

COMMONWEALTH OF PENNSYLVANIA
Legislative Journal

TUESDAY, NOVEMBER 26, 2002

SESSION OF 2002 186TH OF THE GENERAL ASSEMBLY

No. 70

SENATE

TUESDAY, November 26, 2002

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

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

PRAYER

The Chaplain, Very Reverend EDWARD RATAJACK, of St. Stephen's Polish National Catholic Church, Reading, offered the following prayer:

I wish to express my thanks to all the Honorable Members of the Senate for allowing me the opportunity and the honor of offering this ecumenical prayer before the start of this Session, thus allowing me to fulfill an important part of my chosen vocation, the offering of prayer on behalf of the people of God. I also wish to personally thank Senator Michael O'Pake for his efforts in arranging for me this chance to serve as a guest Chaplain before the Senate of the great Commonwealth of Pennsylvania, representing Berks County, my parish of St. Stephen, the martyr, and the denomination of which I serve, the Polish National Catholic Church.

I would like to begin with two short readings, one from the Old Testament and one from the New Testament.

The Old Testament reading is taken from Psalm XXXII, verses 6 through 8:

So all Your loyal people should pray to You in times of need, when a great flood of trouble comes rushing in, it will not reach them. You are my hiding place, You will save me from trouble. I single out Your salvation because You protect me. The Lord says I will teach you the way you should go. I will instruct you and advise you.

The New Testament reading is taken from the First Letter of Saint Peter, chapter 5, verses 2 through 7.

I appeal to you to be shepherds of the flock that God gave you and to take care of it willingly, as God wants you to do, and not unwillingly. Do your work not for mere pay but from a real desire to serve. Do not try to rule over those who have been put in your care, but be examples to the flock. And when the Chief Shepherd appears, you will receive the glorious crown which never loses its brightness.

In this same way, you younger men must submit yourselves to the older men. All of you must put on the apron of humility, to serve one another, for the scripture says, "God resists the proud, but shows favor to the humble." Humble yourselves, then, under

God's mighty hand, that he will lift you up in his own good time. Leave all your worries with him, because he cares for you.

Let us pray. In the name of the Father and of the Son and of the Holy Spirit, Amen.

Lord God, in the truest spirit of these divinely inspired words of the Holy Scriptures just read, please be mindful of this group of men and women humbled before You in prayer. They have been elected to serve the needs and best interests of Your people, and upon them has been placed the burden of leadership, the responsibilities of which are many and great. In times of doubt, counsel and guide them. Lead them in the ways that would best attend to the welfare of Your people, as in the days of old when You helped Your servant Moses lead Your chosen to the promised land.

In times of stress and anxiety, grant them peace and the patience of Job, so that in all situations they may have the power of discernment, the ability to see things for the way they are in reality. And when decisions must be made, grant them the wisdom which You bestowed upon Solomon, who led Your people to the most glorious of times.

And lastly, Lord, grant them the courage and the spirit of Saint John the Baptist, who never feared to speak the truth, no matter what the cost, because he knew it would lead to what was best for Your people. May these blessed assurances rest upon the Members of this Senate, guiding their deliberations, so that the decisions they make may reflect Your love and care for all You have created, and fulfill their responsibilities of service to the people of the Commonwealth of Pennsylvania.

For these things, we humbly ask in faith in the name of our Master and Savior Jesus Christ, who lives and reigns with You and the Holy Spirit, one God forever and ever. Amen.

In the name of the Father and of the Son and of the Holy Spirit, Amen.

The PRESIDING OFFICER. The Chair thanks Reverend Ratajack, who is the guest today of Senator O'Pake.

JOURNAL APPROVED

The PRESIDING OFFICER. A quorum of the Senate being present, the Clerk will read the Journal of the preceding Session of November 25, 2002.

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

COMMUNICATIONS FROM THE GOVERNOR**APPROVAL OF SENATE BILLS**

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

SB 1243, 1459 and 1461.

HOUSE MESSAGES**HOUSE ADOPTS REPORT OF COMMITTEE OF CONFERENCE**

The Clerk of the House of Representatives informed the Senate that the House has adopted the Report of Committee of Conference on **HB 590**.

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

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 204, 1686, 1696, 1742, 2196, 2410 and 2644**.

HOUSE CONCURS IN SENATE BILLS

The Clerk of the House of Representatives returned to the Senate **SB 831, 1204, 1222 and 1528**, with the information the House has passed the same without amendments.

HOUSE CONCURS IN SENATE AMENDMENTS TO HOUSE AMENDMENTS TO SENATE BILLS

The Clerk of the House of Representatives informed the Senate that the House has concurred in amendments made by the Senate to House amendments to **SB 413 and 654**.

HOUSE CONCURS IN SENATE CONCURRENT RESOLUTION

The Clerk of the House of Representatives informed the Senate that the House has concurred in the resolution from the Senate, entitled:

Senate Concurrent Resolution No. 244.

APPOINTMENT BY THE MINORITY LEADER

The PRESIDING OFFICER. The Chair wishes to announce the Minority Leader has made the following appointment:

Mr. John Gedid, Esquire, as a member of the Board of Commissioners on Uniform State Laws.

REPORTS FROM COMMITTEES

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

SB 824 (Pr. No. 2435) (Amended) (Rereported) (Concurrence)

An Act amending the act of June 3, 1937 (P.L.1333, No.320), known as the Pennsylvania Election Code, further providing for definitions, for powers and duties of the Secretary of the Commonwealth; providing for voting standards development board and State plan advisory board; further providing for qualifications of election officers and for vacancies in election boards; providing for the compensation of district election officers; further providing for district boundaries, for manner of signing nomination petitions, for nominations by political bodies, for placing the question on the ballot, for examination and approval of electronic voting systems by the Secretary of the Commonwealth, for experimental use of electronic voting system, for assistance in voting, for applications for official absentee ballots, for duties of common pleas court on days of primaries and elections; providing for creation of new election districts by court, for petitions for new election districts, for reference to county board of elections and report, for petitions by county board and action by court on petition or report, for creation, division, realignment or consolidation of wards in cities of the first class, for alterations after period of restriction, for Title III complaints; further providing for manner of applying to vote, for assistance in voting by certain absentee electors, for canvassing of official absentee ballots and for enforcement; providing for regulatory procedure; and making repeals.

SB 1100 (Pr. No. 2436) (Amended) (Rereported) (Concurrence)

An Act amending Title 53 (Municipalities Generally) of the Pennsylvania Consolidated Statutes, providing for acceptance of gifts or donations; further providing for powers and duties of the Municipal Police Officers' Education and Training Commission; prohibiting political activity by municipal police officers; further providing, in parking authorities, for definitions, for purposes and powers and for special provisions for authorities in first class cities; providing, in parking authorities in first class cities, for additional special provisions, for management of authority funds, for special funds, for bonds, for contracts with authority obligees, for Commonwealth pledges, for bond and trust indentures, for funds collected, for bonds as legal investments, for pledge validity, for security interests in funds and accounts and for bankruptcy limitations; further providing for municipal authority governing bodies and money; providing for regulation of taxicabs and limousines in first class cities; for governing body of municipal authorities, for certain fiscal reporting; codifying the act of June 27, 1986 (P.L.267, No.70), known as the Pennsylvania Convention Center Authority Act; defining "expansion or substantial renovation"; further providing for purposes and powers and for capital and operating budgets; providing for expansion funding; further providing for governing board, for moneys of the authority, for award of contracts, for interests of public officers and for rental tax; and making repeals.

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

HB 878 (Pr. No. 4708) (Amended) (Rereported)

An Act amending Title 62 (Procurement) of the Pennsylvania Consolidated Statutes, further providing for supplies manufactured and services performed by persons with disabilities.

HB 1700 (Pr. No. 4023) (Rereported)

An Act amending the act of December 31, 1965 (P.L.1257, No.511), known as The Local Tax Enabling Act, further providing for delegation of taxing powers and restrictions and for definitions.

HB 1900 (Pr. No. 3864) (Rereported)

An Act amending Title 51 (Military Affairs) of the Pennsylvania Consolidated Statutes, further providing for unemployment compensation benefits.

HB 1945 (Pr. No. 4709) (Amended) (Rereported)

An Act amending the act of July 9, 1971 (P.L.206, No.34), known as the Improvement of Deteriorating Real Property or Areas Tax Exemption Act, further providing for exemption schedules for purposes of deteriorating dwellings improvement and deteriorating area improvement.

HB 2350 (Pr. No. 3262) (Rereported)

An Act amending the act of May 23, 1945 (P.L.926, No.369), referred to as the Public Eating and Drinking Place Law, providing for health and safety inspections of school cafeterias and for training related to school cafeterias; and making editorial changes.

HB 2411 (Pr. No. 4509) (Rereported)

An Act amending Title 5 (Athletics and Sports) of the Pennsylvania Consolidated Statutes, revising provisions relating to athlete agents.

HB 2456 (Pr. No. 3493) (Rereported)

An Act amending the act of February 9, 1984 (P.L.3, No.2), known as the Deputy Sheriffs' Education and Training Act, further providing for reimbursement to counties.

HB 2674 (Pr. No. 4710) (Amended) (Rereported)

An Act amending Titles 62 (Procurement) and 67 (Public Welfare) of the Pennsylvania Consolidated Statutes, further providing for application of part, for definitions, for public access to procurement information, for reciprocal limitations, for procurement responsibility, for Board of Commissioners of Public Grounds and Buildings, for method of source selection and for competitive sealed bidding; providing for competitive electronic auction bidding; further providing for competitive sealed proposals, for small procurements, for sole source procurement, for multiple awards, for competitive selection procedures for certain services, for selection procedure for insurance and notary bonds, for cancellation of invitations for bids or requests for proposals, for debarment or suspension, for security and performance bonds, for printing, for anticompetitive practices, for bid or proposal security and for contract performance security and payment bonds; providing for letters of intent, for procurement of right-of-way acquisition assistance services, for protests of solicitations or awards and for contract controversies; further providing for compliance of public procurement units and for mass transportation; providing for procurement limits for mass transportation authorities, for time for awarding contract and for medical assistance hearings and appeals; and making repeals.

HB 2772 (Pr. No. 4630) (Rereported)

An Act amending the act of November 22, 1978 (P.L.1166, No.274), entitled "An act establishing the Pennsylvania Commission on Crime and Delinquency, providing for its powers and duties establish-

ing several advisory committees within the commission and providing for their powers and duties," establishing the Targeted Community Revitalization and Crime Prevention Advisory Committee and providing for its powers and duties.

HB 2971 (Pr. No. 4629) (Rereported)

An Act amending the act of May 17, 1949 (P.L.1406, No.419), entitled "An act providing for the payment of salaries to the president and members of the town council of incorporated towns, at the discretion of the town council, and for the collection and docketing of costs and fees by the president of town council acting as justice of the peace," further limiting salaries of president and members of town council; and making editorial changes.

LEAVE OF ABSENCE

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

CALENDAR**BILL ON CONCURRENCE IN HOUSE AMENDMENTS****SB 1325 CALLED UP OUT OF ORDER**

SB 1325 (Pr. No. 1990) -- Without objection, the bill was called up out of order, from page 2 of the Calendar, by Senator BRIGHTBILL, as a Special Order of Business.

SENATE CONCURS IN HOUSE AMENDMENTS

SB 1325 (Pr. No. 1990) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 3 (Agriculture) of the Pennsylvania Consolidated Statutes, providing for animal exhibition sanitation; and imposing penalties.

On the question,

Will the Senate concur in the amendments made by the House to Senate Bill No. 1325?

Senator BRIGHTBILL. Madam President, I move that the Senate do concur in the amendments made by the House to Senate Bill No. 1325.

On the question,

Will the Senate agree to the motion?

The PRESIDING OFFICER. The Chair recognizes the gentleman from York, Senator Waugh.

Senator WAUGH. Madam President, this motion to concur involves a bill that I introduced several months ago after we realized in the Committee on Agriculture and Rural Affairs that in the year 2000 there was actually a disease outbreak that affected a good number, in fact dozens of young people in Montgomery County, and it involved the spread of the disease E.coli from an animal petting zoo to a visiting youth group who had visited this farm to enjoy the afternoon. There was one young lady in partic-

ular by the name of Erin who actually became incredibly ill and ended up to this day with some severe medical problems and injuries, and it was by way of this incident that we started to explore just how serious of a concern the transmission of diseases known as zoonotics, not just E.coli but many other diseases known as zoonotic diseases, just how serious this situation is today when it comes to petting zoos, fairs, and other animal exhibits across the State of Pennsylvania.

The agriculture community responded just as the General Assembly did by implementing, voluntarily I might add, precautionary measures from hand-washing facilities to public notices for visitors at fairs and other exhibitions of the dangers involved in contact between animals on exhibition and people, especially when there are food products or eating involved in the area.

There were some other folks involved in this discussion, too, as we deliberated and introduced this bill earlier this Session, and I would like to take this opportunity to thank the father of the young lady from Montgomery County and especially thank my good friend and colleague here in the Senate, Senator Connie Williams, who was of assistance in preparing and finally putting together this bill.

In a nutshell, this legislation would require that the Department of Agriculture establish standards of sanitation for animal exhibitions. An exhibition is described as an event where animals are displayed for view in physical contact with human beings. There are several exemptions, however. Petting zoos and agricultural type fairs are included, not exempt, from the requirements under this proposal, and the goal is to reduce the transmission of zoonotic diseases between animals and human beings. A couple of the requirements would require hand-washing facilities onsite or other approved hand-cleansing methods and posted notices and educational pamphlets explaining the risk of infection from zoonotic diseases.

In addition to that, the owners of animals at these exhibits must at least establish a relationship—in a very general and broad sense we use the term "relationship"—with a veterinarian and have the appropriate, and in many cases, really it is not part of this, we have already had some requirements for various health certificates, and what have you, at exhibitions.

Really, this proposal, I am proud to say as chairman of the Committee on Agriculture and Rural Affairs, is I think a fine example of the results of efforts of an awful lot of people who were either affected or became directly involved in the process as it evolved over the last several months. Many legislators were involved, many individuals from the community were involved. I mentioned a few already, including the victim and the victim's family, and victims advocate groups were also aware of this situation, and finally the agricultural community here in Pennsylvania. I mentioned it already, but I think it is worth repeating. All of what is required under this proposal, and I have been around to many of the fairs over the course of the last two summers, everything that is required in this proposal is already being done, and I think that is worth noting as we cast this vote this evening. The fact is the agricultural community, including our Department of Agriculture and exhibitors, have already recognized this problem and stepped up to the plate. They are not afraid of this proposal because, in fact, they are doing it. What this will do is really just create it in a more formal manner and allow the Depart-

ment of Agriculture to provide some funding and fees to help administer the program.

So I would like to commend everyone who was involved in this proposal. It is a commonsense, practical, and efficient way to deal with the issue of human safety and disease prevention at public animal displays here in our Commonwealth, and I simply encourage all Members to concur on this proposal.

Thank you, Madam President.

The PRESIDING OFFICER. The Chair recognizes the gentlewoman from Montgomery, Senator C. Williams.

Senator C. WILLIAMS. Madam President, I stand in support of this bill on concurrence. It came out of an almost tragedy with little Erin Jacobs, who is doing well now. There are so many things in life that we cannot control that happen to our young people, and with this bill, there will be some things that we will be able to control. So I am very delighted it has come back for concurrence, and I urge a "yes" vote.

Thank you.

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-49

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

NAY-0

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

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

SPECIAL ORDER OF BUSINESS ELECTION OF INTERIM PRESIDENT PRO TEMPORE

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

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

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

The Chair recognizes the gentleman from Lebanon, Senator Brightbill.

Senator BRIGHTBILL. Madam President, I nominate Senator Robert C. Jubelirer as the interim President pro tempore.

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

Senator MELLOW. Madam President, I would like to second the nomination of Senator Jubelirer to serve as our interim President pro tempore.

NOMINATIONS CLOSED

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

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

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

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

To serve as the interim President pro tempore, Senator Jubelirer must also be administered the oath of office for his new term as a State Senator.

RETURNS OF ELECTION OF SENATOR

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

Senator BRIGHTBILL. Madam President, I ask that the Senate proceed to receive the election returns for the 30th Senatorial District, and that the oath of office be administered to Senator Robert C. Jubelirer for his new term as a Senator.

The PRESIDING OFFICER. At the request of Senator Brightbill, and without objection, the Senate will now proceed to receive the returns of the election for Senator Jubelirer.

The Chair lays before the Senate the following communication from the Secretary of the Commonwealth, which the Clerk will read.

The Clerk read the following communication:

COMMONWEALTH OF PENNSYLVANIA

TO HIS EXCELLENCY, THE LIEUTENANT GOVERNOR OF THE COMMONWEALTH OF PENNSYLVANIA, AND THE MEMBERS OF THE SENATE OF THE GENERAL ASSEMBLY OF THE COMMONWEALTH OF PENNSYLVANIA,

GREETINGS:

I have the honor to present the official results of the General Election held November 5, 2002, from the various county boards of elections for the Office of Senator in the General Assembly of the Thirtieth District of the Commonwealth of Pennsylvania, which remain of record in my office:

Robert C. Jubelirer
Republican

Bedford County	11,219
Blair County	24,819
Fulton County	2,920
Huntingdon County	8,560
Mifflin County	197

Therefore, Robert C. Jubelirer, having received 47,715 votes, was duly elected Senator in the General Assembly for said district.

In addition, I hereby certify that Robert C. Jubelirer has fully complied with the provision of Article XVI of the Pennsylvania Election Code pertaining to Primary and Election Day expenses.

Witness my hand and the seal of my office this twenty-sixth day of November, two thousand and two, and of the Commonwealth the two hundred and twenty-seventh.

(SEAL)

C. MICHAEL WEAVER
Secretary of the Commonwealth

The PRESIDING OFFICER. For the record, the Secretary of the Commonwealth has also certified that the Senator-elect has filed the accounts and affidavits as required by the Election Code.

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

The PRESIDING OFFICER. The Chair now takes pleasure in appointing as a committee to escort the Senator-elect and interim President pro tempore to the rostrum the gentleman from Lebanon, Senator Brightbill; the gentleman from Dauphin, Senator Piccola; and the gentleman from Lackawanna, Senator Mellow. The committee will proceed to escort Senator Jubelirer to the rostrum.

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

ADMINISTRATION OF OATH OF OFFICE TO INTERIM PRESIDENT PRO TEMPORE-ELECT

The PRESIDING OFFICER. It is an honor to have with us the Honorable Mary Hannah Leavitt, a judge of the Commonwealth Court of Pennsylvania. She has kindly consented to be with us today to administer the oath of office to Senator Jubelirer.

Please rise.

Judge LEAVITT. Place your left hand on your Bible, raise your right hand and repeat after me:

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

(Applause.)

The PRESIDING OFFICER. The Chair thanks Judge Leavitt.

REMARKS BY THE INTERIM PRESIDENT PRO TEMPORE

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

The PRESIDENT pro tempore. Thank you. The hour really grows late, and you are going to be spared from my remarks because I am going to submit them for the record and hope that engenders your support.

(Applause.)

The PRESIDENT pro tempore. Madam President, I want to thank all the Members of the Senate for their support, and I want to particularly thank Judge Mary Hannah Leavitt, who sat for over 6 hours today waiting for this moment. She is a dedicated judge on the Commonwealth Court and sits with another judge whom I happen to think very highly of, my wife, and I am just deeply honored that she would be here today and show the patience that judges should all have and she certainly has exhibited.

But to all of you, I take this office very seriously, regardless of how many times and regardless of whether it is interim or not, I am deeply honored, I am very humbled, and I thank you from the bottom of my heart. I will submit my remarks for the record. I look forward to asking for your support once again on January 7, when we all gather here for opening day.

In the meantime, all of you have a very happy, healthy, and safe Thanksgiving with your families. Enjoy. Peace to all.

Thank you.

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

Thank you, Judge Leavitt, for joining in this ceremony and administering the oath of office. Thank you, Senator Brightbill and Senator Mellow for your kind words of nomination.

I am honored by your trust and support for this position of responsibility. But the even greater honor is to stand here each Session day and see the tremendous ability and character and commitment that each Member brings to service in this Senate. This truly is a Chamber filled with real leaders.

In 24 hours or so, we will complete action on legislation for this Session. Four of our colleagues will cast their final Senate votes. The selection of an interim President pro tempore is a sign of continuity, a bridge to a new Session and a new agenda for action. This Session has seen action on some far-reaching measures in key areas such as health care, education, and job creation.

In recent days, we have taken bipartisan action on significant matters such as water sources, protection of religious freedom, and preservation of prescription drug assistance for thousands of elderly Pennsylvanians. There is much that we can accomplish in the remaining hours of this Session, and much more in the way of challenges and opportunities awaiting the new Session and the new administration.

While we represent districts that can be very different in outlook or need, there is not much disagreement over the issues or the priorities. We do have differences at times over the approach or the extent of State involvement in certain matters, but this past Session has not been marked by persistent partisanship. When we have cooperation in the spirit of progress, Pennsylvania benefits, the families and the communities we represent benefit, and this Senate produces the constructive results people expect from us.

Thank you for your support, and for the work that you do to build a better Pennsylvania.

SPECIAL ORDER OF BUSINESS FAREWELL TO MEMBERS

The PRESIDING OFFICER. The Chair recognizes the gentleman from Blair, Senator Jubelirer.

The PRESIDENT pro tempore. Madam President and Members of the Senate, again, I know the hour grows late, but frankly, it is a special moment for all of us as we recognize, pay tribute, and I do not like to use the word "farewell" because I think it sounds like such a permanent word, but four of our Members are going to be leaving, and I want to take the opportunity to say a few words about them and introduce a very special video.

One of the fine traditions that we observe is our farewell tribute to the retiring Members. This year we have four very distinguished Members departing, two who are stepping out of public life after lengthy Senate service, and two who will in January begin new public service lives in Congress.

With the retirement of Senator Ed Holl, the curtain comes down on, without a doubt, a legend, a legendary leader with his many and varied talents, his forceful personality, and his heavy involvement in a broad range of issues. He had a strong hand in the productivity and the perception of this Chamber. While Ed Holl is most noted for his longtime chairmanship of the Committee on Banking and Insurance and his expertise and influence on those subjects, there are laws across the books because of his sponsorship and his relentless advocacy. He prided himself on his flawless attendance record and even more on the number of bills he drove through the process into law, important pieces for kids and for communities. I will always remember Ed Holl no matter how long I live. He has had a great influence on my life. Frankly, he taught me a lot about being a leader. I had to learn maybe sometimes the hard way.

I certainly remember him playing the trumpet here on St. Patrick's Day while our late departed colleague, Gene Scanlon, sang those Irish songs. There are so many things about Ed Holl that make him not only colorful, but probably one of the most brilliant, able people I have ever known. And I certainly know that my experience here has been one that has intertwined with his participation, and frankly, to earn his respect was a monumental achievement of mine.

Senator Lenny Bodack established early on his position as a champion of workers and consumers and never strayed from that perspective. He was a stalwart in his Pittsburgh point of view. He held a leadership position for better than a decade, a good measure of his stature and regard. When he spoke on an issue, there was never any doubt as to his interest. He was always direct and very determined.

Senator Jim Gerlach came over from the House of Representatives with a reputation for digging into the details of complex issues. He only solidified that here. From local taxes to land use, he immersed himself in issues that were not necessarily political winners but that required extraordinary determination to overcome all the roadblocks to producing meaningful and responsible legislation. He gained considerable recognition for his dedication to the reforms and cost-cutting efforts that arose from the IMPACCT Commission, and more recently, for chairing the PIAA Oversight Council.

Senator Tim Murphy was elected partly because of experience as a highly-qualified health care professional and provider. He had a major role in raising the profile of health care issues and in securing action on some landmark health care legislation. He has been a consistent advocate, a problem solver, and someone who never lost sight of the concerns of families and the needs of our young and old. His contributions did not stop with writing legislation. He also gained notice as the author of a book about troubled kids and repairing families.

I want to thank each and every one of these Members. They are leaders in this body, they are leaders in their districts, for their service, for their significant contributions. It has been an absolute privilege to serve with you. I wish for each a productive and fulfilling future. You should know that former colleagues have reliably reported that there is indeed life after the Senate.

At this time we have a very special video presentation capturing the life and times in the Senate years of Senator Ed Holl, with the fond recollections of many of his colleagues.

(Whereupon, a video tribute of the career of Senator Edwin G. Hall was presented.)

(Applause.)

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

Senator MELLOW. Madam President, first I would like to, on behalf of the Members on this side of the aisle, officially tonight congratulate Senator Holl on an outstanding career. I think the video that we just saw displayed not only the tremendous support that Senator Holl had with the Members with whom he served over the years in the Senate, but also showed how talented an individual he really is and has been and will continue to be. The only thing is I would like to question Senator Brightbill. I was here the night, unfortunately, this past summer when Senator Holl tripped coming into the Senate. I was just wondering if that was a little more of that slapstick comedy that took place when Senator Brightbill tripped at a meeting that was taking place in a downtown Harrisburg restaurant.

So Ed, on behalf of the Members on this side of the aisle, we would just like to congratulate you on an outstanding career and wish you well in everything that you do in the future. You have had a tremendous longevity in the Senate, and you are an icon to which most people look up and wish they could do half the things that you have accomplished here in the Senate. Congratulations.

I would also like to congratulate both Jim Gerlach and Tim Murphy for not only their election to serve as Members of the United States Congress, but also for their service here in the Senate. Senator Gerlach, with his outstanding contributions with the Committee on Local Government, but also as far as I am concerned with the job he has done with the PIAA.

And Senator Murphy, you have also done an outstanding job here in the Senate. I think we are going to miss your renditions on St. Patrick's Day. One time we had Tom Lamb and Gene Scanlon who would play and sing for us on St. Patrick's Day. The last couple of years you have handled that. I do not know whose hands that responsibility is going to fall into, but I think both of you deserve our deep, sincere thank you, and we wish you well as you take your demotion to be a Member of the United States Congress, leaving the Senate. I was told when I first came to the Senate that the Pennsylvania Senate is the most deliberate body

and the greatest body you could ever serve in. I kind of felt that way all along, and I am just joking. I want to wish both Jim and Tim the best of luck as they start their new careers as Members of the United States House of Representatives.

Madam President, I now have the opportunity of introducing a video that has been done on behalf of Senator Bodack. He has been a friend of mine for a number of years, having served as a Member of the Pennsylvania State Senate from the great western county, Allegheny County.

Back in 1988, Senator Bodack and I were elected as Members of the Democratic leadership together. At that time, I was elected as the Democratic Leader and Senator Bodack was elected as the Democratic Caucus Chairman, and then later he fulfilled the responsibility of being elected as the Democratic Whip.

The career that Senator Bodack has displayed as a Member of this Senate, once again, it kind of parallels that of Senator Holl. Although not having served for the number of years that Senator Holl has served in the Senate, Senator Bodack, in his own right, has done an outstanding job. The job that he did with regard to trying to protect the rights of the consumer, and not only the consumers in Allegheny County and the 38th District that he represents, but throughout the Commonwealth of Pennsylvania. Over and over and over on the floor of the Senate, in our Democratic Caucus meetings, in our Democratic leadership meetings, Senator Bodack would always talk about what to do to preserve the rights of the consumer. He was a great consumer advocate long before there was a Consumer Advocate in Pennsylvania. He would constantly talk about the high cost of public utilities for the people of Pennsylvania. And I can remember, and I think you will see it in the video, when there was ongoing legislation with regard to ATM charges, the amount of money that people pay to the banking industry to use an ATM machine. I believe Senator Bodack not only presented petitions at that time to Governor Ridge, but also spoke outside in the parking lot in the front of the Capitol, strongly being critical of what was taking place and how people were being gouged through their use of ATMs.

On a personal note, I have had the opportunity to spend time with Senator Bodack and his lovely wife, Shirley, and his family. I can recall on one particular Halloween visiting his office in Pittsburgh, and he went on to tell me that his office was at one time an old funeral home. Then he took me to the back room where there was a casket and the casket had an arm hanging out of it, and it was nothing more than a prop for a Halloween party, but not only was it quite amusing, but it showed the lighter side of Senator Bodack, what an outstanding individual he was then and he continues to be.

Leonard, before we go into the video, I just want to again congratulate you on behalf of the Members of our Caucus, the Members of the delegation from Allegheny County, for not only the tremendous job you have done right here as a Member of the Pennsylvania Senate representing western Pennsylvania and the 38th District, but also the tremendous job and the task that you took on when you became the Democratic chairman of Allegheny County. That is something that is very, very difficult to do, trying to bring all factions of a political party together is virtually an impossibility, but you did it with class, you did it with style, and you did it with success. And I want to thank you once again for being my friend and for being my supporter for so many years,

for sharing with us what your thoughts are and what was always better for the people of Pennsylvania, regardless of political affiliation.

I want to congratulate you and say to both you and your wife, Shirley, Godspeed, and the best for both of you.

Thank you very much, Madam President. If we could now show the video.

(Whereupon, a video tribute of the career of Senator Leonard J. Bodack was presented.)

(Applause.)

The PRESIDING OFFICER. The Chair recognizes the gentleman from Montgomery, Senator Holl.

Senator HOLL. Madam President, Members of the Senate, I am truly honored with what has happened here tonight. I am truly thrilled. I want to thank Bob Jubelirer and of course Bob Mellow for their assistance in these two films and to join Senator Bodack in that presentation.

It has been an honor and a pleasure for me to serve and to represent my constituents in Montgomery County and to be with many fine people in this Senate for over 40 years. I thank the Members of the Senate and the staff of the Senate for their assistance in my being here and cooperation in making my stay here what it has been.

Best wishes to you and good luck and God bless you and keep you well. Thank you very much.

(Applause.)

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

Senator BODACK. Madam President, I do not know where they got all this, but I have a sneaking suspicion that this is the reason they held up Session today while they put this together for Ed Holl and me.

It has been a great 24 years. I have enjoyed every minute of it, the good times, the bad times. If I have done anything since I have been here, I have the people that I work with to thank for helping me to get where we wanted to go. I especially want to thank my staff in Harrisburg. They have put up with a lot from me. They have helped me out tremendously. I do not know that I could have spent the time here that I did without them. To my staff in Pittsburgh, it was worse; I spent more time with them.

I have had a very lucky, I guess, career. I started out by myself in this business and worked my way up to the point where I could make a run for the State Senate, and I was very lucky. I got elected six times. To my constituents who could see probably more in me than I could in myself, I thank them. I do think they made a right decision, but I did not expect all of this. I have no pearls of wisdom to leave with you, but I want to thank each and every one of you who have befriended me over the years, especially all of the staff on the Senate side of the Capitol with whom I have worked. Staff from the other side of the aisle, they have been great, they have been tremendous. None of us here would be much of anything without the people who are behind us and the people who push us forward and make us look good every day that we are here.

