each additional fee shall be deposited into the Access to Justice Account under section 4904.

(iii) For the fiscal year 2005-2006 and each fiscal year thereafter, \$8 of each additional fee shall be deposited into the Judicial Computer System Augmentation Account and \$2 of each additional fee shall be deposited into the Access to Justice Account under section 4904.

(3) The

On the question,

Will the Senate agree to the amendment?

It was agreed to.

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

BILL OVER IN ORDER TEMPORARILY

HB 2223 (Pr. No. 3032) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of June 12, 1919 (P.L.476, No.240), referred to as the Second Class County Recorder of Deeds Fee Law, providing for additional fees; and establishing a County Records Improvement Fund.

On the question,

Will the Senate agree to the bill on third consideration?

Senator MURPHY offered the following amendment No. A4305:

Amend Title, page 1, lines 1 through 5, by striking out all of said lines and inserting:

Amending the act of July 28, 1953 (P.L.723, No.230), entitled, as amended, "An act relating to counties of the second class and second class A; amending, revising, consolidating and changing the laws relating thereto," providing for fees to be charged and collected by the recorder of deeds; further providing for hotel room rental tax; further defining "public auditorium"; and providing for a vehicle rental tax.

Amend Bill, page 1, lines 8 through 18; page 2, lines 1 through 30; page 3, lines 1 through 20, by striking out all of said lines on said pages and inserting:

Section 1. The act of July 28, 1953 (P.L.723, No.230), known as the Second Class County Code, is amended by adding an article to read:

ARTICLE XIII-A

RECORDER OF DEEDS FEES

Section 1301-A. Fees.

The fees to be charged and collected by the recorder of deeds in counties of the second class shall be as follows:

(1) For recording deeds, the minimum fee for not more than four legal pages shall be \$10.00 and for each additional page or fraction thereof, \$2 extra.

(2) For recording sheriff's deeds, the minimum fee for not more than four legal pages shall be \$10 and for each additional page or fraction thereof, \$2 extra.

(3) For recording schedule of distribution, the minimum fee for not more than four legal pages shall be \$10 and for each additional page or fraction thereof, \$2 extra.

(4) For recording declaration of taking, the minimum fee for not more than four legal pages, plans or maps, shall be \$10, for indexing each name \$1, and for each page, plan or map \$2 extra per legal page of plans or maps or fraction thereof.

(5) For indexing deeds, mortgages and all other writings with more than four names, the minimum fee shall be \$1 extra for each additional name.

(6) For recording agreements, leases, oil and gas leases, rights of way, municipal ordinance vacating streets, lanes, or alleys or parts thereof of not more than four legal pages the minimum fee shall be \$10 and \$2 for each additional legal page or fractional part thereof.

(7) For recording assignments of agreements, leases, oil and gas leases, rights of way or other instrument of writing, by separate paper except as provided in this section of not more than two legal pages the minimum fee shall be \$8 and \$2 for each additional page or fractional part thereof.

(8) For recording adjudication in bankruptcy the minimum fee shall be \$10.

(9) For recording widow's election the minimum fee shall be \$10.

(10) For recording widow's appraisement the minimum fee shall be \$10.

(11) For recording release of legacies the minimum fee shall be \$10.

(12) For recording military or naval discharge, no fee.

(13) For exemplification of military or naval discharge for purpose of securing benefits under the "Korean Conflict Veteran's Compensation Act," no fee.

(14) For recording military or naval certificate of service, no fee.

(15) For exemplification of military or naval certificate of service for purpose of securing benefits under the "Korean Conflict Veteran's Compensation Act," no fee.

(16) For a certified copy of any honorable military or naval discharge, a certificate of service, separation form known as DD Form 214, or other similar forms, delivered to members of the armed services upon their retirement or separation from active duty for use in connection with any claim for compensation, no fee.

(17) For recording decree of feme sole trader, the minimum fee shall be \$10.

(18) For recording declaration of trust of not more than four legal pages, the minimum fee shall be \$10 and \$2 for each additional page or fractional part thereof.

(19) For recording decree or order of court of not more than two legal pages, the minimum fee shall be \$10 and \$2 for each additional page or fractional part thereof.

(20) For recording mortgages of not more than four legal pages the minimum fee shall be \$17 and each additional page or fraction thereof, \$2 extra.

(21) For recording assignment of mortgage when attached to mortgage at time of recording, the minimum fee shall be \$5.

(22) For recording assignment of mortgage by separate paper of not more than one assignment, the minimum fee shall be \$8, for noting each additional assignment, \$2.

(23) For recording satisfaction, partial payment, postponement, or release, by separate paper, the minimum fee shall be \$8.

(24) For entering satisfactions, assignments, partial payments, releases, extensions and postponements, on margin of mortgage record, the minimum fee shall be \$6.

(25) For entering partial payment, release, extension and assignment, under one marginal entry the minimum fee shall be \$6 for first item and \$2 for each additional item.

(26) For mortgage searches on not more than one piece of property, each name the minimum fee shall be \$10 and for each unsatisfied mortgage shown, \$5.

(27) For reporting mortgage, lien, assignment or satisfaction thereof to the county commissioners or board of assessors the minimum fee shall be 50¢ each, to be paid by the county.

(28) For recording or exemplifying of commission for notary public, with bond and oath, the minimum fee shall be \$11, city or county officer, with bond and oath, the minimum fee shall be \$14, district justice or alderman, with bond and oath the minimum fee shall be \$12.50, and special police officer the minimum fee shall be \$10.

(29) For exemplification of special police officer's oath, the minimum fee shall be \$2.

(30) For furnishing the Auditor General with information concerning limited partnerships, the minimum fee shall be \$10.

(31) For affidavit and acknowledgment of bondsmen for notary public, district justice or alderman, one person, the minimum fee shall be \$1.25; two persons, the minimum fee shall be \$1.75.

(32) For recording powers of attorney of not more than two names or more than two legal pages, the minimum fee shall be \$10 and \$2 for each additional or fractional part thereof.

(33) For making marginal notations other than specified above the minimum fee shall be \$2 for each item.

(34) For recording charters or limited partnerships of not more than four legal pages, the minimum fee shall be \$10; and \$2 for each additional page or fractional part thereof.

(35) For recording bank bonds the minimum fee shall be \$10.

(36) For recording financing statements and terminations the minimum fee shall be \$5.

(37) The fee for services not herein specifically provided for shall be the same as for similar services.

Section 1302-A. State tax.

All fees shall be exclusive of any state tax now provided for by law and shall be payable in advance.

Section 1303-A. Fund.

(a) Establishment.—There is hereby established a County Records Improvement Fund in counties of the second class.

(b) Additional fees.—In addition to the fee charged by a recorder of deeds, a fee in the amount of \$5 shall be charged and collected for each document recorded. The fee shall be distributed in the following manner:

(1) The amount of \$3 shall be retained in a separate fund within the office of the recorder of deeds to be used, in accordance with regular county budgeting, contracting and procurement practices, to support development and improvement of office records management activities and systems in the office of the recorder of deeds. Amounts in the separate fund shall not be used to substitute any allocations of general revenues for the operation of the recorder's office without the express consent of the recorder. The separate fund shall be audited by the appropriate auditing agency, and any unexpended balance, together with interest earned on the separate fund, shall be left in the separate fund to accumulate from year to year. Beginning with the close of the fiscal year four years after the effective date of this section and every four years thereafter, any unencumbered funds remaining in the separate fund shall be transferred to the County Records Improvement Fund.

(2) The amount of \$2 shall be deposited in the County Records Improvement Fund for use as prescribed in subsection (c).

(c) Expenditures.—Funds deposited in the County Records Improvement Fund shall be expended in accordance with a comprehensive records management plan based on the goal of standardizing and equalizing the capabilities of all county offices consistent with their need to receive, manage and provide information to the public as efficiently as possible. The plan shall be developed and administered in the following manner:

(1) Each county shall establish a County Records Improvement Committee made up of the members of county council, county chief executive, sheriff, prothonotary, clerk of court, register of wills and treasurer. The County Records Improvement Committee shall assess the relative records management capabilities and records management needs of each office and develop recommendations to the county council for a comprehensive records management plan consistent with the goal established in this subsection.

(2) The county council shall adopt and provide for administration of a comprehensive records management plan that is based on the recommendations of the County Records Improvement Committee and is consistent with the goal established in this subsection.

The plan may be amended from time to time in consultation with the County Records Improvement Committee.

(3) The County Records Improvement Fund shall be expended and administered consistent with regular county budgeting, contracting and procurement practices and administrative procedures. The County Records Improvement Fund shall be audited by the appropriate auditing agency, and any unexpended balance, together with interest earned on the County Records Improvement Fund, shall be left in the County Records Improvement Fund to accumulate from year to year.

Section 2. Section 1970.2(a) of the act is amended by adding a definition and subsection (b.1) is amended by adding a clause to read:

Section 1970.2. Hotel Room Rental.—(a) The following words and phrases when used in this section shall have, unless the context clearly indicates otherwise, the meanings ascribed to them in this section:

"Convention center hotel," a hotel or other overnight lodging facility physically connected to a convention center and located on property owned by a public authority formed under Article XXV-A that operates a convention center which contains a minimum of two hundred fifty thousand (250,000) square feet of exhibit space.

(b.1) The treasurer of each county of the second class electing to impose the tax authorized under this section is hereby directed to collect the tax and to deposit the revenues received from the tax in a special fund. The revenues shall be distributed by the county commissioners as follows:

(5) In the event a convention center hotel is developed, revenues equal to the amount of the excise tax imposed under this section, at the then effective rate, and attributable to the convention center hotel, shall not be distributed by the county as set forth in clauses (1), (2), (2.1), (3) or (4), but shall be distributed to the public authority which operates the related convention center, to be used to pay or finance any capital or maintenance costs of the convention center hotel or related infrastructure or related building.

Section 3. The definition of "public auditorium" in section 2502-A of the act, added October 30, 2000 (P.L.616, No.85), is amended to read:

Section 2502-A. Definitions.—The following words and phrases when used in this article shall have the meanings given to them in this section unless the context clearly indicates otherwise:

"Public auditorium." Any structure appropriate for large public assemblies, the holding of conventions, sporting tournaments, athletic contests and exhibitions, musical and dramatic performances and other business, social, cultural, scientific and recreational events and all facilities necessary or incident thereto, including provisions for adequate off-street parking[,] and for hotels or other overnight lodging facilities to the extent that the lodging facility is located on property owned by the Authority and physically connected to the structure. Nothing herein contained shall be construed to prohibit the constructing, on sites acquired adjacent to and in connection with such structures and facilities, of improvements, buildings and other structures for the purpose of producing revenues to assist in defraying the costs of operation, maintenance and debt service of the project.

Section 4. Section 2505-A(a) of the act, added October 30, 2000 (P.L.616, No.85), is amended to read:

Section 2505-A. Purposes and Powers; General.—(a) Every Authority incorporated under this article shall be a public body, corporate and politic, exercising public powers of the Commonwealth as an agency thereof, and shall be for the purpose of acquiring, holding, constructing, improving, maintaining [and], operating, owning, financing, funding, leasing, either in the capacity of lessor or lessee, public auditoriums, the purpose and interest of this article being to benefit the people of the Commonwealth by, among other things, increasing their commerce and prosperity and promoting their educational, cultural, physical, civic, social and moral welfare.

Section 5. The act is amended by adding an article to read:

ARTICLE XXV-B

VEHICLE RENTAL TAX

Section 2501-B. Short title.

This article shall be known and may be cited as the Second Class County Vehicle Rental Tax Act.

Section 2502-B. Definitions.

The following words and phrases when used in this article shall have the meanings given to them in this section unless the context clearly indicates otherwise:

"Convention center." A building located in a city of the second class, the major function of which is to house meetings, exhibitions, shows, conventions, assemblies, convocations, and similar gatherings, provided that the building shall contain a minimum of 250,000 square feet of exhibit space.

"Public authority." A public authority formed under Article XXV-A.

"Rental vehicle." A private passenger motor vehicle designed to transport 15 or fewer passengers, or a truck, trailer or semitrailer used in the transportation of property other than commercial freight, that is rented without a driver, is part of a fleet of five or more rental vehicles that are used for that purpose and owned or leased by the same person or entity, and is rented for a period of 29 or fewer consecutive days.

"Vehicle rental company." A business entity engaged in the business of renting motor vehicles in this Commonwealth.

Section 2503-B. Authority to impose excise tax on vehicle rental. Notwithstanding any provision of this act or any law to the contrary, each county of the second class is hereby authorized to impose an excise tax either:

(1) on the rental of a rental vehicle in that county; or

(2) on the rental of a rental vehicle executed at an airport in a county of the second class.

Any tax levied pursuant to paragraph (1) shall not exceed 3% of the purchase price of the rental. Any tax levied pursuant to paragraph (2) shall not exceed 4% of the purchase price of the rental and shall comply with all applicable Federal and State laws. For purposes of this section, the situs of the rental of the vehicle is the place where the renter takes possession of the rental vehicle.

Section 2504-B. Tax collection, administration and enforcement.

The vehicle rental tax shall be collected by each vehicle rental company subject to the tax. The tax shall be collected at the time the rental vehicle is rented by the vehicle rental company and shall be remitted by the vehicle company to the county that imposed the tax in accordance with the rules and regulations established by the county for the collection and remittance of the tax. Any person required to collect or pay over any tax authorized by this section who fails to collect or pay over any such tax shall be liable for the full amount of such tax, including any interest or penalties which may be imposed by a county of the second class. The county is authorized to promulgate and enforce rules and regulations not inconsistent with the provisions of this article relating to any matter or thing pertaining to the collection, administration and enforcement of the provisions of this section.

Section 2505-B. Use of tax revenue.

(a) Public authority owning convention center.—The county imposing the vehicle rental tax shall cause the revenues received to be deposited to a special fund. All revenues shall be distributed by the county monthly to the public authority owning a convention center in the second class county. The proceeds of the vehicle rental tax shall be used by the public authority for all purposes which a public authority shall determine to be reasonably necessary for the support, operation, maintenance and any capital costs of the convention center, related infrastructure, facilities for the provision of adequate off-street parking, and hotels or other overnight lodging facilities, to the extent the lodging facility is located on property owned by the public authority and is physically connected to the convention center.

(b) Other authorities.—The tax revenues shall be used to directly pay such costs and expenses or to pay debt service and financing costs for debt incurred for such purposes by the public authority or a redevelopment authority formed under the act of May 24, 1945 (P.L.991, No.385), known as the Urban Redevelopment Law, or an industrial and commercial development authority formed under the act of August 23, 1967 (P.L.251, No.102), known as the Economic Development Financing Law.

Section 2506-B. Commonwealth and county pledge.

The Commonwealth does hereby pledge to and agree with any person, firm or corporation subscribing to or acquiring bonds issued by the county or an authority to finance costs for which the tax was dedicated that the Commonwealth itself will not repeal the authorization or reduce the rate of tax authorization under this article until all bonds, together with interest thereon, have been paid or provision for payment has been made. A county of the second class imposing a tax and dedicating the tax as provided in this article shall not be permitted to repeal the tax or to reduce the rate of the tax or to revoke its dedication until all of the bonds, together with interest thereon, have been paid or provision for such payment has been made.

Section 2507-B. Limitation.

The authorization contained in section 2503-B shall be repealed unless construction of a hotel or other overnight lodging facility located on land owned by the public authority and physically connected to the convention center has been commenced within two years from the effective date of this act.

Section 6. This act shall take effect in 60 days.

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

The PRESIDING OFFICER. The Chair recognizes the gentleman from Philadelphia, Senator Fumo.

Senator FUMO. Madam President, could we be at ease?

The PRESIDING OFFICER. The Senate will stand at ease.
(The Senate was at ease.)

AMENDMENT WITHDRAWN

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

Senator MURPHY. Madam President, I understand there are still some concerns with the amendment, so I would like to withdraw it at this time.

The PRESIDING OFFICER. Senator Murphy withdraws his amendment.

Senator BRIGHTBILL. Madam President, I request that House Bill No. 2223 go over in its order temporarily.

The PRESIDING OFFICER. The bill will go over temporarily.

**SPECIAL ORDER OF BUSINESS
SUPPLEMENTAL CALENDAR No. 8**

**BILL ON THIRD CONSIDERATION
AND FINAL PASSAGE**

HB 1215 (Pr. No. 4201) -- The Senate proceeded to consideration of the bill, entitled:

An Act providing for the capital budget for the fiscal year 2002-2003.

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-50

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

NAY-0

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

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

CONSIDERATION OF CALENDAR RESUMED

THIRD CONSIDERATION CALENDAR RESUMED

BILL OVER IN ORDER TEMPORARILY

HB 2410 -- Without objection, the bill was passed over in its order temporarily at the request of Senator BRIGHTBILL.

SECOND CONSIDERATION CALENDAR

BILLS OVER IN ORDER TEMPORARILY

SB 1042 and **SB 1425** -- Without objection, the bills were passed over in their order temporarily at the request of Senator BRIGHTBILL.

**SENATE CONCURRENT RESOLUTION
No. 244, ADOPTED**

Senator BRIGHTBILL, without objection, called up from page 12 of the Calendar, **Senate Concurrent Resolution No. 244**, entitled:

A Concurrent Resolution directing the Joint State Government Commission to establish a bipartisan task force with an advisory committee to complete the codification of Pennsylvania's law on real property and to review and update the law on real property on a continuing basis.

On the question,
Will the Senate adopt the resolution?

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

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

SENATE RESOLUTION ADOPTED

Senators MURPHY, MOWERY, WENGER, M. WHITE, KUKOVICH, RHOADES, HELFRICK, PICCOLA, ERICKSON, BODACK, MUSTO, TOMLINSON, SCARNATI, ARMSTRONG, CORMAN, DENT, CONTI, D. WHITE, LAVALLE, ORIE, HOLL, BELL, LEMMOND, MADIGAN, ROBBINS, BRIGHTBILL, GREENLEAF, GERLACH, EARLL, THOMPSON, C. WILLIAMS, A. WILLIAMS, STOUT, MELLOW, HUGHES, WOZNIAK, SCHWARTZ, COSTA, KITCHEN, O'PAKE, BOSCOLA, WAGNER, LOGAN, TARTAGLIONE, STACK, KASUNIC and WAUGH, by unanimous consent, offered **Senate Resolution No. 263**, entitled:

A Resolution supporting the ideals and principles embodied in the Pledge of Allegiance and the recitation of the Pledge of Allegiance in its entirety.

On the question,
Will the Senate adopt the resolution?

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

Senator MURPHY. Madam President, I am going to submit my remarks for the record, but just so the Members know, this is the resolution which all Members of the Senate have cosponsored that deals with calling upon the 9th Circuit Court, or at least our support, saying the Pledge of Allegiance in its entirety is what we recognize as Members of the Pennsylvania Senate, and certainly as Pennsylvanians we believe the entire Pledge of Allegiance, including the words "one nation under God," is appropriate for our students to learn. I will submit the rest of my comments for the record.

Thank you.

(The following remarks were made a part of the record at the request of the gentleman from Allegheny, Senator MURPHY:)

Mr. President, I rise today to call upon my colleagues to support a resolution expressing the outrage of the Senate of Pennsylvania at the ruling by the 9th Circuit Court of Appeals declaring the Pledge of Allegiance unconstitutional.

In my practice as a psychologist, I have extensively studied the effects that outside influences have on young minds, and I am concerned because young people are exposed to so many negative messages on a daily basis. They see and hear stories of violence and promiscuity. The hedonistic lifestyles of criminals and gangster drug dealers are glamorized. Young people see the senseless slaughter of suicide bombers and hear the undisguised vulgarities and the misogynistic lyrics of rap singers. Then, we as a society wonder why children kill children, families dissolve, and there is a general disrespect for the institutions and ideals that made our country great.