Thank you all.

(Applause.)

The PRESIDING OFFICER. The Chair recognizes the gentleman from Chester, Senator Gerlach.

Senator GERLACH. Madam President, I, too, would like to just take a minute to thank everybody here, both on the floor and behind the scenes, for the wonderful opportunity I have had to represent the people of the 44th Senatorial District for the past 8 years, and before that the people of the 155th State House District from 1990 to 1995.

I have had the opportunity to work on a number of important public policy issues, and I have also had the opportunity as a State legislator to help my constituents back home with their problems on a day-to-day basis, and that is really all that any of us can ask as a State legislator, that we have the opportunity, for whatever limited amount of time that we are here, to accomplish a few things for the people who send us here, our fellow citizens.

I am going to carry a lot of fond memories of things that have happened here on a day-to-day basis, both legislatively and personally, from the heated debates that we have had in committee or on the floor or in caucus or just in our offices, to the many wonderful times of friendship and camaraderie that we have had together as colleagues. And as the new Pennsylvania tourism slogan says, they will be memories that last a lifetime.

I, too, would like to offer a few thanks and expressions of gratitude from the leadership here in the Senate for your years of support and help for the issues that I have felt strongly about and wanted to try to make some progress on, to the colleagues who are here with us on the floor on a day-to-day basis, for all of your dedication to your constituents and to the Commonwealth, and in particular to the friendship that all of you have shown toward me. Like Len, the staff that we have, in my particular case the district and Capitol office staff of Mark Meyer, Cheri Mizdail, Tyra Koons, Lauren Muglia, Betty Randzin, Betty Charley, Tom Harris, Pat Beck, and Jason Carver. They have done a wonderful job for me day to day to make sure that we get the things done that we need to for the people in our district.

And finally, to the people of the 155th District and the 44th District for electing me to these offices, it has been an honor and privilege of a lifetime, and for that I am truly humbled.

Thank you.

(Applause.)

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

Senator MURPHY. Madam President, I know the usual thing is to address the President of the Chamber, but if the Chair does not mind, I would like to make more personal remarks to the Members.

I actually want to start off with Senator Holl. There is a story I told, his life story became so massive that it would have taken hours to tell it all in here, but there was a story left on the cutting room floor that I think is important to tell. As you know, one of the issues that I worked on was a Patient Bill of Rights, and I was pleased that some 16 months after I entered this Chamber, Governor Ridge signed it into law. What was fascinating as a civics lesson for Pennsylvania was how it became law. It was introduced as Senate Bill No. 100 and it passed this Chamber, went over to the House where it was amended with some 30 different Christmas-treed amendments, and we knew its demise was certain. And yet, still there was a feeling it had to pass. Well, along came this vehicle, Senate Bill No. 91 I believe it was, Senator Ed Holl who sole-sponsored it, some innocuous thing about car in-

surance, and in a stellar maneuver in the House, they managed to amend Senate Bill No. 100 onto Senate Bill No. 91 and it came back over here and Ed Holl became not just the prime sponsor but the sole sponsor of the Patient Bill of Rights in Pennsylvania. And at the moment, we were having our final concurrence vote on this, and I remember standing at the leader's podium breathing a sigh of relief as the bill finally passed, and Senator Jubelirer said, Tim, you have something to be proud of here. Some people can be here 30 years and never have a bill that important pass, and without missing a beat, Steve MacNett said, and Senator Holl finally had it. So it goes. You did a great job in those kinds of maneuvers, and they are the kinds of great things that take place in the Chamber.

But if you do not mind, I would like to reflect on a couple of things that I learned from this Chamber. As I am moving on to Congress, there is a rule of speaking perhaps 2 minutes at the most, and generally 1 minute. Recognizing that that will be the limit I will have for some time to come, I am going to use the privilege of the Senate and say as much as I want to, but I will keep it brief, as Senator Piccola shrinks.

One of the things that happens as one is traveling to Harrisburg, going back and forth on the Pennsylvania Turnpike so many times, I come up on Sunday nights, and very often I will see a beautiful moon rising in the east, oftentimes orange, sometimes silver. And Wednesdays, when I am going home to Pittsburgh, I see the beautiful yellow and orange sunsets. Traveling those thousands of miles has been a time to reflect, and also, times when I am jogging or running around Harrisburg looking at this beautiful city, whether it is the crisp autumn air, the heat of the summer, or the vibrancy of spring, to see the Capitol and its dome shining out has always been an exciting and humbling experience that I am sure many Members here can attest to as well.

Well, I have learned many things, as life goes on and as I have been here. I have learned that despite my going from my brief tenure, the moon will continue to rise, the sun will continue to set, the Commonwealth will live on as Members come and go, and the Pennsylvania Turnpike will always be under construction. I have also learned the value of what Benjamin Franklin, a former Member of the Pennsylvania legislature, said when he was leaving the Pennsylvania Constitutional Convention in Philadelphia. A citizen asked him what kind of government we had, and he said to that person, "A republic, if you can keep it." And I am pleased to have been part of a legislative body which has worked diligently to keep it, who have responded to the value of the law as opposed to the whims of the moment. I have learned from my colleagues that the currency of business may be money, but the currency of legislation is trust. Consequently, I have learned to be wary of those who speak merely in words, and to be grateful for those for whom their word is bond.

On a lighter note, after listening to many a speech, I have come to understand George Orwell's observation, that it is, quote, "Often the duty of an intelligent people to restate the obvious." This Chamber at times has found the need to restate that intelligence over and over, but in a wonderful way. Or in the words of one legislator who once said, everything that can be said has been said, but not everyone has had a chance to say it.

I have enjoyed the moments of humor in this Chamber, notably when one fellow Member gave me his observation on getting older. After the visit of Miss Pennsylvania, this learned colleague commented, you know you are getting older when Miss Pennsylvania's mom looks a lot more attractive than Miss Pennsylvania.

We have shared the celebrations of new Members being sworn in, and shared the sadness of deaths of colleagues. We have worked to strengthen the lives of those who are weak, and to bring justice to those who prey upon the weak. We have dared to see the world not just for what it is, but to dream about what it can be. We have been frustrated by the snail's pace of the process of democracy, but reassured by its prudence. Franklin's republic is indeed sometimes slow, sometimes deliberative, and sometimes overly cautious, and at times that led to the clenched teeth of frustration, and other times it led to the sigh of relief expressed from knowing that we avoided the errors of impulsiveness. We have worked to make changes, but must accept with humility that despite what we do, we cannot change everything we would like. No government, no laws can change the frailties of human nature. Indeed, our laws, even though conceived by just men, will always be necessary to deal with the unjust. Selfless heroes will still face the inflictions of the selfish. The prudent, faithful, and compassionate will always be attacked by the foolhardy, the thoughtless, and the uncaring. Save that which can be prevented by the fair application of the law and the just punishment of those who would choose to thwart both divine and civil law, although let us not be so vain as to forget we only have the power to enforce the latter, and only then if we respect the former. We must be clear-eyed, singular in purpose, and filled with the passion that comes from knowing that this time, this precious, precious moment of time is when we must all continue to take our stand to make that choice between remaining in the great twilight of pessimism and cynicism, or to climb vigorously toward the shining possibility that accompanies risk and hard work and vision. And I trust that everyone in this Chamber will keep climbing.

But soon now my tenure will end, and so now it is time for this. Now it is time to say farewell to each other. I recall with joy the teachings of Senator Hal Mowery, initially taking me under his wing when we were doing our hearings together. I will enjoy the great memories of Bob Jubelirer, taking me to his office and giving me lectures, of Chip Brightbill doing that more recently, and of so many others whom I have enjoyed with so many great moments here.

I want to thank my staff of Nan Gounder, Donna Stchur, and Joanne McGreevy, who has done an excellent job as the executive director of the Committee on Aging and Youth, and Teri Zizzi, who has done some great work, too. I also would like to thank the dedicated staff of my district office: Matt Campion, the Chief of Staff, Bryce McMin, Susan Nichols, and Nancy Polcawich. Special good-byes go to Lenny Bodack and Ed Holl. Jim Gerlach and I will see each other trying to figure out how the U.S. government works, but to all of you, really, a wonderful thanks for teaching and support, and even though sometimes you chide me with this, I indeed will see you before 9 years, when you do the next redistricting.

We each go our separate ways, but will remain in our work toward the same dreams, even if by different roads. May your

roads be lit by the beacons of liberty and freedom. May you continue to be guided by wisdom and compassion. May God bless all of you and the wonderful people you serve. I will miss you all deeply, and carry an undying affection in my heart for every one of you. Together we will strive for a better world, for a better Pennsylvania, in this wonderful, wonderful place we call home.

Thank you, Madam President.

(Applause.)

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

Senator BRIGHTBILL. Madam President, I would just like to say this is one of those moments where you particularly appreciate the role that we all get to play as legislators in this great State of Pennsylvania, and particularly at this moment appreciate the great men and women with whom we get to work. It just so happens that there are four here we are honoring tonight. Two have ended great legislative careers. My observation is that both Members have been very content with working quietly behind the scenes to be effective for their constituency, and for driving items of public policy that they consider to be important. They have been great legislators. The other two Members are leaving to go to the United States Congress, and let me just say this to Senator Gerlach and Senator Murphy: We are really proud of you and we are going to be watching your careers because from both of you, honestly, we expect great things. You are two very special people, and you are going to be a great asset to this country, this United States of America, and I wish you well.

I also wish Senator Holl well, who is a good friend, and Senator Bodack, for whom I have great affection.

Thank you very much.

GUEST OF SENATOR CHARLES D. LEMMOND PRESENTED TO THE SENATE

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

Senator LEMMOND. Madam President, we have just recognized four very famous Americans, and I applaud them and wish them all the very best.

I want to introduce, however, a fifth famous American, at least in my eyes, a career Navy man, 21 years in the Seabees, tops in heavy equipment. He has joined the Navy, he has seen the world, from Adak to Okinawa, from Camp David to Diego Garcia, and a year ago he joined with the Marines in Afghanistan as one of the leaders of the Seabees. Fortunately, he is back.

His mother and I are delighted that he is home for Thanksgiving. His mother hopes that both of us will be able to get out of here and join her for Thanksgiving, but Barbara and I are very proud of our middle son. I would like to present to the Senate and to have us welcome Senior Chief Petty Officer John Lemmond.

(Applause.)

SPECIAL ORDER OF BUSINESS ANNOUNCEMENT BY THE SECRETARY

The SECRETARY. Consent has been given for the Committee on Rules and Executive Nominations to meet during today's Session to consider Senate Bills No. 460, 813, 818, 1179, 1242,

1416, 1448, 1453, and House Bills No. 235, 2223, and certain nominations.

RECESS

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

Senator BRIGHTBILL. Madam President, I request a recess for a Republican caucus.

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

Senator O'PAKE. Madam President, I ask all Democrats to report to the caucus room immediately.

The PRESIDING OFFICER. For purposes of a meeting of the Committee on Rules and Executive Nominations at the rear of the Chamber and Republican and Democratic caucuses, without objection, the Senate will stand in recess.

AFTER RECESS

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

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

SPECIAL ORDER OF BUSINESS ANNOUNCEMENT BY THE SECRETARY

The SECRETARY. Consent has been given for the Committee on Appropriations to meet in the Rules room to consider House Bills No. 401, 591, 731, 1043, 1947, 2163, 2402, 2778, 2842, 2863, and 2892.

RECESS

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

Senator BRIGHTBILL. Mr. President, I ask for a recess of the Senate for a meeting of the Committee on Appropriations to begin in 5 minutes in the Rules room to the rear of the Senate.

The PRESIDENT. For the purpose of a meeting of the Committee on Appropriations to be held in the Rules room in 5 minutes, without objection, the Senate will stand in recess.

AFTER RECESS

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

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 Punt and Senator Holl.

The PRESIDENT. Senator Brightbill requests legislative leaves for Senator Punt and Senator Holl. Without objection, those leaves will be granted.

The Chair recognizes the gentleman from Lackawanna, Senator Mellow.

Senator MELLOW. Mr. President, I ask for a legislative leave for Senator Stout.

The PRESIDENT. Without objection, that leave will be granted.

CONSIDERATION OF CALENDAR RESUMED

REPORT OF COMMITTEE OF CONFERENCE

REPORT ADOPTED

HB 590 (Pr. No. 4686) -- The Senate proceeded to consideration of the bill entitled:

An Act amending the act of August 5, 1941 (P.L.752, No.286), known as the Civil Service Act, providing for full-time State Civil Service Commission members; further providing for members' salaries and meeting times; providing for delegation of authority to director; further providing for residency and for recordkeeping requirements; eliminating the certification of payrolls; requiring members to submit annual report; revising the records retention period; deleting citizenship and oath requirements; further providing for the filling of vacancies; requiring citizenship to be the deciding factor in a case of equal qualifications; eliminating certain requirements for promotion without examination; further providing for the distribution of public notice of examinations and requirements for maintaining eligibility lists and for the procedure for certain eligibles who waive consideration for a promotion, for procedures for filling a position, for the requirements of the probationary period; providing for the expansion of the authority of the director to approve temporary assignments; eliminating certain performance standards; requiring probationary performance evaluations and evaluation forms; further providing for a period of removal from eligibility lists; authorizing the commissioner to impose penalties; providing copies and notices to the director; and making a repeal.

Senator BRIGHTBILL. Mr. President, I move that the Senate adopt the Report of the Committee of Conference on House Bill No. 590.

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

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

Senator MELLOW. Mr. President, the conference committee report on House Bill No. 590 is substantially different from when we in the Senate passed House Bill No. 590. It deals with the Civil Service Commission and the Civil Service Act and those who will serve on the Civil Service Commission.

Mr. President, when it passed this body, it passed as a position where the reimbursement was on a per diem basis for the amount of time spent at work. The conference committee report has been significantly changed to do a few things. When it passed this body, it was not a full-time job and it did not attach to it a full-time salary, but it did attach to it, however, the provision that the individual shall serve until his or her successor has been qualified. That means the individual would serve USQ, until successor qualifies. On the surface, Mr. President, we did not have too much of a problem with that, although we were not very happy it did take place, but we voted for it because it was not a full-time job. Now, Mr. President, the bill has been substantially changed. It has been changed in the conference committee report which would subvert any action that would be taken by the Committee

on Appropriations based on the expenditure of Pennsylvania tax dollars. It provides for a full-time position, Mr. President, that I believe pays the three members, I think two of them get paid \$62,500 and the chairman gets paid \$65,000, and then they will serve until their successor has been qualified. What that basically means, Mr. President, is that the three individuals who serve on the Civil Service Commission as appointees of the current administration, even though their term of office may expire, they serve until the Majority Party in the Senate believes that their successor is qualified to replace them. That, in essence, means that if the Majority party here in the Senate does not want their successor to replace them, the individuals, even though they are on an expired term, can serve for a 4-year period of time or throughout the entire period of time that the new Governor has been elected.

What this basically is, Mr. President, is a power grab. It is a power grab on the part of the Majority party here in the Pennsylvania Senate to subvert the will of the people. In the Commonwealth of Pennsylvania on November 5, the people of Pennsylvania, by a substantial majority, almost 9 full percentage points, voted to change the direction of Pennsylvania by electing a Governor of the opposite party of the party that has been in control of the State operations for the past 8 years. And in doing so, Mr. President, the counties which are represented by 14 Members of the Republican Party voted very strongly in favor of Governor-elect Ed Rendell. Allegheny County, where there are Republican Members of the Senate, gave Governor-elect Rendell a majority of over 40,000 votes. Bucks County gave Governor-elect Rendell a majority of 57,000 votes. Chester County gave Governor-elect Rendell a majority of 23,000 votes. Delaware County gave Governor-elect Rendell a majority of 60,000 votes. Montgomery County gave Governor-elect Rendell a majority of 174,000 to 81,000 votes. Lehigh County, served by a Republican Member of the Senate, gave Governor-elect Rendell 14,000 votes. The same thing happened in Northampton County and Schuylkill County.

Basically, what is happening with the enactment of the conference report on House Bill No. 590 is that the will of the people on election day is now being subverted by a power grab by the Republican Party right here in the Senate where they can guarantee that three appointees of the current administration can serve until they determine, not the Governor of Pennsylvania and not the people of Pennsylvania, they determine when that individual shall be changed. It does not matter what Governor-elect Rendell will say once he is sworn in when these terms expire. The individuals can be protected by the Majority party because they will serve until their successor has been qualified, which basically means that they will serve until 26 Members of the Republican Party here in Harrisburg are prepared to put up a vote so that person can be changed. It is not the right thing to do. It is a power grab. It is the same thing that has been reported in the newspaper for the last week and a half or so, Mr. President, and it is the wrong thing to do right here just 1 day or 2 days before we are going to adjourn this legislative Session.

Because of that, Mr. President, I ask for a negative vote on the conference report on House Bill No. 590.

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

Senator BRIGHTBILL. Mr. President, would Senator Mellow stand for interrogation?

The PRESIDENT. Senator Mellow, Senator Brightbill wishes to know if you will stand for interrogation.

Senator MELLOW. Mr. President, I will.

The PRESIDENT. Senator Brightbill, you may proceed.

Senator BRIGHTBILL. Mr. President, does the gentleman happen to have a copy of the prior printer's number, which was the printer's number that passed the Senate, Printer's No. 4134?

Senator MELLOW. I do not have it with me, Mr. President.

Senator BRIGHTBILL. Mr. President, we will provide it.

Senator MELLOW. I have it now, Mr. President.

Senator BRIGHTBILL. Mr. President, would the gentleman indicate under the current Printer's No. 4686 whether the language that he takes offense to, which he has called a power grab, is found on page 5, lines 29 and 30, and it is bracketed language "...but not longer than six months beyond the six-year term." Is that the language the gentleman is referencing?

Senator MELLOW. What is the reference again, Mr. President?

Senator BRIGHTBILL. Mr. President, the current Printer's No. 4686, page 5, lines 29 and 30. Is that the language that the gentleman is characterizing?

Senator MELLOW. Mr. President, yes, sir.

Senator BRIGHTBILL. Mr. President, okay. Would the gentleman then go to the prior printer's number, which is Printer's No. 4134, and look at page 4, lines 12 and 13.

Senator MELLOW. Mr. President, I have it, and what is the question?

Senator BRIGHTBILL. Mr. President, the question is the bracketed language is identical, is it not, in Printer's No. 4134 as it is in the current printer's number which deletes the language "...but not longer than six months beyond the six-year term."

Senator MELLOW. Mr. President, yes, and I stated that in my remarks.

Senator BRIGHTBILL. Mr. President, so the printer's number of the bill that passed the Senate, I believe unanimously in June, 50 to 0, deleted that language back in June which is, I believe, 5 months before the election that you referenced. Is that not fair?

Senator MELLOW. Mr. President, that is correct, but the bill is substantially different in the conference report than it was in the bill that passed the Senate back in June of this past year, sometime in June.

Senator BRIGHTBILL. Mr. President, but the language to which the gentleman took offense eliminating the 6-month extension beyond the term was passed unanimously by this Senate in June when the outcome of this election, this gubernatorial election, was undetermined. Is that not fair?

Senator MELLOW. Mr. President, that is correct in what the gentleman is saying.

Senator BRIGHTBILL. Mr. President, I would simply make that point, that we in the Senate adopted this language to extend these terms before we knew the outcome of this election back in June. And I think to characterize what we have done as a power grab would be inaccurate. I mean, this was done at a time when neither party had any real indication as to who was going to be the next Governor, and we were both going to have to live with whatever our decision was. And I am just going to suggest, Mr.

President, that we ought to have an "aye" vote. This was a good government vote back 6 months ago, and it is a good government vote today. The other changes are really inconsequential as far as this vote goes. So I ask for an affirmative vote on this bill.

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

Senator MELLOW. Mr. President, I think we are becoming a little intellectually dishonest with ourselves and with people who may in fact be listening to what is taking place here in the Senate this evening, because the bill that Senator Brightbill refers to, along with the printer's number, which was House Bill No. 590, Printer's No. 4134, is substantially different, Mr. President, from the conference committee report on House Bill No. 590, Printer's No. 4686. He is correct, as I have stated in my opening remarks, that when the bill passed the Senate initially, Printer's No. 4134, House Bill No. 590, it did not include full-time employment and a salary. It included a per diem reimbursement and that the individuals would serve until their successor has been qualified. And on the surface, Mr. President, we discussed it in our caucus and we were uncomfortable with it, but since it was not a full-time job with a full-time salary, we were able to come to an agreement in our caucus that we would not try to stop or not vote against it based on that. But the conference report, Mr. President, is substantially different from what was passed in this body back in June. It is substantially different, Mr. President, because it makes the position full-time and it pays the members a substantial amount of money. And it furthermore ties in with the fact that was passed back in June that these individuals will serve until their successor has been qualified.

What it does is breaks the spirit of the Senate in two ways. First of all, the bill did not go back to the Committee on Appropriations the way House Bill No. 590 would have had to if it were not a conference committee, based on an additional expenditure to the people of the Commonwealth of Pennsylvania. You and I both know, as projected figures that have been given to us by the administration and should be verified next month when we meet with the Governor for his 6-month budget presentation, that we could be facing a budget deficit next year in excess of \$2 billion. Yet, through this conference report, you spent additional taxpayer dollars without even the opportunity of the bill going back through the Committee on Appropriations for the purpose of telling us how much we are going to spend. That is happening in the conference committee.

In addition to that, you are going to protect whomever the individuals are who are going to get paid this money so that they will serve not to a certain date, which would make for a good government piece of legislation, but they are going to serve, since they are full-time employees drawing a substantial salary, until their successor has been qualified, which basically, politically means that those individuals are going to serve and they are going to subvert the will of the electorate that took place on November 5. They will subvert anything that Governor Rendell will want to do until the Majority party in the Senate wants to put up 26 votes to replace that person. And I submit to you that if the individuals who are serving on the Civil Service Commission happen to have a friendship with any Member in the Republican Party here in the Senate, or for that matter in the House of Representatives, it will not matter one bit who Ed Rendell sends over

to replace that individual. That person who is serving will be protected by the Member of the Republican Party in the Senate, whoever that person is today who is serving as a member of the Civil Service Commission. So let us not play games about what we are doing, just so that everybody knows that this is a political grab to protect three appointees of the Ridge-Schweiker, Schweiker administration, to protect those individuals so that Governor-elect Ed Rendell will not be able to replace them unless the Republican Party in the Senate agrees to whomever that individual is going to replace and is prepared to put up 5 votes, because we obviously will put up 21 votes to bring that about.

So let us not sugarcoat anything. Let us call it the way it is. I do not mind you taking a political grab, but do not try to say this is not a political grab, that this is something other than that. This is not good government legislation. This is a pure partisan, political grab on the part of the Republican Party at 20 minutes to 12 on Tuesday evening, and I request a negative vote.

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

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

YEA-28

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

NAY-21

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

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 LEAVES

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

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

The PRESIDENT. Senator Mellow requests legislative leaves for Senator Bodack and Senator O'Pake. Without objection, the leaves will be granted.

CONSIDERATION OF CALENDAR RESUMED

BILL ON CONCURRENCE IN HOUSE AMENDMENTS AS AMENDED

SENATE CONCURS IN HOUSE AMENDMENTS AS AMENDED

SB 1370 (Pr. No. 2428) -- 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, for the Pollution Prevention Assistance Account and for eligibility and terms and conditions of loans; providing for job training; further providing for the power and authority for the Pennsylvania Economic Development Financing Authority; recodifying the Machinery and Equipment Loan Fund Act; further providing for tax-exempt bond allocation and for loan eligibility; and making repeals.

On the question,

Will the Senate concur in the amendments made by the House, as amended by the Senate, to Senate Bill No. 1370?

Senator BRIGHTBILL. Mr. President, I move that the Senate do concur in the amendments made by the House, as amended by the Senate, to Senate Bill No. 1370.

On the question,

Will the Senate agree to the motion?

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

YEA-49

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

NAY-0

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

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

THIRD CONSIDERATION CALENDAR

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

HB 850 (Pr. No. 4678) -- 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 purchase, consumption, possession or transportation of liquor or malt or brewed beverages and for inducement of minors to buy liquor or malt or brewed beverages.

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

NAY-0

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

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

HB 851 (Pr. No. 4679) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of August 21, 1953 (P.L.1323, No.373), known as The Notary Public Law, further providing for appointment of notaries, for eligibility, for applications to become a notary public, for application for reappointment, for resignation and for change of residence, for oath of office, bond and recording, for registration of notary's signature and fees, for notarial seal, for electronic notarization, for register and copier of records, for power to administer oaths, affirmations, certain writings relating to commerce, depositions, affidavits and certain writings relating to land, for fees of notaries public, for rejection of application and for surrender of seal; providing for revocation of commission for certain personal checks and for regulations; making repeals; and making editorial changes.

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

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

Senator LOGAN. Mr. President, would the Majority Leader stand for interrogation?

Senator BRIGHTBILL. I will, Mr. President.

Senator LOGAN. Mr. President, if I am reading the bill correctly, as it stands now, the current law when it deals with a notary public, the Senator who signs off on the notary public application, a couple of things need to take place. The applicant needs to be a resident of Pennsylvania for 1 year and a registered elector, because when we sign our approval to this application, we are attesting to the known character, integrity--

The PRESIDENT. Senator, what is your question?

Senator LOGAN. Mr. President, I am getting to it.

The PRESIDENT. You can make your statement afterwards.

Senator LOGAN. Well, Mr. President, we are attesting to the known character, integrity, and ability. So now we are changing it so that the person does not have to be a resident of Pennsylvania, nor does he have to be a registered elector. So how do we still attest to the character, integrity, and ability of the person if, realistically, the person could live in our Senate district for 1 day, 1 minute, 1 hour, and not be a registered elector? How do we attest to that?

Senator BRIGHTBILL. Mr. President, I believe that it would be up to the Member to satisfy himself or herself as to the qualifications, and as it is with districts that encompass as many as four, five, six, seven, eight, nine counties, each Member has to adopt his or her own system to do that.

Senator LOGAN. Mr. President, would it not be a good test, though, if the applicant was registered to vote, believes in the process, wants to participate in our process, our electoral process? And that is what my amendment will go toward, making sure that person is a registered voter. So does the Majority Leader not think that it would be a good first step if we are attesting to the character and integrity and ability of this person, that the person at least be registered to vote in the State of Pennsylvania?

Senator BRIGHTBILL. Mr. President, basically, in order to qualify as an out-of-State applicant, one needs to work for an in-State Pennsylvania company, so that, for example, one might work for a car dealership and have those duties which require a notary, but maybe live right across the line in, say, Youngstown, Ohio, or someplace like that. The Member would merely make the same kind of inquiries, should the Member choose to do that, that they would make if they work for a car dealership in Pennsylvania. Members do not know everybody who makes an application, and each Member has their own system of making a determination as to whether or not to sign this. The fact that the person works in Pennsylvania we believe is a sufficient nexus to permit him to become a notary in Pennsylvania, and we believe that each Member, clearly, would be in a position where they could choose not to approve out-of-State residents, and if somebody is not a voter in Pennsylvania, the gentleman would be free to disapprove them. There is absolutely no legal standard that I know of that impacts on a Member's decision as to whether or not to approve a notary.

Senator LOGAN. Mr. President, I thank the Majority Leader.

I think, and I hope the Members agree, that notaries public should be registered voters in the State of Pennsylvania, so with that I will offer the following amendment.

AMENDMENT A6691

Senator LOGAN offered the following amendment No. A6691:

Amend Sec. 2 (Sec. 3), page 2, line 17, by striking out "and" and inserting a comma

Amend Sec. 2 (Sec. 3), page 2, line 18, by inserting after "ability": and who is a registered elector in this Commonwealth

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

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

Senator BRIGHTBILL. Mr. President, I ask for a negative vote.

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

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

YEA-21

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

NAY-28

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

Less than a majority of the Senators having voted "aye," the question was determined in the negative.

And the question recurring,
Will the Senate agree to the bill on third consideration?
It was agreed to.

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

On the question,
Shall the bill pass finally?

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

YEA-49

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

NAY-0

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

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

BILL REREPORTED FROM COMMITTEE
AS AMENDED OVER IN ORDER TEMPORARILY

HB 1331 -- Without objection, the bill was passed over in its order temporarily at the request of Senator BRIGHTBILL.

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

HB 2190 (Pr. No. 4681) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of July 28, 1988 (P.L.556, No.101), known as the Municipal Waste Planning, Recycling and Waste Reduction Act, further defining "municipality"; further providing for the recycling fee sunset provisions, for Recycling Fund and for awarding of grants; providing for the development of a recycling program plan; 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-49

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

NAY-0

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

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

BILLS REREPORTED FROM COMMITTEE
AS AMENDED, AMENDED

HB 2445 (Pr. No. 4698) -- 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 cruelty to animals.

On the question,

Will the Senate agree to the bill on third consideration?

Senator CORMAN offered the following amendment No. A6621:

Amend Title, page 1, line 3, by removing the period after "animals" and inserting: and for drug trafficking sentencing and penalties.

Amend Bill, page 4, by inserting between lines 13 and 14:

Section 2. Section 7508(a) of Title 18 is amended by adding a paragraph to read:

§ 7508. Drug trafficking sentencing and penalties.

(a) General rule.—Notwithstanding any other provisions of this or any other act to the contrary, the following provisions shall apply:

(8) A person who is convicted of violating section 13(a)(14), (30) or (37) of The Controlled Substance, Drug, Device and Cosmetic Act where the controlled substance or a mixture containing it is 3,4-methylenedioxyamphetamine; 3,4-methylenedioxy-N-ethylamphetamine; N-hydroxy-3,4-methylenedioxyamphetamine; or their salts, isomers and salts of isomers, whenever the existence of such salts, isomers and salts of isomers is possible within the specific chemical designation, shall upon conviction, be sentenced as set forth in this paragraph:

(i) When the aggregate weight of the compound or mixture containing the substance involved is at least 50 tablets, capsules, caplets or other dosage units, or 15 grams and less than 100 tablets, capsules, caplets or other dosage units, or less than 30 grams, the person is guilty of a felony and upon conviction thereof shall be sentenced to imprisonment not exceeding five years, or to pay a fine not exceeding \$15,000, or both.

(ii) When the aggregate weight of the compound or mixture containing the substance involved is at least 100 tablets, capsules, caplets or other dosage units, or 30 grams and less than 1,000 tablets, capsules, caplets or other dosage units, or less than 300 grams, the person is guilty of a felony and upon conviction thereof shall be sentenced to imprisonment not exceeding ten years, or to pay a fine not exceeding \$100,000, or both.

(iii) When the aggregate weight of the compound or mixture containing the substance involved is at least 1,000 tablets, capsules, caplets or other dosage units, or 300 grams, the person is guilty of a felony and upon conviction thereof shall be sentenced to imprisonment not exceeding 15 years, or to pay a fine not exceeding \$250,000, or both.