With all of those negative influences, it is essential that parents, educators, church and civic groups stand up for positive messages that reinforce the fiber of our communities, just as we must stand together today to decry the message from the 9th Circuit Court that the words "under God" are unconstitutional.

The Pledge of Allegiance provides us with a strong common bond. Beginning in the classroom and continuing through life, this simple pledge reminds us that our great and indivisible nation stands for freedom and personal liberty. And that includes respecting the thoughts and

rights of others, even when we disagree. However, one parent and two judges have taken this right to freedom and personal liberty beyond the realm of common sense.

Reverting back to my role as a psychologist, I cannot believe that with all of those negative messages out there, a parent would be concerned because his child heard the words "under God." That is simply unconscionable.

Then instead of tossing this ridiculous case out right away, a Federal court actually ruled in favor of the parent, adding a further sense of comedy to this situation. This is not a case of pledging allegiance to God, any God, it is a pledge to a symbol of our ideals and our nation. The entire separation of church and State argument in this case is faulty. Even so, our great leaders of the past recognized that religion and government not only can, but must co-exist.

It was George Washington in his farewell address who said, "Let it simply be asked where is the security for property, for reputation, for life if the sense of religious obligation desert the oaths, which are the instruments of investigation in courts of justice? And let us with caution indulge the supposition that morality can be maintained without religion. Whatever may be conceded to the influence of refined education on minds of peculiar structure, reason and experience both forbid us to expect that national morality can prevail in exclusion of religious principle."

Theodore Roosevelt said, "The most perfect machinery of government will not keep us as a nation if there is not within us a soul."

President Roosevelt also said, "In this actual world a churchless community, a community where men have abandoned and scoff at or ignore their religious needs, is a community on the rapid downgrade."

Mr. President, the 1-year anniversary of September 11 is quickly approaching, and over the past 10 months we have seen a renewed pride in our nation. Moving beyond tragedy, we have restored unity and patriotism in communities across this great nation. Recovering from terrorism, we have provided freedom to an oppressed people. Remembering our grief, our men and women in uniform are providing hope for a new world where all people can live without fear.

Those are the ideals that we support and honor when we pledge allegiance to our flag. And I hope the courts will understand that and reverse this terrible, this outrageous ruling, which belies good conscience, ignores the history of our nation, and defies common sense.

Thank you and God bless America.

And the question recurring,
Will the Senate adopt the resolution?

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

SPECIAL ORDER OF BUSINESS ANNOUNCEMENT BY THE SECRETARY

The SECRETARY. Consent has been given for the Committee on Rules and Executive Nominations to meet again in the Rules room to consider Senate Bill No. 483, House Bill No. 754, House Bill No. 1501, and certain executive nominations.

THIRD CONSIDERATION CALENDAR RESUMED

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

HB 2398 (Pr. No. 3983) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of June 29, 1996 (P.L.434, No.67), known as the Job Enhancement Act, further providing for small business definitions and loan eligibility and terms.

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-50

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

NAY-0

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

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

HB 412 CALLED UP

HB 412 (Pr. No. 4168) -- Without objection, the bill, which previously went over in its order temporarily, was called up, from page 9 of the Third Consideration Calendar, by Senator BRIGHTBILL.

BILL AMENDED

HB 412 (Pr. No. 4168) -- 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, further providing for health recommendations and for mandated waivers for charter schools.

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

ORIE AMENDMENT A4236

Senator ORIE offered the following amendment No. A4236:

Amend Title, page 1, line 6, by inserting after "recommendations":
, for high school certificates
Amend Bill, page 2, by inserting between lines 18 and 19:

Section 2. Section 1613(a) of the act, amended June 22, 2001 (P.L.530, No.35), is amended to read:

Section 1613. High School Certificates.—(a) The board of school directors, joint board [of] or joint school committee operating any high school shall issue a certificate to each pupil satisfactorily completing the prescribed course of instruction in the high school and shall have the sole authority to determine what shall be affixed or denoted on diplomas and transcripts.

Amend Sec. 2, page 2, line 19, by striking out "2" and inserting: 3
Amend Sec. 3, page 3, line 2, by striking out "3" and inserting: 4

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

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

Senator ORIE. Madam President, this amendment would restore control back to local school boards over what to affix to a diploma and to get rid of the State seals.

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

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

SCHWARTZ AMENDMENT A4244

Senator SCHWARTZ offered the following amendment No. A4244:

Amend Title, page 1, line 5, by inserting after "providing": for employment criminal background checks,

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

Section 1. Section 111(c) of the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, amended December 19, 1990 (P.L.1362, No.211) is amended to read:

Section 111. Background Checks of Prospective Employees; Conviction of Employes of Certain Offenses.—***

(c) Where the applicant [is] has not been a resident of [the] this Commonwealth for at least two (2) years immediately preceding the date of application for employment, administrators shall require the applicant to submit with the application for employment a report of Federal criminal history record information pursuant to the Federal Bureau of Investigation appropriation of Title II of Public Law 92-544, 86 Stat. 1115, and the department shall be the intermediary for the purposes of this section.

Section 2. Section 1406 of the act, added July 15, 1957 (P.L.937, No.404), is amended to read:

Amend Sec. 2, page 2, line 19, by striking out "2" and inserting: 3
Amend Sec. 3, page 3, line 2, by striking out "3" and inserting: 4

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

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

RHOADES AMENDMENT A4246

Senator RHOADES offered the following amendment No. A4246:

Amend Title, page 1, line 6, by removing the period after "SCHOOLS" and inserting: ; and making a repeal.

Amend Sec. 3, page 3, line 2, by striking out all of said line and inserting:

Section 3. Article XII-A of the act is repealed.

Section 4. This act shall take effect as follows:

(1) The following provisions shall take effect immediately:

(i) Section 3 of this act.

(ii) This section.

(2) The remainder of this act shall take effect in 60 days.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

And the question recurring,

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

BRIGHTBILL AMENDMENT A4237

Senator BRIGHTBILL offered the following amendment No. A4237:

Amend Title, page 1, line 6, by striking out "FOR CHARTER SCHOOLS"

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 582 CALLED UP

HB 582 (Pr. No. 4169) -- Without objection, the bill, which previously went over in its order temporarily, was called up, from page 9 of the Third Consideration Calendar, by Senator BRIGHTBILL.

BILL ON THIRD CONSIDERATION
AND FINAL PASSAGE

HB 582 (Pr. No. 4169) -- 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 criminal mischief, for institutional vandalism, for criminal trespass and for retail theft.

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-50

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

NAY-0

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

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

RECESS

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

Senator BRIGHTBILL. Madam President, I ask for a brief recess of the Senate for the purpose of a meeting of the Committee on Rules and Executive Nominations.

The PRESIDING OFFICER. Senator Brightbill requests a recess of the Senate for the purpose of a meeting of the Committee on Rules and Executive Nominations to be held immediately in the rear of the Chamber. For that purpose, without objection, the Senate will stand in recess.

AFTER RECESS

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

EXECUTIVE NOMINATIONS

EXECUTIVE SESSION

Motion was made by Senator ROBBINS,

That the Senate do now resolve itself into Executive Session for the purpose of considering certain nominations made by the Governor.

Which was agreed to by voice vote.

NOMINATIONS TAKEN FROM THE TABLE

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

The Clerk read the nominations as follows:

CONTROLLER, ARMSTRONG COUNTY

May 29, 2002

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, Linda M. Campbell, 2 Skiles Street, Freeport 16229, Armstrong County, Forty-first Senatorial District, for appointment as Controller, in and for the County of Armstrong, to serve until the first Monday of January 2004, vice Darlene J. Pike, resigned.

Mark S. Schweiker
Governor

MEMBER OF THE PENNSYLVANIA
FISH AND BOAT COMMISSION

April 18, 2002

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 Czop, 724 Black Rock Road, Collegeville 19426, Montgomery County, Twenty-fourth Senatorial District, for appointment as a member of the Pennsylvania Fish and Boat Commission, to serve for a term of eight years or until his successor is appointed and qualified, but not longer than six months beyond that period, vice Donald Lacy, Reading, whose term expired.

Mark S. Schweiker
Governor

JUDGE, COURT OF COMMON PLEAS,
MONTGOMERY COUNTY

June 26, 2002

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, Steven T. O'Neill, Esquire, 426 Bryn Mawr Avenue, Bala Cynwyd 19004, Montgomery County, Seventeenth Senatorial District, for appointment as Judge of the Court of Common Pleas of Montgomery County, to serve until the first Monday of January 2004, vice The Honorable Samuel W. Salus, II, resigned.

Mark S. Schweiker
Governor

JUDGE, COURT OF COMMON PLEAS,
PHILADELPHIA COUNTY

June 27, 2002

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 A. Dych, Esquire, 1922 Green Street, Philadelphia 19130, Philadelphia County, First Senatorial District, for appointment as Judge of the Court of Common Pleas of Phila-

delphia County, to serve until the first Monday of January 2004, vice The Honorable Richard B. Klein, resigned.

Mark S. Schweiker
Governor

JUDGE, SUPERIOR COURT OF PENNSYLVANIA

May 31, 2002

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. Graci, Esquire, 506 Deubler Road, Camp Hill, 17011, Cumberland County, Thirty-first Senatorial District, for appointment as Judge of the Superior Court, to serve until the first Monday of January 2004, vice The Honorable J. Michael Eakin, resigned.

Mark S. Schweiker
Governor

MEMBER OF THE STATE CIVIL
SERVICE COMMISSION

April 12, 2002

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, Katherene E. Holtzinger Conner, Esquire, 1772 Kendall Drive, Mechanicsburg 17055, Cumberland County, Thirty-third Senatorial District, for reappointment as a member of the State Civil Service Commission, to serve for a term of six years or until her successor is appointed and qualified, but not longer than six months beyond that period.

Mark S. Schweiker
Governor

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

QUESTION DIVIDED
NOMINATION LAID ON THE TABLE

The PRESIDING OFFICER. The Chair recognizes the gentleman from Mercer, Senator Robbins.

Senator ROBBINS. Madam President, I request a division of the question, and move that the nomination of Katherene E. Holtzinger Conner for the State Civil Service Commission be laid upon the table.

The PRESIDING OFFICER. The question is divided, and without objection, the nomination will be laid on the table.

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

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

YEA-50

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

NAY-0

A constitutional two-thirds majority of all the Senators having voted "aye," the question was determined in the affirmative. Ordered, That the Governor be informed accordingly.

COMMUNICATION FROM THE 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:

**MEMBER OF THE STATE CIVIL
SERVICE COMMISSION**

June 28, 2002

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 April 12, 2002, for the reappointment of Katherine E. Holtzinger Conner, Esquire, 1772 Kendall Drive, Mechanicsburg 17055, Cumberland County, Thirty-third Senatorial District, as a member of the State Civil Service Commission, to serve for a term of six years or until her successor is appointed and qualified, but not longer than six months beyond that period.

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

Mark S. Schweiker
Governor

**COMMUNICATION FROM THE GOVERNOR
TAKEN FROM THE TABLE**

Senator ROBBINS, by unanimous consent, called from the table a communication from His Excellency, the Governor of the Commonwealth, recalling the following nomination, which was read by the Clerk as follows:

**MEMBER OF THE STATE CIVIL
SERVICE COMMISSION**

June 28, 2002

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 April 12, 2002, for the reappointment of Katherine E. Holtzinger Conner, Esquire, 1772 Kendall Drive, Mechanicsburg 17055, Cumberland County, Thirty-third Senatorial District, as a member of the State Civil Service Commission, to serve for a term of six years or until her successor is appointed and qualified, but not longer than six months beyond that period.

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

Mark S. Schweiker
Governor

NOMINATION RETURNED TO THE GOVERNOR

Senator ROBBINS. Madam President, I move that the nomination 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 nomination will be returned to the Governor.

EXECUTIVE SESSION RISES

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

The motion was agreed to by voice vote.

CONSIDERATION OF CALENDAR RESUMED**THIRD CONSIDERATION CALENDAR RESUMED****HB 2410 CALLED UP**

HB 2410 (Pr. No. 4091) -- Without objection, the bill, which previously went over in its order temporarily, was called up, from page 11 of the Third Consideration Calendar, by Senator BRIGHTBILL.

BILL OVER IN ORDER

HB 2410 -- Without objection, the bill was passed over in its order at the request of Senator BRIGHTBILL.

**SPECIAL ORDER OF BUSINESS
SUPPLEMENTAL CALENDAR No. 9****SENATE CONCURS IN HOUSE AMENDMENTS**

SB 238 (Pr. No. 2176) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for definitions, for suspension of operating privileges, for driving with suspended or revoked licenses, for chemical testing to determine alcohol or controlled substance amounts, for occupational limited license, for probationary licenses, for alcohol restrictions for certain drivers and for insurance benefits; providing for automated red light enforcement systems in first class cities; further providing for meeting or overtaking school buses and for parking regulations; adding a penalty for violating provisions relating to blind pedestrians; further providing for violations by pedestrians and for driving

under the influence of alcohol or a controlled substance; providing for operation of motor homes on certain highways; and further providing for length of vehicles, for moving wooden structures, for limitations on record disclosure, for vehicle impoundment, for vehicle immobilization, towing and storage, for disposition of impounded vehicles and loads and for recidivism.

On the question,

Will the Senate concur in the amendments made by the House to Senate Bill No. 238?

Senator BRIGHTBILL. Madam President, I move that the Senate do concur in the amendments made by the House to Senate Bill No. 238.

On the question,

Will the Senate agree to the motion?

The PRESIDING OFFICER. The Chair recognizes the gentleman from Philadelphia, Senator Fumo.

Senator FUMO. Madam President, will the gentleman stand for brief interrogation?

Senator BRIGHTBILL. Madam President, considering the hour, I will do my best.

Senator FUMO. Madam President, the gentleman promised me in the meeting of the Committee on Rules and Executive Nominations that by the time we got to the floor he would have an answer telling me why the provisions in here for cameras at red lights are being administered in Philadelphia by the Parking Authority as opposed to the police department.

Senator BRIGHTBILL. Madam President, it is our understanding that the Parking Authority is going to bid this out to an independent vendor. I think this is currently occurring in other cities, and it is my understanding that they will not need to hire any individual employees to administer this program.

Senator FUMO. I know the hour is late, Madam President, but would the gentleman answer the question I asked him, which was--

Senator BRIGHTBILL. Madam President, I did not hear a word the gentleman said.

Senator FUMO. Madam President, then the Chair should bang the gavel and tell him to pay attention. And for the people watching PCN again at 3 o'clock in the morning, they need a life.

Now let us get back, if I may. I asked the gentleman in the meeting of the Committee on Rules and Executive Nominations if he could tell me why this particular provision was going to be administered in Philadelphia by the Parking Authority, which is a patronage mill, as has been determined by the media, as opposed to the police department, who would normally enforce moving violations and who are the only ones in Philadelphia with power to enforce moving violations.

Senator BRIGHTBILL. Madam President, my understanding is that the Parking Authority in Philadelphia is considered a capable administrative agency, and that is the reason it was selected by the craftsmen of this bill.

Senator FUMO. Madam President, I am glad the gentleman characterized it that way, and I am sure when we come back some months from now and read some editorials, he will be glad to say he thought that, but, Madam President, I want to know

why they, as opposed to the Philadelphia Police Department, which enforces moving violations throughout the city--and in fact, throughout the whole Commonwealth of Pennsylvania, only police officers, either State Police or local police, enforce moving violations--I would like to know why in Philadelphia they do not trust the police department, and why he has to give it to the Perzel patronage operation called the Parking Authority.

Senator BRIGHTBILL. Madam President, I guess I could fairly answer that the only way that I know to answer, and that is "because."

The PRESIDING OFFICER. I think the gentleman is saying, Senator Fumo, that that is the way the bill is written.

Senator FUMO. Well, no, Madam President, he is the one who asked for the motion, and I would assume, knowing his intelligence as a lawyer from Lebanon County, that he would not make such a motion if he did not know what the bill was about. And he is the one who assured me in the Committee on Rules and Executive Nominations that he would have an answer for me that would answer my question. I assumed it would be more of a quality answer than just "because," but if that is the best he has, I guess I have to live with that.

Senator BRIGHTBILL. Madam President, I actually gave a quality answer before and he repeated his question, and that is when I became somewhat flippant and said "because."

The craftsmen of this bill have determined that this is an administrative function that requires the hiring of a vendor, the use of software. The function requires that a police officer issue a citation, and much of this is more administrative work and detailed work involving computers and cameras than it is really police work. Policemen and policewomen should be out on the street doing their job of providing police protection, and it is believed that civilian employees are best able to handle this function.

Senator FUMO. Madam President, on the bill. I distinctly disagree with my distinguished colleague. He often tells me he does not live in Philadelphia and does not understand all the problems that are there. The history of the Parking Authority is, we all recall in this Chamber, that Mr. Perzel got the Senate to do his bidding based on the premise that he should take over the Parking Authority because he was going to give \$45 million to the Philadelphia school system. Well, in fact, when he did take over the Parking Authority, he did not give the Philadelphia school system a dime, but rather created 60 patronage jobs there that he filled. Madam President, I guess we did not need the \$45 million because the Republicans in this Chamber tonight were gracious enough to give my city \$75 million, so I guess that allows Mr. Perzel to continue to have fun at the Parking Authority. I want to thank you again for that because we no longer have to raise real estate taxes, as you will, to handle our school system.

But, Madam President, all this does is assign another function to the patronage mill, and despite what the gentleman says, that there will not be any jobs involved or patronage, the lobbyists even for this entity admitted to me it will only be a little bit of patronage. Madam President, I hope that at some point in time the Members on that side of the aisle would be as outraged at Republican patronage in Philadelphia as they are outraged at Democratic patronage in Philadelphia. But apparently, when the party label shifts, it all of a sudden becomes, and I quote, "a cred-

ible agency." When it was run by the Democrats, it was not credible. I fail to see that logic, but I am sure you have something there for it and you will answer your voters when they go to the polls in November about all of this nonsense, including this.

The fact of the matter is this is another Republican patronage grab for the Majority Leader from Philadelphia, John Perzel. I know he is in a tough race. This is about another 20 jobs that will help him win that race. My only regret is that some of you who are going to be in tough fights are not going to get a piece of that action. He will protect himself at your expense, just as he did earlier tonight on the school vote. So we will oppose this, we do not believe in this kind of nonsense. We regret that you do, but we understand the numbers.

Thank you, Madam 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-28

Armstrong	Gerlach	Mowery	Scarnati
Bell	Greenleaf	Murphy	Thompson
Brightbill	Helfrick	Orie	Tomlinson
Conti	Holl	Piccola	Waugh
Corman	Jubelirer	Punt	Wenger
Dent	Lemmond	Rhoades	White, Donald
Erickson	Madigan	Robbins	White, Mary Jo

NAY-22

Bodack	Kasunic	Musto	Wagner
Boscola	Kitchen	O'Pake	Williams, Anthony H.
Costa	Kukovich	Schwartz	Williams, Constance
Earll	LaValle	Stack	Wozniak
Fumo	Logan	Stout	
Hughes	Mellow	Tartaglione	

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

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

REPORTS FROM COMMITTEE

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

SB 483 (Pr. No. 2179) (Amended) (Rereported) (Concurrence)

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, for the jurisdiction of the hearing panels and for authority to resolve protests of solicitations or awards; and making a repeal.

HB 754 (Pr. No. 4170) (Rereported) (Concurrence)

An Act amending the act of December 19, 1996 (P.L.1478, No.190), entitled "An act relating to the recycling and reuse of waste tires; providing for the proper disposal of waste tires and the cleanup of stockpiled tires; authorizing investment tax credits for utilizing waste

tires; providing remediation grants for the cleanup of tire piles and for pollution prevention programs for small business and households; establishing the Small Business and Household Pollution Prevention Program and management standards for small business hazardous waste; providing for a household hazardous waste program and for grant programs; making appropriations; and making repeals," adding definitions; further providing for disposal of whole waste tires, for the priority enforcement list and for remediation grants; providing for remediation liens, for an authorization program, for documentation and recordkeeping, for revocation of authorization and for collection programs; authorizing civil penalties; and repealing obsolete provisions relating to tire recycling investment tax credits.