Amend Sec. 2, page 4, line 14, by striking out "2" and inserting: 3

On the question,

Will the Senate agree to the amendment?

It was agreed to.

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

HB 2729 (Pr. No. 4683) -- The Senate proceeded to consideration of the bill, entitled:

An Act providing for the establishment of the Pennsylvania Travel and Tourism Partnership and imposing powers and duties on the De-

partment of Community and Economic Development related to tourism promotion.

On the question,

Will the Senate agree to the bill on third consideration?

Senator MELLOW offered the following amendment No. A6692:

Amend Sec. 7, page 7, line 5, by striking out "immediately" and inserting: in 60 days

On the question,

Will the Senate agree to the amendment?

It was agreed to.

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

BILLS OVER IN ORDER

SB 362, SB 374 and SB 451 -- Without objection, the bills were passed over in their order at the request of Senator BRIGHTBILL.

BILL AMENDED AND LAID ON THE TABLE

HB 930 (Pr. No. 4009) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 53 (Municipalities Generally) of the Pennsylvania Consolidated Statutes, further providing for definitions relating to consolidation or merger, for initiative of electors seeking consolidation or merger without home rule; providing for initiative of electors seeking consolidation or merger with a new home rule charter; further providing for conduct of referenda and for consolidation or merger agreement; and making editorial changes.

On the question,

Will the Senate agree to the bill on third consideration?

Senator ROBBINS offered the following amendment No. A6686:

Amend Title, page 1, lines 2 through 8, by striking out "definitions" in line 2 and all of lines 3 through 8, and inserting: powers and duties of authorities

Amend Bill, page 1, lines 11 through 18; pages 2 through 27, lines 1 through 30; page 28, lines 1 through 19, by striking out all of said line on said pages and inserting:

Section 1. Section 5607(d)(24), (30), (32) and (33) Title 53 of the Pennsylvania Consolidated Statutes are amended to read:
§ 5607. Purposes and powers.

(d) Powers.—Every authority may exercise all powers necessary or convenient for the carrying out of the purposes set forth in this section, including, but without limiting the generality of the foregoing, the following rights and powers:

(24) To charge enumerated fees to property owners who desire to or are required to connect to the authority's sewer or water system. Fees shall be based upon the duly adopted fee schedule which is in effect at the time of payment and shall be payable at the time of application for connection or at a time to which the property owner and the authority agree. In the case of projects to serve existing development, fees shall be payable at a time to be determined by the authority. An authority may require that no capacity be guar-

anted for a property owner until the tapping fees have been paid or secured by other financial security. The fees shall be in addition to any charges assessed against the property in the construction of a sewer or water main by the authority under paragraphs (21) and (22) as well as any other user charges imposed by the authority under paragraph (9) but shall not include costs included in the calculation of [such] any other fees [], assessments, rates or other charges imposed under this act.

(i) The fees may include any of the following [fee components] if they are separately set forth in a resolution adopted by the authority [to establish these fees]:

(A) Connection fee. [It may] A connection fee shall not exceed an amount based upon the actual cost of the connection of the property extending from the authority's main to the property line or curb stop of the property connected. The authority may also base the connection fee upon an average cost for previously installed connections of similar type and size. Such average cost may be trended to current cost using published cost indexes. In lieu of payment of the [fees] fee, an authority may require the construction [and dedication] of those facilities by the property owner who requested the connection.

(B) Customer facilities fee. [It may] A customer facilities fee shall not exceed an amount based upon the actual cost of facilities serving the connected property from the property line or curb stop to the proposed dwelling or building to be served. The fee shall be chargeable only if the authority installs the customer facilities. In lieu of payment of the customer facilities fee, an authority may require the construction of those facilities by the property owner who requests customer facilities. In the case of water service, the fee may include the cost of a water meter and installation if the authority provides or installs the water meter. If the property connected or to be connected with the sewer system of the authority is not equipped with a water meter, the authority may install a meter at its own cost and expense. If the property is supplied with water from the facilities of a public water supply agency, the authority shall not install a meter without the consent and approval of the public water supply agency.

(C) Tapping fee. [It may] A tapping fee shall not exceed an amount based upon some or all of the following [fee components if they are] parts which shall be separately set forth in the resolution adopted by the authority to establish these fees. In lieu of payment of this fee, an authority may require the construction and dedication of only such capacity, distribution-collection or special purpose facilities necessary to supply service to the property owner or owners.

(I) Capacity part. The [fee may] capacity part shall not exceed an amount that is based upon the cost of capacity-related facilities, including, but not limited to, source of supply, treatment, pumping, transmission, trunk, interceptor and outfall mains, storage, sludge treatment or disposal, interconnection or other general system facilities. [Facilities] Except as specifically provided in this paragraph, such facilities may include only those that provide existing service [or will provide future service]. The cost of [existing] capacity-related facilities, excluding facilities contributed to the authority by any person, government or agency, or portions of facilities paid for with contributions or grants other than tapping fees, shall be based upon their [replacement cost or upon] historical cost trended to current cost using published cost indexes or upon the historical cost plus interest and other financing fees paid on [bonds] debt financing such facilities. [In the case of existing facilities, outstanding] To the extent that historical cost is not ascertainable, tapping fees may be based upon an engineer's reasonable written estimate of current replacement cost. Such written estimate shall be based

upon and include an itemized listing of those components of the actual facilities for which historical cost is not ascertainable. Outstanding debt related to the facilities shall be subtracted from the cost, [but debt may not be subtracted which is attributable] except when calculating the initial tapping fee imposed for connection to facilities exclusively serving new customers. [Under all cost approaches, the cost of capacity-related facilities shall be reduced by the amount of grants or capital contributions which have financed them. The capacity part of the tapping fee per unit of capacity required by the new customer may not exceed the cost of the facilities divided by the design capacity.] The outstanding debt shall be subtracted for all subsequent revisions of the tapping fee, except as specifically provided herein. For tapping fees imposed for connection to facilities exclusively serving new customers, an authority may, no more frequently than annually and without updating the historical cost of or subtracting the outstanding debt related to such facilities, increase the tapping fee by an amount calculated by multiplying such tapping fee by the weighted average interest rate on the debt related to such facilities applicable since the last increase of the tapping fee for such facilities. The capacity part of the tapping fee per unit of design capacity of said facilities required by the new customer shall not exceed the total cost of the facilities as described herein divided by the system design capacity of all such facilities. Where the cost of facilities to be constructed or acquired in the future are included in the calculation of the capacity part as permitted herein, the total cost of the facilities shall be divided by the system design capacity plus the additional capacity to be provided by the facilities to be constructed or acquired in the future. An authority may allocate its capacity-related facilities to different sections or districts of its system and may impose additional capacity-related tapping fees on specific groups of existing customers such as commercial and industrial customers in conjunction with additional capacity requirements of those customers. [In the case of] The cost of facilities to be constructed or acquired, [the] in the future that will increase the system design capacity may be included in the calculation of the capacity part, subject to the provisions of clause (VI). The cost of such facilities shall not exceed their reasonable estimated cost set forth in a duly adopted annual budget or a five-year capital improvement plan, and the authority in furtherance of the facilities must take any action as follows:]. The authority shall have taken at least two of the following actions toward construction of the facilities:

(a) [obtain] obtained financing for the facilities;

(b) [enter] entered into a contract obligating the authority to construct or pay for the cost of construction of the facilities or its portion thereof in the event that multiple parties are constructing the facilities;

(c) [obtain] obtained a permit for the facilities;

(d) [spend substantial sums or resources in furtherance of the facilities;] obtained title to or condemned additional real estate upon which the facilities will be constructed;

(e) [enter] entered into a contract obligating the authority to purchase or acquire facilities owned by another;

(f) [prepare] prepared an engineering feasibility study specifically related to the facilities, which study recommends the construction of the

facilities within a five-year period; [or]

(g) [enter] entered into a contract for the design or construction of the facilities[,] or adopted a budget which includes the use of in-house resources for the design or construction of the facilities.

(II) Distribution or collection part. The [fee] distribution or collection part may not exceed an amount based upon the cost of distribution or collection facilities required to provide service, such as mains, hydrants and pumping stations. Facilities may only include those that provide existing service [or those that will provide future service]. The cost of [existing] distribution or collections facilities, excluding facilities contributed to the authority by any person, government or agency, or portions of facilities paid for with contributions or grants other than tapping fees, shall be based upon [their replacement cost or upon] historical cost trended to current cost using published cost indexes or upon the historical cost plus interest and other financing fees paid on [bonds] debt financing such facilities. To the extent that historical cost is not ascertainable, tapping fees may be based upon an engineer's reasonable written estimate of replacement cost. Such written estimate shall be based upon and include an itemized listing of those components of the actual facilities for which historical cost is not ascertainable. [In the case of existing facilities, outstanding] Outstanding debt related to the facilities shall be subtracted from the cost, [but debt may not be subtracted which is attributable] except when calculating the initial tapping fee imposed for connection to facilities exclusively serving new customers. [In the case of facilities to be constructed or acquired, the cost shall not exceed their reasonable estimated cost. Under all cost approaches, the cost of distribution or collection facilities shall be reduced by the amount of grants or capital contributions which have financed them.] The outstanding debt shall be subtracted for all subsequent revisions of the tapping fee except as specifically provided herein. For tapping fee imposed for connection to facilities exclusively serving new customers, an authority may, no more frequently than annually, and without updating the historical cost of or subtracting the outstanding debt related to such facilities, increase such tapping fee by an amount calculated by multiplying the tapping fee by the weighted average interest rate on the debt related to such facilities applicable since the last increase of the tapping fee for such facilities. The distribution or collection part of the tapping fee per unit of design capacity of said facilities required by the new customer [may] shall not exceed the cost of the facilities divided by the design capacity. An authority may allocate its distribution-related or collection-related facilities to different sections or districts of its system and may impose additional distribution-related or collection-related tapping fees on specific groups of existing customers such as commercial and industrial customers in conjunction with additional capacity requirements of those customers.

(III) Special purpose part. [Fees] A part for special purpose facilities shall be applicable only to a particular group of customers or for serving a particular purpose or a specific area based upon the cost of the facilities, including, but not limited to, booster pump stations, fire service facilities and industrial wastewater treatment facilities. [Facilities] Such facilities may include only those that provide existing service [or those that will provide future service]. The cost of [existing] special purpose facilities, excluding facilities contributed to the authority by any person,

government or agency, or portions of facilities paid for with contributions or grants other than tapping fees, shall be based upon [their replacement cost or upon] historical cost trended to current cost using published cost indexes or upon the historical cost plus interest and other financing fees paid on [bonds] debt financing such facilities. [In the case of existing facilities, outstanding] To the extent that historical cost is not ascertainable, tapping fees may be based upon an engineer's reasonable written estimate of current replacement cost. Such written estimate shall be based upon and include an itemized listing of those components of the actual facilities for which historical cost is not ascertainable. Outstanding debt related to the facilities shall be subtracted from the cost, [but debt may not be subtracted which is attributable] except when calculating the initial tapping fee imposed for connection to facilities exclusively serving new customers. [In the case of facilities to be constructed or acquired, the cost shall not exceed their reasonable estimated cost. Under all cost approaches, the cost of special purpose facilities shall be reduced by the amount of grants or capital contributions which have financed such facilities.] The outstanding debt shall be subtracted for all subsequent revisions of the tapping fee except as specifically provided herein. For tapping fees imposed for connection to facilities exclusively serving new customers, an authority may, no more frequently than annually, and without updating the historical cost of or subtracting the outstanding debt related to such facilities, increase the tapping fee by an amount calculated by multiplying such tapping fee by the weighted average interest rate on the debt related to such facilities applicable since the last increase of the tapping fee for such facilities. The special purpose part of the tapping fee per unit of design capacity of such special purpose facilities required by the new customer [may] shall not exceed the cost of the facilities as described herein divided by the design capacity of the facilities. An authority may allocate its special purpose facilities to different sections or districts of its system and may impose additional special purpose tapping fees on specific groups of existing customers such as commercial and industrial customers in conjunction with additional capacity requirements of those customers.

(IV) Reimbursement [component. An amount necessary to recapture the allocable portion of facilities in order to reimburse the property owner or owners] part. The reimbursement part shall only be applicable to the users of certain specific facilities when a fee required to be collected from such users will be reimbursed to the person at whose expense the facilities were constructed as set forth in [paragraphs (31) and (32).] a written agreement between the authority and such person at whose expense such facilities were constructed.

(V) Calculation of tapping fee [components].

(a) In arriving at the cost to be included in the tapping fee [components], the same cost [may] shall not be included in more than one part of the tapping fee.

(b) No tapping fee may be based upon or include the cost of expanding, replacing, updating or upgrading facilities serving only existing customers in order to meet stricter efficiency, environmental, regulatory or safety standards or to provide better service to or meet the needs of existing customers.

(c) The cost used in calculating tapping fees shall not include maintenance and operation expenses.

(d) As used in this subclause, "maintenance and operation expenses" are those expenditures made during the useful life of a sewer or water system for labor, materials, utilities, equipment accessories, appurtenances and other items which are necessary to manage and maintain the system capacity and performance and to provide the service for which the system was constructed. Costs or expenses to reduce or eliminate groundwater infiltration or inflow may not be included in the cost of facilities used to calculate tapping fees unless these costs or expenses result in an increase in system design capacity.

(e) The design capacity required by a new residential customer used in calculating sewer or water tapping fees shall not exceed an amount established by multiplying 65 gallons per capita per day times the average number of persons per household as established by the most recent census data provided by the United States Census Bureau. If an authority service area is entirely within a municipal boundary for which there is corresponding census data specifying the average number of persons per household, issued by the United States Census Bureau, the average shall be used. If an authority service area is not entirely within a municipal boundary but is entirely within a county or other geographic area within Pennsylvania for which the United States Census Bureau has provided the average number of persons per household, then that average for the county or geographic area shall be used. If an authority service area is not entirely within a municipal, county or other geographic area within Pennsylvania for which the United States Census Bureau has calculated an average number of persons per household, then the Pennsylvania average number of persons per household shall be used as published by the United States Census Bureau. Alternatively, the design capacity required for a new residential customer shall be determined by a study, but shall not exceed:

(i) for water capacity, the average residential water consumption per residential customer or for sewage capacity, the average residential water consumption per residential customer plus ten percent. The average residential water consumption shall be determined by dividing the total water consumption for all metered residential customers in the authority's service area over at least a twelve-consecutive-month period within the most recent five years by the average number of customers during the period; or

(ii) for sewer capacity, the average sewage flow per residential customer determined by a measured sewage flow study. Such study shall be completed in accordance with sound engineering practices within the most recent five years for the lesser of three or all residential subdivisions of more than ten lots which have collection systems in good repair and which connected to the authority's facilities within the most recent five years. The study shall calculate the average sewage flow per residential customer in such developments by measuring actual sewage flows over at least twelve consecutive months at the points where such developments connected to the authority's sewer main.

(iii) All data and other information considered or obtained by an authority in connection with determining capacity under this subsection shall be made available to the public upon request.

(iv) If any person required to pay a tapping fee submits to the authority an opinion from a professional engineer that challenges the validity of the results of the calculation of design capacity required to serve new residential customers prepared under subparagraph (i) or (ii), the authority shall within 30 days obtain a written certification from another professional engineer, who is not an employee of the authority, verifying that the results and the calculations, methodology and measurement were performed in accordance with this act and generally accepted engineering practices. If an authority does not obtain a certification required under this subsection within 30 days of receiving such challenge, the authority may not impose or collect tapping fees based on any such challenged calculations or study until such engineering certification is obtained.

(f) An authority may use lower design capacity requirements and impose lower tapping fees for multifamily residential dwellings than imposed on other types of residential customers.

(VI) Separate accounting for future facility costs. Any portion of tapping fees collected which, based on facilities to be constructed or acquired in the future in accordance with this section, shall be separately accounted for and shall be expended only for that particular facility, or a substitute facility accomplishing the same purpose which is commenced within the same period. Such accounting shall include, but not be limited to, the total fees collected as a result of including facilities to be constructed in the future, the source of the fees collected and the amount of fees expended on specific facilities. The proportionate share of tapping fees based upon facilities to be constructed or acquired in the future under this section shall be refunded to the payor of such fees within 90 days of the occurrence of the following:

(a) the authority abandons its plan or a part thereof to construct or acquire a facility or facilities which are the basis for such fee; or

(b) the facilities have not been placed into service within seven years after adoption of a resolution which imposes tapping fees which are based upon facilities to be constructed or acquired in the future.

(VII) Definitions. As used in this clause, the following words and phrases shall have the meanings given to them in this subclause:

"BOD5." The five-day biochemical-oxygen demand.

"Design capacity." For residential customers, the permitted or rated capacity of facilities expressed in million gallons per day. For nonresidential customers, design capacity may also be expressed in pounds of BOD5 per day, pounds of suspended solids per day or any other capacity defining parameter that is separately and specifically set forth in the permit governing the operation of the system, and based upon its original design as modified by those regulatory agencies having jurisdiction over these facilities. Additionally, for separate fire service customers, the permitted or rated capacity of fire service facilities may be expressed in peak flows. The units of measure-

ment used to express design capacity shall be the same units of measurement used to express the system design capacity. Design capacity may not be expressed in terms of equivalent dwelling units.

"Outstanding debt." The principal amount outstanding of any bonds, notes, loans or other form of indebtedness used to finance or refinance facilities included in the tapping fee.

"Service line." A water or sewer line that directly connects a single building or structure to a distribution or collection facility.

"System design capacity." The design capacity of the system for which the tapping fee is being calculated which represents the total design capacity of the treatment facility or water sources.

(ii) Every authority charging a tapping, customer facilities or connection fee shall do so only pursuant to a resolution adopted at a public meeting of the authority. The authority shall have available for public inspection a detailed itemization of all calculations, clearly showing the maximum fees allowable for each part of the tapping fee and the manner in which the fees were determined[.], which shall be made a part of any resolution imposing such fees. A [revised] tapping, customer facilities or connection fee may be revised and imposed upon those who subsequently connect to the system[.], subject to the provisions and limitations of the act.

(iii) No authority [may] shall have the power to impose a connection fee, customer facilities fee, tapping fee or similar fee except as provided specifically under this section.

(iv) A municipality or municipal authority with available excess sewage capacity, wishing to sell a portion of that capacity to another municipality or municipal authority, may not charge a higher cost for the capacity portion of the tapping fee as the selling entity charges to its customers for the capacity portion of the tapping fee. In turn, the municipality or municipal authority buying this excess capacity may not charge a higher cost for the capacity portion of the tapping fee to its residential customers than that charged to them by the selling entity.

(v) As used in this paragraph, the term "residential customer" shall also include those developing property for residential dwellings that require multiple tapping fee permits. This paragraph shall not be applicable to intermunicipal or interauthority agreements relative to the purchase of excess capacity by an authority or municipality in effect prior to February 20, 2001.

(30) Where a sewer or water system of an authority is to be extended at the expense of the owner of properties or where the authority otherwise would construct customer facilities referred to in paragraph (24), other than water meter installation, [to allow] a property owner shall have the right to construct the extension or install the customer facilities himself or through a subcontractor approved by the authority, which approval shall not be unreasonably withheld. The authority [may] shall have the right, at its option, to perform the construction itself only if the authority provides the extension or customer facilities at a lower cost and within the same timetable specified or proposed by the property owner or his approved subcontractor. Construction by the property owner shall be in accordance with an agreement for the extension of the authority's system and plans and specifications approved by the authority and shall be undertaken only pursuant to the existing regulations, requirements, rules and standards of the authority applicable to such construction. Construction shall be subject to inspection by an inspector authorized to approve similar construction and employed by the authority during construction. When a main is to be extended at the expense of the owner of properties, the property owner may be required to deposit with the authority, in advance of construction, the authority's estimated reasonable and necessary cost of reviewing plans, construction inspections, administrative, legal and engineering services. The authority may require that construction shall not commence until the property owner has posted

appropriate financial security in accordance with paragraph (23). The authority may require the property owner to reimburse it for reasonable and necessary expenses it incurred as a result of the extension. If an independent firm is employed for engineering review of the plans and the inspection of improvements, reimbursement for its services shall be reasonable and in accordance with the ordinary and customary fees charged by the independent firm for work performed for similar services in the community. The fees [may] shall not exceed the rate or cost charged by the independent firm to the authority when fees are not reimbursed or otherwise imposed on applicants. Upon completion of construction, the property owner shall dedicate and the authority shall accept the extension of the authority's system if dedication of facilities and the installation complies with the plans, specifications, regulations of the authority and the agreement. An authority may provide in its regulations those facilities which, having been constructed at the expense of the owner of properties, the authority will require to be dedicated and which facility or facilities the authority will accept as a part of its system.

(i) In the event the property owner disputes the amount of any billing in connection with the review of plans, construction inspections, administrative, legal and engineering services, the property owner shall, within 20 working days of the date of billing, notify the authority that the billing is disputed as excessive, unreasonable or unnecessary, in which case the authority shall not delay or disapprove any application or any approval or permit related to the extension or facilities due to the property owner's dispute over the disputed billings, unless the property owner has failed to make payment in accordance with the decision rendered under clause (iii) within 30 days after the mailing date of such decision.

(ii) If, within 30 days from the date of billing, the authority and the property owner cannot agree on the amount of billings which are reasonable and necessary, the property owner and authority shall, by mutual agreement, appoint a professional of the same profession or discipline licensed in Pennsylvania to review the billings and make a determination as to the amount of billings which is reasonable and necessary.

(iii) The professional appointed under clause (ii) shall hear evidence and review the documentation as the professional in his or her sole opinion deems necessary and shall render a decision within 60 days of the billing date. The property owner shall be required to pay the entire amount determined in the decision immediately.

(iv) In the event that the authority and property owner cannot agree upon the professional to be appointed within 30 days of the billing date, the president judge of the court of common pleas of the judicial district in which the municipality is located or if, at the time there is no president judge, the senior active judge then sitting upon application of either party shall appoint a professional, who shall be neither the authority engineer nor any professional who has been retained by or performed services for the authority or the property owner within the preceding five years.

(v) The fee of the appointed professional for determining the reasonable and necessary expenses shall be paid by the applicant if the amount of payment required in the decision is equal to or greater than the original bill. If the amount of payment required in the decision is less than the original bill by \$2,500 or more, the authority shall pay the fee of the professional. If the amount of the payment required in the decision is less than the original bill by \$2,499 or less, the authority and the property owner shall each pay one-half of the fee of the appointed professional.

[(32) If a sewer system or water system or any part or extension owned by an authority has been constructed at the expense of a private person or corporation, the authority may charge a tapping fee. The authority shall refund the tapping fee or any part of the fee to the person or corporation who paid for the construction of the sewer or water system or any part or extension of it.]

(33) Provisions of paragraphs (30)[,] and (31) [and (32)] shall

apply to residential customers in a municipality where the sewer service is being purchased by the municipality or sewer authority from another municipality or sewer authority having excess sewage capacity.

Section 2. Notwithstanding section 5 of this act, this act shall apply immediately to any connection, customer facilities, tapping or similar fees which are increased or initially imposed subsequent to the date of the final enactment.

Section 3. Notwithstanding section 5 of this act, the mandatory refund provisions of section 5607(d)(24)(i)(C)(VI) applicable to tapping fees based upon facilities to be constructed or acquired in the future shall apply to tapping fees collected subsequent to the date of final enactment, regardless of when the resolution adopting such tapping fees was adopted.

Section 4. The provisions of section 5607(d)(24)(i)(c)(V)(e) shall not be applicable to a municipal authority which adopts a resolution not later than 90 days after the effective date of this act, directing the performance of a residential sewage flow study pursuant to section 5607(d)(24)(i)(c)(V)(e)(ii) until the first occurrence of one of the following:

- (1) 90 days after the completion of the sewage flow study.
- (2) 90 days after the abandonment of the study.
- (3) 15 months after the effective date specified in section 5(2) of this act.

Section 5. This act shall take effect as follows:

- (1) The following provisions shall take effect immediately:
 - (i) Sections 1 and 2 of this act.
 - (ii) This section.
- (2) The amendment of 53 Pa.C.S. § 5607(d)(24), (30), (32) and (33) shall take effect in 180 days.

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

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

YEA-42

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

NAY-7

Conti	Erickson	Pileggi	Williams, Constance
Earll	Greenleaf	Tomlinson	

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

Senator BRIGHTBILL. Mr. President, I move that House Bill No. 930, as amended, be laid upon the table.

On the question,
Will the Senate agree to the motion?
A voice vote having been taken, the question was determined in the affirmative.
The PRESIDENT. House Bill No. 930, as amended, will be laid on the table.

HB 930 TAKEN FROM THE TABLE

Senator BRIGHTBILL. Mr. President, I move that House Bill No. 930, Printer's No. 4724, be taken from the table and placed on the Calendar.

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

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

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

BILL ON THIRD CONSIDERATION
AND FINAL PASSAGE

HB 967 (Pr. No. 1108) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of December 20, 1985 (P.L.457, No.112), known as the Medical Practice Act of 1985, further providing for physician assistant licenses.

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

NAY-0

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

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

BILL AMENDED

HB 976 (Pr. No. 4442) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, defining "suspected criminal activity" for purposes of wiretapping and electronic surveillance; further providing for certain exceptions, for order authorizing interception of wire, electronic or oral communications, for application for order and for emergency situations.

On the question,

Will the Senate agree to the bill on third consideration?

Senator COSTA offered the following amendment No. A6210:

Amend Title, page 1, line 3, by inserting after "~~services~~": further providing for rape, for involuntary deviate sexual intercourse and for aggravated indecent assault;

Amend Bill, page 2, lines 11 and 12, by striking out all of said lines and inserting:

Section 1. Section 3101 of Title 18 of the Pennsylvania Consolidated Statutes is amended by adding a definition to read:

§ 3101. Definitions.
Subject to additional definitions contained in subsequent provisions of this chapter which are applicable to specific provisions of this chapter, the following words and phrases when used in this chapter shall have, unless the context clearly indicates otherwise, the meanings given to them in this section:

"Serious bodily injury." As defined in section 2301 (relating to definitions).

Section 2. Sections 3121, 3123 and 3125 of Title 18 are amended to read:

§ 3121. Rape.

(a) Offense defined.—A person commits a felony of the first degree when [he or she] the person engages in sexual intercourse with a complainant:

(1) By forcible compulsion.

(2) By threat of forcible compulsion that would prevent resistance by a person of reasonable resolution.

(3) Who is unconscious or where the person knows that the complainant is unaware that the sexual intercourse is occurring.

(4) Where the person has substantially impaired the complainant's power to appraise or control his or her conduct by administering or employing, without the knowledge of the complainant, drugs, intoxicants or other means for the purpose of preventing resistance.

(5) Who suffers from a mental disability which renders the complainant incapable of consent.

[(6) Who is less than 13 years of age.]

(b) Additional penalties.—In addition to the penalty provided for by subsection (a), a person may be sentenced to an additional term not to exceed ten years' confinement and an additional amount not to exceed \$100,000 where the person engages in sexual intercourse with a complainant and has substantially impaired the complainant's power to appraise or control his or her conduct by administering or employing, without the knowledge of the complainant, any substance for the purpose of preventing resistance through the inducement of euphoria, memory loss and any other effect of this substance.

(c) Rape of a child.—A person commits a felony of the first degree when the person engages in sexual intercourse with a complainant who is less than 13 years of age.

(d) Rape of a child with serious bodily injury.—A person commits a felony of the first degree when the person engages in sexual intercourse with a complainant who is less than 13 years of age and the complainant suffers serious bodily injury in the course of the offense.

(e) Sentences.—Notwithstanding the provisions of section 1103 (relating to sentence of imprisonment for felony), a person convicted of an offense under:

(1) Subsection (c) shall be sentenced to a term of imprisonment which shall be fixed by the court at not more than 40 years.

(2) Subsection (d) shall be sentenced up to a maximum term of life imprisonment.

§ 3123. Involuntary deviate sexual intercourse.

(a) Offense defined.—A person commits a felony of the first degree when [he or she] the person engages in deviate sexual intercourse with a complainant:

(1) by forcible compulsion;

(2) by threat of forcible compulsion that would prevent resistance by a person of reasonable resolution;

(3) who is unconscious or where the person knows that the complainant is unaware that the sexual intercourse is occurring;

(4) where the person has substantially impaired the complainant's power to appraise or control his or her conduct by administering or employing, without the knowledge of the complainant, drugs, intoxicants or other means for the purpose of preventing resistance;

(5) who suffers from a mental disability which renders him or her incapable of consent; or

[(6) who is less than 13 years of age; or]

[(7)] (6) who is less than 16 years of age and the person is four or more years older than the complainant and the complainant and person are not married to each other.

(b) Definition.—As used in this section, the term "forcible compulsion" includes, but is not limited to, compulsion resulting in another person's death, whether the death occurred before, during or after the sexual intercourse.

(c) Involuntary deviate sexual intercourse with a child.—A person commits a felony of the first degree when the person engages in deviate sexual intercourse with a complainant who is less than 13 years of age.

(d) Involuntary deviate sexual intercourse with a child with serious bodily injury.—A person commits a felony of the first degree when the person engages in deviate sexual intercourse with a complainant who is less than 13 years of age and the complainant suffers serious bodily injury in the course of the offense.

(e) Sentences.—Notwithstanding the provisions of section 1103 (relating to sentence of imprisonment for felony), a person convicted of an offense under:

(1) Subsection (c) shall be sentenced to a term of imprisonment which shall be fixed by the court at not more than 40 years.

(2) Subsection (d) shall be sentenced up to a maximum term of life imprisonment.

§ 3125. Aggravated indecent assault.

(a) Offenses defined.—Except as provided in sections 3121 (relating to rape), 3122.1 (relating to statutory sexual assault), 3123 (relating to involuntary deviate sexual intercourse) and 3124.1 (relating to sexual assault), a person who engages in penetration, however slight, of the genitals or anus of a complainant with a part of the person's body for any purpose other than good faith medical, hygienic or law enforcement procedures commits aggravated indecent assault, [a felony of the second degree,] if:

(1) the person does so without the complainant's consent;

(2) the person does so by forcible compulsion;

(3) the person does so by threat of forcible compulsion that would prevent resistance by a person of reasonable resolution;

(4) the complainant is unconscious or the person knows that the complainant is unaware that the penetration is occurring;

(5) the person has substantially impaired the complainant's power to appraise or control his or her conduct by administering or employing, without the knowledge of the complainant, drugs, intoxicants or other means for the purpose of preventing resistance;

(6) the complainant suffers from a mental disability which renders him or her incapable of consent;

(7) the complainant is less than 13 years of age; or

(8) the complainant is less than 16 years of age and the person is four or more years older than the complainant and the complainant and the person are not married to each other.