HB 1501 (Pr. No. 4171) (Rereported) (Concurrence)

An Act amending Titles 18 (Crimes and Offenses) and 53 (Municipalities) of the Pennsylvania Consolidated Statutes, further providing for sale of tobacco; and providing for placement of tobacco vending machines and for preemption.

**SPECIAL ORDER OF BUSINESS
SUPPLEMENTAL CALENDAR No. 13**

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

HB 754 (Pr. No. 4170) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of December 19, 1996 (P.L.1478, No.190), entitled "An act relating to the recycling and reuse of waste tires; providing for the proper disposal of waste tires and the cleanup of stockpiled tires; authorizing investment tax credits for utilizing waste tires; providing remediation grants for the cleanup of tire piles and for pollution prevention programs for small business and households; establishing the Small Business and Household Pollution Prevention Program and management standards for small business hazardous waste; providing for a household hazardous waste program and for grant programs; making appropriations; and making repeals," adding definitions; further providing for disposal of whole waste tires, for the priority enforcement list and for remediation grants; providing for remediation liens, for an authorization program, for documentation and recordkeeping, for revocation of authorization and for collection programs; authorizing civil penalties; and repealing obsolete provisions relating to tire recycling investment tax credits.

On the question,

Will the Senate concur in the amendments made by the House to Senate amendments to House Bill No. 754?

Senator BRIGHTBILL. Madam President, I move that the Senate do concur in the amendments made by the House to Senate amendments to House Bill No. 754.

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-50

Armstrong	Greenleaf	Mowery	Tartaglione
Bell	Helfrick	Murphy	Thompson
Bodack	Holl	Musto	Tomlinson
Boscola	Hughes	O'Pake	Wagner

Brightbill	Jubelirer	Orie	Waugh
Conti	Kasunic	Piccola	Wenger
Corman	Kitchen	Punt	White, Donald
Costa	Kukovich	Rhoades	White, Mary Jo
Dent	LaValle	Robbins	Williams, Anthony H.
Earll	Lemmond	Scarnati	Williams, Constance
Erickson	Logan	Schwartz	Wozniak
Fumo	Madigan	Stack	
Gerlach	Mellow	Stout	

NAY-0

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

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

SENATE CONCURS IN HOUSE AMENDMENTS TO SENATE AMENDMENTS

HB 1501 (Pr. No. 4171) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Titles 18 (Crimes and Offenses) and 53 (Municipalities) of the Pennsylvania Consolidated Statutes, further providing for sale of tobacco; and providing for placement of tobacco vending machines and for preemption.

On the question,

Will the Senate concur in the amendments made by the House to Senate amendments to House Bill No. 1501?

Senator BRIGHTBILL. Madam President, I move that the Senate do concur in the amendments made by the House to Senate amendments to House Bill No. 1501.

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-41

Armstrong	Helfrick	Musto	Tomlinson
Boscola	Holl	O'Pake	Wagner
Brightbill	Jubelirer	Orie	Waugh
Conti	Kasunic	Piccola	Wenger
Corman	LaValle	Punt	White, Donald
Costa	Lemmond	Rhoades	White, Mary Jo
Dent	Logan	Robbins	Williams, Anthony H.
Earll	Madigan	Scarnati	Wozniak
Erickson	Mellow	Stack	
Gerlach	Mowery	Stout	
Greenleaf	Murphy	Thompson	

NAY-9

Bell	Hughes	Kukovich	Tartaglione
Bodack	Kitchen	Schwartz	Williams, Constance
Fumo			

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.

LEGISLATIVE LEAVE CANCELLED

The PRESIDING OFFICER. Senator Anthony Williams has returned from temporary Capitol leave. Without objection, his temporary Capitol leave is cancelled.

LEGISLATIVE LEAVES

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

Senator BRIGHTBILL. Madam President, I request temporary Capitol leaves for Senator Gerlach, Senator Corman, and Senator Earll.

The PRESIDING OFFICER. Senator Brightbill requests temporary Capitol leaves for Senator Gerlach, Senator Corman, and Senator Earll. Without objection, the leaves will be granted.

HOUSE MESSAGE

SENATE BILL RETURNED WITH AMENDMENTS

The Clerk of the House of Representatives returned to the Senate **SB 1225**, with the information the House has passed the same with amendments in which the concurrence of the Senate is requested.

SUSPENSION OF RULE XIV

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

Senator BRIGHTBILL. Madam President, I move to suspend Rule XIV to the extent that it requires that Senate Bill No. 1225 be referred to the Committee on Rules and Executive Nominations and that Senate Bill No. 1225 be placed on the Calendar.

The PRESIDING OFFICER. Senator Brightbill moves that Senate Rule XIV be suspended insofar as it would require Senate Bill No. 1225 to be referred to the Committee on Rules and Executive Nominations and that it appear directly on the 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-50

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

NAY-0

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

The PRESIDING OFFICER. The bill will appear on the Calendar.

**SPECIAL ORDER OF BUSINESS
SUPPLEMENTAL CALENDAR No. 15**

SENATE CONCURS IN HOUSE AMENDMENTS

SB 1225 (Pr. No. 2149) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for definitions, for vehicles not requiring certificate of title and for vehicles exempt from registration; providing for electric personal assistive mobility devices; and further providing for driving upon sidewalk and for inspection station certificates of appointment.

On the question,

Will the Senate concur in the amendments made by the House to Senate Bill No. 1225?

Senator BRIGHTBILL. Madam President, I move that the Senate do concur in the amendments made by the House to Senate Bill No. 1225.

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-50

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

NAY-0

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

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

**SPECIAL ORDER OF BUSINESS
SUPPLEMENTAL CALENDAR No. 10**

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

HB 2529 (Pr. No. 4203) -- The Senate proceeded to consideration of the bill, 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.

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-50

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

NAY-0

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

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

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

BILL ON THIRD CONSIDERATION
AND FINAL PASSAGE

HB 2322 (Pr. No. 4205) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for the Judicial Computer System Augmentation Account; and establishing the Access to Justice Account to provide for civil legal services to indigent persons and for imposition of fees.

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-36

Bell	Greenleaf	Logan	Schwartz
Bodack	Helfrick	Madigan	Stack
Brightbill	Holl	Mellow	Tartaglione
Conti	Hughes	Mowery	Thompson
Corman	Jubelirer	Murphy	Tomlinson
Costa	Kitchen	Musto	Wagner
Erickson	Kukovich	O'Pake	White, Mary Jo
Fumo	LaValle	Orie	Williams, Anthony H.
Gerlach	Lemmond	Rhoades	Williams, Constance

NAY-14

Armstrong	Kasunic	Scarnati	White, Donald
Boscola	Piccola	Stout	Wozniak
Dent	Punt	Waugh	
Earll	Robbins	Wenger	

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

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

**SPECIAL ORDER OF BUSINESS
SUPPLEMENTAL CALENDAR No. 11**

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

HB 2164 (Pr. No. 4204) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for suspension of operating privilege; imposing penalties on department employees or agents who issue fraudulent driver's licenses and on persons exhibiting such licenses; further providing for motorcycle fees; and providing for removal from the record of certain suspensions.

On the question,

Will the Senate concur in the amendments made by the House to Senate amendments to House Bill No. 2164?

Senator BRIGHTBILL. Madam President, I move that the Senate do concur in the amendments made by the House to Senate amendments to House Bill No. 2164.

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-50

Armstrong	Greenleaf	Mowery	Tartaglione
Bell	Helfrick	Murphy	Thompson
Bodack	Holl	Musto	Tomlinson
Boscola	Hughes	O'Pake	Wagner
Brightbill	Jubelirer	Orie	Waugh
Conti	Kasunic	Piccola	Wenger
Corman	Kitchen	Punt	White, Donald

Costa	Kukovich	Rhoades	White, Mary Jo
Dent	LaValle	Robbins	Williams, Anthony H.
Earll	Lemmond	Scarnati	Williams, Constance
Erickson	Logan	Schwartz	Wozniak
Fumo	Madigan	Stack	
Gerlach	Mellow	Stout	

NAY-0

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

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

**SENATE CONCURS IN HOUSE AMENDMENTS
AS AMENDED**

SB 1035 (Pr. No. 2178) -- The Senate proceeded to consideration of the bill, entitled:

An Act authorizing and directing the Department of General Services, with the approval of the Governor, to grant and convey to Kittochtinny Historical Society, Inc., certain lands situate in Antrim Township, Franklin County; and authorizing the Department of General Services, with the approval of the Department of Transportation and the Governor, to grant and convey to the West Chester Area School District, certain lands in West Goshen Township, Chester County; and authorizing and directing the Department of General Services, with the approval of the Governor, to grant and convey to Pennsylvania Suburban Water Company (as successor to Philadelphia Suburban Water Company by merger), certain lands situate in Canaan Township, Wayne County, and Carbondale and Fell Townships in Lackawanna County.

On the question,

Will the Senate concur in the amendments made by the House, as amended by the Senate, to Senate Bill No. 1035?

Senator BRIGHTBILL. Madam President, I move that the Senate do concur in the amendments made by the House, as amended by the Senate, to Senate Bill No. 1035.

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-50

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

NAY-0

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

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

**SPECIAL ORDER OF BUSINESS
SUPPLEMENTAL CALENDAR No. 14**

**SENATE CONCURS IN HOUSE AMENDMENTS
AS AMENDED**

SB 483 (Pr. No. 2179) -- 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, for the jurisdiction of the hearing panels and for authority to resolve protests of solicitations or awards; and making a repeal.

On the question,

Will the Senate concur in the amendments made by the House, as amended by the Senate, to Senate Bill No. 483?

Senator BRIGHTBILL. Madam President, I move that the Senate do concur in the amendments made by the House, as amended by the Senate, to Senate Bill No. 483.

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-50

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

NAY-0

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

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

**UNFINISHED BUSINESS
SENATE RESOLUTION ADOPTED**

Senator STACK, by unanimous consent, offered **Senate Resolution No. 264**, entitled:

A Resolution congratulating Harry Kalas on receiving the Ford C. Frick Award.

On the question,

Will the Senate adopt the resolution?

The PRESIDING OFFICER. The Chair recognizes the gentleman from Philadelphia, Senator Stack.

Senator STACK. Madam President, I rise to offer a resolution honoring Philadelphia sports announcer Harry Kalas on his recent selection to the National Baseball Hall of Fame. Along with thousands of other southeastern Pennsylvanians, I was fortunate to be able to grow up listening to the Philadelphia Phillies games broadcast by Hall of Fame duo Harry Kalas and the late Richie Ashburn.

Since 1971, he has broadcast more than 5,000 Phillies spring training, regular season, and post-season baseball games. However, it would be a mistake to say that Mr. Kalas is just a regional treasure. His powerful but smooth baritone voice is equally well known to millions of sports fans nationwide as the narrator of "Inside the NFL" and for his broadcast of professional and college football games. Over the years Mr. Kalas's astute professionalism and undying passion for his work have earned him 17 Pennsylvania Sportscaster of the Year awards bestowed by the National Association of Sportscasters and Sportswriters. Mr. Kalas's consistent broadcast excellence also has been rewarded with the national Emmy award and two mid-Atlantic Emmy awards as Sportscaster of the Year.

During next month's Baseball Hall of Fame inductions ceremonies in Cooperstown, New York, Mr. Kalas will receive one of the highest honors awarded in sports journalism. On July 28, Harry Kalas will be this year's recipient of the Ford C. Frick Award, which will earn him a place in that section of the Hall of Fame that honors only legendary announcers who have broadcast Major League Baseball games.

Madam President, I ask unanimous support of my resolution congratulating Harry Kalas on this tremendous professional achievement and wish him continued success in broadcasting.

Senator BRIGHTBILL. Madam President, would the gentleman stand for interrogation?

The PRESIDING OFFICER. Senator Stack, will you stand for interrogation?

Senator STACK. Yes, I will, Madam President.

Senator BRIGHTBILL. Madam President, before considering this resolution, this side of the aisle needs to know whether or not the gentleman can do an imitation of Harry Kalas.

Senator STACK. Madam President, I can give it a shot. "That ball is outta here."

(Applause.)

And the question recurring,

Will the Senate adopt the resolution?

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

DISCHARGE PETITIONS

The PRESIDING OFFICER laid before the Senate the following communications, which were read by the Clerk as follows:

June 28, 2002

A PETITION

To place before the Senate the nomination of Pamela J. Clerici as Treasurer, Venango County.

TO: The President Officer of the Senate:

WE, The undersigned members of the Senate, pursuant to section 8 (b) of Article IV of the Constitution of Pennsylvania, do hereby request that you place the nomination of Pamela J. Clerici as Treasurer, Venango County, before the entire Senate body for a vote, the nomination not having been voted upon within 15 legislative days:

Raphael J. Musto
Robert J. Mellow
Michael A. O'Pake
Jack Wagner
Richard A. Kasunic
J. Barry Stout
Vincent J. Fumo

June 28, 2002

A PETITION

To place before the Senate the nomination of John J. Shimek, III, as District Justice, Erie County.

TO: The President Officer of the Senate:

WE, The undersigned members of the Senate, pursuant to section 8 (b) of Article IV of the Constitution of Pennsylvania, do hereby request that you place the nomination of John J. Shimek, III, as District Justice, Erie County, before the entire Senate body for a vote, the nomination not having been voted upon within 15 legislative days:

Raphael J. Musto
Robert J. Mellow
Michael A. O'Pake
Jack Wagner
Richard A. Kasunic
J. Barry Stout
Vincent J. Fumo

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

SENATE CONCURRENT RESOLUTION

RECESS ADJOURNMENT

Senator BRIGHTBILL offered the following resolution, which was read, considered, and adopted by voice vote:

In the Senate, June 28, 2002

RESOLVED, (the House of Representatives concurring), That when the Senate adjourns this week, it reconvene on Monday, September 23, 2002, 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, September 23, 2002, unless sooner recalled by the Speaker of the House of Representatives.

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

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. Eugene Draude, Mr. and Mrs. Richard Stein, Mr. and Mrs. Joseph Gall, Mr. and Mrs. Donald Barron, Mildred Groff Wyles and to the Penn Manor High School Girls' Soccer Team by Senator Armstrong.

Congratulations of the Senate were extended to Ted VanZelst by Senator Bell.

Congratulations of the Senate were extended to Carolyn Cicero by Senator Bodack.

Congratulations of the Senate were extended to Richard D. Ashenfelder, Jonathan Daniel Kroc and to St. John's Evangelical Lutheran Church of Whitehall by Senator Boscola.

Congratulations of the Senate were extended to Lynn Aponick, Robert Arnold and to the Quittapahilla Watershed Association of Annville by Senator Brightbill.

Congratulations of the Senate were extended to Mr. and Mrs. Charles A. Dean, Jr., and to Candace L. Glantz by Senator Corman.

Congratulations of the Senate were extended to Rosemary Kulhler, Thomas P. Bendzsuk and to William Canny by Senator Costa.

Congratulations of the Senate were extended to Our Lady of Mount Carmel Church of Allentown by Senator Dent.

Congratulations of the Senate were extended to the Gudumholm IF Soccer Club of the Denmark Soccer Association by Senator Fumo.

Congratulations of the Senate were extended to the citizens of the Borough of Pottstown by Senator Gerlach.

Congratulations of the Senate were extended to Mr. and Mrs. Walter L. Peterson by Senator Greenleaf.

Congratulations of the Senate were extended to Mr. and Mrs. Carl H. Grimes, Mr. and Mrs. Raymond B. Kemmerer, Reed M. Henry and to Phillip Benjamin Bahner by Senator Helfrick.

Congratulations of the Senate were extended to Velma J. Whitlock, Joseph F. Morsello, Mark Baker, Edna M. Rice, Moyer & Son Inc., of Souderton and to the North Penn Chamber of Commerce of Lansdale by Senator Holl.

Congratulations of the Senate were extended to the Philadelphia Prayer, Praise & Worship Center Church, Inc., by Senator Hughes.

Congratulations of the Senate were extended to Mr. and Mrs. Harold Metzler, Mr. and Mrs. Boyd Henry, Lois L. Clark, Barbara J. Eastman, Trudy K. Barefoot, Ann M. Benzel and to Sylvia Mortimore by Senator Jubelirer.

Congratulations of the Senate were extended to Ronald P. Nicodemus by Senator Kasunic.

Congratulations of the Senate were extended to the 99th Infantry Division Association by Senator Kukovich.

Congratulations of the Senate were extended to the citizens of the Borough of Big Beaver by Senator LaValle.

Congratulations of the Senate were extended to Mr. and Mrs. Robert Miller, Mr. and Mrs. James Kulick, Mr. and Mrs. William White, Mr. and Mrs. Daniel Talcott, Mr. and Mrs. Frank Baran,

Mr. and Mrs. Lester Crispell, Marguerite Bromfield, D. Carl Peet, the Reverend David Leland Hinkley, the Reverend Sarah Shellhorse Miller, the Reverend Robert Lynn Wood, the Reverend Cheryl Cavalari, Thomas E. Mack, Joseph J. Savitz, Joseph B. Farrell and to the Honorable Peter Paul Olszewski, Sr., by Senator Lemmond.

Congratulations of the Senate were extended to Mr. and Mrs. Jacob Lambert, Jr., and to Mr. and Mrs. Wayne Packard by Senator Madigan.

Congratulations of the Senate were extended to Thomas W. J. Martucci and to John David Barber by Senator Mellow.

Congratulations of the Senate were extended to the Hidden Valley Scout Reservation of Loysville by Senator Mowery.

Congratulations of the Senate were extended to John L. S. Northrop, William B. Northrop, Sr., Heidi Crossley and to David James Urbanek by Senator Murphy.

Congratulations of the Senate were extended to Catherine Grillini by Senator Musto.

Congratulations of the Senate were extended to J. Edward Snyder by Senator O'Pake.

Congratulations of the Senate were extended to Mr. and Mrs. John R. Bone, Mr. and Mrs. Walter R. Altfather, Sr., David E. Williams, Yimeng Zhang, Lena Marie Dickinson, Natalie Horne, Liz Vrabel, Alice Planz, Etna Borough Byline and to the North Allegheny High School Girls' Softball Team of Wexford by Senator Orie.

Congratulations of the Senate were extended to Mr. and Mrs. Clyde Lowthert, Mr. and Mrs. Emmett Brennan, Miles C. Sterling, William J. Sanchez, Jonathan R. Dombrowski, Mary Jane Williams, Phillip J. Zimmerman, Joshua Noecker and to St. Mary of the Assumption Catholic Church of Coaldale by Senator Rhoades.

Congratulations of the Senate were extended to Mildred Weiler, Helen Louise Kennedy, Andrew Patrick Boyle and to the Mercer Community Band by Senator Robbins.

Congratulations of the Senate were extended to the American Federation of Labor and Congress of Industrial Organizations (AFL-CIO) by Senator Tartaglione.

Congratulations of the Senate were extended to Vernon Nelson and to Michael J. Carroll by Senator Thompson.

Congratulations of the Senate were extended to Andrew Carroll by Senator Tomlinson.

Congratulations of the Senate were extended to the Annual Dollar Bank Jamboree and American Bridge Three Rivers Fishing Classic by Senator Wagner.

Congratulations of the Senate were extended to Mr. and Mrs. Kenneth Houck, Mr. and Mrs. Frank Runco and to Mr. and Mrs. Louie Simon by Senator D. White.

Congratulations of the Senate were extended to Allen Iverson by Senator A.H. Williams.

Congratulations of the Senate were extended to Andee Greenbaum, Sara Dobbins and to Lisa Schildhorn by Senator C. Williams.