(b) Aggravated indecent assault of a child.—A person commits aggravated indecent assault of a child when the person violates subsection (a)(1), (2), (3), (4), (5) or (6) and the complainant is less than 13 years of age.

(c) Grading and sentences.—

(1) An offense under subsection (a) is a felony of the second degree.

(2) An offense under subsection (b) is a felony of the first degree.

Section 3. Section 5702 of Title 18 is amended by adding a definition to read:

Amend Sec. 2, page 2, line 26, by striking out "2" and inserting: 4

Amend Sec. 3, page 10, line 21, by striking out "3" and inserting:

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

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

Senator BRIGHTBILL. Mr. President, I ask the gentleman to give a brief explanation of the amendment to be sure that we are talking about the same amendment.

Senator COSTA. Mr. President, I certainly would have the honor of briefly describing the amendment. What the amendment does is increases the sentence for individuals who commit the crime of rape and the victim is a child of the age of 13 years or younger and the victim also suffers serious bodily injury. It allows the sentencing judge, Mr. President, to sentence that individual up to life imprisonment. It also addresses the issue of allowing a sentencing judge to enhance the penalty up to 40 years if in fact the individual commits the act of rape against a victim who again is 13 years of age or younger, and that is the gist of the amendment, Mr. President.

Senator BRIGHTBILL. I thank the gentleman, Mr. President. We agree with the amendment.

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?

Senator KUKOVICH offered the following amendment No. A5243:

Amend Title, page 1, line 3, by inserting after "services-": further providing for reporting criminal injuries;

Amend Bill, page 2, lines 11 and 12, by striking out all of said lines and inserting:

Section 1. Section 5106 of Title 18 of the Pennsylvania Consolidated Statutes is amended to read:

§ 5106. Failure to report injuries by firearm or criminal act.

(a) Offense defined.—[A] Except as set forth in subsection (a.1), a physician, intern or resident, or any person conducting, managing or in charge of any hospital or pharmacy, or in charge of any ward or part of a hospital, to whom shall come or be brought any person:

(1) suffering from any wound or other injury inflicted by his own act or by the act of another, which caused death or serious bodily injury, or inflicted by means of a deadly weapon as defined in section 2301 [of this title] (relating to definitions); or

(2) upon whom injuries have been inflicted in violation of any penal law of this Commonwealth;

commits a summary offense if [he] the reporting party fails to report such injuries immediately, both by telephone and in writing, to the chief of police or other head of the police department of the local government, or to the Pennsylvania State Police. The report shall state the name of the injured person, if known, [his] the injured person's whereabouts and the character and extent of [his] the person's injuries.

(a.1) Exception.—In cases of bodily injury as defined in section 2301 (relating to definitions), failure to report under subsection (a)(2) does not constitute an offense if all of the following apply:

(1) The victim is an adult and has suffered bodily injury.

(2) The injury was inflicted by an individual who:

(i) is the current or former spouse of the victim;

(ii) is a current or former sexual or intimate partner of the victim;

(iii) shares biological parenthood with the victim; or

(iv) is or has been living as a spouse of the victim.

(3) The victim has been informed:

(i) of the duty to report under subsection (a)(2); and
(ii) that the report under subsection (a)(2) cannot be made without the victim's consent.

(4) The victim does not consent to the report under subsection (a)(2).

(5) The victim has been provided with a referral to the appropriate victim service agency such as a domestic violence or sexual assault program.

(b) Immunity granted.—No physician or other person shall be subject to civil or criminal liability by reason of [making a report required by] complying with this section.

(c) Physician-patient privilege unavailable.—In any judicial proceeding resulting from a report pursuant to this section, the physician-patient privilege shall not apply in respect to evidence regarding such injuries or the cause thereof. This subsection shall not apply where a report is not made pursuant to subsection (a.1).

(d) Reporting of crime encouraged.—Nothing in this chapter precludes a victim from reporting the crime that resulted in injury.

(e) Availability of information.—A physician or other individual may make available information concerning domestic violence or sexual assault to any individual subject to the provisions of this chapter.

Section 2. Section 5702 of Title 18 is amended by adding a definition to read:

Amend Sec. 2, page 2, line 26, by striking out "2" and inserting: 3

Amend Sec. 3, page 10, line 21, by striking out "3" and inserting:

4

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

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

BILL OVER IN ORDER

SB 1015 -- Without objection, the bill was passed over in its order at the request of Senator BRIGHTBILL.

BILL ON THIRD CONSIDERATION
AND FINAL PASSAGE

SB 1265 (Pr. No. 2384) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Titles 18 (Crimes and Offenses) and 20 (Decedents, Estates and Fiduciaries) of the Pennsylvania Consolidated Statutes, providing for health care declarations and health care powers of attorney; further providing for implementation of out-of-hospital nonresuscitation; and making conforming amendments.

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	Holl	Musto	Thompson
Bodack	Hughes	O'Pake	Tomlinson
Boscola	Jubelirer	Oric	Wagner
Brightbill	Kasunic	Piccola	Waugh
Conti	Kitchen	Pileggi	Wenger
Corman	Kukovich	Punt	White, Donald
Costa	LaValle	Rhoades	White, Mary Jo

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

NAY-0

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

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

BILLS OVER IN ORDER

SB 1339, SB 1394 and SB 1395 -- Without objection, the bills were passed over in their order at the request of Senator BRIGHTBILL.

BILL OVER IN ORDER TEMPORARILY

HB 1401 (Pr. No. 4695) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929, exempting certain persons from Federal law relating to public assistance.

On the question,

Will the Senate agree to the bill on third consideration?

AMENDMENT A6403 OFFERED

Senator DENT offered the following amendment No. A6403:

Amend Title, page 1, line 22, by inserting after "EMPLOYEES;": providing for Low-Income Home Energy Assistance Block Grants;

Amend Bill, page 3, by inserting between lines 6 and 7:

Section 2. The act is amended by adding a section to read:

Section 626. Low-Income Home Energy Assistance Block Grant.—(a) The Low-Income Home Energy Assistance Block Grant (LIHEABG) is to help lessen the impact of the high cost of energy on low-income families and individuals, including energy efficiency grants for low-income dwellings. No less than fifteen per centum (15%) of all LIHEABG funds received shall be used for weatherization.

(b) The Department of Community and Economic Development shall adopt regulations regarding the weatherization requirements of subsection (a) after consultation with the Department of Public Welfare.

(c) Unexpended LIHEABG weatherization funds which would result in LIHEABG funds being returned to the Federal Department of Health and Human Services may be spent for assistance grants at the discretion of the Secretary of the Budget. The Secretary of the Budget shall notify the chairman and minority chairman of the Appropriations Committee of the Senate and the chairman and the minority chairman of the Appropriations Committee of the House of Representatives of the intent to reallocate any such funds ten days prior to any reallocation.

Amend Sec. 2, page 3, line 7, by striking out "2" and inserting: 3

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

On the question,

Will the Senate agree to the amendment?

AMENDMENT WITHDRAWN

The PRESIDENT. Senator Dent withdraws the amendment temporarily.

The PRESIDENT. House Bill No. 1401 will go over in its order temporarily.

BILL, AS AMENDED,
OVER IN ORDER TEMPORARILY

HB 1553 (Pr. No. 4661) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for judicial review, for classes of licenses, for learners' permits, for identification card, for notice of change of name or address for footrests and handhold on motorcycles and for required financial responsibility; providing for lighted lamp requirements for motorcycles; and further providing for periods for requiring lighted lamps and for scope and application of provisions relating to size, weight and load.

On the question,

Will the Senate agree to the bill on third consideration?

ROBBINS AMENDMENT A6396

Senator ROBBINS offered the following amendment No. A6396:

Amend Title, page 1, line 8, by striking out "and" where it appears the first time and inserting a comma

Amend Title, page 1, line 9, by removing the period after "load" and inserting: and for refunds relating to liquid fuels and fuels tax.

Amend Bill, page 11, by inserting between lines 8 and 9:

Section 5. Section 9017(d) of Title 75 is amended and the section is amended by adding a subsection to read:

§ 9017. Refunds.

[(d) Off-highway recreational vehicles.—

(1) When the tax imposed by this chapter has been paid on fuel used in off-highway recreational vehicles within this Commonwealth, an amount equal to the revenue generated by the tax, but not derived therefrom, may be appropriated through the General Fund to the Department of Conservation and Natural Resources. It is the intent of this chapter that all proceeds from the tax paid on fuel used in off-highway recreational vehicles within this Commonwealth be paid without diminution of the Motor License Fund.

(2) The Department of Conservation and Natural Resources shall biennially calculate the amount of liquid fuel consumed by off-highway recreational vehicles and furnish information relating to its calculations and data as may be required by the Appropriations Committee of the Senate and the Appropriations Committee of the House of Representatives.

(3) The General Assembly shall review the fuel consumption calculations of the Department of Conservation and Natural Resources to determine the amount of liquid fuels tax paid on liquid fuels consumed in the propulsion of off-highway recreational vehicles in this Commonwealth and may annually appropriate to the Department of Conservation and Natural Resources the amount so determined.

(4) Money appropriated under paragraph (3) shall be used for the benefit of motorized and nonmotorized recreational trails by the Department of Conservation and Natural Resources as provided in the Intermodal Surface Transportation Efficiency Act of 1991 (Public Law 102-240, 105 Stat. 1914).]

(d.1) Motorized recreational vehicles.—An amount equal to 50% of the tax imposed by section 9004(a) (relating to imposition of tax, exemptions and deductions) on fuel consumed in the operation of motorized recreational vehicles within this Commonwealth, but not to exceed \$1,000,000, shall be refunded out of the Liquid Fuels Tax Fund to the Department of Conservation and Natural Resources in the following manner:

(1) There is hereby established a special nonlapsing restricted receipts account in the State Treasury to be known as the Recreational Trails Trust Fund.

(2) One-half of the tax revenues, not to exceed \$1,000,000, generated by the tax imposed by section 9004(a) on fuel used in motorized recreational vehicles used within this Commonwealth, as determined by the Department of Conservation and Natural Resources, shall be annually refunded to the department through the Recreational Trails Trust Fund.

(3) All moneys in the fund are hereby appropriated on a continuing nonlapsing basis to the Department of Conservation and Natural Resources for the activities referred to in paragraph (5).

(4) All interest earned by the fund and refunds or repayments shall be credited to the fund and are hereby appropriated in the same manner as paragraph (3).

(5) All money in the fund shall be used by the Department of Conservation and Natural Resources in accordance with the recommendations of the Snowmobile and ATV Advisory Committee for the acquisition, creation and maintenance of trails used by motorized recreational vehicles and for enforcement in State forests and State parks.

Amend Sec. 5, page 11, line 9, by striking out "5" and inserting: 6

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

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

DENT AMENDMENT A6465

Senator DENT offered the following amendment No. A6465:

Amend Title, page 1, line 4, by inserting after "FOR;": , for chemical testing to determine amount of alcohol or controlled substance,

Amend Title, page 1, line 5, by inserting after "motorcycles": , for driving under the influence of alcohol or controlled substance

Amend Sec. 1, page 2, line 3, by inserting after "1515,": 1547(d),

Amend Sec. 1, page 2, line 3, by striking out "AND 3524" and inserting: , 3524 and 3731(a) and (a.1)

Amend Sec. 1, page 5, by inserting between lines 12 and 13:

§ 1547. Chemical testing to determine amount of alcohol or controlled substance.

(d) Presumptions from amount of alcohol.—If chemical testing of a person's breath, blood or urine shows:

(1) That the amount of alcohol by weight in the blood of an adult is 0.05% or less, it shall be presumed that the adult was not under the influence of alcohol and the adult shall not be charged with any violation under section 3731(a)(1), (4) or (5) (relating to driving under influence of alcohol or controlled substance), or, if the adult was so charged prior to the test, the charge shall be void ab initio. This fact shall not give rise to any presumption concerning a violation of section 3731(a)(2) or (3) or (i).

(2) That the amount of alcohol by weight in the blood of an adult is in excess of 0.05% but less than [0.10%] 0.08%, this fact shall not give rise to any presumption that the adult was or was not under the influence of alcohol, but this fact may be considered with other competent evidence in determining whether the adult was or was not under the influence of alcohol. This provision shall not negate the provisions of section 3731(i).

(3) That the amount of alcohol by weight in the blood of:

(i) an adult is [0.10%] 0.08% or more; or

(ii) a minor is 0.02% or more,

this fact may be introduced into evidence if the person is charged with violating section 3731.

Amend Sec. 1, page 9, by inserting between lines 21 and 22: § 3731. Driving under influence of alcohol or controlled substance.

(a) Offense defined.—A person shall not drive, operate or be in actual physical control of the movement of a vehicle in any of the following circumstances:

(1) While under the influence of alcohol to a degree which renders the person incapable of safe driving.

(2) While under the influence of any controlled substance, as defined in the act of April 14, 1972 (P.L.233, No.64), known as The Controlled Substance, Drug, Device and Cosmetic Act, to a degree which renders the person incapable of safe driving.

(3) While under the combined influence of alcohol and any controlled substance to a degree which renders the person incapable of safe driving.

(4) While the amount of alcohol by weight in the blood of:

(i) an adult is [0.10%] 0.08% or greater; or

(ii) a minor is 0.02% or greater.

(a.1) Prima facie evidence.—

(1) It is prima facie evidence that:

(i) an adult had [0.10%] 0.08% or more by weight of alcohol in his or her blood at the time of driving, operating or being in actual physical control of the movement of any vehicle if the amount of alcohol by weight in the blood of the person is equal to or greater than [0.10%] 0.08% at the time a chemical test is performed on a sample of the person's breath, blood or urine;

(ii) a minor had 0.02% or more by weight of alcohol in his or her blood at the time of driving, operating or being in actual physical control of the movement of any vehicle if the amount of alcohol by weight in the blood of the minor is equal to or greater than 0.02% at the time a chemical test is performed on a sample of the person's breath, blood or urine; and

(iii) a person operating a commercial vehicle had 0.04% or more by weight of alcohol in his or her blood at the time of driving, operating or being in actual physical control of the movement of the commercial vehicle if the amount of alcohol by weight in the blood of a person operating a commercial vehicle is equal to or greater than 0.04% at the time a chemical test is performed on a sample of the person's breath, blood or urine.

(2) For the purposes of this section, the chemical test of the sample of the person's breath, blood or urine shall be from a sample obtained within three hours after the person drove, operated or was in actual physical control of the vehicle.

Amend Sec. 5, page 11, by inserting between lines 13 and 14"

(3) The amendment of 75 Pa.C.S. §§ 1547(d) and 3731(a) and (a.1) shall take effect September 30, 2003.

Amend Sec. 5, page 11, line 14, 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?

WAUGH AMENDMENT A6309

Senator WAUGH offered the following amendment No. A6309:

Amend Title, page 1, line 3, by inserting after "CARD,": and

Amend Title, page 1, line 4, by inserting after "FOR;": ; requiring compliance with Federal selective service requirements as part of application for learners' permits or drivers' licenses; further providing

Amend Sec. 1, page 2, line 3, by striking out 1786(D) AND (E)(2) AND 3524

Amend Bill, page 5, by inserting between lines 12 and 13:
Section 2. Title 75 is amended by adding a section to read:

§ 1521. Compliance with Federal selective service requirements.

(a) General rule.—Any United States citizen or immigrant who is male, applies for a learner's permit, identification card, or driver's license or a renewal of any such permit, card, or license and who is at least 18 years of age, but less than 26 years of age, must be registered in compliance with the requirements of section 3 of the Military Selective Service Act (62 Stat. 604, 50 U.S.C. App. § 451 et seq.).

(b) Effect of applicant's signature.—The applicant's signature on the application shall serve as an indication that the applicant either has already registered with the selective service system or that the applicant authorizes the department to forward the necessary personal information to the selective service system.

(c) Notification to applicant.—The department shall notify the applicant at the time of application that the applicant's signature constitutes authorization for the department to submit the necessary personal information of the applicant for registration with the selective service system, if the applicant has not already so registered.

(d) Reporting of information.—The department shall forward to the selective service system, in an electronic format acceptable to the selective service system, the necessary personal information of the applicants required to comply with subsection (a).

Section 3. Sections 1786(d) and (e)(2) and 3524 of Title 75 are amended to read:

- Amend Sec. 2, page 9, line 22, by striking out "2" and inserting: 4
- Amend Sec. 3, page 9, line 30, by striking out "3" and inserting: 5
- Amend Sec. 4, page 10, line 6, by striking out "4" and inserting: 6
- Amend Sec. 5, page 11, line 9, by striking out "5" and inserting: 7

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

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

Senator MELLOW. Mr. President, I offer the following letter to be inserted in the record.

The PRESIDENT. The letter will be submitted for the record.

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

November 20, 2002

Senator Robert J. Mellow
Pennsylvania State Senate
Harrisburg, Pennsylvania

Dear Senator Mellow

This is in reply to the question of what would happen if an individual who was not yet age 26 applied for a driver's license or identification card on or after the date legislation requiring Selective Service System (SSS) registration was implemented, and the Pennsylvania Department of Motor Vehicles (DMV) did not forward the applicant's registration information to the SSS prior to the time he reached age 26.

In the event this were to occur, once notified by the DMV the SSS would be compelled to register the applicant even though he was now over age 26 because he would have in fact consented to his registration via his driver's license or identification card application prior to reaching age 26. His registration date would be the date he submitted or signed an application containing the SSS consent statement.

If you have any questions or need additional information, please contact me at (847) 688-7986.

Sincerely,
Dianna L. Clevon
LTC, USA
Region Director

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

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

YEA-48

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

NAY-1

Fumo

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

The PRESIDENT. House Bill No. 1553, as amended, will go over in its order temporarily.

BILLS ON THIRD CONSIDERATION
AND FINAL PASSAGE

HB 1804 (Pr. No. 4006) -- The Senate proceeded to consideration of the bill, entitled:

An Act providing for pooled trusts for persons with disabilities.

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

NAY-0

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

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

HB 2055 (Pr. No. 4694) -- The Senate proceeded to consideration of the bill, entitled:

An Act requiring certain elder care facilities to provide refunds and payments in certain circumstances; providing for inventory of personal property; authorizing the storage of personal property by elder care facilities; providing for applicability of other laws; and imposing a penalty.

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

NAY-0

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

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

BILL AMENDED

HB 2070 (Pr. No. 2938) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for simple assault and for the crime of retaliation against prosecutor or judicial officer.

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

Senator BRIGHTBILL offered the following amendment No. A6155:

Amend Title, page 1, line 2, by inserting a period after "assault"
Amend Title, page 1, lines 3 and 4, by striking out all of said lines
Amend Sec. 1, page 1, lines 10 and 11, by striking out all of said lines and inserting:

Section 1. Section 2701 of Title 18 of the Pennsylvania Consolidated Statutes is amended to read:

Amend Bill, page 2, lines 20 through 30; page 3, lines 1 through 13, by striking out all of said lines on said pages and inserting:

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

§ 7515. Contingent compensation.

(a) Offense defined.—

(1) No person may compensate or incur an obligation to compensate any person to engage in lobbying for compensation contingent in whole or in part upon the passage, defeat, approval or veto of legislation.

(2) No person may engage or agree to engage in lobbying for compensation contingent in whole or in part upon the passage, defeat, approval or veto of legislation.

(b) Penalty.—Any person who violates this section commits a misdemeanor of the third degree.

(c) Definition.—As used in this section, the term "lobbying" means an effort to influence State legislative action for economic consideration.

Section 3. This act shall take effect as follows:

(1) The addition of 18 Pa.C.S. § 7515 shall take effect immediately.

(2) This section shall take effect immediately.

(3) The remainder of the act shall take effect in 60 days.

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

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

Senator ROBBINS offered the following amendment No. A6558:

Amend Title, page 1, lines 3 and 4, by striking out all of said lines and inserting: ; providing for restoration of firearm rights for offenses under prior laws of this Commonwealth; and further providing for unlawful contact with a minor.

Amend Sec. 1, page 1, lines 10 and 11, by striking out all of said lines and inserting:

Section 1. Section 2701 of Title 18 of the Pennsylvania Consolidated Statutes is amended to read:

Amend Bill, page 2, lines 20 through 30; page 3, lines 1 through 13, by striking out all of said lines on said pages and inserting:

Section 2. Title 18 is amended by adding a section to read:
§ 6105.1. Restoration of firearm rights for offenses under prior laws of this Commonwealth.

(a) Restoration.—A person convicted of a disabling offense may make application to the court of common pleas in the county where the principal residence of the applicant is situated for restoration of firearms rights. The court shall grant restoration of firearms rights after a hearing in open court to determine whether the requirements of this section have been met unless:

(1) the applicant has been convicted of any other offense specified in section 6105(a) or (b) (relating to persons not to possess, use, manufacture, control, sell or transfer firearms) or the applicant's conduct meets the criteria in section 6105(c)(1), (2), (3), (4), (5), (6) or (7);

(2) the applicant has been convicted of any other crime punishable by imprisonment exceeding one year as defined in section 6102 (relating to definitions); or

(3) the applicant's character and reputation is such that the applicant would be likely to act in a manner dangerous to public safety.

(b) Notice and standing.—

(1) Notice of an application for restoration of firearms rights shall be provided to the Pennsylvania State Police, the district attorney of the county where the disabling offense occurred and the district attorney of the county where the application is filed. The district attorney of the county where the application is filed, the district attorney of the county where the disabling offense occurred and the Pennsylvania State Police may, at their option, be parties to the proceeding.

(2) Notwithstanding paragraph (1), the standing of the Pennsylvania State Police as a party to a proceeding under this section shall be limited to determinations of whether the offense meets the definition of the phrase "disabling offense" or whether the provisions of subsection (a)(1) and (2) have been satisfied.

(c) Copy of order to Pennsylvania State Police.—If the court grants restoration of firearms rights to an applicant, a copy of the order shall be sent by the prothonotary within ten days of the entry of the order to the district attorneys and the Pennsylvania State Police, Firearms Division, and shall include the name, date of birth and Social Security number of the applicant.

(d) Expungement and pardon.—A restoration of firearms rights under this section shall not result in the expungement of any criminal history record information nor will it constitute a gubernatorial pardon.

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

"Disabling offense." A conviction for any offense which:

(1) resulted in a Federal firearms disability and is substantially similar to either an offense currently graded as a crime punishable by a term of imprisonment for not more than two years or conduct which no longer constitutes a violation of law; and

(2) was a violation of either of the following:

(i) the former act of May 1, 1929 (P.L.905, No.403), known as The Vehicle Code, or the former act of April 29, 1959 (P.L.58, No.32), known as The Vehicle Code; or

(ii) the former act of June 24, 1939 (P.L.872, No.375), known as the Penal Code.

The definition shall not include any offense which, if committed under contemporary standards, would constitute a misdemeanor of the second degree or greater under section 2701 (relating to simple assault) and was committed by a current or former spouse, parent or guardian of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse, parent or guardian, or by a person similarly situated to a spouse, parent or guardian of the victim.

"Restoration of firearms rights." Relieving any and all disabilities with respect to a person's right to own, possess, use, control, sell, purchase, transfer, manufacture, receive, ship or transport firearms, including any disabilities imposed pursuant to this subchapter. The phrase shall also mean the restoration of the right to vote, to hold public office and to serve on a jury.

Section 3. Section 6318(a) and (b) of Title 18, amended November 20, 2002 (P.L.1104, No.134), are amended to read: § 6318. Unlawful contact with minor.

(a) Offense defined.—A person commits an offense if he [or she intentionally contacts a minor, and either the person initiating the contact or the minor being contacted is within this Commonwealth,] is intentionally in contact with a minor for the purpose of engaging in an activity prohibited under any of the following, and either the person initiating the contact or the person being contacted is within this Commonwealth:

(1) Any of the offenses enumerated in Chapter 31 (relating to sexual offenses).

(2) Open lewdness as defined in section 5901 (relating to open lewdness).

(3) Prostitution as defined in section 5902 (relating to prostitution and related offenses).

(4) Obscene and other sexual materials and performances as defined in section 5903 (relating to obscene and other sexual materials and performances).

(5) Sexual abuse of children as defined in section 6312 (relating to sexual abuse of children).

(6) Sexual exploitation of children as defined in section 6320 (relating to sexual exploitation of children).

(b) Grading.—A violation of subsection (a) is:

(1) an offense of the same grade and degree as the most serious underlying offense in subsection (a) for which the defendant contacted [or communicated with] the minor; or

(2) a misdemeanor of the first degree; whichever is greater.

Section 4. This act shall take as follows:

(1) The addition of 18 Pa.C.S. § 6105.1 shall take effect immediately.

(2) This section shall take effect immediately.

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

On the question,

Will the Senate agree to the amendment?

It was agreed to.

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

BILL OVER IN ORDER TEMPORARILY

HB 2131 -- Without objection, the bill was passed over in its order temporarily at the request of Senator BRIGHTBILL.

RECONSIDERATION OF VOTE

HB 2070 (Pr. No. 2938) -- The PRESIDENT. The Chair recognizes the gentlewoman from Montgomery, Senator C. Williams.

Senator C. WILLIAMS. Mr. President, I move to reconsider the vote by which amendment No. 6558 was agreed to.

The motion was agreed to.

And the question recurring,

Will the Senate agree to the amendment?

The yeas and nays were required by Senator C. WILLIAMS and were as follows, viz:

YE A-45

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

NAY-4

Hughes	Williams, Anthony H.	Williams, Constance
Kitchen		

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

The PRESIDENT. House Bill No. 2070 will go over in its order, as amended.

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

HB 2183 (Pr. No. 4638) -- The Senate proceeded to consideration of the bill, entitled:

An Act specifically authorizing collective bargaining between first-level supervisors and their public employer; providing for arbitration in order to settle disputes rather than striking; and requiring compliance with collective bargaining agreements and findings of arbitrators.

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-48

Table listing names of senators in support of HB 2183, including Armstrong, Holl, Murphy, Stout, Bodack, Hughes, Musto, Tartaglione, etc.

NAY-1

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 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 LAID ON THE TABLE

HB 2229 (Pr. No. 4448) -- 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, authorizing boards of school directors to establish a program to provide high school diplomas to certain veterans; providing for wage tax reduction; and making repeals.

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

BILL OVER IN ORDER

HB 2307 -- Without objection, the bill was passed over in its order at the request of Senator BRIGHTBILL.

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

HB 2424 (Pr. No. 3440) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of July 6, 1995 (P.L.255, No.34), known as the Dual Party Relay Service and Telecommunication Device Distribution Program Act, further defining "persons with a disability" or "people with disabilities."

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

Table listing names of senators in support of HB 2424, including Armstrong, Holl, Musto, Thompson, Bodack, Hughes, O'Pake, Tomlinson, etc.

NAY-0

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

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

BILL REREFERRED

HB 2574 (Pr. No. 4664) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of April 12, 1951 (P.L.90, No.21), known as the Liquor Code, amending and adding definitions; deleting certain bonding requirements; further providing for application of certain law to the Pennsylvania Liquor Control Board and Bureau of Liquor Control Enforcement of the Pennsylvania State Police, for wine marketing, for retail sales, for license applications, for licensee sales and restrictions, for secondary service area, for special occasion permits, for sacramental wine licenses, for liquor importers' licenses, for public venue license, for malt and brewed beverages manufacturers', distributors' and importing distributors' licenses, for malt and brewed beverages retail licenses, for application for distributors' and importing distributors' and

retail dispensers' licenses, for distributors' and importing distributors' restrictions, for retail dispensers' restrictions, for hearings and appeals, for license renewal, for license revocation and suspension, for local option and for exchange of certain licenses; providing for surrender of certain licenses; further providing for unlawful acts, for rights of municipalities, for unlawful advertising and for limited wineries; deleting provisions relating to distilleries; and further providing for business hours.

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

BILL OVER IN ORDER

HB 2593 -- Without objection, the bill was passed over in its order at the request of Senator BRIGHTBILL.

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

HB 2599 (Pr. No. 4589) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of June 28, 1947 (P.L.1110, No.476), known as the Motor Vehicle Sales Finance Act, further providing for definitions, for licensing, for sanctions, for administration, for records, for contracts, for assignments, for insurance, for finance costs, for refinancing, for default, for repossession and redemption, for prohibited charges, for exemptions and for penalties.

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

On the question, Shall the bill pass finally?

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

YEA-49

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

NAY-0

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

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

BILL AMENDED

HB 2725 (Pr. No. 4368) -- The Senate proceeded to consideration of the bill, entitled:

An Act designating Exit 60B in Robinson Township, Allegheny County, on Interstate Route 79 as the Trooper Todd C. Kelly Memorial Interchange; designating a certain exit from State Route 283 in Lower Swatara Township, Dauphin County, as the Franklin D. Linn Interchange; designating a bridge on State Route 2016 over Aughwick Creek in Cromwell Township, Huntingdon County, as the Charles Price Bridge; and designating the portion of State Route 1006 in Lewis Township, Northumberland County, as Rovendale Drive.

On the question,

Will the Senate agree to the bill on third consideration?

Senator MADIGAN offered the following amendment No. A6380:

Amend Title, page 1, line 7, by striking out "AND"

Amend Title, page 1, line 9, by removing the period after "DRIVE" and inserting: ; designating a bridge on that portion of State Route 259 over the Conemaugh River between Robinson, Indiana County, and the Borough of Bolivar, Westmoreland County, as the Wesley E. Dodson Bridge; designating a bridge on that portion of State Route 1014 over the Susquehanna River, Watsonstown Borough, Northumberland County, as the Nurse Helen Fairchild Memorial Bridge; designating a portion of U.S. Route 522 in Snyder and Mifflin Counties as the Disabled American Veterans Highway; and designating a road in Springville Township, Susquehanna County, as West Nicholson Road.

Amend Bill, page 4, by inserting between lines 9 and 10: Section 5. Wesley E. Dodson Bridge.

(a) Designation.—The bridge located on that portion of State Route 259 over the Conemaugh River between Robinson, Indiana County, and the Borough of Bolivar, Westmoreland County, is hereby designated and shall hereafter be known as the Wesley E. Dodson Bridge.

(b) Signs.—The Department of Transportation shall erect and maintain appropriate signs at each end of the bridge bearing this designation. Section 6. Nurse Helen Fairchild Memorial Bridge.

(a) Designation.—The bridge located on State Route 1014 in Watsonstown Borough, Northumberland County, over the Susquehanna River is hereby designated the Nurse Helen Fairchild Memorial Bridge.

(b) Signs.—The Department of Transportation shall erect and maintain appropriate signs displaying the name of the bridge to traffic in both directions on the bridge.

Section 7. Designation of Disabled American Veterans Highway.

(a) Designation.—The section of U.S. Route 522 from Selinsgrove, Snyder County, to Lewistown, Mifflin County, is designated and shall be known as the Disabled American Veterans Highway.

(b) Signs.—The Department of Transportation shall erect and maintain signs in both directions along the corridor to signify this designation.

Section 8. West Nicholson Road.

(a) Designation.—The section of State Road 3017 in Springville Township, Susquehanna County, from segment 0010 to 0080 is hereby designated West Nicholson Road.

(b) Signs.—The Department of Transportation shall erect and maintain appropriate signs displaying the name of the road to traffic in both directions on the road.

Amend Sec. 5, page 4, line 10, by striking out "5" and inserting: 9

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

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

Senator MADIGAN offered the following amendment No. A6556:

Amend Title, page 1, line 7, by striking out "AND"

Amend Title, page 1, line 9, by removing the period after "DRIVE" and inserting: ; designating a certain bridge on SR 513 in Bensalem Township, Bucks County, as the Bensalem Veterans Memorial Bridge; designating a portion of State Route 901 in Schuylkill County as the Pottsville Maroons Highway; and designating a portion of Route 441 North in East Donegal Township, Lancaster County, Pennsylvania, as the Spangler Highway.

Amend Bill, page 4, by inserting between lines 9 and 10: Section 5. Bensalem Veterans Memorial Bridge.

(a) Designation.—The bridge over Poquessing Creek on SR 513 in Bensalem Township, Bucks County, is hereby designated and shall be known as the Bensalem Veterans Memorial Bridge.

(b) Signs.—The Department of Transportation shall erect and maintain signs, which shall display the name of the bridge designated in subsection (a), at each end of the bridge.

Section 6. Pottsville Maroons Highway.

(a) Designation.—That portion of State Route 901 within the City of Pottsville, Minersville Borough and Branch Township, Schuylkill County is designated and shall be known as the Pottsville Maroons Highway.

(b) Signs.—The Department of Transportation shall erect and maintain signs along the corridor to signify this designation.

Section 7. Spangler Highway.

(a) Designation.—The section of Route 441 East Donegal Township, Lancaster County, beginning at the Chickies Creek Bridge at the bottom of Chickies Hill on Route 441 North through East Donegal Township to the intersection of Routes 743 and 441 is hereby designated and shall be known as the Spangler Highway.

(b) Signs.—The Department of Transportation shall erect and maintain road signs, which shall display the name of Spangler Highway, at the beginning and the end of the section of the highway designated in subsection (a).

Amend Sec. 5, page 4, line 10, by striking out "5" and inserting: 8

On the question,

Will the Senate agree to the amendment?

It was agreed to.

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

SECOND CONSIDERATION CALENDAR

BILLS REREFERRED

HB 339 (Pr. No. 1679) -- The Senate proceeded to consideration of the bill, entitled:

An Act establishing community reparative disposition programs for offenders and community reparative disposition boards; and providing for the powers and duties of the Pennsylvania Commission on Crime and Delinquency and for expungement of criminal arrest records in certain circumstances.

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

HB 417 (Pr. No. 4592) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, providing for the offense of delivering a controlled substance while in possession of a firearm.

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

SB 591 (Pr. No. 2357) -- The Senate proceeded to consideration of the bill, entitled:

An Act providing for treatment of psychological problems in health care facilities.

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

HB 796 (Pr. No. 4508) -- 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 reporting criminal injuries and for general regulations relating to criminal history record information.

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

BILLS ON SECOND CONSIDERATION

HB 1255 (Pr. No. 1458) -- The Senate proceeded to consideration of the bill, entitled:

An Act reenacting and amending the act of December 21, 1988 (P.L.1860, No.178), entitled "An act providing for the disposal of unclaimed garments," providing for the disposal of unclaimed footwear and other items left with shoe repairers.

Considered the second time and agreed to,

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

SB 1525 (Pr. No. 2227) -- 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," defining "waste tire recycling facility"; and prohibiting waste tire recycling facilities in certain locations.

Considered the second time and agreed to,

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

BILL RECOMMITTED

SB 1580 (Pr. No. 2367) -- 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 Pennhurst Associates, certain lands and buildings situate in East Vincent Township, Chester County.

Upon motion of Senator BRIGHTBILL, and agreed to by voice vote, the bill was recommitted to the Committee on State Government.

BILLS ON SECOND CONSIDERATION

HB 1974 (Pr. No. 4685) -- The Senate proceeded to consideration of the bill, entitled:

An Act authorizing the release of Project 70 restrictions on certain lands owned by Northumberland County, in return for imposition of Project 70 restrictions on other lands owned by the Northumberland County Development Corporation.

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

HB 2256 (Pr. No. 4587) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of July 9, 1987 (P.L.220, No.39), known as the Social Workers, Marriage and Family Therapists and Professional Counselors Act, further providing for exemption from licensure requirements.

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

BILL REREFERRED

HB 2407 (Pr. No. 4362) -- The Senate proceeded to consideration of the bill, entitled:

An Act regulating crematories; providing for licenses, for licensure requirements, for inspections and enforcement; and prescribing penalties.

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

BILL ON SECOND CONSIDERATION

HB 2614 (Pr. No. 4364) -- The Senate proceeded to consideration of the bill, entitled:

An Act prohibiting certain facsimiles, commercial electronic transmissions and the use of text, graphic or image messaging systems of wireless telephone systems to transmit unsolicited commercial messages; imposing penalties; authorizing the blocking of commercial electronic mail by interactive computer service; and providing for the powers of the Attorney General.

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

BILL REREFERRED

HB 2780 (Pr. No. 4640) -- The Senate proceeded to consideration of the bill, entitled:

An Act regulating child labor; conferring powers and duties on the Department of Labor and Industry and the Department of Education; imposing penalties; and making a repeal.

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

BILL ON SECOND CONSIDERATION

HB 2898 (Pr. No. 4419) -- The Senate proceeded to consideration of the bill, entitled:

An Act authorizing the Department of General Services, with the approval of the Governor and the Department of Corrections, to grant and convey a 50-year easement of certain lands situate in Canaan Township, Wayne County, to Waymart Wind Farm L.P.

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

BILL ON SECOND CONSIDERATION, AMENDED

HB 2910 (Pr. No. 4461) -- The Senate proceeded to consideration of the bill, entitled:

An Act authorizing the Department of General Services, with the approval of the Governor, to grant and convey to Leon Dwinga and Patricia Dwinga, his wife, certain land situate in the Township of Collier, Allegheny County.

On the question,
Will the Senate agree to the bill on second consideration?
Senator ORIE offered the following amendment No. A6529:

Amend Title, page 1, line 4, by removing the period after "County" and inserting: ; and authorizing and directing the Department of General Services, with the approval of the Governor, to execute a deed to remove certain restrictions imposed on lands conveyed to Cranberry Township and situate in Cranberry Township, Butler County.

Amend Bill, page 2, by inserting between lines 28 and 29:
Section 2. Removal of deed restrictions.

(a) Authorization.—The Department of General Services, with the approval of the Governor, is hereby authorized on behalf of the Commonwealth of Pennsylvania to execute a deed removing the restrictions imposed on the lands conveyed to Cranberry Township by section 2 of the act of December 27, 1974 (P.L.1011, No.328), entitled "An act authorizing the Department of Property and Supplies, with the approval of the Governor, to sell and convey 6.60 acres of land in Cranberry Township, to Cranberry Township, Butler County, Pennsylvania," situate in Cranberry Township, Butler County for the consideration of \$174,000.

(b) Deed.—The deed of conveyance shall be executed by the Secretary of General Services in the name of the Commonwealth of Pennsylvania.

(c) Costs and fees.—Costs and fees incidental to removing the restrictions shall be borne by the Grantee.

Amend Sec. 2, page 2, line 29, by striking out "2" and inserting: 3

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

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

Senator KASUNIC offered the following amendment No. A6710:

Amend Title, page 1, line 4, by removing the period after "County" and inserting: ; and authorizing and directing the Department of General Services, with the approval of the Governor, to grant and convey to the Uniontown Area School District certain lands and building situate in the City of Uniontown, Fayette County.

Amend Bill, page 2, by inserting between lines 28 and 29:
Section 2. Conveyance in City of Uniontown, Fayette County.

(a) Authorization.—The Department of General Services, with the approval of the Governor, is hereby authorized and directed on behalf of the Commonwealth of Pennsylvania to grant and convey to the Uniontown Area School District certain lands and building described in subsection (b) for fair market value as determined by an independent appraisal.

(b) Property description.—The property to be conveyed pursuant to subsection (a) consists of approximately 0.67-acres bounded and more particularly described as follows:

BEGINNING at a point at the intersection of the center lines of Iowa Street and a fifteen foot alley; thence along the center line of said fifteen foot alley, North 80 degrees 06 minutes West, 146.94 feet to a point on the eastern line of a twenty foot alley; thence along the eastern line of said twenty foot alley, North 09 degrees 54 minutes East, 180.11 feet to a point in the center line of another twenty foot alley; thence along the center line of said last mentioned twenty foot alley, North 85 degrees 25 minutes East, 149.23 feet to a point in the center line of Iowa Street, thence along the center line of Iowa Street, South 04 degrees 35 minutes East, 9.80 feet to a point; thence continuing along the center line of Iowa Street, South 09 degrees 54 minutes West, 207.94 feet to a point, the place of BEGINNING.

CONTAINING 0.67-acres (more or less).

AND BEING the same premises conveyed to the Commonwealth of Pennsylvania by deed of the Cavert Wire Co., Inc., dated December 17, 1969 and recorded in the Recorder's Office of Fayette County in Deed Book Volume 1087, Page 462.

(c) Restrictions.—The conveyance shall be made under and subject to all lawful and enforceable easements, servitudes and rights of others, including but not confined to streets, roadways and rights of any telephone, telegraph, water, electric, gas or pipeline companies, as well as under and subject to any lawful and enforceable estates or tenancies vested in third persons appearing of record, for any portion of the land or improvements erected thereon.

(d) Deed.—The deed of conveyance shall be by Special Warranty Deed and shall be executed by the Secretary of General Services in the name of the Commonwealth of Pennsylvania.

(e) Costs and fees.—Costs and fees incidental to this conveyance shall be borne by the Grantee.

(f) Limitation on transfer.—In the event that this conveyance is not executed within 60 days of the effective date of this act, the property may be disposed of in accordance with Article 2406-A of the act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929.

Amend Sec. 2, page 2, line 29, by striking out "2" and inserting: 3

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 second consideration, as amended?

It was agreed to.

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

BILLS ON SECOND CONSIDERATION

HB 2923 (Pr. No. 4588) -- The Senate proceeded to consideration of the bill, entitled:

An Act authorizing the Department of General Services, with the approval of the Department of Public Welfare and the Governor, to grant and convey to the Society for the Prevention of Cruelty to Animals of Chester County, Inc., certain land situate in West Bradford Township, Chester County.

Considered the second time and agreed to,

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

HB 2924 (Pr. No. 4486) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of December 11, 1986 (P.L.1508, No.163), entitled "An act authorizing and directing the Department of General Services, with the approval of the Governor, to convey to Emsworth Borough 7.5 acres of land, more or less, situate in Kilbuck Township, Allegheny County, Pennsylvania; authorizing and directing the Department of General Services, with the approval of the Governor and the Department of Agriculture, to convey to the County of Chester 230.693 acres of land, more or less, situate in Newlin and West Bradford Townships, Chester County, Pennsylvania; authorizing the Department of General Services, with the approval of the Governor and the Department of Public Welfare, to convey to North Penn Comprehensive Health Services 8.7 acres of land, more or less, situate in the Borough of Blossburg, Tioga County, Pennsylvania; authorizing and directing the Department of General Services, with the approval of the Governor and the Department of Environmental Resources, to convey to Gilbert Collussy, Lena M. Collussy, James T. Dresher and Virginia M. Dresher, a tract of land situate in North Shenango Township, Crawford County, Pennsylvania, in exchange for a tract of land in the same township, and for other consideration; and authorizing and directing the Department of General Services, with the approval of the Governor and the Departments of Environmental Resources and Transportation, to convey to the Mid-State Regional Airport Authority a tract of land situate in Rush Township, Centre County, Pennsylvania," further providing for deed of conveyance; and providing for conveyance in West Bradford Township, Chester County, Pennsylvania.

Considered the second time and agreed to,

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

HB 2963 (Pr. No. 4635) -- 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 and the Department of Military and Veterans Affairs, to grant and convey certain lands situate in Latrobe Borough, Westmoreland County, to the Borough of Latrobe; authorizing and directing the Department of General Services, with the approval of the Governor and the Department of Military and Veterans Affairs, to grant and convey, at a price determined through competitive bidding, certain lands situate in Scottdale Borough, Westmoreland County; authorizing and directing the Department of General Services, with the approval of the Governor and the Department of Military and Veterans Affairs, to grant and convey certain lands situate in Blairsville

Borough, Indiana County, to the Borough of Blairsville; authorizing and directing the Department of General Services, with the approval of the Governor and the Department of Military and Veterans Affairs, to grant and convey certain lands situate in Kutztown Borough, Berks County, to the Borough of Kutztown; and authorizing the Department of General Services, with the approval of the Governor and the Department of Military and Veterans Affairs, to grant and convey a certain tract of land situate in the Borough of Media, Delaware County, to the Borough of Media; authorizing the Department of General Services, with the approval of the Governor and the Department of Conservation and Natural Resources, to grant and convey an access road right-of-way over certain State land to Sanford J. and Doris M. Henry, Paul L. and Deborah K. Baker, Michael R. and Jeanne M. Henry, Lynn A. and Kimberly R. Henry, Leland W. Henry, Sr., and Leland W. Henry, Jr., all of Middlecreek Township, Somerset County, Pennsylvania, and their heirs and assigns; authorizing the release of Project 70 restrictions on certain land owned by the Lehighon Water Authority, Township of Penn Forest, Carbon County, to provide access right-of-way to John A. Wargo, et al. "Apollo Associates"; and making a repeal.

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

SENATE RESOLUTION No. 286, ADOPTED

Senator BRIGHTBILL, without objection, called up from page 11 of the Calendar, **Senate Resolution No. 286**, entitled:

A Resolution directing the Joint State Government Commission to study and recommend potential changes to the current funding and benefits structure of the Commonwealth's two mandatory governmental pension plans, including the need, design and funding of any future cost-of-living adjustments.

On the question,
Will the Senate adopt the resolution?
A voice vote having been taken, the question was determined in the affirmative.

HB 2131 CALLED UP

HB 2131 (Pr. No. 2843) -- Without objection, the bill, which previously went over in its order temporarily, was called up, from page 6 of the Third Consideration Calendar, by Senator BRIGHTBILL.

BILL AMENDED

HB 2131 (Pr. No. 2843) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 37 (Historical and Museums) of the Pennsylvania Consolidated Statutes, further providing for the Pennsylvania Historical and Museum Commission, for powers and duties of the commission and for publications and reproductions; and making a repeal.

On the question,
Will the Senate agree to the bill on third consideration?
Senator MELLOW offered the following amendment No. A5643:

Amend Title, page 1, lines 4 and 5, by striking out "; and making a repeal"

Amend Sec. 4, page 7, lines 2 through 4, by striking out all of said lines

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

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

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

HB 1553 CALLED UP

HB 1553 (Pr. No. 4661) -- Without objection, the bill, which previously went over in its order temporarily, as amended, was called up, from page 5 of the Third Consideration Calendar, by Senator BRIGHTBILL.

BILL AMENDED

HB 1553 (Pr. No. 4661) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for judicial review, for classes of licenses, for learners' permits, for identification card, for notice of change of name or address for footrests and handhold on motorcycles and for required financial responsibility; providing for lighted lamp requirements for motorcycles; and further providing for periods for requiring lighted lamps and for scope and application of provisions relating to size, weight and load.

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

Senator MADIGAN offered the following amendment No. A6376:

Amend Sec. 1 (Sec. 1510), page 4, line 10, by inserting after "PERSON": ten years of age or older.

Amend Sec. 1 (Sec. 1510), page 4, lines 15 and 16, by striking out "NO MINIMUM AGE IS REQUIRED TO QUALIFY FOR ISSUANCE OF AN IDENTIFICATION CARD."

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 1331 CALLED UP

HB 1331 (Pr. No. 4680) -- Without objection, the bill, which previously went over in its order temporarily, was called up, from page 3 of the Third Consideration Calendar, by Senator BRIGHTBILL.

BILL REREPORTED FROM COMMITTEE AS AMENDED, AMENDED

HB 1331 (Pr. No. 4680) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929, further providing for furnishing lists of employees to certain State officers; and providing for membership of the Pennsylvania Public Utility Commission.

On the question,

Will the Senate agree to the bill on third consideration?

Senator BRIGHTBILL offered the following amendment No. A6671:

Amend Title, page 1, line 20, by inserting after "determined," further providing for consent of the Senate required for certain gubernatorial appointments and for required information; providing for membership of the Pennsylvania Public Utility Commission; and

Amend Title, page 1, line 21, by inserting a period after "officers"

Amend Title, page 1, lines 21 through 23, by striking out "; and" in line 21, and all of lines 22 and 23

Amend Sec. 1, page 2, lines 6 through 9, by striking out all of said lines and inserting:

Section 1. Section 207.1(c), (d) and (g) of the act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929, amended or added November 8, 1976 (P.L.1109, No. 227), December 30, 1984 (P.L.1299, No.245) and November 26, 1997 (P.L.530, No.57) and repealed in part April 28, 1978 (P.L.202, No.53), are amended and the section is amended by adding a subsection to read:

Section 207.1. Gubernatorial Appointments.—* * *

(c) The Governor shall nominate in accordance with the provisions of the Constitution of the Commonwealth of Pennsylvania and, by and with the advice and consent of two-thirds of the members elected to the Senate, appoint persons to fill the following positions:

(1) Vacancies in the offices of Attorney General, Auditor General and State Treasurer [and in any other elective office which he is authorized by law to fill when said law requires confirmation].

(2) Those members which he is authorized to appoint to the [Milk Marketing Board, the Pennsylvania Fish Commission, the Pennsylvania Game Commission, the] Pennsylvania Liquor Control Board[, the Pennsylvania Public Utility Commission] and the Pennsylvania Turnpike Commission.

(d) The Governor shall nominate in accordance with the provisions of the Constitution of the Commonwealth of Pennsylvania and, by and with the advice and consent of a majority of the members elected to the Senate appoint persons to fill the following positions:

(1) The Secretary of Education, the Secretary of the Commonwealth, the Adjutant General, the Insurance Commissioner, the Secretary of Banking, the Secretary of Agriculture, the Secretary of Transportation, the Secretary of Health, the Commissioner of the State Police, the Secretary of Corrections, the Secretary of Labor and Industry, the Secretary of Aging, the Secretary of Public Welfare, the Secretary of General Services, the Secretary of Revenue, the Secretary of [Commerce, the Secretary of Community Affairs and] Community and Economic Development, the Secretary of Environmental [Resources] Protection and the Secretary of Conservation and Natural Resources.

(2) Those members which he is authorized to appoint to the Board of Pardons, the Board of Probation and Parole, the State Civil Service Commission, the State Horse Racing Commission, the State Harness Racing Commission, the Board of [Arbitration of] Claims, the Pennsylvania Securities Commission, the Pennsylvania Industrial Development Authority, the State Board of Education, the Board of [State College and University Directors] Governors of the State System of Higher Education, the Board of Trustees of Pennsylvania State University, the Board of Trustees of the University of Pittsburgh, the Board of Trustees of Temple University, the Board of Trustees of Lincoln University, the Environmental Hearing Board, [the Pennsylvania Crime Commission,] the Pennsylvania Fish and Boat Commission, the Pennsylvania Game Commission, the Pennsylvania Labor Relations Board, the Pennsylvania Public Utility Commission, the Industrial Board, the Milk Marketing Board, the Unemployment Compensation Board of Review, the [Workmen's] Workers' Compensation Appeals Board, the State Art Commission, [the State Lottery Commission,] the State Transportation Commission and the Pennsylvania Human Relations Commission.

(4) Those members which he is authorized to appoint to the Delaware Valley Regional Planning Commission, the Pennsylvania Public Television Network Commission, the State Farm Products Commission, the Pennsylvania Housing Finance Agency, the [Board of Trustees of each State College and University] Council of Trustees of each institution of the State System of Higher Education, the Board of Trustees of Scotland School for Veterans' Children, the Board of Trustees of Thaddeus Stevens College of Technology, the State Conservation Commission, the Commonwealth of Pennsylvania Council on the Arts, the State Planning Board, the Pennsylvania Drug, Device and Cosmetic Board, the County Board of Assistance in each county, [the State Board of Public Welfare,] the Boards of Trustees of Centers, the Board of Trustees of each Restoration Center, [the Board of Trustees of each State General Hospital,] the Board of Trustees of each State School and Hospital, the Board of Trustees of each State Hospital, the State Dental Council and Examining Board, the State Real Estate Commission, the State Registration Board for Professional Engineers, the State Boards of Examiners of Architects, Auctioneers, Nursing Home Administrators and Public Accountants, the State Boards of Barber Examiners, Chiropractic Examiners, Cosmetology, Funeral Directors, Medical Education and Licensure, Nurse Examiners, Optometrical Examiners, Osteopathic Examiners, Pharmacy, Physical Therapy Examiners, Podiatry Examiners, Veterinary Medical Examiners, Landscape Architects and Motor Vehicle Manufacturers, Dealers and Salesmen, the Pennsylvania Board of Psychologist Examiners, the State Athletic Commission, the Pennsylvania Higher Education Assistance Agency, the Pennsylvania Historical and Museum Commission, the State Tax Equalization Board, the Public School Employees' Retirement Board, the State Employees' Retirement Board, the Municipal Police Officers' Education and Training Commission, [the Consumer Advocate,] and the Pennsylvania Minority Business Development Authority.

(5) The general officers in the Department of Military Affairs which he is authorized by law to appoint.

(5.1) Vacancies in elective office, other than those set forth in subsection (c), which he is authorized by law to fill. Except for vacancies in judicial offices, the person nominated shall, as of the day preceding the date of the occurrence of the vacancy, be of the same political party as was the person who vacated the office on the date the person who vacated the office was administered the oath of office for the office vacated.

(6) All positions hereinafter statutorily created by amendment to this act or in any other act or amendment thereto for which Senate confirmation is specified but for which the advice and consent of two-thirds of the members elected to the Senate is not required.

* * *

(g) Whenever the Governor shall nominate to fill a position for which Senate confirmation is required, [he] the nominee shall submit to the Senate [with the nomination] a sworn statement containing information on the nominee, including but not limited to his voting address, business address if any, employer, party registration, offices held in political parties during the past ten years, any public offices held during the past ten years, records of any criminal convictions other than summary offenses under 75 Pa.C.S. (relating to vehicles), and such other information as is agreed upon by the Governor and the Senate Committee on Rules and Executive Nominations.

Amend Bill, page 3, line 25, by striking out all of said line and inserting:

Section 3. Except for the amendments of section 207.1(g) which shall be applicable to all nominations submitted to the Senate commencing 30 days following the enactment of this act, and the addition of section 207.1(h) and amendment of section 614(a) and (c), this act shall be applicable to all nominations other than for appointments under Article V of the Constitution of Pennsylvania currently pending before the Senate as well as those submitted on or after the effective date of this act.

Section 4. The following acts and parts of acts are hereby repealed insofar as they relate to the consent required by the Senate to appointments by the Governor:

Section 201 of the act of April 28, 1937 (P.L.417, No.105), known as the Milk Marketing Law.

Section 409 of the act of July 28, 1953 (P.L.723, No.230), known as the Second Class County Code.

Section 409 of the act of August 9, 1955 (P.L.323, No.130), known as The County Code.

Section 202 of the act of October 15, 1980 (P.L.950, No.164), known as the Commonwealth Attorneys Act.

30 Pa.C.S. § 301.

34 Pa.C.S. § 301.

66 Pa.C.S. § 301.

Section 5. This act shall take effect as follows:

- (1) The following provisions shall take effect in 60 days:
 - (i) The amendment of section 207.1(c), (d) and (g) of the act.
 - (ii) Section 3 of this act.
 - (iii) Section 4 of this act.
- (2) The following provisions shall take effect immediately:
 - (i) The addition of section 207.1(h) of the act.
 - (ii) The amendment of section 614(a) and (c) of the act.
 - (iii) This section.
 - (iv) The remainder of this act.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

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

SPECIAL ORDER OF BUSINESS SUPPLEMENTAL CALENDAR No. 1

BILLS REREPORTED FROM COMMITTEE AS AMENDED ON SECOND CONSIDERATION

HB 878 (Pr. No. 4708) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 62 (Procurement) of the Pennsylvania Consolidated Statutes, further providing for supplies manufactured and services performed by persons with disabilities.

Considered the second time and agreed to,

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

HB 1945 (Pr. No. 4709) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of July 9, 1971 (P.L.206, No.34), known as the Improvement of Deteriorating Real Property or Areas Tax Exemption Act, further providing for exemption schedules for purposes of deteriorating dwellings improvement and deteriorating area improvement.

Considered the second time and agreed to,

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

HB 2674 (Pr. No. 4710) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Titles 62 (Procurement) and 67 (Public Welfare) of the Pennsylvania Consolidated Statutes, further providing for application of part, for definitions, for public access to procurement information, for reciprocal limitations, for procurement responsibility, for Board of Commissioners of Public Grounds and Buildings, for method of source selection and for competitive sealed bidding; providing for competitive electronic auction bidding; further providing for competitive

sealed proposals, for small procurements, for sole source procurement, for multiple awards, for competitive selection procedures for certain services, for selection procedure for insurance and notary bonds, for cancellation of invitations for bids or requests for proposals, for debarment or suspension, for security and performance bonds, for printing, for anticompetitive practices, for bid or proposal security and for contract performance security and payment bonds; providing for letters of intent, for procurement of right-of-way acquisition assistance services, for protests of solicitations or awards and for contract controversies; further providing for compliance of public procurement units and for mass transportation; providing for procurement limits for mass transportation authorities, for time for awarding contract and for medical assistance hearings and appeals; and making repeals.

Considered the second time and agreed to,

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

BILLS ON SECOND CONSIDERATION

HB 1700 (Pr. No. 4023) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of December 31, 1965 (P.L.1257, No.511), known as The Local Tax Enabling Act, further providing for delegation of taxing powers and restrictions and for definitions.

Considered the second time and agreed to,

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

HB 1900 (Pr. No. 3864) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 51 (Military Affairs) of the Pennsylvania Consolidated Statutes, further providing for unemployment compensation benefits.

Considered the second time and agreed to,

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

HB 2350 (Pr. No. 3262) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of May 23, 1945 (P.L.926, No.369), referred to as the Public Eating and Drinking Place Law, providing for health and safety inspections of school cafeterias and for training related to school cafeterias; and making editorial changes.

Considered the second time and agreed to,

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

HB 2411 (Pr. No. 4509) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 5 (Athletics and Sports) of the Pennsylvania Consolidated Statutes, revising provisions relating to athlete agents.

Considered the second time and agreed to,

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

HB 2456 (Pr. No. 3493) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of February 9, 1984 (P.L.3, No.2), known as the Deputy Sheriffs' Education and Training Act, further providing for reimbursement to counties.

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

HB 2772 (Pr. No. 4630) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of November 22, 1978 (P.L.1166, No.274), entitled "An act establishing the Pennsylvania Commission on Crime and Delinquency, providing for its powers and duties establishing several advisory committees within the commission and providing for their powers and duties," establishing the Targeted Community Revitalization and Crime Prevention Advisory Committee and providing for its powers and duties.

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

HB 2971 (Pr. No. 4629) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of May 17, 1949 (P.L.1406, No.419), entitled "An act providing for the payment of salaries to the president and members of the town council of incorporated towns, at the discretion of the town council, and for the collection and docketing of costs and fees by the president of town council acting as justice of the peace," further limiting salaries of president and members of town council; and making editorial changes.

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

REPORTS FROM COMMITTEE

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

HB 401 (Pr. No. 4714) (Amended) (Rereported)

An Act amending the act of August 23, 1961 (P.L.1068, No.484), entitled, as reenacted and amended, "An act to provide for the creation and administration of a Coal and Clay Mine Subsidence Insurance Fund within the Department of Environmental Resources for the insurance of compensation for damages to subscribers thereto; declaring false oaths by the subscribers to be misdemeanors; providing penalties for the violation thereof; and making an appropriation," further providing for purpose, for disbursements, for inflation protection, for audits and for subrogation; providing for department report; providing for subsidence insurance; and making editorial changes.

HB 591 (Pr. No. 4715) (Amended) (Rereported)

An Act amending the act of December 5, 1936 (2nd Sp.Sess., 1937 P.L.2897, No.1), known as the Unemployment Compensation Law, providing for referral to employment offices and for relief from certain

employer charges; and further providing for establishment and maintenance of employer's accounts, for qualifications required to secure compensation, for ineligibility for compensation and for ineligibility of incarcerated employees.

HB 731 (Pr. No. 4716) (Amended) (Rereported)

An Act amending the act of December 5, 1936 (2nd Sp.Sess., 1937 P.L.2897, No.1), known as the Unemployment Compensation Law, further providing for decision of referee and further appeals and reviews, for disqualifications to participate in hearings, for finality of decisions, for false statements and representations, for violation of the act and rules and regulations and for penalties.

HB 1043 (Pr. No. 4717) (Amended) (Rereported)

An Act amending Titles 24 (Education) and 71 (State Government) of the Pennsylvania Consolidated Statutes, further defining "enforcement officer" to include certain Pennsylvania Game commission employees; and further providing for creditable nonschool service, for contributions for purchase of credit for creditable nonschool service, for creditable leaves of absence, for retention and reinstatement of service credits and for creditable nonstate service.

HB 1947 (Pr. No. 4718) (Amended) (Rereported)

An Act amending the act of July 28, 1953 (P.L.723, No.230), known as the Second Class County Code, providing for tax levies and for insurance and other employee benefits; further providing for authority of county commissioners to make contracts; amending provisions relating to acquisition, use, leasing and disposing of property for county and to construction or alteration of county buildings; further prohibiting disorderly conduct in and about courthouses and jails; further providing for joining with municipality in improving certain streets and highways and for parks and comfort houses; amending provisions relating to monuments and memorials; further providing for acquiring of property for certain purposes and for authority to provide for morgues; amending provisions relating to bridges, viaducts, culverts, roads and recreation places; further providing for authority to provide parks and for title acquired in eminent domain proceedings; and making editorial changes.

HB 2163 (Pr. No. 2979) (Rereported)

An Act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929, providing for the creation of voluntary leave pools for employees of the Commonwealth; further providing for furnishing lists of employees to certain State officers; and providing for deputy secretaries in the Department of Transportation.

HB 2402 (Pr. No. 4625) (Rereported)

An Act amending Title 24 (Education) of the Pennsylvania Consolidated Statutes, providing for return to school service in an extracurricular position.