CONDOLENCE RESOLUTIONS

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

Condolences of the Senate were extended to the family of the late Nicholas J. Fiore and to the family of the late Carl E. Maier, Jr., by Senator Jubelirer.

Condolences of the Senate were extended to the family of the late Glenn Clark, to the family of the late Anthony F. Turici and to the family of the late Mary A. Paski by Senator Orie.

PETITIONS AND REMONSTRANCES

The PRESIDING OFFICER. The Chair recognizes the gentleman from Philadelphia, Senator Fumo.

Senator FUMO. I just want to correct the record from the other day, Madam President. The Majority Leader asked me about a fiscal note on the court costs, I said it was \$150 million, he said it was a billion something. We did check the record and it is \$642 million, only \$125 million of which goes to the city of Philadelphia. I only do that to protect our credibility when it comes to numbers at the Committee on Appropriations.

In addition, I would like to wish everyone a very happy summer, and can we please go home.

The PRESIDING OFFICER. The Chair recognizes the gentleman from Lehigh, Senator Dent.

Senator DENT. Madam President, I am going to be brief because the hour is obviously very late, or very early, depending on your perspective.

On Monday evening, a judicial nominee was harshly criticized on the floor of this Chamber. Specifically, this involved comments and allegations regarding the qualifications of Attorney Emil A. Giordano to serve as a judge of the Court of Common Pleas in Northampton County. Based on nothing more than newspaper accounts, these allegations were part of an effort here and in Northampton County to derail his nomination, regardless of its effect on the court, the people it serves, and the nominee himself. It is unfortunate but necessary that I ask for two letters to be placed upon the record in the Senate in response to these baseless allegations.

First, I want to present a letter from Mr. Giordano himself addressing the concerns raised about his service as a member of the Bar. I can certainly understand his frustration. He answers his critics more than satisfactorily.

(The following letter was made a part of the record at the request of the gentleman from Lehigh, Senator DENT:)

4380 Loraine Lane
Bethlehem, PA 18017

June 25, 2002

Honorable Robert J. Mellow
22nd Senatorial District
524 Main Street
Peckville, PA 18452

Dear Senator Mellow:

Last night I listened intently to the remarks you made on the PCN Network during the Senate debate on my confirmation to the Northampton County Court of Common Pleas. I note that you made three distinct attacks on my character.

In the first instance, you accused me of promoting child molesters by representing Robert Herring. The Court records do not indicate my

involvement in the case, nor do I have any direct recollection of that case, and as a father of two small children, I find such comments reprehensible.

As you may be aware, the United States Constitution and the Pennsylvania Constitution both guarantee that all criminal defendants, no matter how heinous their acts, are entitled to competent legal representation. For you to insinuate that my role in providing legal representation to any individual accused of a crime is tantamount to condoning those criminal acts is beneath an elected official of your position in the Legislature.

Secondly, you accused me of going to court to keep a nuisance bar open despite 40 visits by the local police. Again this is a fabrication. At no time did I ever advocate that a nuisance bar should stay open, and in fact, as solicitor of the Borough of North Catasauqua, I prosecuted several violations against a nuisance bar in that Borough. I did represent bar owners on the South side of Bethlehem owned by Portuguese immigrants, called Roosevelt's Fantasy Bar. It was originally a gathering place for local steel employees to socialize, but with the advent of Route 78, the crowd began changing. When the clientele began changing, my clients hired off-duty Bethlehem policemen at their own expense and stationed them in the bar. They also took the bathroom doors off the hinges in order to preclude drug activity. My client then barred a suspected drug dealer from the premises, only to find him waiting at her vehicle one night to put a gun to her head. My clients had enough and decided to close the bar and put it up for sale. District Attorney John Morganelli then seized it under the Pennsylvania Controlled Substances Forfeiture Act, after it had been closed. As their attorney, I requested a jury trial and noted that the bar had been closed, with no plans to reopen. Additionally, my clients were never charged with any criminal acts of any nature. After I raised these issues on behalf of my clients, District Attorney John Morganelli agreed that a proper resolution was to sell the bar, which they had attempted to do. In fact, this case was the subject of a Morning Call editorial defending the innocent owners.

Finally, I did run for County Council in 1995 and there were petitions that I later learned had some defective signatures because individuals resided out of the district. This was not done purposely or fraudulently. Rather, it was a matter of geography because individuals who resided in Bethlehem Township mistakenly believed that they resided in the City of Bethlehem because of their address. No one challenged those petitions in 1995. Had anyone challenged those signatures, those names would have been stricken. I take full responsibility for this oversight on the part of my campaign.

I have been an active litigator, unlike some of the other aspirants for this position, for the last 17 years. As an assistant district attorney, an assistant public defender, an insurance company defense lawyer, a plaintiff's lawyer, and a municipal solicitor, I've had the opportunity to become involved in virtually every type of litigation that would come before the Court. Clearly, there have been some cases that I would rather not have been associated with, however, circumstances given at the time left no other option. However, none of the cases you cite fit that bill.

Obviously, you have taken great pain to smear my character with false information with specific intent to harm me. I hope that I have corrected the record and I would sincerely welcome the opportunity to answer any further questions you may have regarding my nomination.

Sincerely,
Emil Giordano

The second letter I wish to place on the record is from Brian M. Monahan, Esquire, who served as Northampton County Public Defender at the time when Mr. Giordano's detractors claimed that he represented a sex offender. Attorney Monahan, who was Mr. Giordano's boss when he served as an assistant public defender, clearly states that another lawyer handled all the arrangements of that particular case, and that Mr. Giordano's involvement, if any, was for not more than half an hour on a duty day.

(The following letter was made a part of the record at the request of the gentleman from Lehigh, Senator DENT:)

BRIAN M. MONAHAN, ESQUIRE
701 Washington Street
Easton, Pennsylvania 18042
June 26, 2002

The Honorable Robert J. Mellow, State Senator
22nd Senatorial District
524 Main Street
Peckville, PA 18452

RE: Emil Giordano Senate Confirmation

Dear Senator Mellow:

It is with great sadness and regret that I am writing this correspondence.

Your recent remarks related to Attorney Emil Giordano, both on the PCN Channel and as published on June 26, 2002 in the *Express-Times*, really miss the mark. The use of Commonwealth v. Robert Lee Herring as a vehicle to stall the confirmation process for four judicial nominees has wide ranging and unintended consequences. Ultimately, your misguided comments have needlessly hurt respected people in the community.

Please find enclosed a true and correct copy of the certified docket transcript in the matter of Commonwealth v. Robert Lee Herring. This transcript shows that Mr. Herring was charged in 1994 with involuntary deviate sexual intercourse (F-1), indecent assault victim unaware (M-2), incest (M-1), corruption of minors (M-1), and indecent assault (M-1). Preeminent Criminal Defense Attorney Renald Baratta negotiated a guilty plea whereby all charges were dropped except for the misdemeanor of indecent assault.

District Attorney John Morganelli is noted for his direct management of serious negotiated pleas. The District Attorney's Office agreed to a withdrawal of substantial felony and misdemeanor charges. It is more than likely that Assistant District Attorney Victoria Coyle spoke with District Attorney John Morganelli seeking approval of any negotiated plea.

Thereafter, the Honorable Jack Anthony Panella accepted the plea and sentenced Mr. Herring to five years probation.

Based on the certified docket transcript, it is important for you to note that Attorney Emil Giordano probably was involved in this case for not more than one-half hour as an Assistant Public Defender on a duty day. In fact, the Public Defender's Office never even entered its appearance in this case because of private counsel being involved.

The long and short of it is that you have utilized a bad case to malign Attorney Emil Giordano's character and reputation. It offends me that an educated Senator would pander in such an open and political way to deceive the public. Obviously, someone has your ear and is providing you with misinformation with regard to the Robert Herring case. However, Robert Herring is not "Willie Horton" or "Mud Man".

Based on your remarks on the PCN Channel and as reported in the newspaper, one could conclude that District Attorney John Morganelli is not fit for any type of public office because of the plea approval.

It would appear from your remarks that the conduct of other individuals involved should be looked at more closely. I do not agree. Quite frankly, you need better opposition research. Attorney Emil Giordano is more than qualified to be a Judge in this great Commonwealth. Please vote for his confirmation.

Respectfully,
BRIAN M. MONAHAN, ESQUIRE
(Former Chief Public Defender of Northampton County)

Each Member of the Senate received both of these letters, so I will not read them.

Finally, I received a statement earlier today from Mr. Giordano, asking me to make certain that his nomination no lon-

ger be tied to that of other potential nominees, thus sparing those nominees from the ordeal he has been subjected to and therefore preventing their counties and the Commonwealth from being deprived of qualified jurists. I think that action alone on Attorney Giordano's part demonstrates why he is worthy to serve on the bench in Northampton County.

Madam President, it is a shame that I need to submit these letters as a way to clear up the questions raised about my friend's character. I hope this unfortunate scenario will provide the impetus to ensure that in the future any questions about the qualifications or background of a judicial nominee will be raised in the Senate Committee on Judiciary so that the nominee will have the proper opportunity to respond and rebut those concerns.

Thank you, Madam President.

The PRESIDENT (Lieutenant Governor Robert C. Jubelirer) in the Chair.

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

Senator BOSCOLA. Mr. President, I know the hour is late, but I would also like to commend Emil Giordano for rising above the politics that is blocking his confirmation. When Senator Dent and I spoke with Emil tonight, he made one thing very clear to both of us: Even though his own confirmation is being held up because of politics, he did not want the other judicial nominees now before the Senate to suffer the same fate. As he has done for as long as I have known him, Emil Giordano has once again acted unselfishly. He has once again put the best interests of others first, and I am proud of him for doing that. And what I really feel bad about is that the taxpayers of Northampton County are the ones who have lost. Not only have they lost the services of a seventh judge on the Court of Common Pleas, but they have once again lost faith in the ability of this body to work together in a bipartisan manner and put politics aside and simply do what is right.

I want to personally thank my colleague, Senator Dent, for all his hard work, for his strong, unwavering support for Emil Giordano, and I look forward to returning in September to fill this vacancy for the people of Northampton County.