HB 2842 (Pr. No. 4719) (Amended) (Rereported)

An Act amending Title 3 (Agriculture) of the Pennsylvania Consolidated Statutes, further providing for definitions, for indemnification and for depopulation incentive, for membership and duties of the Food Employee Certification Advisory Board and for certification of employees; and providing for Cervidae livestock operations.

HB 2863 (Pr. No. 4720) (Amended) (Rereported)

An Act providing for the designation and use of certain State office buildings.

HB 2892 (Pr. No. 4721) (Amended) (Rereported)

An Act amending the act of May 30, 1984 (P.L.345, No.69), known as the First Class City Business Tax Reform Act, defining "tax measurement year"; further providing for period used in computation of tax and for tax payment; providing for wage tax reduction; and making repeals.

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

**SENATE CONCURS IN HOUSE AMENDMENTS
AS AMENDED**

SB 824 (Pr. No. 2435) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of June 3, 1937 (P.L.1333, No.320), known as the Pennsylvania Election Code, further providing for definitions, for powers and duties of the Secretary of the Commonwealth; providing for voting standards development board and State plan advisory board; further providing for qualifications of election officers and for vacancies in election boards; providing for the compensation of district election officers; further providing for district boundaries, for manner of signing nomination petitions, for nominations by political bodies, for placing the question on the ballot, for examination and approval of electronic voting systems by the Secretary of the Commonwealth, for experimental use of electronic voting system, for assistance in voting, for applications for official absentee ballots, for duties of common pleas court on days of primaries and elections; providing for creation of new election districts by court, for petitions for new election districts, for reference to county board of elections and report, for petitions by county board and action by court on petition or report, for creation, division, realignment or consolidation of wards in cities of the first class, for alterations after period of restriction, for Title III complaints; further providing for manner of applying to vote, for assistance in voting by certain absentee electors, for canvassing of official absentee ballots and for enforcement; providing for regulatory procedure; and making repeals.

On the question,

Will the Senate concur in the amendments made by the House, as amended by the Senate, to Senate Bill No. 824?

Senator PICCOLA. Mr. President, I move that the Senate do concur in the amendments made by the House, as amended by the Senate, to Senate Bill No. 824.

On the question,

Will the Senate agree to the motion?

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

Senator PICCOLA. Mr. President, Senate Bill No. 824, Printer's No. 2435, is an amendment to the Pennsylvania Election Code. Many of the provisions of this bill were derived from the work of the Joint Select Committee on Election Reform, and a number of the other issues were mandated by the Federal act that was recently passed, Help America Vote Act, or HAVA. There are numerous provisions to this bill, but the substance of this legislation will be to upgrade our election system to make it more accessible to the individual voter and more workable from the point of view of the election officials. I urge that the Senate do concur in House amendments to Senate Bill No. 824.

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

Senator TARTAGLIONE. Mr. President, I first would like to thank the Members of the Joint Select Committee on Election Reform for all the work that went into this bill. It was over a year in planning. And I also would like to thank Senator Lemmond and his staff for all their hard work to make sure all our concerns were addressed.

Thank you.

And the question recurring,

Will the Senate agree to the motion?

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

YEA-49

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

NAY-0

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

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

RECONSIDERATION OF VOTE

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

Senator HUGHES. Mr. President, I move that the vote by which the Senate concurred in House amendments to Senate Bill No. 824 be reconsidered.

The PRESIDENT. Senator Hughes moves that the vote by which the Senate concurred in House amendments to Senate Bill No. 824 be reconsidered.

The motion was agreed to.

And the question recurring,

Will the Senate agree to the motion to concur in amendments made by the House, as amended by the Senate, to Senate Bill No. 824?

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

YEA-48

Armstrong	Greenleaf	Murphy	Stout
Bodack	Holl	Musto	Tartaglione
Boscola	Jubelirer	O'Pake	Thompson

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

NAY-1

Hughes

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.

REPORT FROM COMMITTEE ON RULES AND EXECUTIVE NOMINATIONS

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

MEMBER OF THE STATE BOARD OF ACCOUNTANCY

November 15, 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, Thomas G. Clark, CPA, PO Box 161, Mifflintown 17059, Juniata County, Thirty-fourth Senatorial District, for appointment as a member of the State Board of Accountancy, to serve for a term of four years and until his successor is appointed and qualified, but not longer than six months beyond that period, vice Kevin M. Mitchell, Harrisburg, whose term expired.

Mark S. Schweiker
Governor

MEMBER OF THE STATE BOARD OF ACCOUNTANCY

November 15, 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, Thomas H. Flowers, CPA, 5787 Catherine Street, Harrisburg 17112, Dauphin County, Fifteenth Senatorial District, for appointment as a member of the State Board of Accountancy, to serve for a term of four years and until his successor is appointed and qualified, but not longer than six months beyond that period, vice Diana Schaney, Girard, whose term expired.

Mark S. Schweiker
Governor

MEMBER OF THE STATE BOARD OF AUCTIONEER EXAMINERS

November 15, 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, J. Omar Landis, 516 Laurel Avenue, Lititz 17543, Lancaster County, Thirty-sixth Senatorial District, for reappointment as a member of the State Board of Auctioneer Examiners, to serve for a term of three years or until his successor is appointed and qualified, but not longer than six months beyond that period.

Mark S. Schweiker
Governor

MEMBER OF THE STATE BOARD OF AUCTIONEER EXAMINERS

November 15, 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, Allen H. Shissler, 2600 Roundtop Road, Middletown 17057, Dauphin County, Fifteenth Senatorial District, for reappointment as a member of the State Board of Auctioneer Examiners, to serve for a term of three years or until his successor is appointed and qualified, but not longer than six months beyond that period.

Mark S. Schweiker
Governor

MEMBER OF THE STATE BOARD OF AUCTIONEER EXAMINERS

November 15, 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, Ralph M. Stewart, Box 37, Armagh 15920, Indiana County, Forty-first Senatorial District, for reappointment as a member of the State Board of Auctioneer Examiners, to serve for a term of three years or until his successor is appointed and qualified, but not longer than six months beyond that period.

Mark S. Schweiker
Governor

MEMBER OF THE BOARD OF CLAIMS

November 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, Jeffrey F. Smith, Esquire, 763 Arlington Road, Camp Hill 17011, Cumberland County, Thirty-first Senatorial District, for appointment as a member of the Board of

Claims, to serve until November 15, 2010 and until his successor is appointed and qualified, vice David C. Clipper, Esquire, Hershey, whose term expired.

Mark S. Schweiker
Governor

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

November 15, 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, Sheryl M. Delozier, 1520 Chatham Road, Camp Hill 17011, Cumberland County, Thirty-first Senatorial District, for appointment as a member of the Board of Governors of the State System of Higher Education, to serve until December 31, 2006, and until her successor is appointed and qualified, vice Patricia K. Poprik, Doylestown, whose term expired.

Mark S. Schweiker
Governor

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

November 15, 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, Daniel P. Elby, 3535 Pebble Ridge Drive, York 17402, York County, Twenty-eighth Senatorial District, for reappointment as a member of the Board of Governors of the State System of Higher Education, to serve until December 31, 2006, and until his successor is appointed and qualified.

Mark S. Schweiker
Governor

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

November 15, 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, Marie A. Conley Lammando, 229 South Fourth Street, Steelton 17113, Dauphin County, Fifteenth Senatorial District, for appointment as a member of the Board of Governors of the State System of Higher Education, to serve until December 31, 2006, and until her successor is appointed and qualified, vice Syed R. Ali-Zaidi, Ph.D., Shippensburg, whose term expired.

Mark S. Schweiker
Governor

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

November 15, 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, B. Michael Schaul, 840 Allenvue Drive, Mechanicsburg 17055, Cumberland County, Thirty-third Senatorial District, for reappointment as a member of the Board of Governors of the State System of Higher Education, to serve until December 31, 2006, and until his successor is appointed and qualified.

Mark S. Schweiker
Governor

JUDGE, COURT OF COMMON PLEAS,
ALLEGHENY COUNTY

November 14, 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, Jill E. Rangos, Esquire, 333 Trinity Lane, Allison Park 15101, Allegheny County, Fortieth 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 David S. Cercone, resigned.

Mark S. Schweiker
Governor

JUDGE, COURT OF COMMON PLEAS,
ALLEGHENY COUNTY

November 15, 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, Christine A. Ward, Esquire, 723 Copeland Street, Pittsburgh 15232, 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

JUDGE, COURT OF COMMON PLEAS,
ALLEGHENY COUNTY

November 14, 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, David N. Wecht, Esquire, 119 Westland Drive, Pittsburgh 15217, 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 H. Patrick McFalls, resigned.

Mark S. Schweiker
Governor

JUDGE, COURT OF COMMON PLEAS,
BUCKS COUNTY

August 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, Mitchell S. Goldberg, Esquire, 534 Southridge Circle, Yardley 19067, Bucks County, Tenth Senatorial District, for appointment as Judge of the Court of Common Pleas of Bucks County, to serve until the first Monday of January 2004, vice The Honorable Cynthia M. Rufe, resigned.

Mark S. Schweiker
Governor

JUDGE, COURT OF COMMON PLEAS,
CAMERON/ELK COUNTIES

August 30, 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 Alan Masson, Esquire, 614 Center Street, St. Marys 15857, Elk County, Twenty-fifth Senatorial District, for appointment as Judge of the Court of Common Pleas of Cameron/Elk Counties, to serve until the first Monday of January 2004, vice The Honorable Vernon D. Roof, deceased.

Mark S. Schweiker
Governor

JUDGE, COURT OF COMMON PLEAS,
PHILADELPHIA COUNTY

November 6, 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, Lori A. Dumas, Esquire, 7740-C Stenton Avenue #103, Philadelphia 19118, Philadelphia County, Fourth Senatorial District, for appointment as Judge of the Court of Common Pleas of Philadelphia County, to serve until the first Monday of January 2004, vice The Honorable Lynn B. Hamlin, resigned.

Mark S. Schweiker
Governor

JUDGE, COURT OF COMMON PLEAS,
PHILADELPHIA COUNTY

November 6, 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, Jeffrey P. Minehart, Esquire, 8622 Evergreen Place, Philadelphia 19118, Philadelphia County, Fourth Senatorial District, for appointment as Judge of the Court of Common

Pleas of Philadelphia County, to serve until the first Monday of January 2004, vice The Honorable Legrome D. Davis, resigned.

Mark S. Schweiker
Governor

JUDGE, COURT OF COMMON PLEAS,
PHILADELPHIA COUNTY

November 13, 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, Bradley K. Moss, Esquire, 2219 Mt. Vernon Street, Philadelphia 19130, Philadelphia County, First Senatorial District, for appointment as Judge of the Court of Common Pleas of Philadelphia County, to serve until the first Monday of January 2004, vice The Honorable Arthur S. Kafritsen, resigned.

Mark S. Schweiker
Governor

JUDGE, TRAFFIC COURT OF PHILADELPHIA

August 16, 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, Domenic C. Reda, Jr., 1934 South Hollywood Street, Philadelphia 19145, Philadelphia County, Eighth Senatorial District, for appointment as Judge of the Traffic Court of Philadelphia County, to serve until the first Monday of January 2004, vice The Honorable Francis J. Little, resigned.

Mark S. Schweiker
Governor

JUDGE, COURT OF COMMON PLEAS,
WESTMORELAND COUNTY

July 3, 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, Michele G. Bononi, Esquire, 6 Raven Drive, Greensburg 15601, Westmoreland County, Thirty-ninth Senatorial District, for appointment as Judge of the Court of Common Pleas of Westmoreland County, to serve until the first Monday of January 2004, vice The Honorable Charles H. Loughran, resigned.

Mark S. Schweiker
Governor

MEMBER OF THE PENNSYLVANIA
LIQUOR CONTROL BOARD

November 15, 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, David M. Sanko, 2436 North 2nd Street, Harrisburg 17110, Dauphin County, Fifteenth Senatorial District, for appointment as a member of the Pennsylvania Liquor Control Board, to serve until May 21, 2003, and until his successor has appointed and qualified, vice John E. Jones, III, Esquire, Pottsville, resigned.

Mark S. Schweiker
Governor

**MEMBER OF THE ADVISORY COMMITTEE
ON PROBATION**

November 15, 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, The Honorable William R. Carpenter, Montgomery County Courthouse, Norristown 19404, Montgomery County, Twenty-fourth Senatorial District, for reappointment as a member of the Advisory Committee on Probation, to serve for a term of four years and until his successor is appointed and qualified, but not longer than ninety days beyond that period.

Mark S. Schweiker
Governor

**COMMONWEALTH TRUSTEE OF TEMPLE
UNIVERSITY—OF THE COMMONWEALTH
SYSTEM OF HIGHER EDUCATION**

November 15, 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, Stephen A. Miskin, 490 Woodcrest Drive, Mechanicsburg 17050, Cumberland County, Thirty-first Senatorial District, for appointment as a Commonwealth Trustee of Temple University-of the Commonwealth System of Higher Education, to serve until October 14, 2006, and until his successor is appointed and qualified, vice James Shacklett, III, Gwynedd Valley, whose term expired.

Mark S. Schweiker
Governor

**MEMBER OF THE UNEMPLOYMENT
COMPENSATION BOARD OF REVIEW**

November 15, 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, Eileen B. Melvin, 215 Wind Drift Lane, PO Box 775, Somerset 15501, Somerset County, Thirty-second Senatorial District, for appointment as a member of the Unemployment Compensation Board of Review, to serve until July 1, 2007, and until her successor is appointed and qualified, vice Peter J. Kramer, Esquire, whose term expired.

Mark S. Schweiker
Governor

**MEMBER OF THE CARBON COUNTY
BOARD OF ASSISTANCE**

October 30, 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, Deborah A. Bartels, (Independent), 415 North Street, Jim Thorpe 18229, Carbon County, Twenty-ninth Senatorial District, for appointment as a member of the Carbon County Board of Assistance, to serve until December 31, 2004, and until her successor is appointed and qualified.

Mark S. Schweiker
Governor

NOMINATIONS LAID ON THE TABLE

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

The PRESIDENT. The nominations will be laid on the table.

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 TABLE

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

The Clerk read the nominations as follows:

**MEMBER OF THE COMMONWEALTH OF
PENNSYLVANIA COUNCIL ON THE ARTS**

November 15, 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, Elizabeth J. Gleason, 552 Elknud Lane, Johnstown 15905, Cambria County, Thirty-fifth Senatorial District, for reappointment as a member of the Commonwealth of Pennsylvania Council on the Arts, to serve until July 1, 2005, and until her successor is appointed and qualified.

Mark S. Schweiker
Governor

**MEMBER OF THE BOARD OF TRUSTEES OF
THE PENNSYLVANIA STATE UNIVERSITY**

November 7, 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, The Honorable Cynthia A. Baldwin, 2009 McClintock Road, White Oak 15131, Allegheny County, Forty-fifth Senatorial District, for reappointment as a member of the Board of Trustees of the Pennsylvania State University, to serve until July 1, 2003, and until her successor is appointed and qualified.

Mark S. Schweiker
Governor

MEMBER OF THE STATE BOARD
OF PHYSICAL THERAPY

November 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, Dale J. Cordial, P.T., 13 Sassafras Lane, Greensburg, PA 15601, Westmoreland County, Thirty-ninth Senatorial District, for reappointment as a member of the State Board of Physical Therapy, to serve for a term of four years and until his successor is appointed and qualified, but not longer than six months beyond that period.

Mark S. Schweiker
Governor

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

November 8, 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, Thomas G. Bigley, 15 Old Timber Trail, Pittsburgh 15238, Allegheny County, Thirty-eighth Senatorial District, for reappointment as a Commonwealth Trustee of the University of Pittsburgh of the Commonwealth System of Higher Education, to serve until October 5, 2006, and until his successor is appointed and qualified.

Mark S. Schweiker
Governor

MEMBER OF THE PUBLIC EMPLOYEE
RETIREMENT COMMISSION

November 8, 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, Jay Richard Aronson, 1804 Jennings Street, Bethlehem 18017, Northampton County, Eighteenth Senatorial District, for reappointment as a member of the Public Employee Retirement Commission, to serve until October 27, 2008.

Mark S. Schweiker
Governor

MEMBER OF THE PENNSYLVANIA PUBLIC
TELEVISION NETWORK COMMISSION

October 30, 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, Christine Marie Mueseler, 304 Casa Vita Drive, Greensburg 15601, Westmoreland County, Thirty-ninth Senatorial District, for appointment as a member of the Pennsylvania Public Television Network Commission, to serve until August 17, 2006, and until her successor is appointed and qualified, but not longer than six months beyond that period, vice Hugh Dempsey, Greensburg, whose term expired.

Mark S. Schweiker
Governor

MEMBER OF THE BOARD OF TRUSTEES
OF TORRANCE STATE HOSPITAL

October 30, 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, Kamal V. Gella, 926 Windan Lane, Johnstown 15905, Cambria County, Thirty-fifth Senatorial District, for appointment as a member of the Board of Trustees of Torrance State Hospital, to serve until the third Tuesday of January 2003, and until his successor is appointed and qualified, vice Velma C. Noonan, Carnegie, resigned.

Mark S. Schweiker
Governor

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

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

YEA-49

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

NAY-0

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

Ordered, That the Governor be informed accordingly.

NOMINATIONS TAKEN FROM THE TABLE

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

The Clerk read the nominations as follows:

**MEMBER OF THE STATE BOARD
OF ACCOUNTANCY**

November 15, 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, Giorgio E. Fieo, CPA, 220 Leon Avenue, Norwood 19074, Delaware County, Eighth Senatorial District, for appointment as a member of the State Board of Accountancy, to serve for a term of four years and until his successor is appointed and qualified, but not longer than six months beyond that period, vice Christine Suran, Camp Hill, whose term expired.

Mark S. Schweiker
Governor

**MEMBER OF THE STATE BOARD
OF ACCOUNTANCY**

November 15, 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, William J. Park, 3 Rebecca's Lane, Thornton 19373, Delaware County, Ninth Senatorial District, for appointment as a member of the State Board of Accountancy, to serve for a term of four years and until his successor is appointed and qualified, but not longer than six months beyond that period, vice Thomas J. Baumgartner, Bethlehem, whose term expired.

Mark S. Schweiker
Governor

**MEMBER OF THE PENNSYLVANIA
COUNCIL ON AGING**

November 15, 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, Helen-Ann Comstock, 2 Independence Place, #202, 233 South Sixth Street, Philadelphia 19106, Philadelphia County, First Senatorial District, for reappointment as a member of the Pennsylvania Council on Aging, to serve until August 8, 2005, and until her successor is appointed and qualified.

Mark S. Schweiker
Governor

**MEMBER OF THE ANIMAL HEALTH
AND DIAGNOSTIC COMMISSION**

November 15, 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, R. Anthony Brubaker, 492 Musser Road, Mt. Joy 17552, Lancaster County, Thirty-sixth Senatorial District, for reappointment as a member of the Animal Health and Diagnostic Commission, to serve for a term of four years and until his successor is appointed and qualified, but not longer than six months beyond that period.

Mark S. Schweiker
Governor

**MEMBER OF THE ANIMAL HEALTH
AND DIAGNOSTIC COMMISSION**

November 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, Thomas B. Williams, 2400 Fulling Mill Road, Middletown 17057, Dauphin County, Fifteenth Senatorial District, for reappointment as a member of the Animal Health and Diagnostic Commission, to serve for a term of four years and until his successor is appointed and qualified, but not longer than six months beyond that period.

Mark S. Schweiker
Governor

**MEMBER OF THE COMMONWEALTH OF
PENNSYLVANIA COUNCIL ON THE ARTS**

October 30, 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, Marian Barford, 20 Oak Drive, Doylestown 18901, Bucks County, Tenth Senatorial District, for appointment as a member of the Commonwealth of Pennsylvania Council on the Arts, to serve until July 1, 2003, and until her successor is appointed and qualified, vice Susan Kemenyffy, McKean, resigned.

Mark S. Schweiker
Governor

**MEMBER OF THE COMMONWEALTH OF
PENNSYLVANIA COUNCIL ON THE ARTS**

November 15, 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, Ellen Lee, 1056 Mt. Pleasant Road, Bryn Mawr 19010, Delaware County, Seventeenth Senatorial District, for appointment as a member of the Commonwealth of Pennsylvania Council on the Arts, to serve until July 1, 2005, and until her successor is appointed and qualified, vice Paul W. Ware, Lancaster, whose term expired.

Mark S. Schweiker
Governor

**MEMBER OF THE COMMONWEALTH OF
PENNSYLVANIA COUNCIL ON THE ARTS**

October 30, 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, Clyde M. McGear, 248 Willow Avenue, Camp Hill, 17011, Cumberland County, Thirty-first Senatorial District, for appointment as a member of the Commonwealth of Pennsylvania Council on the Arts, to serve until July 1, 2005, and until his successor is appointed and qualified, vice Lee C. Swartz, Esquire, Harrisburg, whose term expired.

Mark S. Schweiker
Governor

**MEMBER OF THE STATE BOARD
OF BARBER EXAMINERS**

November 15, 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, Gayle D. Mills (Public Member), 808 Derby Avenue, Camp Hill 17011, Cumberland County, Thirty-first Senatorial District, for appointment as a member of the State Board of Barber Examiners, to serve for a term of three years and until her successor is appointed and qualified, but not longer than six months beyond that period, vice Marilyn L. Painter, Pittsburgh, whose term expired.

Mark S. Schweiker
Governor

**MEMBER OF THE STATE BOARD
OF BARBER EXAMINERS**

November 14, 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, Evan Semoff, 410 Candlewyck Road, Camp Hill 17011, Cumberland County, Thirty-first Senatorial District, for appointment as a member of the State Board of Barber Examiners, to serve for a term of three years and until his successor is appointed and qualified, but not longer than six months beyond that period, vice Cheryl A. McDermott, McKees Rocks, resigned.

Mark S. Schweiker
Governor

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

November 7, 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, Joel S. Noumoff, M.D., 238 Lloyd Lane, Wynnewood 19096, Montgomery County, Seventeenth Senatorial District, for appointment as a member of the Pennsylvania Cancer Control, Prevention and Research Advisory Board, to serve for a term of four years and until his successor is appointed and qualified, vice Christine E. Szarka, M.D., Pennlyn, whose term expired.

Mark S. Schweiker
Governor

**MEMBER OF THE STATE CHARTER
SCHOOL APPEAL BOARD**

November 4, 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, Dennis A. Giorno, 930 North Sixth Street, Apartment #1, Harrisburg, 17101, Dauphin County, Fifteenth Senatorial District, for appointment as a member of the State Charter School Appeal Board, to serve until June 14, 2003, or until his successor is appointed and qualified, vice Darryl F. Williams, Verona, resigned.

Mark S. Schweiker
Governor

**MEMBER OF THE STATE CHARTER
SCHOOL APPEAL BOARD**

November 15, 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, Stephanie M. Salinger, 6031 Cannon Hill Road, Fort Washington 19034, Montgomery County, Twenty-fourth Senatorial District, as a member of the State Charter School Appeal Board, to serve until June 14, 2006, or until her successor is appointed and qualified, vice Paulette Aliota, Erie, whose term expired.

Mark S. Schweiker
Governor

MEMBER OF THE BOARD OF CLAIMS

October 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, Ronald L. Soder, P.E., 9 Amherst Drive, Camp Hill 17011, Cumberland County, Thirty-first Senatorial District, for appointment as a member of the Board of Claims, to serve until November 15, 2006, and until his successor is appointed and qualified, vice Louis G. O'Brien, Camp Hill, whose term expired.

Mark S. Schweiker
Governor

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

October 1, 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 W. Kooman, II, 205 Woodland Road, Shippenville 16254, Clarion County, Twenty-first Senatorial District, for appointment as a member of the Council of Trustees of Clarion University of Pennsylvania of the State System of Higher Education, to serve until the third Tuesday of January 2007, and until his successor is appointed and qualified, vice Sheryle L. Long, Renfrew, resigned.

Mark S. Schweiker
Governor

MEMBER OF THE CORONERS'
EDUCATION BOARD

November 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, Michael L. Norris, 405 Fairway Drive, Mechanicsburg 17055, Cumberland County, Thirty-first Senatorial District, for reappointment as a member of the Coroners' Education Board, to serve for a term of four years and until his successor is appointed and qualified.

Mark S. Schweiker
Governor

MEMBER OF THE CORONERS'
EDUCATION BOARD

November 13, 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, Rodger F. Rothenberger, M.D., 137 Kimberbrae Drive, PO Box 400, Kimberton 19442, Chester County, Nineteenth Senatorial District, for appointment as a member of the Coroners' Education Board, to serve for a term of four years and until his successor is appointed and qualified, vice Barry D. Walp, D.O., Lancaster, whose term expired.

Mark S. Schweiker
Governor

MEMBER OF THE STATE BOARD
OF DENTISTRY

November 13, 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, Douglas P. Marinak, DDS, 1010 Baythorne Drive, Mechanicsburg, Cumberland County, Thirty-first Senatorial District, for appointment as a member of the State Board of Dentistry, to serve for a term of six years or until his successor is appointed and qualified, but not longer than six months beyond that period, vice Norbert Gannon, DDS, Pittsburgh, whose term expired.

Mark S. Schweiker
Governor

MEMBER OF THE PENNSYLVANIA DRUG,
DEVICE AND COSMETIC BOARD

November 15, 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, Keldeen Stambaugh, 15 North Paxtang Avenue, Harrisburg 17111, Dauphin County, Fifteenth Senatorial District, for appointment as a member of the Pennsylvania Drug, Device and Cosmetic Board, to serve until February 8, 2003, or until her successor is appointed and qualified, but not longer than six months beyond that period, vice Paul J. Killion, Lemoyne, resigned.

Mark S. Schweiker
Governor

MEMBER OF THE PENNSYLVANIA ECONOMIC
DEVELOPMENT FINANCING AUTHORITY

November 15, 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, George F. Komelasky, 42 Larch Circle, Holland 18966, Bucks County, Tenth Senatorial District, for appointment as a member of the Pennsylvania Economic Development Financing Authority, to serve for a term of four years and until his successor is appointed and qualified, vice John E. Noone, Mechanicsburg, whose term expired.

Mark S. Schweiker
Governor

MEMBER OF THE STATE BOARD
OF EDUCATION

October 23, 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, Wallace H. Nunn, 1030 Mason Avenue, Drexel Hill 19026, Delaware County, Twenty-sixth Senatorial District, for reappointment as a member of the State Board of Education, to serve until October 1, 2008, or until his successor is appointed and qualified.

Mark S. Schweiker
Governor

**MEMBER OF THE ENVIRONMENTAL
HEARING BOARD**

October 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, Michelle A. Coleman, Esquire, 5087 Sue Ann Drive, Harrisburg 17112, Dauphin County, Fifteenth Senatorial District, for reappointment as a member of the Environmental Hearing Board, to serve for a term of six years or until her successor is appointed and qualified.

Mark S. Schweiker
Governor

**MEMBER OF THE PENNSYLVANIA
INDUSTRIAL DEVELOPMENT AUTHORITY**

November 7, 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, B. Michael Schaul, 840 Allenview Drive, Mechanicsburg 17055, Cumberland County, Thirty-third Senatorial District, for reappointment as a member of the Pennsylvania Industrial Development Authority, to serve until July 24, 2009, and until his successor is appointed and qualified.

Mark S. Schweiker
Governor

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

November 13, 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, Ronald L. Strickler, Jr., 221 Lynbrook Drive, North, York 17402, York County, Thirteenth Senatorial District, for appointment as a member of the Board of Governors of the State System of Higher Education, to serve until graduated or separated from the University, vice Angela M. Ambrose, Gibsonia, graduated.

Mark S. Schweiker
Governor

**MEMBER OF THE BOARD OF DIRECTORS OF
THE PENNSYLVANIA HIGHER EDUCATION
ASSISTANCE AGENCY**

November 15, 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, The Honorable Roy Reinard, 87 Cres-

cent Drive, Holland 18966, Bucks County, Tenth Senatorial District, for appointment as a member of the Board of Directors of the Pennsylvania Higher Education Assistance Agency, to serve until June 30, 2007, and until his successor is appointed and qualified, vice Edna B. McKenzie, Ph.D, Verona, whose term expired.

Mark S. Schweiker
Governor

**MEMBER OF THE STATE HORSE
RACING COMMISSION**

November 15, 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 D. Abbott, PO Box 226, Friendship Church Road, Cochranville 19330, Chester County, Nineteenth Senatorial District, for reappointment as a member of the State Horse Racing Commission, to serve for a term of three years and until his successor is appointed and qualified.

Mark S. Schweiker
Governor

**MEMBER OF THE PENNSYLVANIA
HOUSING FINANCE AGENCY**

November 15, 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, Victoria P. Page-Wooten, 802 Vauclain Road, Bryn Mawr 19010, Delaware County, Seventeenth Senatorial District, for appointment as a member of the Pennsylvania Housing Finance Agency, to serve until July 20, 2003, and until her successor is appointed and qualified, vice Kenneth L. Rall, Butler, resigned.

Mark S. Schweiker
Governor

**MEMBER OF THE PENNSYLVANIA
INDUSTRIAL DEVELOPMENT AUTHORITY**

November 15, 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, Tim M. Pulte, 7 Hickory Drive, Glen Mills 19342, Delaware County, Ninth Senatorial District, for appointment as a member of the Pennsylvania Industrial Development Authority, to serve until July 24, 2004, and until his successor is appointed and qualified, vice The Honorable Robert L. Pitts, Wilkinsburg, resigned.

Mark S. Schweiker
Governor

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

November 15, 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 Deklinski, 406 North Front Street, Wormleysburg 17043, Cumberland County, Thirty-first Senatorial District, for appointment as a member of the Council of Trustees of Kutztown University of Pennsylvania of the State System of Higher Education, to serve until the third Tuesday of January 2003, and until his successor is appointed and qualified, vice The Honorable Guido M. Pichini, Wyomissing Hills, resigned.

Mark S. Schweiker
Governor

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

November 15, 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, The Honorable Guido M. Pichini, 24 Upland Road, Wyomissing Hills 19609, Berks County, Forty-eighth Senatorial District, for appointment as a member of the Council of Trustees of Kutztown University of Pennsylvania of the State System of Higher Education, to serve until the third Tuesday of January 2007, and until his successor is appointed and qualified, vice Brian W. Clements, Wyomissing, resigned.

Mark S. Schweiker
Governor

**MEMBER OF THE STATE BOARD
OF LANDSCAPE ARCHITECTS**

November 15, 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, Lisa K. Holman (Public Member), 1411 Yorktowne Road, Mechanicsburg 17050, Cumberland County, Thirty-first Senatorial District, for appointment as a member of the State Board of Landscape Architects, to serve for a term of three years and until her successor is appointed and qualified, but not longer than six months beyond that period, vice GERALYN M. BARBATO, West Chester, resigned.

Mark S. Schweiker
Governor

**MEMBER OF THE BOARD OF TRUSTEES
OF LINCOLN UNIVERSITY**

November 15, 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, Sherman F. Wooden, RD #4, Box 279, Montrose 18801, Susquehanna County, Twentieth Senatorial District, for appointment as a member of the Board of Trustees of Lincoln University, to serve until August 31, 2004, and until his successor is appointed and qualified, vice Regina L. Warren, Esquire, Philadelphia, whose term expired.

Mark S. Schweiker
Governor

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

November 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, Chief Richard J. Herron, 1032 Vauclain Avenue, Woodlyn 19094, Delaware County, Ninth Senatorial District, for reappointment as a member of the Municipal Police Officers' Education and Training Commission, to serve for a term of three years and until his successor is appointed and qualified.

Mark S. Schweiker
Governor

**MEMBER OF THE STATE BOARD
OF NURSING**

November 15, 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, Joanne L. Sorensen, RN, 57 Valley View Drive, Russell 16345, Warren County, Twenty-fifth Senatorial District, for appointment as a member of the State Board of Nursing, 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

**MEMBER OF THE STATE BOARD OF OCCUPATIONAL
THERAPY EDUCATION AND LICENSURE**

November 15, 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, Arthur T. McVitty, (Public Member), 1106 Brynhill Court, Ambler 19002, Montgomery County, Twelfth Senatorial District, for appointment as a member of the State Board of Occupational Therapy Education and Licensure, to serve for a term of three years or until his successor is appointed and qualified, but not longer than six months beyond that period, vice John F. Yaninek, Esquire, Harrisburg, whose term expired.

Mark S. Schweiker
Governor

MEMBER OF THE STATE BOARD OF OPTOMETRY

October 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, James E. Grove, O.D., 502-C North Baltimore Avenue, Mt. Holly Springs 17065, Cumberland County, Thirty-first Senatorial District, for reappointment as a member of the State Board of Optometry, to serve for a term of four years and until his successor is appointed and qualified, but not longer than six months beyond that period.

Mark S. Schweiker
Governor

MEMBER OF THE BOARD OF TRUSTEES OF THE PENNSYLVANIA STATE UNIVERSITY

November 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, Walter Conti, Heritage Towers 200 Veterans' Lane, Doylestown 18901, Bucks County, Tenth Senatorial District, for reappointment as a member of the Board of Trustees of Pennsylvania State University, to serve until July 1, 2004, and until his successor is appointed and qualified.

Mark S. Schweiker
Governor

MEMBER OF THE BOARD OF TRUSTEES OF THE PENNSYLVANIA STATE UNIVERSITY

November 13, 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. Fortinsky, 312 Stanley Drive, Kingston 18704, Luzerne County, Twentieth Senatorial District, for reappointment as a member of the Board of Trustees of the Pennsylvania State University, to serve until July 1, 2004, and until his successor is appointed and qualified.

Mark S. Schweiker
Governor

MEMBER OF THE BOARD OF TRUSTEES OF THE PENNSYLVANIA STATE UNIVERSITY

November 14, 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, Patricia K. Poprik, 3769 Newbolt Court, Doylestown 18901, Bucks County, Tenth Senatorial District, for appointment as a member of the Board of Trustees of the Pennsylvania State University, to serve until July 1, 2005, and until her successor is

appointed and qualified, vice Joseph Harenza, Reading, whose term expired.

Mark S. Schweiker
Governor

MEMBER OF THE STATE BOARD OF PHYSICAL THERAPY

November 13, 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, Deborah Piper (public), 350 Barnstable Road, Carlisle 17013, Cumberland County, Thirty-first Senatorial District, for reappointment as a member of the State Board of Physical Therapy, to serve for a term of four years and until her successor is appointed and qualified, but not longer than six months beyond that period.

Mark S. Schweiker
Governor

MEMBER OF THE STATE BOARD OF PHYSICAL THERAPY

November 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, Marla J. Wasson (public), 706 Pleasant View Road, Lewisberry 17339, York County, Thirty-first Senatorial District, for reappointment as a member of the State Board of Physical Therapy, to serve for a term of four years and until her successor is appointed and qualified, but not longer than six months beyond that period.

Mark S. Schweiker
Governor

MEMBER OF THE STATE BOARD OF PODIATRY

November 15, 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, Aji M. Abraham, 5825 Tyler Drive, Harrisburg 17112, Dauphin County, Fifteenth Senatorial District, for appointment as a member of the State Board of Podiatry, to serve for a term of four years or until his successor is appointed and qualified, but not longer than six months beyond that period, vice Michael A. Cibik, Esquire, Philadelphia, resigned.

Mark S. Schweiker
Governor

MEMBER OF THE BOARD OF TRUSTEES OF POLK CENTER

October 30, 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, Jennifer Estes Schneider, 122 Cowell Avenue, Oil City 16301, Venango County, Twenty-fifth Senatorial District, for appointment as a member of the Board of Trustees of Polk Center, to serve until the third Tuesday of January 2007, and until her successor is appointed and qualified, vice Alvin Kessler, Oil City, resigned.

Mark S. Schweiker
Governor

MEMBER OF THE PROFESSIONAL STANDARDS
AND PRACTICES COMMISSION

November 14, 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 E. Ames, 129 Second Street, Coaldale 18218, Schuylkill County, Twenty-ninth Senatorial District, for reappointment as a member of the Professional Standards and Practices Commission, to serve until the third Tuesday of January 2005, and until his successor is appointed and qualified.

Mark S. Schweiker
Governor

MEMBER OF THE PROFESSIONAL STANDARDS
AND PRACTICES COMMISSION

November 14, 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 B. Cormany, Ed.D., 1883 Douglas Drive, Carlisle 17013, Cumberland County, Thirty-first Senatorial District, for reappointment as a member of the Professional Standards and Practices Commission, to serve until the third Tuesday of January 2004, and until his successor is appointed and qualified.

Mark S. Schweiker
Governor

MEMBER OF THE PROFESSIONAL STANDARDS
AND PRACTICES COMMISSION

November 14, 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, Denise E. Darrah, Ed.D., 6735 Boyertown Pike, Douglassville 19518, Berks County, Forty-fourth Senatorial District, for reappointment as a member of the Professional Standards and Practices Commission, to serve until the third Tuesday of January 2004, and until her successor is appointed and qualified.

Mark S. Schweiker
Governor

MEMBER OF THE PROFESSIONAL STANDARDS
AND PRACTICES COMMISSION

November 14, 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, George Dull, Ph.D., 1716 Fox Chapel Road, Pittsburgh 15238, Allegheny County, Fortieth Senatorial District, for reappointment as a member of the Professional Standards and Practices Commission, to serve until the third Tuesday of January 2004, and until his successor is appointed and qualified.

Mark S. Schweiker
Governor

MEMBER OF THE PROFESSIONAL STANDARDS
AND PRACTICES COMMISSION

November 14, 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, Gilbert Griffiths, 4 Downing Drive, Dallas 18612, Luzerne County, Twentieth Senatorial District, for appointment as a member of the Professional Standards and Practices Commission, to serve until the third Tuesday of January 2005, and until his successor is appointed and qualified, vice Richard D. Hupper, York, whose term expired.

Mark S. Schweiker
Governor

MEMBER OF THE PROFESSIONAL STANDARDS
AND PRACTICES COMMISSION

November 14, 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, David J. Krauser, Ed.D., 115 Ponder Lane, Scotrun 18355, Monroe County, Fourteenth Senatorial District, for reappointment as a member of the Professional Standards and Practices Commission, to serve until the third Tuesday of January 2004, and until his successor is appointed and qualified.

Mark S. Schweiker
Governor

MEMBER OF THE PROFESSIONAL STANDARDS
AND PRACTICES COMMISSION

November 14, 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 G. Michel, 1 Carriage Lane, Ephrata 17522, Lancaster County, Thirty-sixth Senatorial District, for appointment as a member of the Professional Standards and Practices Commission, to serve until the third Tuesday of January 2005, and until her successor is appointed and qualified, vice Susan Genesi, Phillipsburg, resigned.

Mark S. Schweiker
Governor

MEMBER OF THE PROFESSIONAL STANDARDS
AND PRACTICES COMMISSION

November 14, 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, Nancy H. Stankus, Ed.D., 171 Carriage Lane, York 17402, York County, Twenty-eighth Senatorial District, for reappointment as a member of the Professional Standards and Practices Commission, to serve until the third Tuesday of January 2004, and until her successor is appointed and qualified.

Mark S. Schweiker
Governor

MEMBER OF THE PROFESSIONAL STANDARDS
AND PRACTICES COMMISSION

November 14, 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, Myron E. Yoder, 136 West Elm Street, Emmaus 18049, Lehigh County, Forty-fourth Senatorial District, for reappointment as a member of the Professional Standards and Practices Commission, to serve until the third Tuesday of January 2005, and until his successor is appointed and qualified.

Mark S. Schweiker
Governor

MEMBER OF THE STATE BOARD
OF PSYCHOLOGY

November 15, 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, Kendra A. Pfautz (Public Member), 706 Colonial Court, Mechanicsburg 17050, Cumberland County, Thirty-first Senatorial District, for appointment as a member of the State Board of Psychology, to serve for a term of four years or until her successor is appointed and qualified, but not longer than six months beyond that period, vice Anthony J. Fubio, Altoona, resigned.

Mark S. Schweiker
Governor

MEMBER OF THE PUBLIC EMPLOYEE
RETIREMENT COMMISSION

November 8, 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, The Honorable A. Carville Foster, 7728 Yellow Church Road, Seven Valleys 17360, York County, Twenty-eighth Senatorial District, for reappointment as a member of the

Public Employee Retirement Commission, to serve until October 27, 2004.

Mark S. Schweiker
Governor

MEMBER OF THE PUBLIC EMPLOYEE
RETIREMENT COMMISSION

November 8, 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, Paul D. Halliwell, 60 Country Club Drive, Pittsburgh 15241, Allegheny County, Thirty-seventh Senatorial District, for reappointment as a member of the Public Employee Retirement Commission, to serve until October 27, 2007.

Mark S. Schweiker
Governor

MEMBER OF THE PENNSYLVANIA PUBLIC
TELEVISION NETWORK COMMISSION

November 15, 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, C. Chris Exarchos, 901 Pike Street, PO Box 1027, Lemont 16851, Centre County, Thirty-fourth Senatorial District, for appointment as a member of the Pennsylvania Public Television Network Commission, to serve until August 17, 2008, or until his successor is appointed and qualified, but not longer than six months beyond that period, vice Marian U. Fredman, State College, whose term expired.

Mark S. Schweiker
Governor

MEMBER OF THE SCRANTON
STATE SCHOOL FOR THE DEAF

November 15, 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, Carole C. Wright, 620 Glenburn Road, Clarks Green 18411, Lackawanna County, Twenty-second Senatorial District, for reappointment as a member of the Scranton State School for the Deaf, to serve until the third Tuesday of January 2005, and until her successor is appointed and qualified.

Mark S. Schweiker
Governor

MEMBER OF THE COUNCIL OF TRUSTEES OF
SLIPPERY ROCK UNIVERSITY OF PENNSYLVANIA
OF THE STATE SYSTEM OF HIGHER EDUCATION

November 15, 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, John K. Thornburgh, 2538 Lindenwood Drive, Wexford 15090, Allegheny County, Fortieth Senatorial District, for appointment as a member of the Council of Trustees of Slippery Rock University of Pennsylvania of the State System of Higher Education, to serve until the third Tuesday of January 2007, and until his successor is appointed and qualified, vice Michael E. Wolf, Lemoyne, whose term expired.

Mark S. Schweiker
Governor

**MEMBER OF THE STATE BOARD OF SOCIAL
WORKERS, MARRIAGE AND FAMILY THERAPISTS
AND PROFESSIONAL COUNSELORS**

November 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, Raymond W. Hoover, 205 House Avenue, PO Box 8872, Camp Hill 17001, Cumberland County, Thirty-first Senatorial District, for reappointment as a member of the State Board of Social Workers, Marriage and Family Therapists and Professional Counselors, to serve for a term of four years and until his successor is appointed and qualified, but not longer than six months beyond that period.

Mark S. Schweiker
Governor

**MEMBER OF THE STATE EMPLOYEES'
RETIREMENT BOARD**

November 15, 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, Michael J. Acker, 2255 Forest Hills Drive, Harrisburg 17112, Dauphin County, Fifteenth Senatorial District, for appointment as a member of the State Employees' Retirement Board, to serve for a term of four years and until his successor is appointed and qualified, vice James E. Nevels, West Chester, resigned.

Mark S. Schweiker
Governor

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

November 15, 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, Donna L. Kreiser, 800 Chestnut Street, Columbia 17512, Lancaster County, Thirty-sixth Senatorial District, for appointment as a member of the Board of Trustees of Thaddeus Stevens College of Technology, to serve until the third Tuesday of January 2007, and until her successor is appointed and qualified, vice Donald R. Elliott, Lancaster, resigned.

Mark S. Schweiker
Governor

**MEMBER OF THE STATE BOARD OF VEHICLE
MANUFACTURERS, DEALERS AND SALESPERSONS**

November 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, James M. Burd (public), 380 Freeport Street, Saxonburg 16056, Butler County, Twenty-first Senatorial District, for appointment as a member of the State Board of Vehicle Manufacturers, Dealers and Salespersons, to serve for a term of four years, and until his successor is appointed and qualified, but not longer than six months beyond that period, vice Wesley R. Reohr, Mechanicsburg, whose term expired.

Mark S. Schweiker
Governor

**MEMBER OF THE STATE BOARD
OF VETERINARY MEDICINE**

October 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, Robert W. Cloninger, VMD, 169 Dennis Alan Circle, PO Box 490, Centre Hall 16828, Centre County, Thirty-fourth Senatorial District, for reappointment as a member of the State Board of Veterinary Medicine, to serve for a term of four years and until his successor is appointed and qualified, but not longer than six months beyond that period.

Mark S. Schweiker
Governor

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

October 30, 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, Kathy L. Glarner, 167 Follett Run Road, North Warren 16365, Warren County, Twenty-fifth Senatorial District, for reappointment as a member of the Board of Trustees of Warren State Hospital, to serve until the third Tuesday of January 2005, and until her successor is appointed and qualified.

Mark S. Schweiker
Governor

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

October 30, 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, Joann G. Zartman, 583 Treasure Lake,

DuBois 15801, Clearfield County, Twenty-fifth Senatorial District, for reappointment as a member of the Board of Trustees of Warren State Hospital, to serve until the third Tuesday of January 2007, and until her successor is appointed and qualified.

Mark S. Schweiker
Governor

MEMBER OF THE BEDFORD COUNTY
BOARD OF ASSISTANCE

October 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, Mary L. Stiffler-Bowser, (Democrat), 148 Arandale Street, Bedford 15522, Bedford County, Thirtieth Senatorial District, for appointment as a member of the Bedford County Board of Assistance, to serve until December 31, 2004, and until her successor is appointed and qualified.

Mark S. Schweiker
Governor

MEMBER OF THE CUMBERLAND COUNTY
BOARD OF ASSISTANCE

October 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, Harold E. Frantz, (Republican), 100 Mount Allen Messiah, Mechanicsburg 17055, Cumberland County, Thirty-third Senatorial District, for appointment as a member of the Cumberland County Board of Assistance, to serve until December 31, 2004, and until his successor is appointed and qualified.

Mark S. Schweiker
Governor

MEMBER OF THE CUMBERLAND COUNTY
BOARD OF ASSISTANCE

October 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, Jeff Logan, (Republican), 514 Woodcrest Drive, Mechanicsburg 17050, Cumberland County, Thirty-first Senatorial District, for appointment as a member of the Cumberland County Board of Assistance, to serve until December 31, 2004, and until his successor is appointed and qualified.

Mark S. Schweiker
Governor

MEMBER OF THE FOREST COUNTY
BOARD OF ASSISTANCE

October 30, 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, Reverend Anette V. Gerber, (Democrat), P.O. Box 79, Tionesta 16353, Forest County, Twenty-fifth Senatorial District, for appointment as a member of the Forest County Board of Assistance, to serve until December 31, 2004, and until her successor is appointed and qualified.

Mark S. Schweiker
Governor

MEMBER OF THE MCKEAN COUNTY
BOARD OF ASSISTANCE

October 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, William L. Moore, (Democrat), 11 South Fourth Street, Bradford 16701, McKean County, Twenty-fifth Senatorial District, for reappointment as a member of the McKean County Board of Assistance, to serve until December 31, 2004, and until his successor is appointed and qualified.

Mark S. Schweiker
Governor

MEMBER OF THE MONTOUR COUNTY
BOARD OF ASSISTANCE

October 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, Brian E. Cope, (Independent), 1601 Sunbury Road, Danville 17821, Montour County, Twenty-seventh Senatorial District, for appointment as a member of the Montour County Board of Assistance, to serve until December 31, 2004, and until his successor is appointed and qualified.

Mark S. Schweiker
Governor

MEMBER OF THE SCHUYLKILL COUNTY
BOARD OF ASSISTANCE

October 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, Robert J. Bozylinski, (Republican), P.O. Box 125, Raven Run, Lost Creek 17946, Schuylkill County, Twenty-ninth Senatorial District, for appointment as a member of the Schuylkill County Board of Assistance, to serve until December 31, 2004, and until his successor is appointed and qualified.

Mark S. Schweiker
Governor

MEMBER OF THE SCHUYLKILL COUNTY
BOARD OF ASSISTANCE

October 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, James J. Corrigan, (Republican), 566 Fernwood Avenue, St. Clair 17970, Schuylkill County, Twenty-ninth Senatorial District, for appointment as a member of the Schuylkill County Board of Assistance, to serve until December 31, 2004, and until his successor is appointed and qualified.

Mark S. Schweiker
Governor

MEMBER OF THE SCHUYLKILL COUNTY
BOARD OF ASSISTANCE

October 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, Christy L. Hylan, (Democrat), 217 West Mahanoy Street, Mahanoy City 17948, Schuylkill County, Twenty-ninth Senatorial District, for appointment as a member of the Schuylkill County Board of Assistance, to serve until December 31, 2004, and until her successor is appointed and qualified.

Mark S. Schweiker
Governor

MEMBER OF THE SCHUYLKILL COUNTY
BOARD OF ASSISTANCE

October 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, Michael T. Tobin, III, (Democrat), 300-302 Broad Street, St. Clair 17970, Schuylkill County, Twenty-ninth Senatorial District, for appointment as a member of the Schuylkill County Board of Assistance, to serve until December 31, 2004, and until his successor is appointed and qualified.

Mark S. Schweiker
Governor

MEMBER OF THE SNYDER COUNTY
BOARD OF ASSISTANCE

October 30, 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, Nancy L. Aurand, (Republican), 15 Jonna Dive [sic], Beavertown 17813, Snyder County, Twenty-seventh Senatorial District, for appointment as a member of the Snyder County Board of Assistance, to serve until December 31, 2004, and until her successor is appointed and qualified.

Mark S. Schweiker
Governor

MEMBER OF THE TIOGA COUNTY
BOARD OF ASSISTANCE

October 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, John R. McCarthy, (Republican), 3811 West Roosevelt Highway, Mansfield 16933, Tioga County, Twenty-third Senatorial District, for appointment as a member of the Tioga County Board of Assistance, to serve until December 31, 2004, and until his successor is appointed and qualified.

Mark S. Schweiker
Governor

DISTRICT JUSTICE

November 14, 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, Geoffrey G. Wright, Esquire, 138 Vernon Drive, Pittsburgh 15228, Allegheny County, Thirty-seventh Senatorial District, as District Justice in and for the County of Allegheny, Magisterial District 05-2-19, to serve until the first Monday of January 2004, vice William J. Ivill, resigned.

Mark S. Schweiker
Governor

DISTRICT JUSTICE

November 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, Mitchell J. Laabs, R.R. 2, Box 28, Hawley 18428, Wayne County, Twentieth Senatorial District, as District Justice in and for the County of Wayne, Magisterial District 22-3-01, to serve until the first Monday of January 2004, vice Dorothy C. Laabs, resigned.

Mark S. Schweiker
Governor

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

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

Senator MUSTO. Mr. President, many appointments have been made to positions that have been vacant for a long period of time, and it is our feeling that the new Governor should have the opportunity to make many of those appointments. As a result, I request a negative vote.

And the question recurring,
Will the Senate advise and consent to the nomination?

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

YEA-28

Armstrong	Gerlach	Murphy	Scarnati
Brightbill	Greenleaf	Orie	Thompson

Conti	Holl	Piccola	Tomlinson
Corman	Jubelirer	Pileggi	Wagh
Dent	Lemmond	Punt	Wenger
Earll	Madigan	Rhoades	White, Donald
Erickson	Mowery	Robbins	White, Mary Jo

NAY-21

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

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

Ordered, That the Governor be informed accordingly.

EXECUTIVE SESSION RISES

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

The motion was agreed to by voice vote.

RECESS

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

Senator BRIGHTBILL. Mr. 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 at the rear of the Senate Chamber.

For the information of the Members, we will have no more votes this morning, but we are going to recess and not adjourn.

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

AFTER RECESS

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

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

**BILLS REREPORTED FROM COMMITTEE
AS AMENDED ON SECOND CONSIDERATION**

HB 401 (Pr. No. 4714) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of August 23, 1961 (P.L.1068, No.484), entitled, as reenacted and amended, "An act to provide for the creation and administration of a Coal and Clay Mine Subsidence Insurance Fund within the Department of Environmental Resources for the insurance of compensation for damages to subscribers thereto; declaring false oaths by the subscribers to be misdemeanors; providing penalties for the violation thereof; and making an appropriation," further providing for purpose, for disbursements, for inflation protection, for audits and for subrogation; providing for department report; providing for subsidence insurance; and making editorial changes.

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

HB 591 (Pr. No. 4715) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of December 5, 1936 (2nd Sp.Sess., 1937 P.L.2897, No.1), known as the Unemployment Compensation Law, providing for referral to employment offices and for relief from certain employer charges; and further providing for establishment and maintenance of employer's accounts, for qualifications required to secure compensation, for ineligibility for compensation and for ineligibility of incarcerated employees.

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

HB 731 (Pr. No. 4716) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of December 5, 1936 (2nd Sp.Sess., 1937 P.L.2897, No.1), known as the Unemployment Compensation Law, further providing for decision of referee and further appeals and reviews, for disqualifications to participate in hearings, for finality of decisions, for false statements and representations, for violation of the act and rules and regulations and for penalties.

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

HB 1947 (Pr. No. 4718) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of July 28, 1953 (P.L.723, No.230), known as the Second Class County Code, providing for tax levies and for insurance and other employee benefits; further providing for authority of county commissioners to make contracts; amending provisions relating to acquisition, use, leasing and disposing of property for county and to construction or alteration of county buildings; further prohibiting disorderly conduct in and about courthouses and jails; further providing for joining with municipality in improving certain streets and highways and for parks and comfort houses; amending provisions relating to monuments and memorials; further providing for acquiring of property for certain purposes and for authority to provide for morgues; amending provisions relating to bridges, viaducts, culverts, roads and recreation places; further providing for authority to provide parks and for title acquired in eminent domain proceedings; and making editorial changes.

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

HB 2842 (Pr. No. 4719) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 3 (Agriculture) of the Pennsylvania Consolidated Statutes, further providing for definitions, for indemnification and for depopulation incentive, for membership and duties of the Food Employee Certification Advisory Board and for certification of employees; and providing for Cervidae livestock operations.

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

HB 2892 (Pr. No. 4721) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of May 30, 1984 (P.L.345, No.69), known as the First Class City Business Tax Reform Act, defining "tax measurement year"; further providing for period used in computation of tax and for tax payment; providing for wage tax reduction; and making repeals.

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

BILL ON SECOND CONSIDERATION

HB 2163 (Pr. No. 2979) -- The Senate proceeded to consideration of the bill, entitled:

An Act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929, providing for the creation of voluntary leave pools for employees of the Commonwealth; further providing for furnishing lists of employees to certain State officers; and providing for deputy secretaries in the Department of Transportation.

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

UNFINISHED BUSINESS REPORT FROM COMMITTEE ON RULES AND EXECUTIVE NOMINATIONS

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

MEMBER OF THE STATE BOARD OF EDUCATION

October 23, 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, David W. Saxe, 752 Storch Road, State College 16801, Centre County, Thirty-fourth Senatorial District, for reappointment as a member of the State Board of Education, to serve until October 1, 2008, or until his successor is appointed and qualified.

Mark S. Schweiker
Governor

NOMINATION LAID ON THE TABLE

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

The PRESIDENT. The nomination will be laid on the table.

REPORTS FROM COMMITTEE

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

SB 460 (Pr. No. 2321) (Rereported) (*Concurrence*)

An Act amending the act of February 18, 1998 (P.L.146, No.22), known as the Check Casher Licensing Act, further providing for license terms and fees, for fees and charges and for applicability.

SB 813 (Pr. No. 2358) (Rereported) (*Concurrence*)

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

SB 818 (Pr. No. 2440) (Amended) (Rereported) (*Concurrence*)

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, providing for index calculations; and further providing for six months limitations, for law enforcement records and for deficiency judgments.

SB 1179 (Pr. No. 2441) (Amended) (Rereported) (*Concurrence*)

An Act authorizing and directing the Department of General Services, with the approval of the Governor, and the Pennsylvania Historical and Museum Commission, to accept by donation a tract of land situate in the Borough of Ambridge, Beaver County; authorizing and directing the Department of General Services, with the approval of the Pennsylvania Historical and Museum Commission and the Governor, to grant and convey to Tinicum Township certain lands and buildings situate in the Township of Tinicum, County of Delaware; authorizing and directing the Department of General Services, with the approval of the Pennsylvania Historical and Museum Commission and the Governor, to grant and convey to Liberty Township certain lands and monument situate in the Township of Liberty, County of Bedford; authorizing the Department of General Services, with the approval of the Pennsylvania Historical and Museum Commission and the Governor, to grant and convey to the County of Montgomery certain lands and buildings situate in the Borough of Pottstown, Montgomery County; authorizing the Department of General Services, with the approval of the Pennsylvania Historical and Museum Commission and the Governor, to grant and convey to Jefferson Township, Greene County; and authorizing the Department of General Services, with the approval of the Pennsylvania Historical and Museum Commission and the Governor, to grant and convey to Northumberland County Historical Society, certain lands and building situate in the City of Sunbury, County of Northumberland, and Commonwealth of Pennsylvania.

SB 1416 (Pr. No. 2353) (Rereported) (*Concurrence*)

An Act amending the act of May 17, 1921 (P.L.789, No.285), known as The Insurance Department Act of 1921, providing for licensing and regulation of insurance producers, managers and exclusive general agents; conferring powers and imposing duties on the insurance commissioner and Insurance Department; permitting the payment of referral fees; imposing penalties; and making repeals.

HB 235 (Pr. No. 4677) (Rereported) (*Concurrence*)

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, providing for unauthorized publication of name or likeness; and establishing a right of action.

HB 2223 (Pr. No. 4733) (Amended) (Rereported)

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.

DISCHARGE PETITION

The PRESIDENT laid before the Senate the following communication, which was read by the Clerk as follows:

November 26, 2002

A PETITION

To place before the Senate the nomination of Michele G. Bononi, Esq., as Judge, Court of Common Pleas, Westmoreland 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 Michele G. Bononi, Esq., as Judge, Court of Common Pleas, Westmoreland 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 PRESIDENT. The communication will be laid on the table.

CONGRATULATORY RESOLUTIONS

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

Congratulations of the Senate were extended to Mr. and Mrs. Glenn Nauman, Mr. and Mrs. Thomas J. Stock, Jr., Mr. and Mrs. Robert Metzger, David John Augustine, Bruce A. Wiley and to Kevin McCart by Senator Armstrong.

Congratulations of the Senate were extended to Kristy Trautmann by Senator Bodack.

Congratulations of the Senate were extended to Mr. and Mrs. Martin Malachowski, Mr. and Mrs. Edward Eichlin, Benjamin Conroy and to Michael T. Whildin by Senator Boscola.

Congratulations of the Senate were extended to Michael Newell by Senator Earll.

Congratulations of the Senate were extended to Margaret Banks by Senator Gerlach.

Congratulations of the Senate were extended to Bernard V. DiGiacomo and to William Ridge Cooper II by Senator Greenleaf.

Congratulations of the Senate were extended to the Honorable Richard S. Lowe by Senators Greenleaf and Conti.

Congratulations of the Senate were extended to C. Dale McClain by Senators Greenleaf and Gerlach.

Congratulations of the Senate were extended to Matthew S. Santangelo by Senators Greenleaf and Holl.

Congratulations of the Senate were extended to Thomas J. Timoney by Senators Greenleaf and Hughes.

Congratulations of the Senate were extended to William L. West by Senators Greenleaf and Schwartz.

Congratulations of the Senate were extended to the Honorable Lawrence A. Brown by Senators Greenleaf and C. Williams.

Congratulations of the Senate were extended to Mr. and Mrs. William Young by Senator Helfrick.

Congratulations of the Senate were extended to Robert Lukens by Senators Holl and Greenleaf.

Congratulations of the Senate were extended to Andrew William Junk by Senator Kasunic.

Congratulations of the Senate were extended to Sarah B. Johnson by Senator Kitchen.

Congratulations of the Senate were extended to Stephen Smilo and to Mary Slifkey by Senator Kukovich.

Congratulations of the Senate were extended to Chuck Wagner and to Kevin R. Cooke by Senator LaValle.

Congratulations of the Senate were extended to Glenn G. Maurice, Jr., and to Derek C. Hathaway by Senator Mowery.

Congratulations of the Senate were extended to the Honorable Ralph Kaiser by Senators Murphy and Costa.

Congratulations of the Senate were extended to Mr. and Mrs. Charles M. Zimmerman, Mr. and Mrs. H. Neville Breck, Mr. and Mrs. Melvin K. Baughman, Mr. and Mrs. Bob Leuenberger, Robert Alan Hartman and to the Honorable David J. Mayernik by Senator Orie.

Congratulations of the Senate were extended to Lucas Andrew Brumberg by Senator Scarnati.

Congratulations of the Senate were extended to Richard B. Costello by Senator Tartaglione.

Congratulations of the Senate were extended to Carmine Antonio Deon, Pat Deon, Sandra Miller, Martha Miller and to Carol Mignoni Ferguson by Senator Tomlinson.

Congratulations of the Senate were extended to Filomena Varvaro by Senator Wenger.

Congratulations of the Senate were extended to Eric M. Dudd by Senator D. White.

Congratulations of the Senate were extended to Mr. and Mrs. Charles Kassick, Sr., Mr. and Mrs. James J. Haggerty, Jr., Mr. and Mrs. Lester A. Naugle and to Jenny Sepp by Senator Wozniak.