Thank you, Mr. President.

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

Senator FUMO. Mr. President, I would be remiss in my responsibilities on behalf of Senator Mellow and the other Members of our Caucus if I let the remarks of the previous two speakers, particularly my colleague on the Democratic side, go unanswered. I think there was a policy difference, it was not politics. There were people on this side of the aisle who differed on the qualifications of this particular nominee to become a judge of the Court of Common Pleas, and it is a shame that there are occasional times when that does happen. This is not the first time, it will not be the last. And I think that in the future, the people managing these candidates should come forth early enough to try to resolve these issues, rather than us having the spectacle that we had. It was not the intent of this side of the aisle to engage in politics, it was not the intent of the Minority Leader to engage in politics. He merely, and we all agreed, did not think that this particular gentleman should be serving on that bench. And I also

believe that the conduct of the gentleman after that initial rejection dealt with his judicial temperament, and I think that was the reason why he was rejected by this Caucus a second time.

So again, it was not politics, it was what the Minority Leader and the other Members of our Caucus felt a judge should be and what kind of judicial temperament he should have. Regrettably, this person did not meet those standards.

Thank you, Mr. President.

COMMUNICATION FROM THE GOVERNOR NOMINATION 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:

MEMBER OF THE STATE CIVIL SERVICE COMMISSION

June 28, 2002

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, Katherine E. Holtzinger Conner, Esquire, 1772 Kendall Drive, Mechanicsburg 17055, Cumberland County, Thirty-third Senatorial District, for reappointment as a member of the State Civil Service Commission, to serve for a term of six years or until her successor is appointed and qualified, but not longer than six months beyond that period.

Mark S. Schweiker
Governor

HOUSE MESSAGES

HOUSE CONCURS IN SENATE AMENDMENTS TO HOUSE BILLS

The Clerk of the House of Representatives informed the Senate that the House has concurred in amendments made by the Senate to **HB 1670, 2100, 2126, 2491, 2492, 2493, 2495, 2496, 2497, 2498, 2499, 2502 and 2512.**

HOUSE CONCURS IN SENATE BILLS

The Clerk of the House of Representatives returned to the Senate **SB 1187, 1364 and 1368**, with the information the House has passed the same without amendments.

HOUSE CONCURS IN SENATE AMENDMENTS TO HOUSE AMENDMENTS TO SENATE BILL

The Clerk of the House of Representatives informed the Senate that the House has concurred in amendments made by the Senate to House amendments to **SB 766.**

HOUSE ADOPTS REPORTS OF COMMITTEES OF CONFERENCE

The Clerk of the House of Representatives informed the Senate that the House has adopted the Reports of Committees of Conference on **SB 5, SB 1366, HB 4, HB 1848 and 2044.**

HOUSE CONCURS IN SENATE BILL

The Clerk of the House of Representatives returned to the Senate **SB 1485**, with the information the House has passed the same without amendments.

SENATE BILL RETURNED WITH AMENDMENTS

The Clerk of the House of Representatives returned to the Senate **SB 1453**, 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 NONCONCURS IN SENATE AMENDMENTS TO HOUSE BILL

The Clerk of the House of Representatives informed the Senate that the House has nonconcurred in amendments made by the Senate to **HB 590**.

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

BILLS SIGNED

The PRESIDENT (Lieutenant Governor Robert C. Jubelirer) in the presence of the Senate signed the following bills:

SB 5, SB 462, SB 630, SB 766, SB 893, SB 984, SB 1187, SB 1225, SB 1364, SB 1366, SB 1368, SB 1485, HB 4, HB 497, HB 1458, HB 1482, HB 1670, HB 1848, HB 2020, HB 2044, HB 2100, HB 2126, HB 2490, HB 2491, HB 2492, HB 2493, HB 2494, HB 2495, HB 2496, HB 2497, HB 2498, HB 2499, HB 2501, HB 2502, HB 2503, HB 2504, HB 2505, HB 2506, HB 2507, HB 2508, HB 2509, HB 2510, HB 2511, HB 2512, HB 2513, HB 2514, HB 2515, HB 2516, HB 2517, HB 2518, HB 2519, HB 2520, HB 2521 and HB 2522.

REMAINING CALENDAR REREFERRED

Upon motion of Senator BRIGHTBILL, and agreed to by voice vote, all the remaining bills on the Calendar were rereferred to the Committee on Rules and Executive Nominations, which include the following:

SB 1486, HB 2207 and HB 2445.

SPECIAL ORDER OF BUSINESS SUPPLEMENTAL CALENDAR No. 16**BILL ON THIRD CONSIDERATION AND FINAL PASSAGE**

HB 412 (Pr. No. 4206) -- 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, further providing for employment criminal background checks, for health recommendations, for high school certificates and for mandated waivers; and making a repeal.

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

On the question,
Shall the bill pass finally?

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

YEA-50

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

NAY-0

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

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

RECESS

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

Senator BRIGHTBILL. Mr. President, at this time I move that we recess to the call of the Chair.

The PRESIDENT. Senator Brightbill moves that the Senate now recess to the call of the Chair.

The motion was agreed to by voice vote.

AFTER RECESS

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

BILLS INTRODUCED AND REFERRED

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

June 28, 2002

Senators O'PAKE, BRIGHTBILL, MELLOW, KITCHEN, KUKOVICH, MUSTO, DENT, BOSCOLA, LAVALLE, ERICKSON, SCHWARTZ, BODACK, COSTA, KASUNIC, LOGAN, STACK, ORIE, WOZNIAK, THOMPSON, GERLACH and A. WILLIAMS presented to the Chair **SB 1492**, 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 excluded transactions.

Which was committed to the Committee on FINANCE, June 28, 2002.

Senators TARTAGLIONE, KUKOVICH, STACK, COSTA, O'PAKE, MELLOW, MUSTO, LOGAN, C. WILLIAMS, KITCHEN, BOSCOLA, STOUT, KASUNIC and A. WILLIAMS presented to the Chair **SB 1493**, entitled:

An Act amending the act of April 12, 1951 (P.L.90, No.21), known as the Liquor Code, further providing for moneys paid into The State Stores Fund.

Which was committed to the Committee on LAW AND JUSTICE, June 28, 2002.

Senators SCHWARTZ, MELLOW, O'PAKE, KUKOVICH, TARTAGLIONE, HUGHES, COSTA, STACK, LOGAN, LAVALLE, A. WILLIAMS, MUSTO and KITCHEN presented to the Chair **SB 1494**, entitled:

An Act amending the act of July 19, 1979 (P.L.130, No.48), known as the Health Care Facilities Act, further providing for purpose of certain provisions, for definitions, for powers of the Department of Health, for administration and for licensure; providing for compliance with staffing plan and recordkeeping, for work assignment policy and for public disclosure of staffing requirements; further providing for issuance of license, for reliance on accrediting agencies and Federal Government, for effect on departmental orders and for actions against violations of law, rules and regulations; and providing for nurse recruitment.

Which was committed to the Committee on PUBLIC HEALTH AND WELFARE, June 28, 2002.

Senators GREENLEAF, M. WHITE, BOSCOLA, CONTI, KITCHEN, ERICKSON, A. WILLIAMS, LAVALLE and LOGAN presented to the Chair **SB 1495**, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for maximum speed limits, for alteration of maximum speed limits and for regulation of traffic on the Pennsylvania Turnpike.

Which was committed to the Committee on TRANSPORTATION, June 28, 2002.

Senators GREENLEAF and STACK presented to the Chair **SB 1496**, entitled:

An Act providing for the imposition and collection of a fee for disposal of municipal waste; authorizing the Department of Community and Economic Development to utilize fees collected for the Delaware River Channel Deepening Project; and establishing the Delaware River Channel Deepening Project Fund.

Which was committed to the Committee on ENVIRONMENTAL RESOURCES AND ENERGY, June 28, 2002.

Senators KUKOVICH, COSTA, MUSTO, TARTAGLIONE, STOUT, MELLOW, BOSCOLA and LAVALLE presented to the Chair **SB 1497**, entitled:

An Act amending Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, further providing for release of information in confidential reports.

Which was committed to the Committee on AGING AND YOUTH, June 28, 2002.

Senators WOZNIAK, KITCHEN, COSTA, O'PAKE, STOUT, HUGHES, PUNT, C. WILLIAMS, WAUGH, TARTAGLIONE, MUSTO, CONTI and BOSCOLA presented to the Chair **SB 1498**, entitled:

An Act amending the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, excluding from tax construction materials for school buildings.

Which was committed to the Committee on FINANCE, June 28, 2002.

Senators MELLOW and COSTA presented to the Chair **SB 1499**, entitled:

An Act amending Titles 18 (Crimes and Offenses) and 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for the offenses of harassment and stalking and for the statute of limitations for the offense of stalking.

Which was committed to the Committee on JUDICIARY, June 28, 2002.

Senators MELLOW, FUMO, MUSTO, KASUNIC, BODACK, BOSCOLA, COSTA, KITCHEN, KUKOVICH, LOGAN, LAVALLE, SCHWARTZ, STACK, TARTAGLIONE and A. WILLIAMS presented to the Chair **SB 1500**, entitled:

An Act amending the act of May 17, 1921 (P.L.682, No.284), known as The Insurance Company Law of 1921, providing for insurance rates.

Which was committed to the Committee on BANKING AND INSURANCE, June 28, 2002.

Senators ORIE, COSTA, A. WILLIAMS, KITCHEN, BOSCOLA and C. WILLIAMS presented to the Chair **SB 1501**, entitled:

An Act amending Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, further providing for persons required to report suspected child abuse.

Which was committed to the Committee on AGING AND YOUTH, June 28, 2002.

ADJOURNMENT

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

Senator BRIGHTBILL. Mr. President, I move that the Senate do now adjourn until Tuesday, July 9, 2002, at 3 p.m., Eastern Daylight Saving Time.

The motion was agreed to by voice vote.

The Senate adjourned at 11:59 p.m., Eastern Daylight Saving Time.