HOUSE MESSAGES**HOUSE CONCURS IN SENATE BILLS**

The Clerk of the House of Representatives returned to the Senate **SB 1290** and **1554**, with the information the House has passed the same without amendments.

HOUSE CONCURS IN SENATE AMENDMENTS TO HOUSE BILLS

The Clerk of the House of Representatives informed the Senate that the House has concurred in amendments made by the Senate to **HB 1493**, **2302** and **2595**.

BILLS SIGNED

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

SB 413, SB 654, SB 831, SB 1204, SB 1222, SB 1290, SB 1325, SB 1528, SB 1554, HB 204, HB 590, HB 974, HB 1493, HB 1686, HB 1696, HB 1742, HB 2196, HB 2296, HB 2302, HB 2410, HB 2444, HB 2595, HB 2644 and HB 2741.

CONSIDERATION OF CALENDAR RESUMED**THIRD CONSIDERATION CALENDAR RESUMED****HB 1401 CALLED UP**

HB 1401 (Pr. No. 4695) -- Without objection, the bill, which previously went over in its order temporarily, was called up, from page 5 of the Third Consideration Calendar, by Senator BRIGHTBILL.

BILL AMENDED

HB 1401 (Pr. No. 4695) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929, exempting certain persons from Federal law relating to public assistance.

On the question,

Will the Senate agree to the bill on third consideration?

Senator DENT offered the following amendment No. A6711:

Amend Title, page 1, line 22, by inserting after "AND": providing for a Low-Income Home Energy Assistance Block Grants; and

Amend Bill, page 3, lines 8 through 10, by striking out all of said lines and inserting:

Section 1. The act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929, is amended by adding a section to read:

Section 626. Low-Income Home Energy Assistance Block Grant.—(a) The Low-Income Home Energy Assistance Block Grant (LIHEABG) is to help lessen the impact of the high cost of energy on low-income families and individuals, including energy efficiency grants for low-income dwellings. No less than fifteen per centum (15%) of all LIHEABG funds received shall be used for weatherization.

(b) The Department of Community and Economic Development shall adopt regulations regarding the weatherization requirements of subsection (a) after consultation with the Department of Public Welfare.

(c) Unexpended LIHEABG weatherization funds which would result in LIHEABG funds being returned to the Federal Department of Health and Human Services may be spent for assistance grants at the discretion of the Secretary of the Budget. The Secretary of the Budget shall notify the chairman and minority chairman of the Appropriations Committee of the Senate and the chairman and the minority chairman of the Appropriations Committee of the House of Representatives of the intent to reallocate any such funds ten days prior to any reallocation.

Section 2. Section 2301 of the act, amended July 13, 1957 (P.L.852, No.390), is amended to read:

Amend Sec. 2, page 4, line 1, by striking out "2" and inserting: 3

On the question,

Will the Senate agree to the amendment?

It was agreed to.

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

RECESS

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

Senator BRIGHTBILL. Mr. President, I now move that the Senate recess to the call of the Chair, with the expectation that we will not be back before 10 a.m.

The PRESIDENT. Senator Brightbill moves that the Senate do now recess to the call of the Chair and advises the Members that we will likely return at 10 a.m.

The motion was agreed to by voice vote.

The PRESIDENT. The Senate will stand in recess to the call of the Chair.

AFTER RECESS

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

**SPECIAL ORDER OF BUSINESS
SUPPLEMENTAL CALENDAR No. 4****HB 1401 CALLED UP OUT OF ORDER**

HB 1401 (Pr. No. 4732) -- Without objection, the bill was called up out of order, from page 2 of Supplemental Calendar No. 4, by Senator BRIGHTBILL.

**BILL ON THIRD CONSIDERATION
AND FINAL PASSAGE**

HB 1401 (Pr. No. 4732) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929, providing for a Low-Income Home Energy Assistance Block Grants; and exempting certain persons from Federal law relating to public assistance.

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?

LEGISLATIVE LEAVES

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

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

The PRESIDENT. Senator Mellow requests temporary Capitol leaves for Senator Kitchen and Senator Tartaglione. Without objection, those leaves will be granted.

And the question recurring,

Shall the bill pass finally?

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

YEA-49

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

NAY-0

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

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

LEGISLATIVE LEAVES CANCELLED

The PRESIDENT. The Chair notes the presence on the floor of Senator Kitchen and Senator O'Pake, and their temporary Capitol leaves are cancelled.

RECESS

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

Senator BRIGHTBILL. Mr. President, I request a brief recess of the Senate for a Republican caucus which will take place immediately in the Rules room. We will be caucusing on the Supplemental Calendar that we have prepared.

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

Senator MELLOW. Mr. President, the Democrats will also caucus.

The PRESIDENT. For purposes of a Republican caucus to take place immediately in the Rules room and a Democratic caucus in the Minority Caucus Room, without objection, the Senate will stand in recess.

AFTER RECESS

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

CONSIDERATION OF CALENDAR RESUMED

SECOND CONSIDERATION CALENDAR RESUMED

HB 2910 CALLED UP

HB 2910 (Pr. No. 4461) -- Without objection, the bill, which was amended and given second consideration previously, was

called up, from page 10 of the Second Consideration Calendar, by Senator BRIGHTBILL.

RECONSIDERATION OF HB 2910

BILL AMENDED

HB 2910 (Pr. No. 4461) -- Senator BRIGHTBILL. Mr. President, I move to reconsider the vote by which the bill was agreed to on second consideration, as amended.

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

And the question recurring,

Will the Senate agree to the bill on second consideration?

Senator BRIGHTBILL offered the following amendment No. A6725:

Amend Title, page 1, line 12, by removing the period after "COUNTY" and inserting: ; authorizing the Department of General Services, with the approval of the Governor and the Department of Public Welfare, to grant and convey certain vacant land situated at the southeast intersection of Arsenal Boulevard and North Cameron Street in the Seventh Ward of the City of Harrisburg, Dauphin County; and authorizing and directing the Department of General Services, with the approval of the Governor and the Department of Transportation, to grant and convey to the Indiana Fire Association certain lands situate in White Township, Indiana County.

Amend Bill, page 5, by inserting between lines 6 and 7: Section 4. City of Harrisburg, Dauphin County.

(a) Conveyance authorized.—The Department of General Services, with the approval of the Governor and the Department of Public Welfare, is hereby authorized on behalf of the Commonwealth of Pennsylvania to grant and convey the tract of land bounded and described in subsection (b) for fair market value as determined by independent appraisal in accordance with an Agreement of Sale dated March 12, 2001, between the Department of General Services and Butter Krust Baking Company.

(b) Property description.—The property to be conveyed pursuant to this section consists of approximately 2.8 acres and more particularly described as follows:

BEGINNING at a point, said point being located the following two courses and distances from the intersection of the Northern right-of-way line of Muench Street with the eastern right-of-way line of Cameron Street, North 15 degrees 18 minutes 31 seconds West, a distance of 307.87 feet to a point;

Thence by a curve having a radius of 30.00 feet, deflecting to the right in a Northeasterly direction for a distance of 26.93 feet measured along the arc of the curve, said arc having a chord bearing of north 10 degrees 24 minutes 58 seconds East, for a distance of 26.04 feet to a point, the Place of BEGINNING.

Thence along lands of the Pennsylvania Department of Transportation, North 13 degrees 13 minutes 02 seconds West, for a distance of 21.65 feet to a copperweld pin;

Thence continuing along the same, North 63 degrees 43 minutes 12 seconds East for a distance of 37.46 feet to a copperweld pin;

Thence continuing along the same South 67 degrees 09 minutes 40 seconds East, for a distance of 261.40 feet to a copperweld pin;

Thence continuing along the same South 49 degrees 13 minutes 00 seconds East, for a distance of 68.76 feet to a copperweld pin at the corner of lands of the Pennsylvania Department of Transportation and other lands of Butter Krust Baking Company;

Thence continuing along lands of Butter Krust Baking company, North 67 degrees 26 minutes 39 seconds West for a distance of 309.54 feet to a point;

Thence continuing along the same by a curve having a radius of 30 feet deflecting to the left in a Southwesterly direction for a distance of 40.02 feet measured along the arc of the curve, said arc having a chord

bearing of South 74 degrees 20 minutes 04 seconds West for a distance of 37.12 feet to a point, the PLACE OF BEGINNING.

CONTAINING 7,059.00 square feet.

Being a part of the same premises acquired by the Commonwealth from John Curwen, by deed dated January 31, 1879, and recorded in Dauphin County in Deed Book "Q", Volume 5, Page 476; also part of the same premises acquired by the Commonwealth from Robert Graham and Annie Graham, his wife, by deed dated October 22, 1887, and recorded in Dauphin County in Deed Book "E", Volume 7, Page 404.

(c) Conditions.—The conveyance shall be made under and subject to all lawful and enforceable easements, servitudes and rights of others, including but not confined to streets, roadways and rights of any telephone, telegraph, water, electric, gas or pipeline companies, as well as under and subject to any lawful and enforceable estates or tenancies vested in third persons appearing of record, for any portion of the land or improvements erected thereon.

(d) Deed.—The deed of conveyance shall be by Special Warranty Deed and shall be executed by the Secretary of General Services in the name of the Commonwealth of Pennsylvania.

(e) Costs and fees.—Costs and fees incidental to this conveyance shall be borne by the Grantee.

(f) Alternative disposition.—In the event that this conveyance is not executed within three (3) months of the effective date of this act, the property may be disposed of in accordance with section 2406-A of the act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929.

Section 5. Land in White Township, Indiana County.

(a) Authorization.—The Department of General Services, with the approval of the Governor and the Department of Transportation, is hereby authorized and directed on behalf of the Commonwealth of Pennsylvania to grant and convey to the Indiana Fire Association certain land situate on the grounds of the Department of Transportation's District 10-0 Engineering Facility described in subsection (b) for \$1.

(b) Description.—The property to be conveyed pursuant to subsection (a) consists of approximately 1.622-acres bounded and more particularly described as follows:

BEGINNING at a point on the northeasterly right of way of L.R. 32046, being 40 feet distant from the centerline thereof, measured at right angles therefrom; thence along said right of way line North 1 degree 32 minutes 21 seconds East 402.79 feet to a point; thence along lands of Thomas Frick North 63 degrees 18 minutes 11 seconds East 79.10 feet to a point; thence along other lands of Thomas M. Frick and Theresa D. Frick, lands of Robert V. Brady and also lands of the Indiana Mall Company by curve to the left having a radius of 3759.83 feet for a arc distance of 355.25 feet, the long chord bearing South 36 degrees 11 minutes 19 seconds East for 355.11 feet to a point; thence through lands of the Commonwealth of Pennsylvania in which the herein described parcel is a part South 62 degrees 29 minutes 58 seconds West 328.25 feet to the point of BEGINNING.

Containing 1.622-acres, more or less.

(c) Easement.—The conveyance shall be made under and subject to all lawful and enforceable easements, servitudes and rights of others, including, but not confined to, streets, roadways and rights of any telephone, telegraph, water, electric, gas or pipeline companies, as well as under and subject to any lawful and enforceable estates or tenancies vested in third persons appearing of record, for any portion of the land or improvements erected thereon.

(d) Execution.—The deed of conveyance shall contain the following restrictive covenant: UNDER AND SUBJECT to a condition that the Grantee shall utilize the property herein conveyed as a fire station and for no other purpose. If the property is not utilized as such or the Grantee attempts to convey the property, it shall immediately revert to and revest in the Grantor.

(e) Deed.—The deed of conveyance shall be by Special Warranty Deed and shall be executed by the Secretary of General Services in the name of the Commonwealth of Pennsylvania.

(f) Costs.—Costs and fees incidental to this conveyance shall be borne by the Grantee.

(g) Alternate disposition.—In the event that this conveyance is not executed within 90 days of the effective date of this act, the property may be disposed of in accordance with section 2406-A of the act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of

1929.

Amend Sec. 4, page 5, line 7, by striking out "4" and inserting: 6

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

On the question,
Will the Senate agree to the bill on second consideration, as amended?
It was agreed to.
Ordered, To be printed on the Calendar for third consideration.

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

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

HB 2445 (Pr. No. 4722) — 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 cruelty to animals and for drug trafficking sentencing and penalties.

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

On the question,
Shall the bill pass finally?

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

YEA-49

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

NAY-0

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

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

HB 2729 (Pr. No. 4723) -- The Senate proceeded to consideration of the bill, entitled:

An Act providing for the establishment of the Pennsylvania Travel and Tourism Partnership and imposing powers and duties on the Department of Community and Economic Development related to tourism promotion.

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

NAY-0

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

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

BILLS ON THIRD CONSIDERATION AND FINAL PASSAGE

HB 976 (Pr. No. 4725) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, defining "suspected criminal activity" for purposes of wiretapping and electronic surveillance; further providing for certain exceptions, for order authorizing interception of wire, electronic or oral communications, for application for order and for emergency situations.

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

NAY-0

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

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

HB 1553 (Pr. No. 4726) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for judicial review, for classes of licenses, for learners' permits, for identification card, and requiring compliance with Federal selective service requirements as part of application for learners' permits or drivers' licenses; further providing for chemical testing to determine amount of alcohol or controlled substance, for footrests and handlebars handhold on motorcycles and for required financial responsibility; providing for lighted lamp requirements for motorcycles, for driving under the influence of alcohol or controlled substance; and further providing for periods for requiring lighted lamps, for scope and application of provisions relating to size, weight and load and for refunds relating to liquid fuels and fuels tax.

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

On the question,
Shall the bill pass finally?

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

YEA-48

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

Fumo	Mellow	Schwartz	Williams, Constance
Gerlach	Mowery	Stack	Wozniak

NAY-1

Madigan

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.

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

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

**SENATE CONCURS IN HOUSE AMENDMENTS
AS AMENDED**

SB 1100 (Pr. No. 2436) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 53 (Municipalities Generally) of the Pennsylvania Consolidated Statutes, providing for acceptance of gifts or donations; further providing for powers and duties of the Municipal Police Officers' Education and Training Commission; prohibiting political activity by municipal police officers; further providing, in parking authorities, for definitions, for purposes and powers and for special provisions for authorities in first class cities; providing, in parking authorities in first class cities, for additional special provisions, for management of authority funds, for special funds, for bonds, for contracts with authority obligees, for Commonwealth pledges, for bond and trust indentures, for funds collected, for bonds as legal investments, for pledge validity, for security interests in funds and accounts and for bankruptcy limitations; further providing for municipal authority governing bodies and money; providing for regulation of taxicabs and limousines in first class cities; for governing body of municipal authorities, for certain fiscal reporting; codifying the act of June 27, 1986 (P.L.267, No.70), known as the Pennsylvania Convention Center Authority Act; defining "expansion or substantial renovation"; further providing for purposes and powers and for capital and operating budgets; providing for expansion funding; further providing for governing board, for moneys of the authority, for award of contracts, for interests of public officers and for rental tax; and making repeals.

On the question,

Will the Senate concur in the amendments made by the House, as amended by the Senate, to Senate Bill No. 1100?

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. 1100.

On the question,

Will the Senate agree to the motion?

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

Senator MELLOW. Madam President, I just want to speak very briefly on Senate Bill No. 1100 and what took place yester-

day in our meeting of the Committee on Rules and Executive Nominations and the amendment that is now currently before us in bill form.

Madam President, we had the opportunity for a very short period of time yesterday, and when I say "we," I am talking about the Democratic Party and our legal counsel, to be able to read the amendment with regard to the Pennsylvania Convention Center in Philadelphia and to have it discussed in the Committee on Rules and Executive Nominations and to have the bill reported to the floor of the Senate. Some of the problems that I personally have with it as the Democratic Leader, and I believe will be expounded on later by some additional colleagues on this side of the aisle, is that the board that controls the convention center will be increased from 9 members to 13 members. And on the surface, Madam President, that might not seem to be much of a problem, but what takes place with increasing the board from 9 members to 13 members, it in fact puts the control of the board, the majority control of the board, in the hands of the suburban counties to Philadelphia.

Madam President, what I believe is bad with that is the fact that any time there is an annual deficit with regard to the convention center, the city of Philadelphia will have to make up that deficit. The city of Philadelphia is also responsible for a major part of the bonded indebtedness for the Pennsylvania Convention Center. With the increase of the number of board members from 9 to 13 and with the appointment power not given to the mayor of Philadelphia and/or to the Governor of the Commonwealth, what basically has taken place is that the counties that do not have to worry about funding any deficit in the city of Philadelphia for the Pennsylvania Convention Center are the ones that will control the daily operation, through the authority, of the convention center.

Madam President, on this side of the aisle, we do not believe that to be an appropriate venue. That to me is the same type of power grab that we were faced with yesterday in dealing with the conference report on House Bill No. 590, which expanded the duties of the members of the Civil Service Commission and gave them a salary in excess of \$60,000, where they serve until their successor has been confirmed, which means, quite frankly, with regard to that, as we talked about yesterday, the individuals who are now members of the Civil Service Commission, once the Governor signs the bill, can serve basically until the individual Member or Members who have sponsored that person feel that the individual should no longer serve as a member of the Civil Service Commission, regardless of what the new Governor-elect of Pennsylvania has to offer.

Furthermore, Madam President, the City Council of Philadelphia has two appointments. By law, their two appointments must be one Democrat and one Republican, and I think that is appropriate. Keep in mind, there are 14 Democratic members on the Philadelphia council and 3 Republican members of the Philadelphia council. For the four individuals who will be appointed by the suburban county commissioners, there is no guarantee that any of those individuals will be from the Democratic Party. Instead of saying of the four new appointees, two shall be from the Republican Party and two shall be from the Democratic Party, the legislation is silent on that, which means the appointing power, which is the county commissioners in those counties, can

appoint four members of the party in control. Of the counties that are in question here, those county commissioners are all in control of the Republican Party. It has an adverse effect on what takes place with the Pennsylvania Convention Center in Philadelphia. It puts the control of the convention center outside the city of Philadelphia, but it still mandates by a previous law that any deficit that takes place with the Pennsylvania Convention Center, the insurer of the bonded indebtedness must be paid for by the residents of the city of Philadelphia, even though they do not have control and do not have a say in what takes place with the operation of the convention center.

It is a power grab in the last hour, Madam President. It is not the right thing to do. It is not a good government issue. It is not an issue if we are going to talk about what should be done in an appropriate fashion or something that we would say is an appropriate thing that we should do. And for those reasons, Madam President, I ask for a negative vote on the motion.

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

Senator WAGNER. Madam President, I rise along with my leader, Senator Mellow, in opposition to Senate Bill No. 1100. Madam President, yesterday in committee Senate Bill No. 1100 was amended. The amendment to Senate Bill No. 1100 was a 127-page amendment. In other words, an amendment to the bill now dominates a bill that was several pages in size. And the real question, Madam President, is why is this being done today, the last day in Session of this legislative Session, and why must this be done now? And we all know the answer to that. If this bill were introduced in a new Session in January and it passed as it will today in the Senate and the House, the new Governor, the former mayor of Philadelphia, Governor-elect Ed Rendell, would immediately, and I repeat, immediately, veto this legislation. Why? Because he knows instinctively that it is not in the best interest of the city of Philadelphia. And I do not often stand on this floor and talk about Philadelphia, because my colleagues from Philadelphia know far more about it than I do, but I am from the second largest city in Pennsylvania, Pittsburgh, and if this were to happen in Pittsburgh, I would obviously be very opposed, as I know my colleagues are also.

What this legislation does is takes executive power away from the mayor of Philadelphia and the council of Philadelphia, the people who were elected by Philadelphians, 1.3 million people, to oversee that city. This takes control away and puts it in two authorities, the Convention Center Authority and also the Parking Authority. Well, Madam President, the people of Philadelphia did not elect the people who serve on those authorities. They elected the mayor, they elected the city council, they elected the controller, they elected people whom they want to hold responsible for the operation of the city of Philadelphia. And what the major amendment to Senate Bill No. 1100 does is takes that power away from the elected officials or the spokesperson for the people, and it is not in the best interest of the people of that city.

My colleagues, Senator Mellow and Senator Fumo, are going to speak about this being a power grab, and Senator Fumo knows much more about the details of it. All I know is this is a basic government concept, which is that government at its lowest level should be responsible for its actions. And when you take the power away from local government and give it to authorities or

give it to State government, you do not have people who are responsible or in control. And that is precisely what is happening with this legislation.

Madam President, this is one of several bills that I am sure we are going to see again today on the last day in Session, where there is an attempt to take away control or power where it should be. And the power for the operation of the towing, the impoundment, conventions, and I could go on and on, is sitting where it should be today. So I strongly urge a "no" vote on Senate Bill No. 1100.

Thank you.

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

Senator FUMO. Madam President, the other day I was at a meeting of the Philadelphia Regional Port Authority and they were talking about taking down a coal pier, and the cost of removal was about \$8.5 million, and they wondered where they were going to get the money. As I looked at it, I remembered that one of the first things I did when I was elected to the Senate after Governor Thornburgh was elected was that I went to that pier and watched Governor Thornburgh cut the ribbon and saw the first coal car come down the shoot. I think the Commonwealth had invested something like \$30 million in those days in that pier. It was a boondoggle, and now they are looking at how they are going to remove it and fill it in.

Madam President, I tell that story because part of Senate Bill No. 1100 is the takeover of the Pennsylvania Convention Center. This is a blatant power grab. As a part of Senate Bill No. 1100, there is a restructuring of the Pennsylvania Convention Center, and what the Majority party has decided to do on the eve of the new Governor coming into office is to remove the authority of Governor-elect Ed Rendell to make appointments to the authority, and instead has vested control in Republican appointees from the suburbs and from the city.

Madam President, I remember when we started to build the convention center. Initially, we were going to have it built by a private entrepreneur and lease it back. It would not have cost the taxpayers anything. But the people in the Thornburgh administration decided that there was a way that they could get some political patronage out of it and ruled that the Commonwealth was going to build this facility. As a result, they issued bonds and hired bond lawyers. They hired architects, they hired construction companies, and all the other patronage attached to it. But in their wisdom, they decided that there probably was not much patronage in the running of the operation because that was going to be a loser, so at that point in time, they changed the board in advance. It was a two-step process. The second board that was designed to come in and take over the operations was to be dominated by the city, who is paying off half the bonds.

Madam President, now we find that probably Mr. Perzel in the House figured out that there was more patronage to be grabbed, so he got this Senate to again do his will and basically give control of the Pennsylvania Convention Center to him. As I said yesterday in the Committee on Rules and Executive Nominations, the Republicans in this Chamber are foolish because they are not getting their fair share of the action down there. In addition, we have the Parking Authority, that ever-blossoming agency. Mr. Perzel decided last year, with the help of the Repub-

licans in this Chamber, and quite frankly, with the help of then-Governor Tom Ridge, who is now defending our nation somewhere, that they were going to take over the Philadelphia Parking Authority. And at the time, we were told that as soon as they took over that Parking Authority, they were going to put \$30 million into the Philadelphia school system because the Parking Authority had the money and they were just sitting on it. Well, lo and behold, guess what happened? They took over the Parking Authority, they did not put 10 cents into the Philadelphia School District, but they created approximately 90 new patronage jobs. And as a result of the school district not getting their money, the Republicans in this Chamber were forced in the last budget to send to Philadelphia \$75 million from taxpayers all over the Commonwealth to bail out our school system. Not one Democrat on this side of the aisle in this Chamber voted for that. But you were the ones, the Republicans, who decided to give John Perzel the Parking Authority, so you were the ones to foot the bill.

Madam President, I know that there are no Republican Senators from Philadelphia. There was one once, but we rectified that problem and removed him and replaced him with a Democrat. Madam President, so I guess there is no one there who really cares, and I guess you do not have to care, but you should care when your taxpayer dollars are coming into our school system. And you should also care when this convention center falls flat on its face due to the restructuring that you are going to do today, because when that happens, it is not just the jobs at the convention center, it is the regional tourism base that is going to suffer. Yes, in Philadelphia our hotels are going to have even higher vacancy rates, and the people who work in those hotels are going to be unemployed, but also people who service the tourism industry as far as into Lancaster are going to be hurt as well. Whenever you punish the city of Philadelphia, everyone in the Commonwealth gets punished along with it, particularly those other counties in the southeast.

Madam President, this is just another power grab by some desperate Republicans who just cannot seem to accept the fact that the voters have spoken and elected a Democrat, Ed Rendell, to become Governor. They will grab power from wherever they can see it, and they will do it in whatever distasteful fashion they can think of, as long as they have their power. Fortunately, Madam President, this is the last day of this nonsense, and come January, when we have a new Governor, this nonsense will end. It has been a lousy 8 years for the taxpayers of this Commonwealth. We have an economy that is a disaster, all as a result of Republican policies and all as a result of a Republican Governor and legislature that led us down this road. Our unemployment is up, our businesses are failing, our deficit is growing, but yet the nonsense still does not stop. We cannot wait for the day Governor-elect Ed Rendell becomes Governor and puts some manners on the Republicans in this General Assembly.

Thank you, Madam President.

LEAVE OF ABSENCE

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

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-27

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

NAY-21

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

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.

SPECIAL ORDER OF BUSINESS GUESTS OF SENATOR ALLEN G. KUKOVICH PRESENTED TO THE SENATE

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

Senator KUKOVICH. Madam President, Boy Scout Troops 230 and 239, along with Cub Pack 230 from Westmoreland County, more specifically Penn Township and the Harrison City area, have come to visit the Capitol. They have had the tour and are up in the gallery. They have also been joined by my daughter, who happens to be a Brownie from the same area, and I ask my colleagues to please welcome them to our Chamber.

The PRESIDING OFFICER. Would the guests of Senator Kukovich please rise so the Senate may welcome you.

(Applause.)

SENATE RESOLUTION ADOPTED

Senators EARLL, BRIGHTBILL, LOGAN, KITCHEN, COSTA, KUKOVICH, TARTAGLIONE, MOWERY, ORIE, ERICKSON, TOMLINSON, CORMAN, WENGER, LEMMOND, GREENLEAF, CONTI, ROBBINS, MURPHY and WOZNIAK, by unanimous consent, offered Senate Resolution No. 310, entitled:

A Resolution designating the month of November 2002 as "Reflex Sympathetic Dystrophy Syndrome Awareness Month" in Pennsylvania.

Which was read, considered, and adopted by voice vote.

HOUSE MESSAGES

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

The Clerk of the House of Representatives informed the Senate that the House has concurred in amendments made by the Senate by amending said amendments to **HB 2860**, in which 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.

SENATE BILLS RETURNED WITH AMENDMENTS

The Clerk of the House of Representatives returned to the Senate **SB 14, 82, 315, 879, 1208, 1258, 1402, 1433, 1439 and 1452**, with the information the House has passed the same with amendments in which the concurrence of the Senate is requested.

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

SPECIAL ORDER OF BUSINESS ANNOUNCEMENT BY THE SECRETARY

The **SECRETARY**. Consent has been given for Committee on Rules and Executive Nominations to meet off the floor in the Rules room imminently to consider certain nominations.

REQUEST FOR RECESS

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

Senator **BRIGHTBILL**. Madam President, for the information of the Members, since we are still in yesterday's Session, what we will be doing is going to recess at this point for a very, very short meeting of the Committee on Rules and Executive Nominations, which will convene immediately after we recess. After the meeting of the Committee on Rules and Executive Nominations, we will then come back and adjourn until 2 o'clock today. Between the time of that adjournment and the time that we go back into Session, we will have a meeting of the Committee on Appropriations, a Republican caucus, a meeting of the Committee on Rules and Executive Nominations, and then we will reconvene. So that is the schedule for about the next hour, hour and a half.

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

Senator **O'PAKE**. Madam President, would the gentleman consent to brief interrogation?

Senator **BRIGHTBILL**. Madam President, limited to this subject matter.

Senator **O'PAKE**. Yes, Madam President. At what time does the gentleman expect we will get a marked Calendar for Wednesday's Session, so that we can caucus?

Senator **BRIGHTBILL**. Madam President, let me answer that question this way. Because we are in sine die, the bills that we bring out of the Committee on Rules and Executive Nominations will likely be designated to run, so the gentleman will know that,

and we do have today's Calendar, which will be redone, and I believe that we have a pretty good sense of where those bills are. We will get the gentleman an actual marked Calendar as soon as possible, but we do have a mechanical problem in that we cannot have a Calendar until we have had the meetings of the Committee on Rules and Executive Nominations and the Committee on Appropriations, so we will not have a physical Calendar. It will probably be an hour, hour and a half until we have a Calendar.

Senator **O'PAKE**. Madam President, so the bills that we are going to report out of the Committee on Rules and Executive Nominations and the Committee on Appropriations will be voted before we leave?

Senator **BRIGHTBILL**. Madam President, we will not be doing bills that we are not intending to deal with in the next couple of hours.

Senator **O'PAKE**. Thank you, Madam President.

RECESS

The **PRESIDING OFFICER**. For the purpose of a meeting of the Committee on Rules and Executive Nominations to be held immediately at the rear of the Chamber, 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.

ANNOUNCEMENT BY MAJORITY LEADER

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

Senator **BRIGHTBILL**. For the Members' information, we will now adjourn today. There will be a meeting of the Committee on Appropriations to begin immediately in the Rules room after adjournment, so the Members who are back there can stay, come in, whatever their choice would be.

The **PRESIDING OFFICER**. The Members are reminded that immediately following adjournment, there will be a meeting of the Committee on Appropriations at the rear of the Chamber.

REPORT FROM COMMITTEE ON RULES AND EXECUTIVE NOMINATIONS

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

MEMBER OF THE PUBLIC EMPLOYEE RETIREMENT COMMISSION

November 14, 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, Paula R. Mandle, 1512 Windermere Road, Apt. 302, West Chester 19380, Chester County, Twenty-sixth Senatorial District, for appointment as a member of the Public Em-

ployee Retirement Commission, to serve until October 27, 2005, vice Albert L. Hydeman, Jr., York, deceased.

Mark S. Schweiker
Governor

NOMINATION LAID ON THE TABLE

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

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

ANNOUNCEMENTS BY THE SECRETARY

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

SENATE OF PENNSYLVANIA

COMMITTEE MEETINGS

WEDNESDAY, NOVEMBER 27, 2002

11:00 A.M.	RULES AND EXECUTIVE NOMINATIONS (to consider Senate Bills No. 14, 82, 315, 406, 879, 1208, 1242, 1258, 1402, 1433, 1448, 1452, 1453; and House Bills No. 152, 1944 and 2860; and certain Executive Nominations)	Rules Cmte. Conf. Rm.
12:00 Noon	APPROPRIATIONS (to consider House Bills No. 2574 and 2778)	Rules Cmte. Conf. Rm.

ADJOURNMENT

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

Senator BRIGHTBILL. Madam President, I move that the Senate do now adjourn until Wednesday, November 27, 2002, at 2 p.m., Eastern Standard Time.

The motion was agreed to by voice vote.

The Senate adjourned at 11:59 p.m., Eastern Standard Time.